

Animal Polis, or, Why Ethics Cannot Rule Politics

Review: Martha Nussbaum,
The Cosmopolitan Tradition: A Noble but Flawed Ideal
(Cambridge, MA: Harvard University Press, 2019), 310 pages.

For decades Martha Nussbaum allied herself whole-heartedly with cosmopolitanism. No longer. She appealed at length to the righteousness of Stoic cosmopolitanism in past publications such as *Cultivating Humanity* in 1997. Now, according to *The Cosmopolitan Tradition*, that founding ideal cannot be right. She presently advocates what may be called “ethical nationalism” since no system of political internationalism could be good enough. A reassessment of cosmopolitanism by this unimpeachable expert must be considered carefully. Despite saying that “cosmopolitanism” is a term “too vague to be useful,” her chapters are replete with tenets taken as essential to this tradition that she must reluctantly abandon. To reach higher for social justice, ethical nations should “Brexit” from frail international systems still failing the multitudes. Rights are global, but enforcement is local.

Political theorizing indebted to classical and enlightenment stoicism, along with today’s international order in general, cannot meet Nussbaum’s high ethical standards. Dictating terms to politics in this manner is nothing new for ethics, by defining justice and demanding the most just government. Political theorists from the past, and the forms of government they pondered, are rightly held to today’s enlightened values in Nussbaum’s embrace. The tedious work of comparative politics gets enormously simplified, letting the sharp edge of rigid ethics shave away most political theorizing. As for any contemporary political theory still beholden to a less-than-ethical tradition, it must stand condemned as irredeemable or get renovated beyond recognition. What is left of cosmopolitanism?

Cosmopolitanism's tradition of prizing moral capacity cannot be inclusive or generous enough, not anymore. The circle of moral dignity must expand dramatically, beyond a small sphere delimited by privileged human faculties. As Nussbaum points out, "the tradition is relentlessly anthropocentric, and it typically locates the core of dignity in the possession of moral reasoning and the capacity for choice."¹ That narrowness is unethical for Nussbaum. All animals possess intrinsic dignity: "if humans have dignity it is in virtue of having complicated capacities for a sentient life that strives for flourishing. But that is true of other animals as well" (CT, 250). So Ethics has to take precedence before Politics. Identifying what simply holds moral worth and equal moral dignity lays down the first ethical principle. For Nussbaum's ethics, the rest of the human world and most of the non-human planet holds equal moral status too, and they are still immorally unprotected from deprivations and degradations. The State must therefore take responsibility.

Urging countries to strengthen laws protecting the vulnerable, including animals, was never contrary to modern cosmopolitanism. Have cosmopolitan thinkers, from Kant onwards, thought that humans with severe cognitive disabilities do not deserve the right to life and dignity? Nussbaum says that cosmopolitanism must treat them with disdain (CT, 16), without a single supporting citation. Quoting ancient Greeks and Romans about the value of moral reason does not help; their politics did not advocate abandoning unwell infants, the unfocused elderly, or the mentally ill (Some ancients were comfortable with euthanasia on moral grounds, but that is a debate for ethics, not politics). Nevertheless, Nussbaum by a dubious inference accuses today's political cosmopolitanism of failing to care enough for all humans. Since the cosmopolitan tradition, among Western political movements with lasting influence, strenuously defended the equality and worth of all humanity and the embeddedness of humans within nature, something else besides debates about infanticide, euthanasia, or animal abuse has to be motivating her critique.

The Cosmopolitan Tradition is far more about Nussbaum's developing politics than her established ethics. Nussbaum defends an analogue of a neo-Hobbesian position on good government. Her lengthy exploration of Grotius notwithstanding, it is his nationalism that Nussbaum admires (CT, 139), while she has no use for natural law theory or its dubious essentializing about humanity. It is precisely the absence of natural law that sets up the key ethical problem for our times. The conditions prevailing in the State of Nature (sentient suffering) explain why each animal possesses intrinsic moral dignity and deserves ethical treatment. To expediently achieve that treatment, the State is justified to the extent that it justly protects the vital interests of all possessing moral worth. Forms of governing are to be compared for their conventional enforcement of this natural justice. The Nation and its centralized power turns out to be the strongest defender of this justice. By contrast, nothing more or less than a Nation can deliver justice. Sub-national groups inefficiently compete with each other while seeking public sympathy, and supra-national systems ineffectively enforce justice while prioritizing privilege and property. Nussbaum concludes that only a strong national government can fully uphold the equal rights and needs of all, especially the weak and vulnerable.

There seems to be nothing else in the political realm, as Hobbes already argued, that can adequately substitute for the mighty Nation. Nussbaum explains:

It seems unlikely that a diffuse system that leaches away powers from the nations will do better at protecting the rights of minorities, women, and the poor. Within each subgroup that sets itself up against the nation, there are likely to be differences of power, and we can already see many instances (for example, systems of religiously based personal law) in which minorities do signifi-

1) Martha Nussbaum, *The Cosmopolitan Tradition: A Noble but Flawed Ideal* (Cambridge, MA: Harvard University Press, 2019), 247. Hereafter referred to as CT using in text citations.

cantly worse under the “local” authority than they would were they directly under the power of the nation. Supranational and transnational groups of many kinds may indeed play a valuable role in pushing nations toward greater recognition of human rights; and yet, if there is not to be a world state, with all its threats, it seems likely that such groups ought to remain plural, decentralized, and, in the main, focused on persuasion rather than coercion. (CT, 139)

Cosmopolitanism, in a twenty-first century world dominated by the wealthy and powerful, is sadly lacking in jurisdiction and execution. This inadequacy is inevitable, given the inherited nature of the cosmopolitan tradition as Nussbaum views it. She assumes that the only political manifestation of cosmopolitanism has to be planetary. This has never been accurate. Cosmopolitanism may be a label for a constellation of principles, but it does not simply mean “world government is best.” A “cosmopolitan” wants to live anywhere with good governing. Yet cosmopolitanism’s governing can never be good enough, ethically or politically.

Cosmopolitanism according to Nussbaum stands convicted of two failures, one ethical and the other political. The ethical failure is that global cosmopolitanism is entirely anthropocentric for expecting governments to govern humans possessing moral reason and voluntary consent. Yet there are humans lacking such cognitive abilities, along with non-humans too, who also possess moral worth, hence there is an obvious ethical failure. The political failure is that trans-national cosmopolitanism is inadequately coercive by allowing governments to retain laws ignoring human and non-human degradation. Yet there are laws having such regulatory protection, along with policies too, which would prevent immoral degradation, hence there is an obvious political failure.

The cosmopolitan tradition’s crucial mistake was to presume that “the governable” and “the governed” are the same people, thereby privileging a portion of humanity. That unethical error, according to Nussbaum, dooms cosmopolitanism’s political agenda and any political theorizing indebted to that agenda. Notably, cosmopolitanism eventually premised that all humanity is inherently reasonable and moral enough to deserve good government. However, that noble premise is merely an appeal to an idealized view of “human nature” which, as Nussbaum repeatedly emphasizes, is falsified by the actual condition of many human beings (and all non-humans) not rising to that capacity level. No matter what meritorious ability is selected, not all humans will display it. Hence, by her undiluted Ethics, entirely non-anthropomorphic feature(s) must substitute to avert terrible injustice. Nussbaum concludes that a just society will have to recognize the equal moral dignity and worth of all beings who have the capacity to suffer, and this truly just society will politically enforce laws guaranteeing due protection.

“Political” cosmopolitanism was always secondary to “Ethical” cosmopolitanism for Nussbaum. That is why ethics and politics must be kept apart for their separate work. (The cosmopolitan tradition has been notable for blending ethics and politics.) Ethics figures out who merits moral standing for ethical treatment, and then politics configures up the form of government guaranteeing that ethical treatment. The amorality of “liberal” politics and “social” contracts were always non-starters for Nussbaum. Redistributing power among the potent may attain fairness, but political justice cannot be trusted. Indeed, morality itself falls under suspicion. Ethics is no longer about who counts as moral beings, it appears. The capacity for moral conduct is not the grounding concern for ethics – only a subset of humanity displays a complex ability like that. Ethical justice knows no narrow basis. Politics too often entrenches local and conventional privilege, so Ethics has to discern universal and natural equality.

“The gates of the cosmic city must be open to all” (CT, 252). Thus spaketh the final line of *The Cosmopolitan Tradition*. Nussbaum is not referring to citizens. Her vision is more *cosmic* than *politic*. Only one ideal state is really necessary, and it is not The City of Mankind. The City of Nature (sentient and suffering nature) is truly

open and welcoming to all who matter. That ethical universality shall be enforced by political legality. As an ideal, The City of Nature need not be reflected in a singular world government, but each legitimate Nation will embody that universal justice.

Nussbaum's vision of righteous politics has strayed very far from cosmopolitanism indeed. Her just Nation, created in the image of the Cosmic City, does not govern for the governed who live under the law. This mighty Nation, forged from the state of nature of suffering, does not defend its legitimacy to the people who are ruled, but only to the Ethics that is right. Many of the governed may be ethical themselves, but the Cosmic City shall not wait upon approval from a mere portion of genuine citizens. This is not about majority rule. Nussbaum's patience with human citizens has run out – the governed cannot be entrusted with deciding who has equal rights. Ethics, unelected and unopposed, shall rule through the Nations, upholding rights and laws for those who cannot acknowledge law and will not recognize others as equals.

Nussbaum's warning against the "threats" of a world state should equally apply to this all-powerful Nation. Actually, the ultimate threat is not government, but rather Ethics in its righteous purity. Where Ethics shall rule, the consent of the governed is unneeded or unwanted and Nussbaum would guard the guardians.