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NEW READING OF IMMANUEL KANT'S PHILOSOPHY OF LAW: THE IDEA OF COSMOPOLITAN DEMOCRACY

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Introduction

The idea of cosmopolitan democracy enters the social sciences scene at the end of the 20th century, when various “theories of present”, such as reflexive modernity, second modernity, global age, late capitalism, network society and world risk society were introduced to explain civilizational moment in which the world found itself.¹ It aims to be a representative expression, theoretical-political and legitimational formula of the new, post-cold war era, the era of tectonic shifts in social, political, scientific, and wider civilizational paradigms.

Trying to bridge the gap between *modern* values (whose antitraditional, enlightened system of identities introduced state, nation, secularity and the equality of citizens instead that of empire, ethnos, religion and hierarchy), and *postmodern* values which offered the pluralization of identities in the

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context of globalization and the “dissolution” of concepts such as state and nation in the light of the possibilities of new “postmodern Empires” and cosmopolitan citizenship – the idea of cosmopolitan democracy is a descriptive and prescriptive project at the same time.

Balancing between the universalism of the modern era and tempting postmodern inclination to discredit it, the idea of cosmopolitan democracy is a theoretical and symbolical expression of this quest, which fixes the transitional point of the world which is “out of joint”. By revalorizing long historical tradition of cosmopolitanism, its antique cynical and stoical impulses and modern enlightened ethos, it tries to present it as the new *Zeitgeist*, still searching for an adequate law, political and institutional form.

Theory of cosmopolitan democracy belongs to a new, broad political and intellectual interdisciplinary movement, with a distinctive research agenda-labelled “New Cosmopolitanism”.² Since the fall of the Berlin’s wall, “New Cosmopolitanism” has grown into a recognizable school of thought, which operates in a new “cosmopolitan paradigm” of the social sciences. As Robert Fine competently put it, “Its critical function is to emancipate social science from its bounded national presuppositions and construct new analytical concepts appropriate to globalizing times”.³

Mapping the theory of cosmopolitan democracy inside this scientific complex, leads us to its genus of *political cosmopolitanism*, the species of *institutional cosmopolitanism* as more exact differentia specifica.

Institutional design of the new *cosmopolitical* order is its first and utmost scientific and political goal. But, the institutional model of cosmopolitan democracy cannot be understood without pointing to the other-fundamental philosophical and scientific levels on which it stands. As a political theory it

functions not only on its empirical-analytical (descriptive) level, but on the normative-value (prescriptive) level as well. Entering the field of cosmopolitan *political philosophy*, it works on the revival of ideas of universal history, perpetual peace and cosmopolitan justice, which were essentially conceptualized by Immanuel Kant.⁴

Immanuel Kant's "Janus-like" conception of cosmopolitan order which was theoretically defined in twelve years period before and after the French bourgeois revolution (1785-1797), is exposed to permanent hermeneutic efforts and open to wide interpretative variations. Being influenced by two grand theoritical traditions, that of natural law and *ius gentium* on the one side, and the "eternal peace" projects on the other, Kant was trying to find a theoretical passage between them, and establish his own original position in this great debate of the epoch.

Political theory of cosmopolitan democracy represents contemporary reception of Immanuel Kant's law and political philosophy. Original cosmopolitan conceptual core being of classical Greek or Roman, modern-Kantian, or contemporary provenance, is ethical. Standing especially on Kantian ethical fundament, theory of cosmopolitan democracy tries to re-contextualize it, facing new "cosmopolitan circumstances" of the "global age". In trying to "iron the inconsistencies"⁵ in his law and political theory by a "structural adjustment" of the key elements of Kant's project of "Eternal Peace" to the new global circumstances, this theory transcends Kant's model of cosmopolitan order, and pleads for a global order with world-statelike performances.

Key steps in this direction are made by extending Kant's idea of cosmopolitan law to the level of cosmopolitatan *democratic* law, then, by transforming classic-Westphalian into *post-Westphalian* or *cosmopolitan* sovereignty, and finally by

projecting a cosmopolitan political order which would make of confederal *phoedus pacificum* a more centralized, semifederal global institutional arrangement.

By pushing all key points of Kant's vision of the cosmopolitan order further, theory of cosmopolitan democracy leaves his theoretical frame, and enters essentially *antikantian* value-field. Firstly, this is evident in constructing a supranational institutional building-level of governance which Kant tried to avoid being afraid of its despotic implications, and secondly in "applying" the cosmopolitan democratic law, by legitimizing "humanitarian military interventions" as a method of resolving conflicts. This thinking with "Kant against Kant".⁶ effort to establish a "benevolent global Leviathan" twists Kant's primal intention, and becomes deformed cosmopolitanism, exposed to criticism from various theoretical and ideological points of view.

The idea of cosmopolitan (democratic) law

The idea of cosmopolitan (democratic) law is the normative-value core of the theory of cosmopolitan democracy. As a theoretical update of Kant's law-political cosmopolitanism it searches to implement his cosmopolitan project into conditions shaped by globalization process. The concrete idea of "cosmopolitan law" which is in this context being functionalized is Kant's original "conceptual innovation".⁷ Extrapolation of its very narrow content is still hermeneutically attractive.

Cosmopolitan law is the third part of Immanuel Kant's tripartite system of *public right*, which includes *domestic law* and *international law*. These three types of laws are designed to map possible relations between states and citizens.⁸ Domestic law regulates legal relations between states and their citizens; international law treats relation between states; and

cosmopolitan law is directed towards relation between states and the citizens of other states and to the inhabitants of non-state communities as well.⁹ These relations constitute key features of the definite articles of Kant's project of *Perpetual Peace*.

Although there is ongoing debate on the logical extent of Kant's cosmopolitan law, what is broadly accepted, is that Kant "sought to create a level of cosmopolitan law that would obligate both states and individuals to the hospitable treatment of all human beings regardless of their citizenship or national origin".¹⁰

In the third article it is said that cosmopolitan right should be limited to "conditions of universal hospitality".¹¹ And "hospitality" means "the right of a stranger not to be treated with hostility when he arrives on someone else's territory".¹²

The normativity of cosmopolitan law, its desirability and inevitability stems, in Kant's view, from pure empirical fact that the world is not an infinite plane, but a sphere where every individual should occupy its own place tolerating one another at the same time. To this natural fact Kant adds a specific "law quality",¹³ that this physically closed space must be "closed" by a lawful condition too, one which would assure humans coexistence. As Kant proclaimed:

The peoples of the earth have thus entered in various degrees into a universal community and it has developed to the point where a violation of rights in *one* part of the world is felt *everywhere*.

Regarding Kant's intention, the concept of cosmopolitan law stipulates practical standards of hospitality which refer to all individuals without difference. That means that states cannot treat strangers only in their own interest, but always have to have in mind the interest of humanity as a whole. Thus, cosmopolitan law would admit lawful status to every individual,

at least regarding one question-hospitality. What is important to emphasize here is that cosmopolitan law is *not* meant to erase the distinction between citizens and not citizens that follows from the existence of states.¹⁴

This means that Kant doesn't abandon the idea of "westphalian" state sovereignty, but it is somehow questioned, since individuals become *subjects of law* outside their own domestic law order.

In spite of this, Kant does not make a step towards supranational institution building which would directly sanction breakings of cosmopolitan law. Consequently, this means that, although his idea of cosmopolitan law is imagined as *juridical* concept, it stays in the sphere of morals, "public use of reason", "dictate of reason" to function as moral and practical task for humanity which should be closing to the "eternal peace". Supposed status of "world citizenship" is a call, directed to all individuals to use their reason, and notice every breaking of cosmopolitan law. This "duty" belongs mostly to the philosophers, which have to become true "guardians" of the cosmopolitan law.

One of the main proponents of cosmopolitan democracy, David Held, makes an "extension" of Kant's argumentation on cosmopolitan law, broadens its content and seeks for a new frame of its realization.

Although he finds Kant's arguments in favour of "universal hospitality" very important, he finds them not adequate in specifying conditions for the "cosmopolitan society" today. Held is critical on Kant's conception of cosmopolitan law on these grounds. As he puts it, "formal commitments to allow each person to become part of a cosmopolitan society take no account of the complexity of power, power relations and inequality which turn 'the free realm of reason' all too often

into a market –driven sphere marked by massive inequalities of access, distribution and outcome”.¹⁵

In Held’s perception cosmopolitan law ought to be rethought as cosmopolitan *democratic* law, if freedom and autonomy are to be guaranteed for all. Centres of power could be local, national, but transnational and global too, and that is the reason why domestic democratic law is not sufficient anymore. Cosmopolitan democratic law is needed as a kind of democratic public law entrenched inside the states but between them too. In his perception Kant’s conception of cosmopolitan law is not sufficient since “participants in a cosmopolitan society of reason can find themselves entering a world of discourse often shaped by sectional interests, private priorities or particular substantive commitments”¹⁶, and finds Kantian conception “too weak to underpin the free movement of people and ideas”.¹⁷

In Held’s vision *cosmopolitan democratic law* represents the conditions of “universal hospitality” in contemporary globalized world. Thus, “hospitality” has to take into account “community of fate” at the global level which finds itself in the net of technological, economic, political, ecological and other interactions caused by globalization processes.

It urges Held to make a decisive, “qualitative” step from Kant’s delicate projection of cosmopolitan order, a step towards institutional capacities which would be “guardians” of cosmopolitan law today, and which would be a model of transposing Kant’s concept of cosmopolitan law from the sphere of morals, conscience and philosophical concern of “public use of reason” into the sphere of law and “global politics” by supranational institutionalization.

Held proposes a gradual evolutive agenda which would lead to a cosmopolitan polity to cover the globe. This agenda includes as its starting point reform of the UN

system, establishment of a Global Parliament and globally interconnected legal system; then, a “Boundary Court” for local, national, regional and cosmopolitan disputes of jurisdiction, and what is most important in our perception-an effective military force that would diminish reliance on national military power.¹⁸ Cosmopolitan democratic law is meant to “hold the system together”, provide a “common structure of action”, protect peoples’s rights and secure possibility for democratic participation at a various levels.¹⁹

Constantly refusing to name this law and and political global frame as “world state”, cosmopolitan democracy model goes far beyond Kant would advocate, since national states would be *legally* subordinate to cosmopolitan democratic law.²⁰ Even more, in cosmopolitan polity sovereign nation-state ‘would in due cours “wither away”’.²¹

Thus, such a cosmopolitan democratic political community in Held’s vision rests on the idea of *cosmopolitan sovereignty*, and these themes we will try to reconstruct in the next part, although their full presentation goes far beyond frame of this article and capacity of this author.

Cosmopolitan sovereignty and the cosmopolitan democratic political community

The idea of cosmopolitan sovereignty in the theory of cosmopolitan democracy functions on the descriptive and prescriptive level at the same time, gaining both empirical and normative status.

Empirical-analytical level of the theory of cosmopolitan democracy conceptualizes “global transition” in which world finds itself thanks to transformative potential of globalization processes. Descriptive insights in the nature of globalization and its impact on the reconfiguration of the structure of international order, and reshaping the power of the “Westphalian state”

caught in the net of the world interconnectedness, as well, sheds new light on the paradoxes and challenges confronting state sovereignty today, demanding its “structural adjustment” to the new “global” circumstances.

Taking globalization as *given*, postmodern “*fatum*”, objective process – which could be more or less directed or “tamed”, but which cannot be ignored or stopped, represents the key empirical presumption on which whole normative-institutional structure of cosmopolitan democracy is built.

Theory of cosmopolitan democracy belongs to the new scientific wave that tries to make traditional (“Westphalian”) concept of state sovereignty less “dogmatic”, and to adapt it to the new “cosmopolitan circumstances”.²² In this optic, state sovereignty is historical phenomenon, which can and should change its content contextually. Since the nascent context of national state has changed, it should be followed by the shift in understanding of the concept of sovereignty today.

In order to make the idea of cosmopolitan sovereignty more understandable, we will try to reconstruct key steps in the argumentation on the empirical-analytical level of cosmopolitan democracy theory.

New, “cosmopolitan” sovereignty appears in the circumstances of “global politics”.²³ The idea of global politics is one that “challenges the traditional distinctions between the domestic and the international, the territorial, and the non-territorial, and the inside and the outside, as embedded in conventional conceptions of “the political”.²⁴ These circumstances are directing towards some form of “inner world politics”.²⁵ This is the moment of making post-Westphalian sovereignty possible, the conditioned, “fluid” sovereignty, which demand redefinition of state functions in these new cosmopolitan atmosphere.

Tectonic shifts made by globalization bring in new actors in global political arena. So, even if national states *de iure* stay as subjects of international law, *de facto* regulation on global level today includes new supranational and subnational organizations, global market sector and transnational civil society, which reshape and diminish the capacity of national state to reproduce its traditional functions.²⁶

What authors of cosmopolitan democracy are trying to say is that we are moving from the point in international system where national states were epicenters of power to the global system where state power is disaggregated through the multilayered, multidimensional and multi-actor system called “global governance”.²⁷ States are becoming “too small for resolving big problems, and too big for resolving small problems”, so to speak.

The analytical concept of “global governance” pictures a system in which national states maintain important – but not so dominant – “Westphalian” role in the world system. Being far more “pooled”, state sovereignty in cosmopolitan vision is much more a “bargaining chip”, compelled to transfer its competencies upwards and downwards in order to gain the capacity for solving collective problems and to legitimize the order inside the state. In that manner, the modern state as we know it starts to lose its essence, becoming in higher degree “globalized” or “disaggregated”.²⁸

What should be emphasized at this point is, that theory of cosmopolitan democracy, starting from the description of this empirical “cosmopolitan sovereignty” infers its *normative* status, as a goal to which new cosmo-political order should be directed. Cosmopolitan democracy model aspires to restructure global order by redefining the concept of sovereignty along the lines of cosmopolitan (democratic) law.

These principles are for an era in which political communities and states still matter, “but not only and exclusively” regarding to Held.²⁹ In this paradigm,

sovereignty can be stripped away from the idea of fixed borders and territories and thought of as, in principle, an attribute of basic cosmopolitan democratic law which can be drawn upon and enacted in diverse realms, from local associations and cities to states and wider global networks.

Cosmopolitan law demands the subordination of regional, national and local ‘sovereignities’ to an overarching legal framework,

but within this framework associations may be self-governing at diverse levels.³⁰

Held *explicitly* asserts that in this conception, the nation state ‘withers away’ and that it should be articulated and relocated within “an overarching cosmopolitan framework”.³¹

It is a type of sovereignty that is conditioned and limited by “responsibility” towards citizens, which means that it cannot longer be understood in the terms of unlimited state power. Since political power and authority are being “dispersed”³² above, below and alongside the nation-state, legal and institutional instruments are needed to reflect this transformative shifts. Held points out that this process had already begun by human rights regime, diverse agreements of the arms control system, environmental regimes and plethora of legal instruments of the EU.³³

Kant’s delicate theoretical position seeks its way inbetween absolute nation-state sovereignty and “world state” projection. It is law and political space which Kant wants to fulfill with an alternative cosmopolitan order which implies lawful relations

between states. This means, which would impose limits on the will of the “Westphalian” state, and which would not fall at the same time into the “souless despotism” of the world state. Oscillating between these two poles, Kant enters into an (impossible?) mission of realizing freedom limited by law.

Kant was highly critical of Westphalian model of sovereignty, since in his perception it only sought to justify and regulate the rules of warfare, and provided nothing to help to eliminate war as such.³⁴ Idea which opposes all wars, includes establishing a lawful *federation of states* anchored to perpetual peace by a commitment to universal law and the acknowledgment of public right to external freedom and universal coexistence.³⁵

A terminological and conceptual clearing is need to be done here. Although Kant uses the term “federation”, what he has in mind, today would correspond more to the content of the concept of “confederation”, since community which he had in mind could be broke up “any time”. Thus, Kant’s cosmo-political order is the one that occupies the space between the Westphalian and the world state, space of confederal responsibility of states which are opposed to war and directed towards “eternal peace”.

Political community of cosmopolitan democracy tries to build on Kant’s fundament, but it “transcends” Kant’s concept of cosmopolitan order, seeking for a model that would be somewhere in between federal principle of the world state and a loose confederal principle without law obligations for the state members. That is the order, that would be more centralized than confederal, but not as centralized as federal one.³⁶ This model of cosmopolitan order could be find in transitional experiences of confederations which were moving towards federal models of governance.³⁷ In the cosmopolitan democracy model, this kind of community should not be just a temporary step towards federation, but it wants to make stable this transitional point from confederation to federation, and make it permanent.

As Mary Kaldor sees it, it would be

a layer of governance that constitutes limitation on the sovereignty of states and yet does not itself constitute a state. In other words, a cosmopolitan institution would coexist with a system of states but would override states in clearly defined spheres of activity.³⁸

Despite cosmopolitan discourse which is built on “progressive” enlightenment ethos and Kantian idea of “eternal peace”, cosmopolitan polity is getting the contours of “world(like) state”. The method of resolving conflicts is of utmost importance, the point in which cosmopolitan polity shows its nature.

Since conflicts are even in this system unavoidable, cosmopolitans try to change the way of its interpretation. That means leaving behind the whole Westphalian “baggage” of international law and interpreting historical events in new cosmopolitan paradigm of “world inner politics”. Post-cold war epoch opened the era of proliferation of so called “humanitarian military interventions” filled with cosmopolitan pathos. Law, political and philosophical aspects of the “humanitarian military interventions” are cosmopolitan theme *par excellence*.

“The case” of Serbia is more than “interesting” in this context. In cosmopolitan perception, NATO aggression, so called “intervention”, in Federal Republic of Yugoslavia in 1999, by exceptional theoretical “looping”, represents symbolical “constitutional moment”,³⁹ of the newly imposed cosmopolitan order, time and place where international law became “cosmopolitan law.” Setting this cosmopolitan “ethics” above the international law has devastating effects not only on the idea of “eternal peace”, but on the very fragile peace that entered the world after the World War II.

Leaving Kant's deontological ethics cosmopolitan democrats are prone not to examine motives of the most powerful states, unless "humanitarian military interventions" demonstrate certain "cosmopolitan consequences". Thus, initial Kant's ethical cosmopolitan impulse is transformed into something very contrary to it-ethical consequentialism, which Kant actually despised. Proposing certain rules of the interventions could have palliative effect, but it cannot annulate this essential danger of making "war against war". The state of Serbia is first symbolic and material victim of this deformed cosmopolitanism.

Conclusion

The most obvious distancing from Kant which can be seen in cosmopolitan democracy theory is very concrete effort on building supranational global level of governance. Kant left this institutional vacuum deliberately in his law-political conception of cosmopolitanism, being afraid of the world state scenario, foreseeing its despotic implications. Cosmopolitan democrats offer an idea of "benevolent Leviathan" with global *ius vitae ac necis*, keeping his strength chained with transnational net of cooperation. Ruining pacifistic pillars of Kant's cosmopolitan theory, leaving its antimilitaristic orientation, paradoxically entrance into "eternal peace" is trying to be made contrary to Kant's primal intention-through wars "in the name of humanity". This ideological level is probably the most problematic and less attractive part of this theory.

The idea of cosmopolitan democracy is "at its best" when it stands on the empirical-analytical level, and solid even in its normative-value level, but bridging the gap between present and future state was not made plausible in the cosmopolitan democracy governance model.

The problem with this revelation of cosmopolitan "conscience" is that cosmopolitanism has been shaped in

kantian, pacifistic, anti-militaristic tradition, in avoiding war as a method for resolving conflicts. Thinking about cosmopolitan democracy, we have to think twice about Carl Schmit's warning that "whoever invokes humanity wants to cheat"⁴⁰, and we must not forget N.Trubetskoy's deep insight that chauvinism and cosmopolitanism, are "two levels, two aspects of the same phenomenon".⁴¹ Unfortunately, "the withering of state" in cosmopolitan operationalization becomes much more "the withering of nations"-especially those that don't follow eurocentric matrix of history.

NOTES

- ¹ Chris Rumford, "Introduction:Cosmopolitanism and Europe", in: Chris Rumford (ed.), *Cosmopolitanism and Europe*, Liverpool University Press, Liverpool, 2007, pp.1-2.
- ² Robert Fine, *Cosmopolitanism*, Routledge, London and New York, 2007, p. 1.
- ³ *Ibid.*, p. 6.
- ⁴ *Ibid.*, p. 4.
- ⁵ *Ibid.*, p. 6.
- ⁶ Our work operates in the theoretical frame installed by the authors which belong to the "cosmopolitan wave" in social sciences, such as: David Held, Danielle Archibugi, Andrew Linklater, Ulrich Beck, etc.
- ⁷ Daniele Archibugi, *Immanuel Kant, Cosmopolitan Law and Peace*, European Journal of International Relations, SAGE, London, Thousand Oakes, CA and New Delhi, Vol. 1(4),p. 429.
- ⁸ Pavlos Eleftheriadis, *Cosmopolitan Law*, European Law Journal, Vol.9, No.2, April 2003, Blackwell Publishing Ltd, Oxford, 2003, p. 245.
- ⁹ As "citizens of the world" these people from non-state communities had no civic status in the modern sense, and cosmopolitan law in Kant's perception should include them in lawful order and finnish iuridization of their status.
- ¹⁰ G.W.Brown, *State Sovereignty, Federation and Kantian Cosmopolitanism*, European Journal of International Relation, SAGE Publications and ECPR-European Consortium for Political Research, Vol. 11(4), p.510.
- ¹¹ Pavlos Eleftheriadis, *op.cit.*, p. 244.
- ¹² Immanuel Kant , "Perpetual Peace: A Philosophical Sketch", in H.Reiss(ed.), *Kant's Political Writings*, Cambridge University Press, Cambridge, 1970, p. 105.
- ¹³ Danilo Basta, *Vecni mir i carstvo slobode*, Plato, Beograd, 2001, p. 97.
- ¹⁴ Pavlos Eleftheriadis, p. 245.
- ¹⁵ David Held, "Cosmopolitanism: Ideas, Realities and Deficits", in: *Governing Globalization*, David Held and Anthony McGrew (eds.), Polity, Cambridge, 2002, p. 314.
- ¹⁶ *Ibid.*
- ¹⁷ *Ibid.* 315.
- ¹⁸ David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, Polity Press, Cambridge, 1995, p. 279.
- ¹⁹ Adam Lupel, *Tasks of a Global Civil Society: Held, Habermas and Democratic Legitimacy beyond the Nation-State*, Globalizations, Vol.2, No.1, May 2005, p. 119.

- 20 Antonio Franceschet, *Popular Sovereignty or Cosmopolitan Democracy: Liberalism, Kant and International Reform*, European Journal of International Relations, SAGE Publications, London, Thousand Oakes, CA and New Delhi, Vol. 6(2), 2000, p. 292.
- 21 David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, p. 233.
- 22 Complete argumentation can be found in: David Held, "Law of States, Law of Peoples: Three Models of Sovereignty", *Legal Theory*, 8, 2, 2002, pp. 1-44.
- 23 David Held, *Global Covenant*, Polity Press, Cambridge, 2004, p. 74.
- 24 David Held et al., *Global Transformations: Politics, Economics and Culture*, Polity, Cambridge, chs.1, 2 and 8, 1999.
- 25 Jürgen Habermas, *Postnacionalna konstelacija*, Otkrovenje, Beograd, 2002, p. 93.
- 26 J. Baylis and S. Smith (eds.), *The Globalization of World Politics*, Oxford University Press, Oxford, 2001, pp. 24-27.
- 27 David Held, *Global Covenant*, p. 79.
- 28 *Ibid.* p. 75.
- 29 David Held, *Global Covenant*, p. 178.
- 30 David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, p. 234.
- 31 David Held, "Law of States, Law of Peoples: Three Models of Sovereignty".
- 32 Thomas Pogge, "Cosmopolitanism and Sovereignty", *Ethics*, 103, (October), 1992.
- 33 David Held, "Law of States Law of Peoples: Three Models Of Sovereignty", p. 22.
- 34 G.W. Brown, *op.cit.*, p. 498.
- 35 *Ibid.*
- 36 Dejid Held, *Demokratija i globalni poredak*, Filip Visnjic, Beograd 1997, p. 267.
- 37 Daniele Archibugi, *The Global Commonwealth of Citizens*, Princeton University Press, Princeton and Oxford, 2008, p. 110 Political community which, in the eyes of the theorists of cosmopolitan democracy, is moving in this "middle" way is European Union.
- 38 Mary Calderon, *New and Old Wars: Organized Violence in a Global Era*, Polity, Cambridge, 1999, p. 216.
- 39 Jean-L. Cohen, "Whose Sovereignty? Empire Versus International Law", *Ethics & International Affairs*, 18, no. 3, 2004, p. 8.
- 40 Carl Schmitt, *The Concept of the Political*, University of Chicago Press, Chicago, 1996.
- 41 N. Trubeckoj, *Evropa i covecanstvo*, Logos, Beograd, 2004.

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