

## CRITICAL COMMENTS

# Listening to the avant-garde

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In her book *Global Justice and Avant-Garde Political Agency*, Lea Ypi revisits the debate over the scope of justice between cosmopolitans and statist, which has been constitutive of the field of international normative theory. Against statist, Ypi defends the global scope of egalitarian principles of justice, deriving them from a causally fundamental relationship between relative and absolute deprivation. Against cosmopolitans, she demonstrates that associative political relations play an essential role in implementing egalitarian principles of global justice and that condemnations of the state by cosmopolitans are both unnecessary and ill-advised. Advocating what she calls ‘statist cosmopolitanism,’ whereby domestic ‘avant-garde’ agents intervene politically so as to constrain and motivate fellow-citizens to support cosmopolitan transformations, the book offers a dialectical account of political theory in an activist mode.

Ypi’s ‘activist political theory’ is concerned not only with criticizing or interpreting the world, but also with changing and improving it: in other words, it is concerned with articulating both principles of justice as well as the conditions under which the agency required to realize them might be motivated. Yet, throughout, she is also keen to distinguish the enterprises of ideal and non-ideal theory, situating her discussion of principles firmly within the former, and her discussion of agency within the latter. Ypi argues that this prevents her from sacrificing moral ambition to considerations of feasibility—as statist are frequently accused of doing—whilst nonetheless paying more attention to questions of motivation than is typical in the cosmopolitan literature.

### STATIST COSMOPOLITANISM: WHAT IS NEW ABOUT THIS?

In Part II of her book, Ypi is particularly concerned with clearing up what she sees as confusion between ideal and non-ideal theory in recent debates about global justice. Specifically, she argues that when thinking about agency, both statist and

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cosmopolitans have tended to ‘discuss the moral relevance or irrelevance of states from an ideal perspective, instead of considering how existing political agents might act to render politically effective and motivationally sustainable first-order normative principles. On principles, they are non-ideal and condemn the facts of global poverty as self-evident distributive wrongs, rather than placing their analysis in an appropriately fundamental theoretical framework.’<sup>1</sup> In other words, they have tended to discuss considerations of agency in the register of ideal theory, and considerations of principle in the register of non-ideal theory. Ypi recommends that we do exactly the opposite.

Yet cosmopolitans can be read more charitably than Ypi does, so that the gulf between her and them is not as wide as she appears to suggest. Ypi argues that while statist accounts focus on the relevance of states as a matter of ideal construction, cosmopolitan responses have cultivated a ‘simplistic and uncompromising emphasis’ on the ‘morally arbitrary’ nature of the state and have failed to specify the theoretical level at which political membership becomes particularly relevant.<sup>2</sup> Against this, I suggest that we can read cosmopolitans such as Thomas Pogge, Charles Beitz, Martha Nussbaum, and Henry Shue, among others, as insisting on the morally arbitrary nature of the state *at the level of principles, but not at the level of agency*. Beitz and Pogge, in particular, by declaring nationality to be a morally arbitrary characteristic in their modified global original position, are not offering an account of agency at all, but rather (like John Rawls) an account of the process by which one might derive principles of justice that command the hypothetical consent of all who would be governed by them.<sup>3</sup> Their enterprise is entirely one of ideal theory, focused on the articulation of principles of justice rather than on providing an account of the conditions under which they might be realizable.

When it comes to agency, these authors have not declared the state to be morally arbitrary at all. All four have made much of a distinction between what they call ‘moral cosmopolitanism’ and ‘institutional cosmopolitanism,’ representing distinct theoretical enterprises. As Beitz explains it, while institutional cosmopolitanism is concerned with the way political institutions ought to be designed so as to give effect to cosmopolitan precepts, moral cosmopolitanism is concerned not with the institutions themselves, but with the principles on the basis of which institutions, practices or courses of action should be justified or criticized.<sup>4</sup> Institutional cosmopolitanism could conceivably take a variety of forms from some notion of ‘world government’ at one extreme to looser networks of regional arrangements at the other. Crucially, in Beitz’s understanding, while institutional cosmopolitanism presupposes moral cosmopolitanism, the reverse is not true. Moral cosmopolitanism is conceivable and practicable (even if difficult) within the existing institutional framework. By way of example, he notes that human rights doctrine, a paradigmatic instantiation of moral cosmopolitanism, ‘does not rule out the possibility—indeed, it trades on the hope—that its institutional requirements can be satisfied within a political structure containing nation-states more or less as we know them today.’<sup>5</sup> Such a position seems to me to be cosmopolitan at the level of principles, but statist at the level of agency in exactly the way that Ypi is arguing for.

While expressing varying degrees of interest in questions of institutional cosmopolitanism, all four cosmopolitan authors named above are hostile to an institutional cosmopolitanism that takes the form of a world state. Indeed their criticisms of this hypothetical institutional arrangement reveal them to be exponents of the very ‘statist cosmopolitanism’ that Ypi endorses. In part, their hostility to world statehood echoes Immanuel Kant’s warning against an institution fraught with the possibility of global tyranny from which there would be no escape.<sup>6</sup> Thus, Shue suggests that ‘rather than global institutions, which may be dangerous and are in any case most unlikely, we [should] pursue minimal global standards for national institutions.’<sup>7</sup> The disavowal of world statehood might also emanate from a sense that only the nation-state offers the institutional agency and prospect of accountability necessary to guarantee universal entitlements. Nussbaum, notwithstanding her well-known antipathy towards nationalism,<sup>8</sup> offers a defence of the nation-state in later work on global justice, citing it as ‘the largest and most foundational unit that still has any chance of being decently accountable to the people who live there.’<sup>9</sup> Finally, the disinclination to think about world government might also stem from a desire to insist on the possibilities for the realization of the promise of moral cosmopolitanism in the here and now—in a fit of Gramscian ‘optimism of the will’ perhaps—rather than deferring such realization to an uncertain and remote future in which a world state has been ushered into being. By emphasizing the inescapability of states in the implementation of the moral cosmopolitan principles that ideal theorizing has generated, these cosmopolitan theorists bring us to a destination that looks very much like the ‘statist cosmopolitanism’ that Ypi endorses more explicitly and self-consciously.

How should the ‘statism’ in Ypi’s ‘statist cosmopolitanism’ be understood? Ypi seems to place her defence of statism on the level of a non-ideal account of agency that seeks to pay attention to considerations of motivation and feasibility. This suggests that ‘statist cosmopolitanism’ should be seen as a normative point of *departure*—the place from which to commence moral action since this reflects the model of associative relations that is most consequential in the current historical conjuncture—rather than a dialectical *resolution*, for all time, of the tension between statism and cosmopolitanism. Indeed, if I have understood the open-endedness of the argument correctly, it is entirely possible that agents in the ‘cosmopolitan avant-garde’ (about which more in the following section) will push for conceptions of global justice that depart from statism in the direction of institutional cosmopolitanism. Ypi would do well to clarify whether she regards the statism in her statist cosmopolitanism as an end-state, obviating the need for institutional redesign, or as a point of departure that does not necessarily preclude such possibilities.<sup>10</sup>

### **ON AGENCY: WHO ARE COSMOPOLITAN AVANT-GARDES AND WHAT MIGHT THEY DO FOR A THEORY OF GLOBAL JUSTICE?**

Ypi’s emphasis on the role of ‘avant-garde’ agents in advancing proposals for global justice is one of the most innovative and exciting dimensions of her book because

of the manner in which it seeks to connect the enterprise of normative theory with political activism. While I am very sympathetic to the notion of working with avant-garde voices, the comments that follow try to highlight some of the challenges of doing so within the framework that Ypi provides.

Ypi analogizes her ‘cosmopolitan avant-gardes’ to modernist artistic avant-gardes rather than political vanguards, although Vladimir Lenin makes a brief appearance towards the end of the book.<sup>11</sup> This invites us to pose the question of whether political avant-gardes can be understood as functioning in the same way as artistic avant-gardes, recognizing of course that there is frequently a significant overlap between the two. In her ground-breaking article ‘Can the Subaltern Speak?’, the postcolonial theorist Gayatri Chakravorty Spivak draws attention to a distinction between the aesthetic and the political that alerts us to the different interests at stake in the endeavours of artistic and political avant-gardes. Spivak points to two distinct meanings of representation—representation as ‘speaking for,’ as in politics, and representation as ‘re-presentation,’ as in art and philosophy. She derives this distinction from Marx’s *Eighteenth Brumaire*, a text that distinguishes these connotations by using distinct German words—*vertreten* for political, and *darstellen* for aesthetic, representation. Crucially, she warns of the dangers of conflation of these distinct notions of representation in intellectual and political endeavours that profess an emancipatory agenda: the aesthetic re-presentation of subaltern groups as coherent subjects (what artistic avant-gardes do) can often be taken as a straightforward representation of the political interests of subalterns. When re-presentation comes to be taken as representation, the voices of the subalterns putatively being represented, are effaced by the avant-garde that is seen to represent them.<sup>12</sup> At stake in this discussion of representation is the fundamental question of *whom* avant-gardes can legitimately claim to speak for. For inherent in the very meaning of the term is the suggestion that avant-gardes are in advance of—and therefore, in some crucial sense, detached from—the constituencies in whose name they might speak (the ‘subaltern’ in Spivak’s argument). This raises serious questions about the democratic credentials of a theory that seeks to pay attention to avant-garde voices.

I have been discussing the general connotations of the term ‘avant-garde’ and the implications for representation that follow from this, but let us now turn to the meaning that Ypi assigns the term. In introducing the notion of avant-garde agents, Ypi describes them as ‘agents whose position in society renders them particularly vulnerable to the effects of specific political and institutional conflicts and therefore particularly relevant in informing the theorist’s diagnostic enquiry.’<sup>13</sup> This emphasis on vulnerability introduces a different possibility. Rather than an advance guard that is in some sense detached from the vulnerable and thereby better positioned to champion its claims—which is what many historical artistic and political avant-gardes were—perhaps Ypi’s avant-gardes are closer to the Gramscian notion of organic intellectuals, theorizing *from* the social location on behalf of which they claim to speak.

What role do these vulnerable avant-garde agents play in Ypi’s argument? At what stage in the realization of global justice are they involved? What is the appropriate level of analysis—ideal or non-ideal theory—for their participation in the realization

of global justice? Ypi's answer here is clear: 'once an attempt to develop a fundamentally appropriate normative interpretation of the function and purpose of political institutions has been made, avant-garde agents join the theorists' activist effort to render normative views politically effective and motivationally sustainable.'<sup>14</sup>

Ypi's description suggests a view of avant-garde agents as themselves vulnerable to global injustice and, perhaps, mobilizing against such injustice in ways that might not only alert normative theorists to the existence of injustice but also to conceptions of justice that such agents might seek to give effect to, thereby playing a role in the diagnostic and innovative tasks inherent in all normative theorizing. This, however, immediately poses the question of *which* agents of contestation are most relevant in articulating and advancing Ypi's preferred egalitarian conception of global justice. The theorist has to ascertain to what extent the concerns of potential avant-garde agents have progressive potential.<sup>15</sup> Merely listening out for *claims* of vulnerability will not suffice to make this judgment. To offer an example from contemporary US politics, the Occupy and Tea Party movements might be seen as avant-garde agents, both claiming to be vulnerable to the effects of the ongoing economic recession and offering radically contrasting proposals for alleviating this vulnerability. In deciding which of these sets of avant-garde proposals is more likely to advance a global justice agenda, the theorist will presumably have to judge these claims against some normative standard external to the discourse of those claiming to be vulnerable. Indeed this is what Ypi seems to imply when she says that 'the critical observational stage of the process [in which avant-garde agents are identified] is followed by a more constructive one, in which theorists have to make decisions about which claims and discourses are more likely to contribute to political emancipation, and therefore should be supported, and which ones represent mere defences of the status quo.'<sup>16</sup> Presumably, the theorist makes these decisions with reference to the principles of global justice that have been articulated on the level of ideal theory. She would then have to ask how far the politics of different avant-garde groups approximates and advances those principles.

This account of the role of avant-garde agents in realizing cosmopolitan justice seems to suggest a two-step process in which avant-garde agents are left out of the ideal theory stage of the argument—the stage at which principles are articulated—and are conscripted at the subsequent non-ideal stage of implementation as foot soldiers in the normative theorist's project. If this is correct, there seems to be a rather hierarchical division of labour at work here. Rather than conceptualizing principles of global justice in conversation or collaboration with avant-garde agents, they seem to play little role in the 'thinking' (or what Ypi calls the innovating) stage of normative theorizing and much more in the 'doing.' Or to use the language of Ypi's overarching framework, avant-garde agents seem less relevant to conceptualizing principles of egalitarian justice and more relevant to the construction of forms of political agency that could help to give effect to those principles.

I have argued elsewhere that liberal cosmopolitans have seldom recognized the degree to which the participation of the worst-off in the process of conceptualizing

ideal principles of global justice is mandated by the terms of their own methodologies.<sup>17</sup> Specifically, I have suggested that the Rawlsian social contract could be considered fair only if it assumed, not only that participants in the original position had divested themselves of morally arbitrary knowledge of *themselves*, but also that they had acquired a tremendous amount of knowledge of worst-off *others* and were able to imagine, further, what it might be rational to desire if they were ever to occupy the life-stations of those others. Only if the parties to the original position are able to imagine what life might be like for the vulnerable, to consider the possibility that they might themselves occupy positions of vulnerability, and to reflect on what entitlements should be universally guaranteed so as to reasonably enable the alleviation of vulnerability, can the choosing procedure yield principles of justice for society as a whole. As should be clear from the earlier discussion of representation, such gestures of moral imagination and empathy by those not themselves in positions of vulnerability—well intentioned or not—are fraught with the possibility of effacing the voices of the worst-off. If normative theorists are to avoid such imperialist ventriloquism, there is no substitute for involving the worst-off in the articulation of principles of justice at the level of ideal theory.

My disagreement with Ypi, then, rests on the exact nature of the involvement of vulnerable avant-garde agents in the realization of global justice. Ypi seems to want to confine this involvement to the level of non-ideal theory, viewing it purely as a matter of agency and of infusing ideal theory with political effectiveness. I wish to involve such agents at the level of ideal theory in the very articulation of principles of global justice. Yet it may be that my own position cannot avoid the elitism that I seem to be accusing Ypi of: for, as I have suggested above, the identification of those who are vulnerable cannot be made purely with reference to the discourse of those claiming vulnerability without reference to normative standards that are external and, in some sense, prior to that discourse. Whatever disagreements readers might have with it, Ypi's work has the effect of reminding us about the seemingly inescapable tension between solidarity and critical distance that any political theory that aspires to be activist will need to confront.

## NOTES

1. Lea Ypi, *Global Justice & Avant-Garde Political Agency* (Oxford: Oxford University Press, 2012), 71.
2. *Ibid.*, 76.
3. Charles R. Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1999); Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989).
4. Charles Beitz, 'Cosmopolitan Liberalism and the States System', in *Political Restructuring in Europe: Ethical Perspectives*, ed. Chris Brown (London: Routledge, 2002), 124.
5. *Ibid.*, 127; and Charles R. Beitz, *The Idea of Human Rights* (Oxford: Oxford University Press, 2009), 124.
6. Immanuel Kant, *Perpetual Peace: A Philosophical Sketch* (Cambridge: Cambridge University Press, 1991), 113.

7. Henry Shue, *Basic Rights: Subsistence, Affluence, and US Foreign Policy* (Princeton: Princeton University Press, 1996), 175; Kwame A. Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York: W. W. Norton, 2006), 163.
8. Martha C. Nussbaum, 'Patriotism and Cosmopolitanism', in *For Love of Country: Debating the Limits of Patriotism*, ed. Joshua Cohen (Boston: Beacon, 1996), 3–20.
9. Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge: Harvard University Press, 2006), 257.
10. Ypi, *Global Justice*, 148, appears to suggest the latter reading: 'Far from excluding the possibility that states evolve, enlarge, or even fundamentally transform their character (including in a cosmopolitan sense), it is important to emphasize that such changes would still have to occur from within a set of common practices referring to historical institutions, legal texts, and a public political culture that members regard as meaningful and worthy of preservation.'
11. *Ibid.*, 160.
12. Gayatri C. Spivak, 'Can the Subaltern Speak?' in *Marxism and the Interpretation of Culture*, eds. Cary Nelson and Lawrence Grossberg (Basingstoke: Macmillan, 1988), 271–313.
13. Ypi, *Global Justice*, 5.
14. *Ibid.*
15. *Ibid.*, 62.
16. *Ibid.*, 65.
17. Rahul Rao, 'Disciplining Cosmopolitanism.' *Transnational Legal Theory* 1, no. 3 (2010): 395–8.