Political culture, ethical cosmopolitanism and cosmopolitan democracy

Kate Nash

Introduction
This paper takes up a challenge for political sociology that theorists of cosmopolitan democracy have articulated very well. It is necessary to think beyond the ‘methodological nationalism’ within which political sociology has been confined, to theorise and research the developing possibilities of society beyond the national state (Beck 2002; 2003). However, theorists of cosmopolitan democracy, no doubt inspired by the ambition of their theoretical project, also tend to be rather optimistic about the tendencies they identify in globalization that support the normative principles of democracy to which they are committed. One such tendency, with which this paper is primarily concerned, is the development and spread of international human rights. This paper takes a rather more open-minded view of this development, arguing that an important task in rising to the challenge of ‘methodological cosmopolitanism’ involves studying the meaning of international human rights norms within the domestic space of the territorially bound national state, given the continuing importance of the state to the organisation of international and domestic politics.

In the first section of the paper I make the argument that if the institutional reforms theorised by cosmopolitan democrats are to be achieved by democratic means, they will have to be supported, even demanded by citizens of national states. What Seyla Benhabib calls ‘ethical cosmopolitanism’ is necessary: the adjustment of orientations on the part of citizens of national territories towards global reform, and the adjustment of practices insofar as cosmopolitan democracy requires changes in how we live (Benhabib 2002: 183). In the second section, I discuss the value of the concept of political culture for studying the relationship between ethical cosmopolitanism and cosmopolitan democracy. Political culture involves relatively enduring, normative assumptions,
constitutive of the self-understanding of a political community as governed by legitimate political authority and patterned in ways that make some values seem self-evident and others unthinkable. In modernity, national self-determination has been accorded the highest value in democratic political culture. Finally, I investigate how we might understand international human rights that are enacted and enforced by national courts and national governments. What are the cultural politics of human rights in this context? Are struggles over the meaning and relevance of human rights ‘hollowing out’ national political culture? Is a political community of humanity being constituted in the cultural politics of international human rights within national spaces?

**Global democracy and political community**

The Universal Declaration of Human Rights of 1948 was novel in encoding human rights in an international rather than a national setting. For the first time, the individual is the subject of international law rather than, or more accurately as well as, states (Held 1995; Henkin 1990: 34-7). Humanity is figured as a political community in which the individual may make claims against his/her state supported by other nation-states organised internationally. The national state does not thereby lose its importance. Insofar as international human rights are more than moral principles or political ideals, they are guaranteed and administered by states, established in international law as binding and detailed agreements between states and incorporated into domestic law. Human rights are made and enforced by states that are represented as sovereign and as representing peoples or nations, that vary a great deal in their capacities, that are located in hierarchies of economic, military and political power and that continue to serve as the locus of elite decision-making, even where the state no longer resembles anything like the ideal-typical nation-state and where human rights are those of the individual rather than of the people. This is, of course, reinforced in the organisation of the UN, where the state remains both a juridical category and an administrative apparatus. However, the state itself is changing in global governance, as the interpenetration of international and national law clearly shows. To a greater or lesser extent in different cases, states are 'internationalising': in processes of globalisation which result in the erosion of state autonomy, of capacities to mobilise and dispose of resources for effective domestic and
international policy-making; and in the sharing of state sovereignty as a result of integration in international policy networks (Held 1995: 99-100; Jessop 1997; 1999). The internationalising state that makes and enforces human rights law is disaggregated and dispersed across global forums and integrated into policy networks that include intergovernmental and non-governmental actors.

As sociologically sensitive normative political theory, proposals for cosmopolitan democracy build on these changes, putting human rights at the centre of projects for global social democracy in which the internationalising state is displaced as the centre of legal and democratic legitimacy to become just one node in a network of institutions and organisations securing human rights to individual autonomy at different levels, from a reformed UN to governing bodies of local regions (Archibugi 2004; Archibugi, et al. 1998; Beetham 2000; Held 1995; 1999; 2002; 2003; Held and McGrew 2002). As expounded by David Held and his collaborators, cosmopolitan democracy is a form of global social democracy: it involves redistribution within and across regions to enable basic welfare needs to be met across the world; regulation of labour, social and health standards everywhere; and the empowerment of all in regional, national and global institutions (Deacon 2003). It is global because, although cosmopolitan democracy involves multi-scalar governance, it requires international institutions to become more integrated and to take on policy-making that would make the global demos a political community for decisions that can not be taken at a regional, national or local level. Ultimately, cosmopolitan democracy requires the formation of a global political community, as one of a plurality situated at different geographical scales according to the issue in question (Held 2003: 195).

Human rights are a resource for cosmopolitan democracy because, although human rights are more commonly associated in the West with individual civil rights, social and economic rights are an important aspect of the UN Declaration. Supported by the International Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Declaration of Human Rights calls for the observance of comprehensive rights to welfare as well as to civil and political rights. As Article 22 of the UN Declaration puts it:
‘Everyone… is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality’. For cosmopolitan democrats, the fact that social and economic norms are to be considered as *rights* (even if there are questions over their justiciability) is important. The creation of global social solidarity and the integration of international institutions is only desirable insofar as it is compatible with the rule of law and democratic accountability and the language of rights legitimises reform within these limits.

Advocates of cosmopolitan democracy have given a good deal less attention to how the political will to achieve it might be formed than to analysing the shortcomings of the present international states-system and to proposals for global, national and local institutional reform. One of the main problems for the ‘how’ of cosmopolitan democracy is that it requires a system of global governance, however loosely networked at different scales, that performs the functions of a world state in terms of regulation and redistribution through taxation, but that can only function as such by relying on the legitimate monopoly of the means of coercion that is possessed by states. In principle, cosmopolitan democracy involves the devolution of democracy to the lowest possible geographical scale, but as the rule of law depends ultimately on force, the national state remains crucial. The realisation of cosmopolitan democracy requires that national states enforce international human rights law. As David Held puts it, in a characteristically optimistic turn of phrase: ‘The principles of individual democratic states and societies could come to coincide with those of cosmopolitan democratic law… and democratic citizenship could take on, in principle, a truly universal status’ (Held 1995: 232-3).

The most compelling arguments for cosmopolitan democracy are based on the way in which national states are losing control over processes and events that directly concern their citizens. Globalisation - the time-space compression associated with economic deregulation, the spread of ideas and images through new technologies, and the increasing likelihood of cross-border environmental risks - requires states to co-operate in order to
re-gain a degree of control over processes that affect their populations. Internationalising states are already acting together in economic, military and political associations such as the WTO, the IMF, the NATO, the EU, the UN and so on. Theorists of cosmopolitan democracy project what already exists as a tendency that involves states giving up their historic claims to absolute sovereignty, to share jurisdiction with other states, in order to give citizens greater control over processes that affect them through democratic forums at different geographical scales.

On the other hand, critics of cosmopolitan democracy argue that evidence of the decline of the national state has been exaggerated, and that because states retain unrivalled capacities for control over social and economic processes, there is currently no other locus of democratic decision-making that has anything like comparable legitimacy (Axtmann 2002; Kymlicka 1999). Transnational social movements and activist networks are growing in importance, and participation in national elections is in decline – no doubt linked, in part, to perceived effects of globalisation – but decision-making at the international level is far from democratic, whether democracy is conceived of as merely procedural or as more participatory (Dahl 1999; Habermas 2001; Urbinati 2003). NGOs and INGOs have undoubtedly advanced the human rights agenda in ways that are promising for cosmopolitan democrats, but even the largest membership based organisations like Amnesty International do not begin to overcome the ‘democratic deficit’ of international institutions.

Cosmopolitan democracy models a theoretically virtuous circle between democracy and human rights insofar as global regulation and redistribution is required in order to achieve democratic empowerment at different levels within what are currently the territories of national states. According to the arguments of cosmopolitan democrats, there is a need for strong supranational institutions, precisely in order to facilitate democracy at all levels, including at the national level. This is clearer in the South than in the North, but it applies to all states insofar as they are subject to restructuring through economic globalization. Turning conventional wisdom in the North on its head, Abdullah An-Na’im (not himself an advocate of cosmopolitan democracy as such) argues that respect
for human rights in the postcolonial states of Africa depends on the ‘international community’ for a radical re-structuring of the institutions of social and economic human rights rather than in terms of the policing of civil and political rights. According to An-Na’im, legal enforcement of and respect for human rights in Africa is in crisis in large part as a result of the lack of capacity of postcolonial states: because elected leaders have so little control over economic resources, democratic decision-making has no legitimacy and anarchy is the consequence (An-Na'im 2002). Global social democracy is, therefore, not additional to, and potentially damaging of, democracy at the national level.

International regulation and redistribution are required for democracy at the national level to be in any way effective. Globalization means that democracy can not be realised solely at the level of independent national states, but only through the co-operation of states working together in international institutions, mandated by their citizens to achieve conditions of economic stability that make control over the conditions of social life possible.

However, there is an obvious missing link in the virtuous circle that links human rights and cosmopolitan democracy. If democracy at the level of the national state is currently the only legitimate form, however imperfect, if democracy at all levels depends on global regulation and redistribution, and if those agreements can only be made by the leaders of national states, then support for extensive human rights must be created within democratic national states. In particular, it must be created within the globally powerful national states of the North, and especially the US. Support for the reforms necessary for cosmopolitan democracy would take us far beyond what already exists in terms of a democratic mandate for the institutionalisation of international human rights. As it is, elected politicians are mandated to represent national states, to work with bureaucrats of the internationalising state, diplomats and international lawyers to ratify human rights treaties, write country reports to the UN, take decisions over budgets for international Aid, foreign policy, military commitments and so on. Short of war, decisions made at the international level are rarely prominent in the manifestos politicians are elected to enact. Moreover, negotiations take place in relation to a very limited range of human rights. The ‘Washington consensus’ continues to dominate economic regulation at the
international level and the commitment to human rights in the North is overwhelmingly to civil and political rights, to which we may subscribe with ethnocentric pride and without fear for our comfortable lifestyles.

Cosmopolitan democracy requires that support for human rights must be generated within national states, either as consent to global reform brought about by elected political leaders, or as active demands that push politicians into reform. Reform seems unlikely unless voters bring leaders to account if they fail to sign or ratify human rights treaties (the US, for example, has signed the ICESCR, but has not ratified it); or oblige them to live up to the human rights treaties that states have signed and ratified. As Julie Mertus has argued concerning US promises for a foreign policy guided by human rights, unless citizens call governments to account for failing to live up to their own rhetoric, double standards will continue in practice (Mertus 2004).

For reasons of democratic legitimacy as well as for practical reasons, cosmopolitan democracy requires more than institutional reform from above. It requires ethical cosmopolitanism, an ongoing orientation of world citizens situated in local and national political practices to global social justice. As Held notes, states must stop treating international governmental organisations as outposts of national politics, to begin to see them as making public policy for the world (Held 2003: 167). Leaders with a democratic mandate from their citizens must cease acting in ‘the national interest’ and citizens must encourage them to do so. Effectively, cosmopolitan democracy requires that the citizens of a national state dissolve the national political community to which they belong, at least where policies concern issues which do not neatly fit inside state borders. Only then will nation-states ‘wither away’ as the sole centres of legitimate power over their territories (Held 2002: 33)

The example of redistributive tax well illustrates the difficulties of achieving global social democracy through the democratic politics of existing states. Held argues that rather than erratic and unfair distribution of the tiny amount of Aid for development that is transferred from the North to the South, a global tax is needed to create a reserve (Held
2003: 152-3). He suggests that it might be achieved through an energy tax, which would have the simultaneous benefit of slowing down the use of non-renewable energy sources and promoting research into alternative sources of energy. It would surely also have the effect of putting up the price of goods in general, as production and transportation costs would rise. If global social democracy requires such a tax, which seems entirely reasonable, how would it be instituted? Unless there is a degree of pressure from below, from electorates demanding an end to poverty and misery in the South so that such a tax was understood to be necessary for the greater benefit of all, politicians elected to serve the national interests would have to assume tacit support for such a measure. Without a huge change in the orientation of citizens for whom ‘national interests’ have been paramount in both domestic and foreign policy, this will surely prove impossible.

In order to begin to understand how support for cosmopolitan democracy might possibly be generated within national states, it is necessary to take a social constructivist view of feelings for the ‘nation’ as a political community assumed to have common ‘national interests’ in competition with other nations. Of course, the construction of ‘our’ collective interests is not solely and simply national, but ‘the nation’ is undoubtedly among the most solidaristic communities that has ever existed (rivalled historically only by kinship networks, local communities, religious groups and social movements like the workers’ and women’s movement). It has also been the model for democratic political community that has been most strongly associated with modernity, in the South as well as in the North. People have been prepared to die for the nation and in the twentieth century it has functioned as the basis for the social relations that have sustained regulation and redistribution by the welfare state (Miller 1995). However, as Held and McGrew point out, it is only in the last 200 years that nations have become political communities through states, even if they have older cultural histories in terms of shared stories, arts and crafts, customs and so on. If the nation is not a primordial social grouping, it need not be the most significant basis of an ethical commitment to strangers with whom we otherwise have no ties and, especially given the way in which globalisation is weakening states and borders, wider political communities can now be ‘imagined’ in practice (Held and McGrew 2002).
Politics and culture

The concept of ‘political culture’ offers constructivist tools with which to think about the possibilities of ‘ethical cosmopolitanism’ beyond the nation. It names the possibility that human rights could move hearts and inspire minds, to become a 'kind of law "engraved on the hearts of the citizens"' (Rousseau, quoted in Almond 1980: 5) within national states, that would replace support for national interests with a wider set of ethical reference points and with solidarity to a wider group of non-national strangers. Political culture offers a conceptual link between ethics and politics: where ethics concerns virtuous behaviour, for which we are individually responsible but which is socially supported in everyday life; and politics concerns the exercise of will in relations of power to gain ends that are collectively binding. It offers the possibility of a bridge between the ethics of a cosmopolitanism that would involve solidarity with non-nationals as well as disengagement from the nation; and the politics of cosmopolitan democracy in international relations and domestic public policy, currently dominated by national states and representations of ‘national interests’.

The term ‘culture’ is, of course, used in a variety of ways across the social sciences. Here we will adopt the definition that has been most fruitful in the social sciences in recent years, taking culture as symbolic. Culture is made up of signs that are meaningful because they are systematically related to and differentiated from each other, either in conventional language or in other sign languages, including rituals and forms of design, decoration and display. Symbolisation need not involve the spoken or the written word, though the use of linguistic signs is one of the most important aspects of culture. Contemporary cultural theory, influenced by post-structuralism, stresses the ‘performativity’ of culture, the pragmatic use of signs to achieve certain effects, rather than ‘communication’. Communication cannot be the transparent relaying of messages because meaning must be symbolised and insofar as intentions depend on signs, they cannot simply be transferred to another with certainty. Symbolisation involves repetition and a sign that is repeated is always somewhat novel with respect to the context in which it appears (Butler 1990). Continuities are vital to culture; culture is the reproduction of
traditions, habits, perceptions and understandings. But as Cultural Studies theorists have demonstrated, culture is inherently fluid and dynamic, a continually moving and ‘changing same’ (Gilroy 1993: 101) which make it open to political contestation and at the same time resistant to political invention.

Although culture is inherently dynamic, the term ‘political culture’ suggests continuities of meaning in relation to particular aspects of social life. Political culture involves relatively enduring, normative assumptions, patterned in ways that make some values seem self-evident and others unthinkable. Following the contemporary theorisation of culture with which we are concerned here, political culture is not independent of behaviour; it is rather constitutive of the identities and orientations that structure the subjects, objects and ends of politics (see Formisano 2001; Street 1993; and Welch 1993 for useful comparisons of behaviourist and interpretivist theories of political culture).

How, on this account, to distinguish political culture from ‘culture’ as such? Breaking down the distinction between culture and politics has been one of the chief tasks of cultural theory over the last twenty five years, so that it may seem counter-intuitive to reintroduce such a distinction. Indeed, it continues to be important to understand political culture in terms of emotionally charged lived experience and as expressed in popular culture, in visual media, fashion, music, and so on, as well as in the drier, news-based media. However, as John Street (1993) has argued, although studies of popular culture have been extremely productive in addressing how culture is political in the broadest sense of structuring affect, common-sense knowledge and values, they have been much less successful in linking these insights to the workings of the political process. Contemporary cultural theory has defined culture itself as political, as contributing to the reproduction or contestation of relations of power as they are encoded in signifying practices (Nash 2001). If we are to gain an understanding of how far orientations towards the national frame of politics may be changing, however, it is necessary to treat politics both as it is more conventionally defined as a distinct aspect of social life as well as retaining the broader definition of culture as inherently political. For the purposes of research into the constitution of a global political community that might respond
democratically to transnational socio-economic relations, processes and events, it is necessary to treat ‘political culture’ as oriented towards ‘politics’, which is itself a sub-set of ‘the political’. For these purposes ‘politics’ is defined as ‘the use of authority to create decisions that are binding for a community’, as distinct from ‘the political’, which involves the contestation of relations of power across the social field. (A similar distinction to that of Chantal Mouffe between ‘le politique’ and ‘la politique’, I think – reference?) In this sense ‘politics’ refers to the subset of ‘the political’ which secures relations of power, subject to ongoing possibilities of contestation, through the use of force or threat of the use of force organised through and bound by the law and the judicial system in the modern state.

In modernity ‘politics’ has been organised around, and legitimated as, democratic decision-making that demonstrates national self-determination. There is no doubt that the ‘internationalising state’ and the increased importance of international law, including human rights law, is effecting institutional change in democratic ‘politics’. However, the meaning of such changes is unclear. It is conceivable that international human rights may come to represent new ways to safeguard ‘national interests’ in increasingly globalised times; or to play a part in increasing confusion, disaffection and the de-legitimation of ‘politics’; or, perhaps, in introducing the possibility of global social democracy. Is ‘methodological nationalism’ blinding us to changes that are actually already taking place in political culture such that it is becoming more cosmopolitan? Or is it, rather, that public orientations towards ‘politics’ are being re-constructed in terms of ‘national interests’ such that possible developments towards cosmopolitan political culture within national states are blocked?

In order to address these questions, it remains important to retain an understanding of culture itself as political in the broadest sense. Cultural politics concerns the contestation of relations of power as they are reproduced in ongoing practices of signification. Challenges to power as it is encoded in culture are of different types, from persistence in the use of signs which shift the ‘changing same’ in a particular direction, possible only because of the fluidity and dynamism of culture itself; to decisions that initiate or confirm
cultural meanings supported by the legitimacy of ceremonial occasions; to organised and carefully planned campaigns to change meaning - for which the changeability of culture is both a resource and a danger, as meaning slips away from the explicit intentions of political agents. It is through such contestation that new significations are created, manifesting continuity with the 'changing same' to a greater or lesser extent, but significantly altering power relations as accepted understandings of hierarchy, subordination, exclusion or marginalisation.

Cultural politics is readily associated with informal contexts: with contesting signs in everyday life and personal relationships, through media representations and in popular culture, in fashion and other consumer choices. Organizations, groups and individuals networked into social movements are the most obvious agents of cultural politics (Melucci 1996), and as they have become prominent so have examples of cultural politics, from informally renaming oneself and others (it is difficult to imagine that 'women' was once impolite) to systematic campaigns like those mounted against multinational brands. However, cultural politics is also important in official contexts in which legally binding decisions are made: by the executive, or the judiciary, or in international agreements between states.

Cultural politics engages political culture insofar as cultural politics involves confirming or changing existing hearts and minds, whether or not this is the primary intention of political actors, where political culture is understood as the ethical framework within which political contestation takes place. Political culture is formed through cultural politics, but it also structures and thematises how particular issues emerge and how they are taken up. It is not that political culture determines cultural politics, but rather that, where cultural politics is defined as contestation, political culture is the relatively stable, ongoing thematisation of concepts and values across space and time. The analytic distinction between political culture and culture as such is, therefore, one of content, rather than of kind or of location. Political culture involves the reproduction of representations, contested to a greater or lesser extent in cultural politics, of the legitimate authority through which decisions are made that are binding on a particular community.
Towards a cosmopolitan political culture of human rights?

How to study the possibility that cosmopolitan political culture may be developing within the domestic space of a ‘national’ political community? It has been suggested in this paper, following theories of cosmopolitan democracy, that human rights may provide a focus around which such a political culture might form. Seyla Benhabib has also argued that, within Europe in particular, the institutionalisation of human rights may be providing propitious conditions for the development of ethical cosmopolitanism, claiming that through ‘jurisgenerative politics’, or the re-iteration of international human rights norms by democratic legislatures, ‘[c]osmopolitan norms are becoming embedded in the political and legal culture of individual polities’ (Benhabib 2004: 177).

According to an understanding of culture as constructed through symbolic differences, changes from a national to a cosmopolitan political culture performed in the re-iteration of international human rights norms would involve changes in patterns of structured representations. Political culture might, then, be analysed in terms of a cluster of core representations that would give meaning to adjacent and peripheral representations to which they were related (2). If cosmopolitan political culture were to be based on the language of human rights, we might expect ‘human’ and ‘rights’ to be core symbols around which it might be constructed. What it is to be ‘human’ must be at the core of a cosmopolitan political culture of human rights, as opposed to the taken for granted privileging of (national) citizens. This is, of course, a very complex issue, especially given how exclusionary the term ‘human’ has been historically in relation to sexual, ‘racial’ and cultural difference and how it has functioned to obfuscate particular privileges, including, precisely, those of ‘citizens’ {Arendt, 1979 #16}.

There appear to be three main types of the use of international human rights norms within national states. The specific examples on which this typology is based are drawn from cases in the UK, but they apply more widely, certainly in Europe but, at least in some cases, it is clear, beyond Europe too. Each type concerns Benhabib’s ‘jurisgenerative politics’ insofar as it involves the re-iteration of international human rights norms that address or implicate the executive and/or legislature of democratic societies. However,
the extent to which the use of international human rights norms within national spaces alters the political culture and legal culture of that society, where political culture concerns more than the ‘official culture’ of politicians, judges and public officials, is a much more open question than Benhabib allows. How do we know whether the internationalisation of European states in human rights law is being met with indifference, disaffection or hostility, rather than embraced with enthusiasm, without research into public understandings of these changes? Where ‘democratic deficit’ is an issue, as it is in relation to the development of the supranational institutions of Europe and beyond, any legitimacy that might be afforded by following democratic procedures can not be assumed. ‘Jurisgenerative politics’ offer no more than the sites of engagement of a cultural politics of human rights that may contribute to changes in political culture and therefore to the development of ethical cosmopolitanism. The extent to which this prospect is realised requires research into struggles over what international human rights norms actually mean, and should mean, in the national context.

*International human rights incorporated into national law*

The first type concerns those cases in which human rights conventions are completely assimilated into national law. Europe has some claim to be at the forefront of cosmopolitan democracy in this respect insofar as European political institutions have achieved a level of integration beyond the nation-state that most closely resembles what would be required by cosmopolitan democracy at the regional, national and local levels, including mechanisms for enforcing human rights within national states (Held 2003: p. 101). Although there are other regional human rights systems, notably the Inter-American and the African, they are not yet as integrated as the European system and they are especially weak in terms of enforcement.

Although the UK has been bound by the European Convention of Human Rights (ECHR) since 1953, it was only in 1998 that it was incorporated into domestic law as the Human Rights Act (HRA), creating a written quasi-constitution that is binding on parliament. A recent, and very dramatic case in which the HRA has effectively bound parliament is in relation to the government’s derogation from European human rights in order to detain,
for an indefinite period and without charge, terrorist suspects who could not be deported as their status as political asylum-seekers had been accepted under international human rights law. In December 2004, when sixteen suspects had been detained without charge for three years, the Law Lords ruled that the government’s derogation from human rights was illegal: the anti-terrorist measures were disproportionate because there is no public emergency that would warrant a suspension of such fundamental rights; and they were discriminatory because only non-citizens were detained, while citizens who were suspects were subject to surveillance but did not lose their liberties (A and Others v Secretary of State for the Home Department). As a result (at the time of writing), the Home Secretary has created a range of ‘control orders’ up to and including house arrest for both British and non-British detainees – enabling him to get round the charge of discrimination (though not that of disproportionality which will surely be challenged in the European Court of Human Rights, as domestic remedies are now exhausted).

The case of the anti-terrorist legislation in the UK and the legal battles that have been fought over it are undoubtedly examples of ‘jurisgenerative politics’. At each step of the way, the British government has been constrained by and has found ways to work within international human rights norms that are binding upon it because they have been incorporated into national law. Moreover, it could be argued that in ending discrimination between citizens and non-citizens, the Lords made a cosmopolitan interpretation of human rights, that they upheld the spirit of human rights after the UN Declaration in supporting the rights of individual persons as such against the privileging of national citizens’ rights over those of non-nationals. In this respect the Lords re-iteration of the HRA represents an instance of ‘cosmopolitan law’ (Held 2002; Hirsh 2003).

On the other hand, however, as I have been arguing throughout this paper, institutional changes in law do not necessarily require, entail, or lead to, cosmopolitan political culture. It is notable that there was very little public protest against the detention of the suspects before the Lords’ ruling, and TV news and newspaper coverage of the law and its enforcement did not make much of an issue of discrimination against non-citizens. In
fact, it seems that a great deal more attention was given to the difficulty of the government in responding to the Law Lords’ decision and to the issue of control orders and house arrest, which apply to British citizens, than to the detentions of non-national terrorist suspects. The media uproar over the powers claimed by the Home Secretary to prevent terrorism following the Law Lords’ ruling appears to have been concerned with perceived threats to what the Shadow Home Secretary referred to in parliamentary debate as ‘long-standing principles of British liberty’ at least as much as with international human rights (Press Association 23/2/05).

*International human rights law in national courts*

International law is made in two ways. The least controversial is by treaty, signed and ratified by states. The second is as customary international law, interpreted by courts as the usual practice of states across the world, which relies on conventions and previous cases, especially those that have been tried in international courts or that have drawn on international law in national courts. It is increasingly the case that both types of international law are being drawn on in national courts across the world, thus extending the scope, precision and justiciability of international human rights law, potentially against dominant constructions of perceived ‘national interests’.

A notable example in this respect is that of the case against General Pinochet, which involved the governments of the UK and Chile, lawyers and judges from across Europe, and transnational and international NGOs, and which resulted in the historic ruling that there is no immunity in the case of crimes against humanity. It is significant as a landmark case – building on the Nuremberg trials and the trial of Eichmann in Israel in the 1960s – and because the first Law Lords’ ruling on the legality of the extradition demanded by a Spanish judge to try Pinochet for crimes against humanity was entirely based on international customary law. In the first ruling of the Lords, in November 1998, the majority of three (out of five) Lords took the view that the large numbers of international agreements requiring states to prosecute those charged with crimes against humanity removed the immunity that a former head of state had previously been able to claim, and therefore required that Pinochet be extradited to Spain to stand trial on charges
of genocide and terrorism (Regina v. Bartle and the Commissioner of Police for the Metropolis and others EX Parte Pinochet). The second ruling, in March 1999, required after the first was set aside on the grounds that one of the Lords may have been biased by his association with Amnesty International, similarly drew on international law but was much more technical and limited, following the letter of the Convention Against Torture incorporated into UK law in 1988 (Regina v. Bartle and the Commissioner of Police for the Metropolis and others EX Parte Pinochet). Pinochet was never extradited to Spain, as the Home Secretary decided on the basis of medical reports that he was unfit to stand trial, and he flew back to Chile in 2000.

It is likely that the Pinochet case did make an impact on political culture in the UK and more widely. Philippe Sands, a prominent international lawyer and professor in international law of long-standing, is of the view that the Pinochet case marked a watershed in public interest in international law (Sands 2005: 4). It is significant in the first place that the arrest was made and that the case came to court; the Home Secretary has discretion in the case of extradition orders, and if the Conservative Party had been in power it is likely that, had the arrest been made, the matter would have been dealt with ‘diplomatically’ and Pinochet returned to Chile, as the Chilean government demanded, in the name of ‘national interests’ and good relations between the two countries. Instead, the Pinochet case was a media sensation. The first Lords ruling was broadcast live on the BBC, CNN and around the world, the first time that this has ever happened; the personalities of the judges came under unprecedented media scrutiny; and there was immense drama in the unfolding of the case, with the recounting of politician’s personal biographies in relation to communism and Chilean history, the stories of ‘the disappeared’, often represented by relatives and friends, the overturning of the overturning of the first Lords’ ruling because of Lord Hoffman’s personal connections with Amnesty International, and so on (see Davis 2003; Dorfman 2002; Sands 2005). On the other hand, however, although, as a media event, the Pinochet case may have contributed to the dismantling of state sovereignty as an absolute value, prosecutions of former leaders accused of crimes against humanity have not become routine by any means, despite the setting up of the International Criminal Court in 1998. Indeed, it
seems unlikely that Pinochet himself will ever actually stand trial for his crimes (though the Chilean Supreme Court ruled that he was fit to do so in January 2005 (The Independent 6/1/2005)).

To what extent did the Pinochet case make a significant change in the self-understanding of citizens and non-citizens of Western states as the subjects of cosmopolitan law enacted through national states that no longer enjoy absolute sovereignty? Did it legitimate international law even whilst it confirmed suspicions that the world is actually governed by power politics which take place behind closed doors and above the law? How general are the conclusions that can be drawn from the case? To what extent were ‘folk models’ of political authority and the political community refigured or reproduced in popular discourse on the Pinochet case, and how have they been confirmed or challenged by representations of human rights since then?

International human rights norms in civil society
Finally, there is a type of ‘jurisgenerative politics’ which does not go through lawyers and courts, but which addresses governments directly. This type of politics is necessary, and appropriate where human rights treaties are more clearly aspirational than justiciable, as in the case of social and economic rights. What has been called the ‘anti-globalisation movement’, and is now better known called ‘the Global Justice Movement’ (Monbiot 2003: 2), is very diverse, and human rights have not been especially prominent in its struggle - no doubt because of the association of rights with liberalism, reform and Western political forms. However, this may now be changing as ideas for reform, rather than the destruction of global institutions gain ground as the best way to realise the dream that ‘another world is possible’.

One very prominent attempt to realise global social democracy from within the UK, that is part of the Global Justice Movement and that has drawn explicitly on social and economic human rights is the campaign to ‘Drop the Debt’. The campaign to cancel debt to developing countries has mobilised a great deal of support from below in order to put pressure on politicians in the North. Jubilee 2000, the main campaigning network in the
North, collected 24 million signatures across the world and presented them to G8 leaders in Cologne in 1999 to support cancelling the debt of all developing countries by the millennium. Although Jubilee 2000 is a transnational social movement, working across Europe and North America, its aims are to target national governments, putting pressure on governments from below rather than through inter-national institutions. The campaign had a serious impact, changing the argument from whether debt should be written off to when and how, and achieving pledges from Clinton and Blair, so far unfulfilled, for 100% cancellation (Buxton 2004). The campaign directly concerns human rights because one of the main arguments for debt cancellation, for example by the UN, is that odious, or illegitimate, debt directly contravenes basic social and economic rights where repayment is made possible only by reducing state provision of essentials like water, food, health care and education (Millet and Toussaint 2004: 124-5). Moreover Jubilee 2000 has made human rights a focus of their campaign – the debt should be dropped for reasons of justice, not charity; though they also combine such arguments with an appeal to compassion, and Christian themes have been important to many members of the movement (the term ‘debt forgiveness’ appears quite prominently in the campaigning literature). Increasingly, since 9/11, it seems that arguments from self-interest and fear (of migration, the growth of terrorism as a consequence of poverty and despair and so on) are also playing a part (see Hertz 2004, for example). To what extent, then, is the ‘Drop the Debt’ campaign a contribution to an emerging cosmopolitan political culture of human rights?

Nationalist themes appear to be quite prominent in the mainstream media coverage of the ‘Drop the Debt’ campaign, which has now grown into the more ambitious ‘Make Poverty History’ in relation to ideal of world economic justice. Media reporting of various speeches of Gordon Brown on his tour of Africa in January 2005 closely linked response to suffering there to the generosity shown by the British people to those affected by the Tsunami disaster. Is debt relief therefore being constructed in charitable terms rather than in terms of justice? While compassion may be very important to achieving a postnational political community, there surely remains a leap from such feelings – erratic and event-led where they are not harnessed to a wider political vision – to a project for
global economic justice. Moreover, debt cancellation might also then be understood as a one-off, charitable event, such that the citizens of one state receive goodness from citizens in European or North American states. Similarly Brown’s speeches made reference to ‘Britain leading the world’ in cancelling debt (see speech of January 14th 2005, transcribed on the HM’s Treasury website). The UK is in a dominant position within the structures of global economic governance, with special voting rights in the IMF and the World Bank, membership of the G8 and so on, but how is this seen as contributing to the structural inequalities that create problems in the developing world? Do ‘national interests’ and national pride retain all their significance, so that the nation is enhanced by its generosity, part of the solution rather than part of the problem?

**Conclusion**

In this paper I have argued that the development of cosmopolitan political culture within the national domestic space is necessary for global social democracy and that it can not be assumed to follow from institutional change, even if the national state is itself being ‘hollowed out’ in international institutions. The construction of cosmopolitan solidarity is necessary for redistribution beyond the national state that global social democracy must realise. The cultural politics of international human rights within what has hitherto been considered the national political authority of government and the judiciary do offer the potential for the creation of political community that is, to some extent at least, oriented towards justice for persons as human beings rather than as citizens. More research is needed, however, to investigate how deeply and how widely such possibilities might extend, and how ‘the national’ might contribute to, block, or otherwise be implicated in, struggles over the cosmopolitan meaning of human rights. Above all it is necessary to investigate how the cultural politics of human rights is played out in the media. Although ownership of news media is multinational, its production and distribution is largely national (with the obvious exception of that which appears on the internet). What part do the media play in facilitating or limiting the construction of cosmopolitan solidarity through the cultural politics of human rights?
This paper has been concerned to make the argument, firstly, that ethical cosmopolitanism is necessary for cosmopolitan democracy; and secondly, that further research is needed before it can be concluded that the development of international human rights, even within national political and judicial spaces, is contributing to the development of ethical cosmopolitanism. The concepts of political culture and cultural politics are invaluable for thinking through the possibilities of international human rights norms for global social democracy, and for developing a methodology adequate to that research. ‘Political culture’ has been unduly neglected by theorists of cosmopolitan democracy in comparison with institutional change. Changes in political culture are as vital to the development of progressive politics beyond the national state as the dramatic institutional changes that are taking place at the international and transnational levels and on which cosmopolitan democrats pin their hopes for global social democracy.

Notes
1. There is not enough space here to engage with the extensive political science literature on political culture, and with its critics (see, for example, Almond 1980; Formisano 2001; Pateman 1980; Street 1993; Welch 1993). It is, however, worth mentioning that, as Almond himself notes, ‘something like a concept of political culture’ has been necessary to thinking about politics since it began (Almond 1980: 1).

2. Although there is no space to go into this here, I envisage the analysis of political culture in similar terms to that developed by Michael Freeden (1996) for political ideologies. Political culture is still vaguer, more contradictory and less easily bounded than political ideologies, but Freeden’s theory of the discursive construction of political meaning seems to me to be potentially fruitful methodologically for its analysis.

References
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