

Institutional cosmopolitanism and cosmopolitanism of responsibility: spaces for human rights and duties¹

Cosmopolitismo institucional y cosmopolitismo de la responsabilidad: espacios para derechos humanos y deberes

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Abstract

The text provides two proposals: institutional cosmopolitanism and the cosmopolitanism of responsibility. The former, as the term suggests, relies on legal and political institutions to be maintained, but these institutions need to be restructured to meet the new demands of contemporary society. The cosmopolitanism of responsibility highlights the importance of effectively building duties and spaces for accountability for all national and international actors. As a result, proposals such as due diligence in the context of climate disasters or even structural violations of human rights are envisioned. Furthermore, the concept of accountability aligns with scholars of decolonial theories, in which racial and religious conflicts pose

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significant challenges to critical cosmopolitanism. The central issue is to discover whether cosmopolitanism – united by neologisms that emerge to expand the linguistic field toward new concepts for new realities – can find alternatives to the lack of effectiveness of human rights and duties at the national and international levels. The method used was phenomenological hermeneutics because there is no interpretation without understanding.

Keywords: actors, institutional cosmopolitanism, cosmopolitanism of responsibility, duties, rights.

Resumen

El texto ofrece dos propuestas: el cosmopolitismo institucional y el cosmopolitismo de la responsabilidad. El primero, como sugiere el término, confía en el mantenimiento de las instituciones jurídicas y políticas, pero éstas deben reestructurarse para responder a las nuevas exigencias de la sociedad contemporánea. El cosmopolitismo de la responsabilidad subraya la importancia de construir efectivamente deberes y espacios de rendición de cuentas para todos los actores nacionales e internacionales. Como resultado, se vislumbran propuestas como la diligencia debida en el contexto de los desastres climáticos o incluso las violaciones estructurales de los derechos humanos. Además, el concepto de rendición de cuentas se alinea con los estudiosos de las teorías decoloniales, en las que los conflictos raciales y religiosos plantean importantes desafíos al cosmopolitismo crítico. La cuestión central es descubrir si el cosmopolitismo -unido por neologismos que surgen para expandir el campo lingüístico hacia nuevos conceptos para nuevas realidades- puede encontrar alternativas a la falta de efectividad de los derechos y deberes humanos a nivel nacional e internacional. El método utilizado fue la hermenéutica fenomenológica porque no hay interpretación sin comprensión.

Palabras-clave: actores, cosmopolitismo institucional, cosmopolitismo de la responsabilidad, deberes, derechos.

Introduction

Will we all be citizens of the world? This idea has a ubiquitous force among us. Perhaps unintentionally, as pointed out by Roubineau⁴, Diógenes inaugurated a long tradition that continues to this day. His obsession is well-known: he lived in a barrel and wandered the streets accompanied by dogs because he denied

⁴ Jean-Manuel, Roubineau, *Diogène*, Paris, Puf, 2020.

any connection to the polis, as he considered himself a citizen of the world. The purest heir of Diogenes as a cosmopolitan disregards the “Leviathan”, and rejects the passions that would lead him to power and all sorts of fanaticism. By nature, as Remaud⁵ refers, the cosmopolitan is resistant to authorities and status.

The cynical philosophy of Diogenes, however, first formulated the cosmopolitan ideal and has influenced philosophical thought for centuries to this day. By declaring himself a citizen of the Cosmos – the *kosmopolitês* –, Diogenes rejected any form of institution. The proposal for the development of the foundations of institutional cosmopolitanism in the current century is, from this perspective, the antithesis of Diogenes. However, it aligns with him in the understanding that we all belong to the cosmos.

We are living in an era of a double “de”, expressing the binary nature of the global world. On the one hand, there are delocalizations; on the other, detemporalizations. Through the former, we can understand the phenomenon of the extensive movement of actors, factors, and processes that occupy the world’s geography, sometimes free from borders and other times constrained by them. Through the latter, we can comprehend a set of phenomena, with the most significant expression being real-time communications, regardless of space, so that the proximity promoted by their immediacy dissolves spatial distance.

This dual nature of the world we live in allows for the experience of shared existences, intensified vulnerabilities, and potential risks. A vigilant jurist, concerned about this landscape of so many transformations, questions the role of the law and whether another duality composed of national law and international law could provide the answers we seek to reduce the chaos and disorder that surround the geopolitical landscape of this “spaceship called Earth”, as mentioned in Dimarch’s⁶ metaphor. Alternatively, we contemplate if cosmopolitanism could offer an alternative solution to the shortcomings of the national and the international. This is the issue we aimed to address with the present research. To achieve this goal, the “method” employed was phenomenological hermeneutics. It guided the dialogue we conducted with the bibliographic sources used. We relied on a set of authors from the fields of political science, law, philosophy, international relations, and sociology whose works focus on the themes of global justice and cosmopolitanism.

The path taken to discover institutional cosmopolitanism⁷ and propose it as one of the possible alternatives to address global risks is double-sided.

⁵ Olivier Remaud, *Um monde étrange. Pour une autre approche du cosmopolitisme*, Paris, PUF, 2015.

⁶ Bruno F. Dimarch, *Nave mãe*. Available at: https://www.fronteiras.com/ativemanager/uploads/arquivos/agenda_conferencias/f5be46f556af9ffd06daeee86e247ffc.pdf. Accessed on: May 26, 2020.

⁷ Regarding the historical development of cosmopolitanism and constitutionalism, which are movements linked to the defense of human rights from a classical perspective, we suggest the doctoral thesis of the second author. Valéria Ribas do Nascimento, *O tempo das reconfigurações do constitucionalismo. Os desafios para uma cultura cosmopolita*, São Paulo, LTr, 2011.

First, we justify the framework of this cosmopolitanism (Part 1). Second, we justify the foundations to build it (Part 2).

Contemporary discussions on cosmopolitanism focus on two main paths of evolution. The first concerns institutional cosmopolitanism (Part 1). The second concerns cosmopolitanism of responsibility (Part 2).

1. Justifications for the “framework” of institutional cosmopolitanism

Of all the multiple theoretical constructions related to cosmopolitanism, it is possible to assert that this, institutional cosmopolitanism, may be the one that we not only need to theorize but, above all, put into practice. The first theoretical effort is to place cosmopolitanism in the legal-political realm, to move it away from the field of morality. The wars and conflicts of the early third decade of the current century, as well as the climate, migration, and health emergencies – phenomena inscribed in the so-called Anthropocene Epoch –, highlight the sharing of common risks and a common destiny that compel us to find common alternatives, regardless of our geographical situations and ties to state sovereignty. After all, at the end of the 18th century, Kant had already warned that cosmopolitanism would not be philanthropy, but a right. For these reasons, it is urgent to move beyond the levels of understanding that only abstractly characterize cosmopolitanism and to perceive it within the context of real life (1.1). Achieving this goal presupposes grounding it (1.2).

1.2. Grounded institutional cosmopolitanism⁸

We intend to establish the foundations for institutional cosmopolitanism based on three dimensions of analysis. The first one we call symbolic due to the strength of tradition that associates sovereignty with the solitary power of the Nation-State. To break free from this force, more symbolic than real, we propose the model of shared sovereignty (1.2.1). The second one is a causal reason oriented toward the common risks and destinies of humanity (1.2.2). Finally, the third one is a geometric and temporal reason, because not only has space been shortened, but time has been detached from its temporal nature due to the autonomy of technology in relation to human issues (1.2.3).

⁸ Consider the propositions of Louis Lourme, from which we draw inspiration. LOURME, Louis. Pourquoi le cosmopolitisme institutionnel? In : Alain.(Dir.) Policar, *Le cosmopolitisme sauvera-t-il la démocratie ?* Paris, Classiques Garnier, 2020, p. 93-108.

1.2.1. Symbolic reason: transition from solitary sovereignty to shared sovereignty⁹

Time, as Elias mentioned¹⁰, is a social institution before it is a physical phenomenon, through which we feel we age; and a psychological experience, through which we can gain a deeper understanding of existence. If time is a social construct, it is, therefore, a “matter of power, an ethical demand, and a legal object”, as emphasized by Ost¹¹. These meanings help us understand that human-created institutions either completely cease to exist to make way for others or transform, acquiring new attributes and reasons for existence. They follow human demands, the rhythms of political and economic times, and the urgency of disasters and catastrophes. According to Rosa¹², they suffer the impact of the social acceleration in the world, which arises from a triple motivation, namely, technical acceleration, acceleration of social changes, and acceleration of the pace of life. Hence, it is not only the classic view of the State that has been handed down to us, but the State itself as a human-created institution is less affected by the passing of time and more influenced by time as a social institution.

The autonomy regarding what happens within its territory, decisions related to its foreign policy, and the degree of respect for rights whose protection is no longer solely an internal requirement, but expresses global protective claims, are some indicators that domestic decisions, within the realms of administration, justice, and parliaments, may not be shielded by the cloak of sovereignty that is no longer, as once thought, absolute and impervious. The extraordinary growth in communications, human mobility, and trade and services flows has been accompanied by the formation of networks of interdependence that connect people, consolidating humanity, global public goods, and future generations as new legal categories, and making public and private institutions, including States, permeable to the effects and demands of the interconnected globalized world.

This not entirely unprecedented experience in the course of human history, however, acquires a peculiar status compared to the past because it is the first time that the sophisticated techniques of communication and transportation have the power, as mentioned earlier, to cause detemporalization and despatialization. Therefore, if we are enjoying the pleasures of a “borderless” virtual world, we are all subject to the risks we produce, which invariably take on the form of

⁹ Mireille Demas-Marty, *Aux quatre vents du monde. Petit guide de navigation sur l’océan de la mondialisation*, Paris, Seuil, 2016, p. 136.

¹⁰ Norbert Elias, *Du temps*, Paris, Fayard, 1996.

¹¹ François Ost, *O tempo do direito*, Lisboa, Instituto Piaget, 1999.

¹² Artmut Rosa, *Aliénation et accélération. Vers une théorie critique de la modernité tardive*, Paris, La Découverte, 2012.

common risks. Avoiding them and mitigating their effects will no longer be the work of an isolated State acting from its supposed solitary sovereignty. The redefinition of this atomized model of sovereignty is, therefore, a requirement stemming from the issues arising from global interdependencies, especially between humans and the non-human living world¹³.

Delmas-Marty's keen insight¹⁴ leads us to understand that we are living in the era of "unreciprocated duties". This attribution arises from the shift from the national community to the global community; in other words, from a community built on the memory of the past to another, a community of destiny, built on the future. Thus, the common destiny of humanity, on the one hand, and common risks, on the other, reveal the fallacy of the idea of a single trajectory of evolution, because local contexts vary greatly among themselves. They also demonstrate that both national communities and the international community share common objectives, such as climate-related issues, as demonstrated by the 2015 Paris Agreement, and health-related issues, as shown by the International Health Regulations of the WHO¹⁵, which guided States to adopt similar protocols to address the global COVID-19 pandemic in 2020. It is undeniable, therefore, that instead of losing their sovereignty, States are experiencing a transformation into shared sovereignty. In this sense, this first reason works in favor of the creation of institutional cosmopolitanism.

1.2.2. Causal reason: Common risks of globalization and the common destiny of humanity

Associated with the dynamics of global processes that transcend borders is the emergence of global risks, the causes of which are multiple, such as terrorism, health, ecological, economic, military, and nuclear crises, among others. As emphasized by Beck¹⁶, it is truly remarkable how these risks have significant political strength, producing as their main consequence an "equalizing" effect, thereby making a clean slate of class societies, and transforming them all into risk societies. With this, Beck intended to raise awareness of the fact that risks are inherent to the phenomenon of globalization. Indeed, it is especially due to the industrial production model and the unequal production and distribution of wealth in the world, in which large corporations assume centrality in the form of production chains spread across the planet, that the production of risks is particularly visible.

¹³ See: Isabelle Stengers, *Au temps des catastrophes. Résister à la barbarie qui vient*. Paris, La Découverte, 2013.

¹⁴ Mireille Delmas Marty, *Les forces imaginantes du droit (IV). Vers une communauté de valeurs?* Paris, Seuil, 2011.

¹⁵ Regarding this, we allow ourselves to reference our work. Jânia Maria Lopes Saldanha; Lucas P. Oliveira de, *O "mundo gripado" da COVID-19. Da globalização do medo ao cosmopolitismo de interação*, In press.

¹⁶ Ulrich Beck, *La sociedad del riesgo. Hacia una nueva modernidade*, Barcelona, Paidós, 2006.

Thus, the “boomerang effect” mentioned by Beck¹⁷, in the era of the most extensive pandemic on record, demonstrates that risks, sooner or later, affect everyone and, ironically, even those who produce them and, in general, benefit from them. This grim reality compels us to build global legal and political responses. So, surely, this is a cosmopolitan concern insofar as the individuals of the planet, as a whole, being potential victims of common global risks, become the central actors in decision-making concerning the phenomena to which they are exposed. Therefore, this participation arises from the fact that cosmopolitanism, since Kant (2008), emerges to regulate relations between individuals and States, and no longer to regulate relations between States themselves or between the relations of individuals within States.

It is necessary to recognize, of course, that numerous international institutions and States exist precisely to manage and respond to global risks. However, given their visible limitations, such as the still classical exclusion of individuals from global decision-making spaces, the alternative of institutional cosmopolitanism is clearly complementary. This idea is reinforced by the profound transformation of Kant’s cosmopolitan *telos* centered on peace into the *telos* of justice. For this reason, it is urgent to revisit the “cosmopolitanism of conviction” of the late 18th century, as referenced by Dupuy¹⁸. Portrayed in Kant’s voluntary hospitality and associated with the idea that the foreigner cannot be treated as an enemy; they must transition to that of cosmopolitan obligation, which will occur through the law.

1.2.3. Geometric and temporal reason: sphericity of the Earth and human finitude

In his seminal work “Perpetual Peace” of 1795, Kant¹⁹ shed light on the cosmopolitical destiny of law by recognizing the spherical nature of all relationships: if the earth is geometrically round, the space we inhabit is limited; therefore, we are all destined to meet, experience the same destiny, and endure common risks. It is in this perception that we can find the justification for understanding the maxim that violence committed against someone is felt by everyone, anywhere on the planet.

On the other hand, this insurmountable geometric reality is replicated by the weight of technological evolution, as communications and information enable us to know in real time what is happening in distant places on the planet.

¹⁷ Ulrich Beck, *La sociedad del riesgo. Hacia una nueva modernidad*, Barcelona, Paidós, 2006.

¹⁸ Pierre-Marie Dupuy, *Entre le retour à Kant et son dépassement*, In: Olivier de Frouville, *Cosmopolitisme juridique*, Paris, Pedone, 2015, p.436-438.

¹⁹ Immanuel Kant, *À Paz Perpétua*. Translation: Artur Morão. Coleção Textos Clássicos de Filosofia. Universidade da Beira do Interior, Covilhã, 2008. Available at : http://www.lusosofia.net/textos/kant_immanuel_paz_perpetua.pdf. Accessed on 5/25/2020.

For this reason, what was previously inaccessible before the global networks of communication and information technologies can no longer be ignored today. However, this great ease does not mean that individuals will engage in making things change, even though their knowledge of them is undeniable. In other words, greater awareness of suffering and vulnerability²⁰ is not a *sine qua non* condition for recognition and inclusion levels to increase.

It is about understanding that the seduction produced by the ease of technological advances shows to what extent technology has become autonomous and determinant in relation to urgent human issues. As masterfully foreseen by Ellul²¹, if we observe the intense interdependence of all countries in the world, for better or worse, it is necessary not to forget that there is a “mandatory mechanical solidarity” here that stems from the “universalization of technology”. And it is precisely this phenomenon and the consistency of the technical system that produces this interdependence, in which every event has repercussions everywhere. Ellul warned that this universality of the technical system, the widespread dissemination of its identity, and the reproduction of the conditions of its existence, does not imply the unification of the world. Nor would it, for us, imply the unification of the world in which we would fully embrace the moral commitment to global solidarity. Frequently, the opposite occurs. The refusal of States and individuals to receive migrants and refugees, based on various types of fear, and the perpetuation of various forms of structural racism and gender and ethnic discrimination practiced by State agents or by private individuals, with their complicity and encouragement, are relevant and always shocking demonstrations that the walls have only changed their performance and location.

The process of universalizing technology has not necessarily contributed to the construction of a solidarity society. This is because technology itself, understood as rationalization, can be an instrument that operationalizes situations of domination, as indicated by both Marcuse²² and Habermas²³. In this sense, we must also recall Horkheimer²⁴, who had already denounced that, in the context of the industrial society, reason and language had been reduced to the level of the industrial process: “The more ideas become automatic and instrumentalized, the less someone sees in them thoughts with their

²⁰ We allow ourselves to quote our text: Jânia Saldanha, Clara Bohrz. “A vulnerabilidade nas decisões da Corte Interamericana de Direitos Humanos (Corte IDH): impacto nas políticas públicas e no modelo econômico dos Estados”. Available at: <https://revistas-colaboracion.juridicas.unam.mx/index.php/anuario-derecho-constitucional/article/view/33922>

²¹ Jacques Ellul, *Le système technicien*, Paris, Cherche Midi, 2012.

²² Herbert Marcuse, *El hombre unidimensional: ensayo sobre la ideología de la sociedade industrial avanzada*, Barcelona, Planeta-De Agostini, 1993.

²³ Jürgen Habermas, *Técnica e ciência como “ideologia”*. Translation, Felipe Gonçalves Silva, São Paulo, Unesp, 2014.

²⁴ Max Horkheimer, *Eclipse da razão*, Translation: Sebastião Uchoa Leite, São Paulo, Centauro, 2002.

own meaning". From automated reason and communication, we harvest the indifference inherent to solutions devised on an industrial scale. In contrast, the framework of institutional cosmopolitanism is artisanal and attentive to the subjectivities that the dissemination of globalized technology ignores.

How to face the reality that this "Spaceship called Earth" is limited, and the existence of the beings who inhabit it is finite? Indeed, this is not a minor issue. It makes us realize the conditions in which our legal and political actions can be conceived. Hence, it makes us think about justifications to build the foundations of institutional cosmopolitanism.

The first foundation to consider is cosmopolitan democracy and global institutions. As mentioned earlier, the necessary transformation for the advancement of institutional cosmopolitanism is related to the definitive overcoming of the paradigm that placed the State as the sole legitimate decision-maker. The notion of sovereignty that supports this model of the State cannot withstand the demand for cooperation. The set of international institutions with the competence to decide on matters concurrent with the States has increased the impact of the principle of subsidiarity.

The model of circles of solidarity developed by Supiot²⁵ helps us understand that new forms of solidarity and scales should consider those who are closer to the spheres of decision-making, that is, those in local and national contexts. In this sense, we can consider the local experiences adopted by municipal authorities in many Brazilian cities during the COVID-19 pandemic crisis, which determined social distancing, imposed measures to prevent the virus' spread, and prepared health agents and structures to face the pandemic. Surely, the adoption of these measures in regions of the vast border of the country with neighboring nations concerns local populations but also pertains to common interests beyond Brazil's borders. However, on the one hand, the weaknesses invariably faced by local authorities, caused by the imbalance in the distribution of wealth, and on the other, the vulnerabilities experienced by national authorities, due to the demands of the neoliberal economic agenda that imposes the adoption of structural adjustment plans in line with economic and financial globalization, as Delmas-Marty²⁶ reminds us, place the scale of global solidarity within the regime of urgency.

What is meant is that these measures outline that the exercise of sovereignty no longer determines solely local or national interests; beyond geographical borders, sovereignty consists of recognizing interests that are also shared by others. In this cosmopolitan model, sovereignty is expressed and exposes the insufficiency of methodological nationalism. The existence of

²⁵ Alain Supiot, *L'esprit de Philadelphie. La justice sociale face au marché total*, Paris, Seuil, 2010.

²⁶ Mireille Delmas-Marty, *Les forces imaginantes du droit (IV). Vers une communauté de valeurs?* Paris, Seuil, 2011.

various decision-making levels practiced demonstrates that there are degrees of sovereignty, contrasting with the persistent notion that places the monopoly of decisions on topics that do not exclusively fall within its jurisdiction in the hands of the State.

The second transformation is related to the main effect of the principle of subsidiarity, which is to conform to various levels of decision-making concerning common issues of humanity related to the protection of human rights. Decision-making scales involve five levels, starting from the local, then national, regional, supranational, and international. Faced with this existing structure, the major challenge for cosmopolitan theorists is to maintain democratic standards at each of these levels and strengthen spheres other than the State.

Therefore, the democratization of all decision-making levels in the global context is the third transformation sought by institutional cosmopolitanism theorists. There is still a significant deficit in all decision-making bodies, commonly referred to as governance spheres. Particularly concerning cosmopolitan issues that affect all inhabitants of the planet, democratizing decision-making is the minimum requirement to address the challenges imposed by global hegemonic powers. This presupposes improving the levels of democracy within the functioning of international institutional structures. Advancing in this non-negligible perspective means establishing a genuinely cosmopolitan sphere that has concrete conditions for engaging in dialogue with the other spheres of public action that make up the framework of global governance.

This project aims to enable, for the first time, a real political participation of global citizenship. In a world that is interconnected and multipolar, where we share common experiences, claim equal rights, have awareness of what we do not want individually and collectively, and are exposed to the same dangers and risks, such an endeavor is essential. And if at the core of this movement, it is possible to identify the common goal of preventing injustices and exclusions, we can assert the valid normative principle for all of participatory parity proposed by Nancy Fraser²⁷. Now, if institutional cosmopolitanism aligns with demands for global justice, participatory parity can translate into a vision of justice that allows for the removal of institutionalized barriers that prevent, as Fraser²⁸ puts it, “certain people from participating on the same level as others, as full partners...”. Thus, the weak or non-existent participation of the global civil

²⁷ Nancy Fraser, *Justiça anormal*. Revista da Faculdade de Direitos da Universidade de São Paulo, Vol. 108, p. 739 – 768. Jan/Dec 2013. Available at: https://www.revistas.usp.br/rfdusp/article/download/68001/pdf_26/, Accessed on 5/26/2020.

²⁸ Nancy Fraser, *Justiça anormal*, Revista da Faculdade de Direitos da Universidade de São Paulo, Vol. 108, p. 739 – 768. Jan/Dec 2013. Available at: https://www.revistas.usp.br/rfdusp/article/download/68001/pdf_26/. Accessed on 05/26/2020, p. 751-752.

society in the decision-making levels of global governance can be explained as a form of political injustice or misrepresentation, precisely because the rules previously established by the *stabliment* prevent people and groups from participating fully, denying them equal participation in public deliberations that concern them.

Institutional cosmopolitanism, as the expression suggests, requires legal and political institutions to exist. The 20th century was the era in which numerous international institutions emerged. Cosmopolitanism theorists believe that such institutions should be considered for the implementation of the institutional cosmopolitan model. Indeed, from a technical and structural perspective, it may not require a significant effort of imagination and originality to create new institutions. However, it is undeniable that those existing institutions need to be reformed so that they are no longer sacrificial, meaning their existence depends on the exclusion of many other actors of the global community from the negotiation tables.

Archibugi and Held²⁹ have dedicated themselves extensively to proposing paths for the practice of cosmopolitan democracy. According to both of them, international conventions that created numerous international organizations bind them to minimum democratic standards as their operation is guided by principles of international law. However, they highlight the absence of numerous features that are essential to democracy in the functioning of these institutions, such as the principle of equality among citizens. In truth, for them, the necessary reforms of institutions such as the UN, advocated by academic circles and in political debates, have so far remained mere inspirations. Furthermore, it is relevant to consider that one of the truly expected major transformations is for international organizations to abandon their subservient position to national governments and assume a condition of true independence, which could transform them into key institutions of cosmopolitan democracy.

Dedicated to the studies and proposals regarding institutional cosmopolitanism, Lourme³⁰ suggests that, first and foremost, the role of existing institutions should be strengthened, and secondly, these institutions should adhere to the democratic clause. Cosmopolitanism theorists insist that these global actors remain deeply undemocratic in a triple perspective: a) regarding decision-making mechanisms; b) in terms of participation processes; and c) in their modes of operation.

In a convergent effort, and as an exemplification of the institutional reorganization intended through cosmopolitan lenses, it is possible to

²⁹ Daniele Archibugi; David Held, *La démocratie cosmopolitique*, Acteurs et méthodes. *Cahiers philosophiques*, 2012/1 (No. 128), p. 9-29, Available at: <https://www.cairn.info/revue-cahiers-philosophiques-1-2012-1-page-9.htm>, Accessed on May 25, 2020.

³⁰ Louis Lourme. *Pourquoi le cosmopolitisme institutionnel? In: POLICAR, Alain (Dir.). Le cosmopolitisme sauvera-t-il la démocratie ?* Paris, Classiques Garnier, 2020.

highlight the work of Cavallaro and O'Connell (2020)³¹, who propose paradigmatic changes in the operation of the International Criminal Court (ICC) by emulating regional human rights systems. The authors identify that the ICC has not achieved significant results, despite its importance, especially due to its mode of operation. Instead of centralizing efforts on promoting processes for accountability and prevention of mass atrocities, they propose actions that promote dialogue among various stakeholders and contribute to the engagement of local and international communities during the preliminary investigation phase. This approach aims to ensure that if a judicial process is indeed necessary, it should occur within a broader context that allows for the sustainability of a more lasting and effective democratic legacy and human rights protection than what has typically been achieved through a mere pursuit of criminal accountability. Thus, interinstitutional dialogue, respecting the existence of States, while expanding the number of stakeholders, emerges as a viable and concrete alternative that the cosmopolitan proposal has to offer to current institutions. The significant role of the ICC in the institutional cosmopolitanism proposal reinforces the proposition of Archibugi and Held³² that global judicial authorities are important drivers of cosmopolitanism. In this regard, they emphasize that the emergence of a global system of criminal justice is a path to make States' disregard for cosmopolitan democracy have negative and costly repercussions for themselves.

Without excluding the need to reform existing international organizations, institutional cosmopolitanism encourages efforts to create new institutions, whose main characteristic is the inclusion of global citizenship. This is the essential difference compared to existing intergovernmental, interstate, and supranational institutions. Institutional cosmopolitanism should bring together, on a global and regional scale, intergovernmental institutions such as the UN, Mercosur, and the African Union, as well as supranational institutions like the European Union, along with cosmopolitan institutions based on the equality of citizens, reinstating these individuals from the status of citizens of a State to that of global citizens. It would be the case for a world parliamentary assembly, following the model of the European Parliament, as per the terms of Archibugi and Held³³, or a World Parliament, according to Falk³⁴. These models are

³¹ I thank my advisee Lucas P. O. de Oliveira for this reflection taken from the work James L. Cavallaro; Jamie O'Connell, When prosecution is not enough: how the international criminal court can prevent atrocity and advance accountability by emulating regional human rights institutions. *The Yale Journal of International Law*, Vol. 45. 2020.

³² Daniele Archibugi; David Held, *La démocratie cosmopolite. Acteurs et méthodes. Cahiers philosophiques*, No. 128, 2012.

³³ Daniele Archibugi; David Held, *La démocratie cosmopolite. Acteurs et méthodes. Cahiers philosophiques*, No. 128, 2012.

³⁴ Richard, Falk.; Andrew Strauss. *Toward global Parliament. Foreign Affairs*. Jan/Feb 2001.

considered the most effective in gathering people from around the world to deliberate and decide on their common issues and, as a result, their common destiny. It is also the case for democratic forums³⁵ leading to the creation of a World Court of Human Rights, as proposed by Callejon³⁶.

Perpetually absent from existing institutions and in a struggle to insert itself into the decision-making spaces of global governance, global civil society is the privileged and visible actor of institutional cosmopolitanism.

One of the objectives of legal cosmopolitanism is to establish global citizenship. Therefore, institutional cosmopolitanism must find justification in other actors of globalization beyond institutions. Through the participation of global civil society in the negotiation and decision-making tables of global institutions, the long-desired global citizenship would transition from theory to the real world.

One of the positive aspects of using information and communication technologies is the stimulation of interest groups' organization on a global scale. This significant possibility for organization is a strong justification for enabling participation in decisions on matters of common interest by global institutions. After all, the argument that dispersion across different locations and connections to different cultures would hinder the organization of individuals and groups across borders no longer holds. This increase in degrees of organization is reflected, for example, in the massive participation of NGOs in international forums and conferences.

On the other hand, the European Union provides a highly positive example of participatory democracy. The Treaty of Lisbon introduced the possibility for European citizens to participate in the drafting of legislative acts by submitting popular initiative proposals³⁷ to the European Commission. This reinforcement of participatory democracy in a new style, based on the format of European citizenship, has made it possible to create a space of civic autonomy among citizens from different Member States, as they are authorized to participate in the development of supranational laws in cooperation, particularly in matters that are common to them. This experience

p. 212-220. Available at: <https://courses.helsinki.fi/sites/default/files/course-material/4594677/Falk%26Strauss.pdf>. Accessed on 5/25/2020.

³⁵ Boaventura de Sousa Santos suggests that the World Social Forum, which originated in Porto Alegre, Brazil, is the most successful expression of counter-hegemonic globalization and subaltern cosmopolitanism. According to Boaventura's formula, this is manifested through initiatives that represent counter-hegemonic globalization. In: Boaventura de Sousa Santos; Maria Paula Meneses. *Epistemologias do sul*. São Paulo, Cortez, 2010, p. 51.

³⁶ Lucile Callejon, *Cour mondiale des droits de l'Homme, Cour constitutionnelle internationale. Analyse comparée de deux projets d'inspiration cosmopolitique*. In: Olivier de Frouville (Dir.). *Le cosmopolitisme juridique*, Paris, Pedone, 2015, p. 329-352.

³⁷ The rule came into effect in 2012, and a popular initiative project must gather the signatures of 1,000,000 individuals representing seven Member States. This provision is outlined in Article 8, B, 4, of the 2007 Treaty of Lisbon.

could serve as the seed for the participation of global civil society in broader political contexts. If this influence can produce concrete results, we may observe in this phenomenon the cosmopolitanization of supranational law.

The efforts of global civil society through various organizational forms to be part of global forums and summits related to important issues concerning the relationships of individuals with the States formulate legal demands independent of national affiliations. This can be described, as Foessel³⁸ argued, as a democracy without *Demos*, meaning there is something political that exists outside of the States or on their periphery, and calls upon individuals to declare themselves citizens of the world. Cosmopolitanism can, therefore, coordinate local struggles. For instance, the consequences of predatory and negligent actions by large corporations, which led to the tragedies of Mariana and Brumadinho, in Brazil, are not different from those of Bophal, in India, and Rana Plaza, in Bangladesh. These are local phenomena that express global issues, whose consequences Seyla Benhabib notably foresaw when she pointed to the incompleteness of the universalism of principles and placed the measure within the context of the facts to find responses committed to the specificities of each event or violation of rights.

Thus, the participation of global civil society, anchored in institutional cosmopolitanism, represents the genuine possibility of restraining the power of States and large corporations and achieving the famous statement by Hannah Arendt³⁹ regarding the “right to have rights”, which conveys the fundamental right to acquire legal capabilities. In this sense, the very concept of global citizenship, precisely because it does not derive from nature, is a legal demand that transcends borders, as already acknowledged by the European Union.

2. Cosmopolitan accountability and the role of duties: the foundation for the cosmopolitanism of responsibility

As stated, institutional cosmopolitanism presents itself as the most advanced expression of cosmopolitanism because it is not only open to transposing the known and experienced standards of democracy in the national spheres to the global sphere, but it also contributes to the development of a truly cosmopolitan perspective, distinct from national and international law.

Moreover, for better or for worse, numerous actors already participate on a global scale, such as governmental, intergovernmental, and non-governmental

³⁸ Michel Foessel, *Être citoyen du monde: horizon ou abîme du politique*, COLLÈGE DE FRANCE. La vie des idées.fr. Available at : <https://laviedesidees.fr/Etre-citoyen-du-monde-horizon-ou.html>. 6/18/2013. Accessed on 6/4/2020.

³⁹ Hannah Arendt, *Origens do totalitarismo. Antissemitismo, Imperialismo, Totalitarismo*, Translation: Roberto Raposo, São Paulo, Companhia das Letras, 1989.

organizations, and representatives of global civil society movements. Thus, in international summits and conferences, decisions are no longer concentrated solely on the traditional actors, meaning that only one category of actors can no longer decide for everyone.

Institutional cosmopolitanism is not proposed by its advocates as a proposal that would end in a world government or a global State. On the contrary, its goal is to organize and democratize the relations among various global actors, interaction processes, and factors driving globalization, without seeking hegemonic imposition. To achieve this objective, and in this regard, 21st-century cosmopolitanism is the antithesis of Diogenes, who, considering himself a citizen of the world, renounced the *polis* and its institutions.

It also notably updates Kantian hospitality by linking it with the concept of global citizenship. For this reason, it opens the way to create global conditions that are inclusive for individuals and groups placed on the margins of State protections, public and private international actors, such as migrants, refugees, and asylum seekers, but also to effectively ensure the global human rights protective standards are respected.

Due to the various crises faced by the Contemporary State and the emergence of the idea of economic globalization, it is necessary to consider human rights from a different perspective of space and time. According to Alfonso de Julios-Campuzano⁴⁰, there is an urgent need for a global understanding of human rights with planetary reach and their openness to the future through instruments guaranteeing these interests.

These are compelling reasons for cosmopolitanism to undergo an institutional translation. This translation should correspond to the increase in cosmopolitan responsibilities. These responsibilities should be imposed on both public and private actors. For both, respect for due diligence in their conduct is a categorical imperative. Due diligence is a possible path, as anticipated by us, to effectively reduce the architecture of impunity that benefits both States and private actors.

The consequence of this is that we must inscribe duties in place of rights or, at the very least, balance their positions in the world. Thus, it is possible to argue that institutional cosmopolitanism must seriously consider the need for the development of what we can understand as cosmopolitanism of responsibility. This adjectivalization stems from the fact that, as Beck says, there is a cosmopolitanization of rights. Therefore, it is urgent to seriously establish the cosmopolitanization of duties. Furthermore, in this regard, in Beck's⁴¹ latest book, in which he introduces the concept of the metamorphosis of the world as

⁴⁰ Alfonso de Julios-Campuzano, *La globalización ilustrada*. Ciudadanía, derechos humanos y constitucionalismo, Madrid, Dykinson, 2003.

⁴¹ Ulrick Bek, *A metamorfose do mundo: novos conceitos para uma nova realidade*, Translated by Maria Liza X. de A. Borges, Rio de Janeiro, Zahar, 2018.

a synthesis of progress and innovation, along with the distribution of ills, the German sociologist presents cosmopolitanism as an approach beyond national borders. It is no longer a world shaped by national States but by nations revolving around the world. For him, we have already moved beyond the period of idealizing globalization and entered a new historical phase, marked by a global realism to which we are all subject, regardless of our wills.

Furthermore, climate change is transforming the world's geography; it can lead to drought in one region and new vineyards in another. This process opens up a new field of unforeseen actions, what Beck⁴² calls “cosmopolitanized action spaces”, which are spaces of action not institutionalized within a national framework; open opportunities for action that are not subject to the logic of social reproduction, but the logic of metamorphosis. Here, one can also perceive the notion of accountability open to different global actors.

The dimension of the global crisis and the broad framework of rights violations in this Anthropocene Epoch require, perhaps more than ever, the creation of appropriate normative frameworks that impose responsibilities on global actors. Companies are actors, for example, accustomed to maximizing the benefits of the goods and services they produce, not only at the expense of workers but also of third parties and nature.

In this era of intense interactions among actors, factors, processes, and values, the issue of actor responsibility involves not only the role of law in constructing a world society of ostensibly common values but also the commitment of these actors to build a more just international society. The imposition of responsibilities, as difficult to implement as to standardize at the global level, still occurs only in fragments, despite efforts to create an international treaty on human rights and businesses. This remains a great challenge for the current century.

Deva⁴³, perhaps the most prominent expert today on the subject of human rights and businesses, confirmed this prognosis in an interview discussing due diligence in relation to climate change. He stated that, for example, a mandatory due diligence law that does not provide for effective accountability will not solve the problem of local communities affected by corporate activities. However, in any case, they can contribute to reducing the tension between trade rights, which operate on the logic of exploitation and expropriation, and human rights, always seeking recognition. We can add that, along with due diligence

⁴² Ulrich Beck. *A metamorfose do mundo: novos conceitos para uma nova realidade*, Translated by Maria Liza X. de A. Borges, Rio de Janeiro, Zahar, 2018.

⁴³ Nova. Business, human rights and the environment. *Climate change: looking beyond human rights due diligence*. Interview with Surya Deva. Available at: <https://novabhre.novalaw.unl.pt/climate-change-looking-beyond-human-rights-due-diligence/>. Accessed on 6/2/2021.

laws, National Action Plans⁴⁴ and National Contact Points of the OECD⁴⁵ are alternative pathways for imposing effective cosmopolitan responsibilities on corporate actors.

Therefore, the effective accountability mentioned by Deva leads us to examine the issue of the actions of corporations that violate human rights around the world not from the perspective of the rights of the victims, but from the duties of those actors who must recognize and respect these rights. This involves understanding that the issue proposes a strong reflection on the place of duties in the context of structural human rights violations, a theme that is strongly rejected by economic actors when significantly neglected by States. It also invites us to place institutional cosmopolitanism on concrete foundations. Now, the reform of global institutions – regional, international, and supranational – through the commitment they assume – to impose duties in cases of human rights violations is a step to frame the former within cosmopolitan structures. This example is being set by the European Union, which is in the process of approving a due diligence directive⁴⁶ for corporations located in the 27 countries of the bloc.

Thus, the cosmopolitanism of responsibility approaches critical cosmopolitanism developed by authors of decolonial theories. In this sense, Mignolo⁴⁷ in his work *The Many Faces of CosmoPolis: Border Thinking and Critical Cosmopolitanism* outlines a project of critical cosmopolitanism that, for him, would be one of the alternatives to meet the demands of this “post-modern or post-colonial” era. It consists of a set of projects for better global coexistence, different from and opposed to the globalizing and homogenizing project. In this version, it would take on the performance of a “managerial cosmopolitanism”; in the other, the form of an “emancipatory cosmopolitanism”. Mignolo’s assertion that racial and religious conflicts, fueled by global capitalism, are true obstacles to achieving critical cosmopolitanism is of radical relevance. For

⁴⁴ The Plans are intended to implement the UN guidelines on Human Rights and Business at the national level. In Latin America, there is limited participation from the States. Only three countries have adopted them: Chile, Colombia, and Peru. National Action Plans on Business and Human Rights. *Instituto Dinamarquês de Direitos Humanos*. Dinamarca, 2023. Available at: <https://globalnaps.org/country/>

⁴⁵ According to the OECD, the Contact Points “have the mission of promoting the effectiveness of the OECD Guidelines for Multinational Enterprises (“Guidelines”) by carrying out promotional activities, handling inquiries, and contributing to the resolution of issues that arise regarding the implementation of the Guidelines in specific instances”. OCDE. Guia para os Pontos de Contato Nacional sobre recomendações e determinações. Available at: <https://mneguidelines.oecd.org/guide-for-national-contact-points-on-recommendations-and-determinations-portuguese.pdf>. Accessed on 10/31/2023.

⁴⁶ Commission Européenne. *Directive du Parlement Européen et du Conseil. Sur le devoir de vigilance des entreprises en matière de durabilité et modifiant la directive (ue) 2019/1937*. Available at: <https://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:52022PC0071>

⁴⁷ Walter Walter, *The many face of CosmoPolis: Border Tinking and Critical Cosmopolitanism*, Available at <https://www.degruyter.com/document/doi/10.1515/9780822383383-007/html>. Accessed on 11/1/2023.

this reason, he believes that attention should focus on the persistent power of colonialism and the differences engendered by it, which persist in hegemonic global economic-political arrangements.

These arrangements, as we know, also form the basis for the persistence of exploitation and expropriation as structures of cannibal capitalism, as termed by Fraser⁴⁸, from which the main beneficiaries are the large global corporations. We can use Mignolo's proposition to outline the foundations of our cosmopolitanism of responsibility. Indeed, for him, critical cosmopolitanism, essential to this "transnational" world, starts from the margins, which serves as the foundation for the understanding of critical cosmopolitanism and the development of "diversality", that is, diversity as a universal project that expresses new ethical, political, and legal projects. It is precisely here that critical cosmopolitanism aligns with the cosmopolitanism of responsibility, as this same "diversality" imposes cosmopolitan responsibility. This responsibility urgently necessitates the replacement of old legal concepts, such as territorial jurisdiction and *forum non conveniens*, with extraterritoriality and universal justice in the face of harmful events that transcend State borders and pose risks and global catastrophes.

The urgency to create frameworks of global responsibilities based on cosmopolitan duties finds resonance in Beck's recent reflections. When he stated that global dangers are previews of catastrophes, whose insecurity we should no longer tolerate, this author did not live to witness the devastating effects caused by the COVID-19 pandemic, nor did he witness those caused by States when they decided to extend exceptional measures beyond what the health crisis required. Similarly, he was spared from knowing about the war between Russia and Ukraine and the conflict between Israel and Hamas. However, Beck emphasized that on the horizon of global dangers, the "other" should be considered a companion and not an enemy we must destroy. Therefore, the global risk society he⁴⁹ discussed in his extensive work represents a moral space with the potential to develop a culture of civil responsibility that would create new alliances. In this sense, global risks have two sides: the vulnerabilities of everyone and the resulting responsibility of everyone.

These necessary comprehensive arrangements for the challenges imposed on humanity do not preclude the institutional cosmopolitanism discussed in the first part and align with the critiques and decolonial propositions of Mignolo. When proposing his critical cosmopolitanism, he recalls that the conflicts of the first half of the 20th century led to the creation of international institutions

⁴⁸ Nancy Fraser, *Capitalismo canibal. Qué hacer con este sistema que devora a democracia y el planeta y hasta pone en peligro su propia existencia*. Ciudad Autónoma de Buenos Aires: Siglo Veintiuno Editores, 2023.

⁴⁹ Ulrick Beck, *A metamorfose do mundo: novos conceitos para uma nova realidade*, Translated by Maria Liza X. de A. Borges, Rio de Janeiro, Zahar, 2018, p. 42.

such as the UN and texts such as the Universal Declaration of Human Rights, which were born intertwined with the transnational colonialism practiced by many States. Therefore, according to him, colonial difference was redefined within the model of interdependence that has served to maintain the dominator/dominated structure. The recent failures of the UN to find effective solutions to the Israel-Hamas conflict are indicative of the ongoing fragility of international law. Hence the need to reform institutions, as proposed by institutional cosmopolitanism – a reform that presupposes the enhancement of cosmopolitan responsibility through the cosmopolitanism of responsibility, which shifts from the moral realm to enter the realm of law.

To confirm the thesis we advocate here, Gandhi's position is truly inspiring. Two years after the world emerged from the horrors of World War II, Gandhi brought duties out of oblivion. When invited by Huxley⁵⁰ to write about human rights, he emphatically refused. Remaining true to his mother's teachings, he⁵¹ stated that he had learned that "all rights to be earned and preserved come from the due fulfillment of our duties". Even during World War II, Gandhi⁵² refused to acknowledge rights as central. In response to Wells' invitation to write a charter of rights, he asserted that Wells should seriously consider, instead of rights, the obligations that global citizens would have towards each other, and that a charter of cosmopolitan duties should replace the intended charter of rights.

Indeed, the reason for the refusal was courageous at a time when the fight was for the assertion of rights due to the atrocities of war and the prominence of the Holocaust. However, while it is true that the era of rights has served as a shield against violence and exclusions, it has not excluded them. On the contrary, the framework of human vulnerabilities has only increased. So, it is important to ask: do we focus on rights and forget to establish firm foundations related to their corresponding duties and responsibilities for their violations? If the answer can be positive, discussing the cosmopolitanism of responsibility is of radical relevance in the face of phenomena that transcend borders and pose danger and harm to all of humanity. This is the case, for example, of the climate emergency that should hold States and large corporations accountable. As Beck⁵³ has pointed out, this state of affairs should lead to the downfall of

⁵⁰ The reference is found in Samuel Moyn. *Direitos humanos e usos da história*, São Paulo, Unifesp, 2020, p. 161.

⁵¹ M. A. Gandhi letter addressed to Director-General of UNESCO, In: UNESCO. *Human Rights. Comments and interpretations*, 1948, p. 15. Available at: <https://e-docs.eplo.int/phocadownloadpap/userupload/aportinou-eplo.int/Human%20rights%20comments%20and%20interpretations.compressed.pdf>. Accessed on 5/28/2021.

⁵² Samuel Moyn, *Reclaiming the language of duty in an age of human rights*. In: *ABC: Religion & Ethics*, 2019. Available at: <https://www.abc.net.au/religion/reclaiming-the-language-of-duty-in-an-age-of-human-rights-samue/11412158>. Accessed on: 5/30/2021.

⁵³ Ulrich Beck, *A metamorfose do mundo: novos conceitos para uma nova realidade*, Translated by Maria Liza X. de A. Borges, Rio de Janeiro, Zahar, 2018, p. 45.

neoliberalism as the economic paradigm of the world and impose new forms of cross-border responsibility. Beck asserts that when damages that originate within the temporal and spatial confines of the nation-state cross its borders, it is time to emphasize the need for metamorphosis, as we would be on the verge of failure. He highlights that these damages are nullified when their costs and impacts are “externalized” to “other populations, nations, or future generations”. Achieving this goal means placing cosmopolitan justice at the center of international politics and law debates. That is why national borders inspire the metamorphosis of the world: because, according to the author, they determine which “inequality is relevant”. Therefore, damages are not only eliminated but, more perversely, they are considered as side effects, which facilitates their rapid expansion and separates the effects from “institutional obligations, responsibility, laws, politics, sociology, and public attention”⁵⁴. There is, as Beck⁵⁵ says, a “politics of invisibility”, whose major consequence of damages is the “exclusion of the excluded”, and consequently, the erasure of responsibilities, examples of which are abundant, such as the exploitation of entire populations in regions rich in natural resources like water, minerals, and forests.

Indeed, all the anti-hegemonic and anti-imperialist efforts undertaken by countless actors in the global civil society, and even by public actors from many States, to hold violators of human rights, non-human entities, and nature accountable, consist of actions aimed at reversing the rules of the game in global interactions. The problem, as we know, is that international protective documents regarding rights fall short when it comes to accountability and human duties. However, the American Declaration of the Rights and Duties of Man⁵⁶ from April 1948 is a notable exception, as is the African Charter on Human and Peoples’ Rights⁵⁷ from 1981.

Thus, it is highly plausible that our limited familiarity with the language of duties is one of the factors responsible for the inadequate protection and disrespect of human rights. However, the vast structural inequalities spread across the four corners of the planet compel us to recognize a framework of duties not only among individuals, but also among States toward each other and in relation to individuals, as well as private corporations towards individuals, groups, and nature. All the mechanisms created by modernity to impose limits on economic power have failed, such as labor laws, unions, the Welfare State,

⁵⁴ Ulrich Beck, *A metamorfose do mundo: novos conceitos para uma nova realidade*, Translated by Maria Liza X. de A. Borges, Rio de Janeiro, Zahar, 2018, p. 74.

⁵⁵ Idem.

⁵⁶ OEA, *Declaración Americana de Derechos y Deberes del Hombre*. Available at: <http://www.oas.org/es/cidh/mandato/Basicos/declaracion.asp>, Accessed on 5/30/2021.

⁵⁷ Duties are outlined in Articles 27 to 29 and apply solely to individuals, UN. ORG, *Charte Africaine des Droits de l’homme et des Peuples*. Available at: https://www.un.org/fr/africa/osaa/pdf/au/afr_charter_human_people_rights_1981f.pdf. Accessed on 5/30/2021.

and constitutionalism itself. None of these have succeeded in defining what a global risk society should be. Responsibility norms are therefore insufficient, especially on an international scale.

Thus, despite the weakness of the grammar of duties, we are not prevented from asking, ultimately, about the duty of corporations in the construction of a just international society. Moreover, as Moyn's⁵⁸ erudition suggests, the era of rights in which we still live, "lacks a public language of duties, making it an atypical historical deviation". This deviation can be well recognized in Jonas' work titled "The Imperative of Responsibility". It highlights the author's concerns about the technological civilization that already existed in the late 1970s. It is interesting to note that Jonas⁵⁹, when addressing responsibility for one's actions, relates it to the duty of power. In this regard, the author emphasizes that responsibility arises not only from the consequences of "my conduct", but from the object for which my actions are claimed and for which I have responsibility, such as "well-being"⁶⁰. In the philosopher's words: "...the 'why' lies outside of me, but within the sphere of influence of my power, or in need of it, or threatened by it"⁶¹. For him, it is about taking responsibility for the "future of humanity"⁶².

The final statement leads us to consider the significant influence of the economic order on determining the duties of key actors in global economic governance. While advocating for a New International Economic Order in which the economy should be subordinate to politics and law, Jouannet⁶³ points out that transnational corporations, major auditing firms, and international cartels directly influence the formulation of globalization rules, prioritizing their own interests in doing so. Now, the framework of "organized irresponsibility"⁶⁴, from which individuals, organizations, and institutions absolve themselves of responsibility for risks, damages, and disasters that transcend all existing norms, is derived from the combination of hegemonic national policies, limited to their territories but producing consequences and harm beyond their borders, with global politics as an expression of cannibal capitalism. Therefore, the mentioned actors have a duty not only to avoid violating human rights but, above all, a duty to contribute to building a more just society.

⁵⁸ Samuel Moyn, *Direitos humanos e usos da história*, São Paulo, Unifesp, 2020, p. 173.

⁵⁹ Hans Jonas, *O princípio responsabilidade. Ensaio de uma ética para a civilização tecnológica*, Rio de Janeiro, Contraponto, 2006, p. 167.

⁶⁰ Ídem.

⁶¹ Ídem.

⁶² Hans Jonas, *op. cit.*, p. 353.

⁶³ Emmanuelle Jouannet, *Qu'est-ce qu'une société internationale juste? Le droit international entre développement et reconnaissance*, Paris, Pedone, 2011, p. 131.

⁶⁴ Ulrich Beck, *A metamorfose do mundo: novos conceitos para uma nova realidade*. Translated by Maria Liza X. de A. Borges, Rio de Janeiro, Zahar, 2018, p. 100.

While the Western world, especially, as asserts Moyn⁶⁵, has cultivated theories regarding public and private obligations, the historical excavation work of duties has always been weaker compared to that related to rights. He reminds us that, for thousands of years, the understanding of duties and responsibilities derived from the weight of religious ethics, and that human rights historians, when seeking the origins of the concept of rights in the Protestant Reformation or the Enlightenment, overlooked the significance of the tradition of duties. With precision, he highlights⁶⁶ that, in response to ethical schools and religious traditions anchored in rigid hierarchies, there was little or almost no room for the supremacy of rights. However, the liberal paradigm since the 19th century gave rise to the emergence of freedom as its primary emblem, which, in turn, managed to displace duties, if not to a secondary place, at least to a more limited role.

The political struggles of the late 18th century, known to all of us, indeed, were characterized as struggles for rights. On the other hand, from the perspective of duties, it was necessary to construct a new political theory, whose greatest expression was the Declaration of the Rights and Duties of Man and Citizen of 1795, which foresaw that, for the maintenance of society, the fulfillment of duties would be of essential importance. Even when liberal ideas reached their peak in the 19th century, their proponents, while advocating republican ideals, acknowledged that alongside privileges, responsibilities should exist⁶⁷. Indeed, totalitarian rulers throughout human history have always talked about the duties of subjects and not about their own duties.

In the 19th century, Mazzini exerted significant influence by advocating for duties for liberals in his book *The duties of Man*⁶⁸, from 1860. At the time, this author's work aimed to demonstrate that the existence of interdependence⁶⁹, a phenomenon as relevant as it is decisive for present-day global relations, established the need for societies to be improved. The path to this improvement presupposed the consideration that rights could only exist as a consequence of the fulfillment of duties. Perhaps it is interesting and urgent to reconsider in today's world the place that legal systems reserve for duties, the weakness of which is a cause of many cases of impunity that widen the gap between the rich and the poor around the globe and render human rights empty promises. Mazzini, in this sense, can be remarkably relevant. While he recognized that the Age of Enlightenment and the French Revolution achieved the conquest of

⁶⁵ Samuel Moyn, *Direitos humanos e usos da história*, São Paulo, Unifesp, 2020, p. 164-165.

⁶⁶ Samuel Moyn, *Direitos humanos e usos da história*, São Paulo, Unifesp, 2020, p. 165.

⁶⁷ Samuel Moyn, *Direitos humanos e usos da história*, São Paulo, Unifesp, 2020, p. 166-167.

⁶⁸ Giuseppe Mazzini, *The duties of Man*, Digital Edition, Stingray, November 2014, E-book version.

⁶⁹ Regarding interdependence, see: Collegium International, *Plaidoyer par une Charte d'interdépendance*, Available at : <http://www.collegium-international.org/fr/presentation/textes-fondateurs/plaidoyer-pour-une-charte-d-interd%C3%A9pendance.html>

individual freedoms and the triumph of rights, Mazzini argued that the era of rights should give way to the era of duties as a condition for collective life⁷⁰.

For Moyn⁷¹, Mazzini was one of the earliest cosmopolitans, as he believed in the possibility of unifying humanity, and was the only one to give a pragmatic meaning to duties. The themes related to the current climate emergency greatly update Mazzini's position and allow us to make a good diagnosis of this Anthropocene Epoch in which we live. Beck⁷² points out that, since China's early participation in climate change discussions, this country has highlighted the word "responsibility" to blame the "irresponsible" developed States for this issue, although, according to him, this position has been used merely to induce a change in the leadership of the Chinese Communist Party.

So, if we can hitch a ride on the Chinese proposal, even though its starting point is open to criticism and condemnable, in this early third decade of the 21st century, just emerging from a global pandemic crisis, we must acknowledge that the crucial problem is the intimate relationship between the global economic model and the global difficulties of improving the framework of duties for global actors, in a way that is compatible with the guarantee of rights.

The global environmental catastrophe that characterizes the Anthropocene Epoch⁷³ in which we live and the global COVID-19 pandemic, which represents another era, that of syndemics⁷⁴, as announced by Horton, Director of The Lancet, are essential phenomena that prompt us to contemplate the broader meaning of duties beyond simply completing the circuit and catalog of rights. Can we believe that the power of *lex mercatoria* and ultraliberalism will continue to control this vast vessel that is planet Earth? And, thus, will they perpetuate their ability to maintain the cosmopolitan responsibility advocated by Mazzini and Gandhi in place of unrealizable utopias?

The fact is that the global risks and damages that victimize the present generations and offer no favorable prospects for future generations currently require cosmopolitan responsibilities for the benefit of the majority of the population to balance the imbalances between the economy and human rights and between human rights and the duties to respect them. Wolff⁷⁵ discussed three utopias: the cosmopolitan, the post-humanism, and the animalism. It is pertinent to note the statement he made about the first one, considering

⁷⁰ Anne-Claire Ignace, *Giuseppe Mazzini et les démocrates français : débats et reclassements au lendemain du « printemps des peuples »*. *Revue d'Histoire du XIX siècle*, 2008, p. 113-146.

⁷¹ Samuel Moyn, *Direitos humanos e usos da história*, São Paulo, Unifesp, 2020, p. 167-168.

⁷² Ulrich Beck, *A metamorfose do mundo: novos conceitos para uma nova realidade*, Translated by Maria Liza X. de A. Borges, Rio de Janeiro, Zahar, 2018, p.144.

⁷³ Mireille Delmas-Marty, *Aux quatre vents du monde. Petit guide de navigation sur l'océan de la mondialisation*, Paris, Seuil, 11-15.

⁷⁴ Richard Horton, *Offline: COVID-19 is not pandemic. The Lancet*, Vol. 396, 26 sept. 2020, Available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)32000-6/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)32000-6/fulltext). Accessed on 5/30/2021.

⁷⁵ Francis Wolff, *Trois utopies contemporaines*, Paris, Fayard, 2017, p. 123-126.

it revolutionary in relation to the other two because it does not break with humanism. On the contrary, it absolutizes it and reinforces the idea that politics is directly moral, that is, there is a sort of reconciliation between politics and morality. For Wolff, without this cosmopolitan utopia, the political community cannot be just, and the moral community cannot be human. Thus, we can affirm that duty, just as much as rights, is part of the DNA of this political and moral community.

Changing the global system that intensifies nationalism, closes borders, maintains colonialism, and expands the financialization of the world is one of the major challenges, especially for countries in the global south. The States in this region of the planet, as we know, are produced and produce themselves, as argues Chomsky⁷⁶, as “failed States” due to their inability to protect citizens from violence and destruction. This is a compelling reason to justify that state cosmopolitan duties and those of large transnational private actors transcend issues related to atrocities and serious crimes against humanity to encompass the duties of wealthy States and major corporations towards poor countries, whether to reduce/eliminate inequalities or to put on the agenda the respect for goods considered “common to humanity”, such as the environment and health.

However, a discerning spirit must recognize that understanding what such goods are is a complex and challenging task. The critical perspective of Dardot and Laval⁷⁷ was able to identify the risks that the expression “world common goods” can provoke. For them, the dominant neoliberal logic has channeled the claim for these “common goods” into economic definitions of public goods to limit their scope. However, in their view, this occurs at a time when political struggles exist precisely to broaden the scope of these “world public goods” in order to encompass other goods beyond tangible things, such as access to conditions, services, and institutions aimed at ensuring economic, social, and cultural rights inscribed as “fundamental common rights”⁷⁸. This is primarily the case with health, considered both a human right and a world common good. If due diligence, first as a principle of public international law and second as a mechanism that frames private actors in responsibility schemes, does not solve the global problem of actor irresponsibility, it can be an important avenue to reduce it.

Due diligence questions the persistence of the obtuseness of duties. It also opens the way for human rights to be considered beyond liberal constraints, that is, as having another side: that of duties. It is worth noting, with regret, that the discourse of rights has been appropriated by market interests, and while it

⁷⁶ Noam Chomsk, *Estados fracassados. O abuso do poder e o ataque à democracia*, Rio de janeiro, Bertrand Brasil, 2009, p. 8.

⁷⁷ Pierre Dardot.; Christian Laval, *Commun. Essai sur la revolution au XXIe siècle*, Paris, La Découverte 2014, p. 540.

⁷⁸ The expression is from the mentioned authors.

cannot be blamed for the emergence of neoliberal assumptions, as highlighted by Moyn⁷⁹, over the years, it has been used in service of this economic model. Giving little importance to duties and responsibilities is not just rejecting a vocabulary that could prevent and eliminate a series of practices from keep on neglecting global justice, but it is also denying effectiveness to rights if such duties and the “debtors” of corresponding international rights, such as States, international organizations, and transnational private actors, do not have their obligations clearly imputed, as advocated Peters⁸⁰. More specifically, cosmopolitan rights must correspond to cosmopolitan responsibilities. In this period of persistent structural inequalities that reveal serious social problems linked to the demand for more cooperation than competition and the sharing of global common goods, cosmopolitan responsibility will be confronted, on the one hand, by global prosperity based on the profit of a few. On the other hand, it will be challenged by demands for social justice, which, as a critical political necessity, seek to reduce the gap between economic growth and the growth of economic and social inequalities.

The existence of global common goods and the fact that we live in a human community of destiny that binds the present and future generations make it clear that to ensure this heritage, corresponding cosmopolitan duties must be created and applied to those who, as Peters stated, are “*débiteurs des droits internationaux*”.

Final remarks

Throughout the text, we have shown that institutional cosmopolitanism emerges as a more advanced form of cosmopolitanism because it is open not only to national spaces but can be extended to the global sphere. Moreover, various actors or institutions are already participating, such as international governmental or non-governmental organizations, multinational companies, and representatives of global civil society movements, among others. It is also clear that it operates to revitalize Kantian hospitality at the national and international levels. However, the proposal presented here seeks – as Beck⁸¹ states – with the help of neologisms proposed in the book “The Metamorphosis of the World”...” – to reveal the attempt to expand the linguistic field towards new concepts, as

⁷⁹ Samuel Moyn. *Not Enough. Human Rights in an Unequal World*. Cambridge/London:Belknap/Harvard, 2018, p. 176.

⁸⁰ Anne Peters, *L'homme au couer du droit international*, In : PETERS, Anne. *Humanism, constitutionnalisme, universalisme. Études de droit international et compare*, Paris, Pedone, 2019, p. 171.

⁸¹ Ulrich Beck, *A metamorfose do mundo: novos conceitos para uma nova realidade*, Translated by Maria Liza X. de A, Borges, Rio de Janeiro, Zahar, 2018.

in the case of “spaces”, which the German author calls “cosmopolized spaces”, for example. In this text, we have sought to demonstrate the need for the development of a cosmopolitanism of responsibility, in which human duties are prominently featured.

At this moment of uncertainty and global crises, there is no escaping continuous interactions between actors and factors that intertwine in the real and virtual world. Hence, the importance of imposing responsibilities, which are as difficult to implement as they are to standardize at the international level.

It is noteworthy that this topic prompts a profound reflection on the place of duties in the context of structural violations of human rights, a matter strongly rejected by various international actors and, also, neglected by States. Therefore, the cosmopolitanism of responsibility is related to the critical cosmopolitanism elaborated by decolonial authors, a theme mentioned earlier in the text. These arguments form the foundation for understanding critical cosmopolitanism in defense of “diversality”, which means diversity as a universal project that expresses the acceptance and protection of differences as a universal right.

The importance and urgency of establishing pillars of responsibilities and global spaces based on cosmopolitan duties resonate in the last decade, with the emergence of COVID-19 and other health crises, as well as in the condemnable recent war between Russia and Ukraine, and the conflict in Israel and Hamas. Perhaps Beck is right when he claims that *history is back!*⁸², where there are no longer the old certainties of modern society, and something entirely new is bound to emerge.

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⁸² Ulrick Beck, *A metamorfose do mundo: novos conceitos para uma nova realidade*, Translated by Maria Liza X. de A. Borges, Rio de Janeiro, Zahar, 2018, p.15.

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