

## **Multicultural Cosmopolitanism**

### **Remarks on the Idea of Universal History**

From the time of our first communication, some thirty years ago, Fred Dallmayr and I have never ceased to disagree about key foundational issues in social and political theory. Our disagreements are not haphazard but consistent; they might be characterized roughly as stemming from the differences between his brand of hermeneutics and my brand of critical theory, or between his sources of inspiration in Hegel and Heidegger and my own in Kant and Habermas. But they are also “reasonable disagreements” that allow for considerable “overlapping consensus” on both methodological and substantive issues. Thus we overlapped sufficiently on questions concerning the role of interpretive understanding in social inquiry to co-edit an anthology on that topic very early on.<sup>1</sup> And I want to suggest here that we now overlap sufficiently on the idea of multicultural cosmopolitanism to make our ongoing conversation continually fruitful despite the persistent differences in our “comprehensive doctrines.” Those differences do entail, however, that we follow widely diverging paths before arriving in the same region of the political-theoretical world. And they likely also mean that we are relying on different maps of this region and of the roads leading beyond it as well. But I shall confine my remarks here to charting an alternative route to the sort of global and plural democracy that Dallmayr has set out in a series of recent works.<sup>2</sup> It is a route that leads from Kant’s idea for a universal history from a cosmopolitan point of view, through Habermas’s conceptions of social evolution and a postnational constellation, to a sketch of multicultural cosmopolitanism that bears strong affinities to Dallmayr’s vision of “our world.”

## **I**

Though the genre of universal history to which Kant gave exemplary expression was deeply implicated in colonial domination and exploitation, it cannot simply be discarded in favor of genealogical or other broadly deconstructive modes of historical

consciousness. Kant did not invent the genre out of thin air; he was articulating the spirit of an age that was already deeply involved in capitalist globalization through conquest, colonization, settlement, and the burgeoning Atlantic slave trade. The West and East Indian Companies, for instance, and the Royal African Company had been established long before he wrote. It is, moreover, only a myth that Enlightenment thinkers were uninterested in cultural difference. Kant no less than Diderot was intensely preoccupied with it and with the problems it raised for his moral universalism.<sup>3</sup> What is more, his general approach to reconciling the universal and the particular became paradigmatic for liberalism in the centuries that followed: cultural diversity was reconciled with moral, religious, legal, and political universalism via a general account of human development, particularly of social and cultural modernization. There can be no doubt of the justice of postcolonial criticisms of this genre as offering a totalizing view of history that reduced others to more or less retarded versions of the same and thus warranted their subordination and tutelage. And given the disastrous consequences of the neocolonial theory and practice of “development” after World War II, there seems to be no positive political purpose to be served by retaining anything at all from this genre, however transformed. But I am of the view that a critical social theory of modernization is still a valuable, even irreplaceable, complement to deconstructive critiques thereof. For one thing, the growing global interdependence that gave birth to the genre of universal history at the dawn of the modern age and sustained it thereafter has since the 1970s accelerated at a mind-boggling pace. Decoupling cultures and societies from this process is no longer a viable option. Universal history, in short, is where we actually are and have been for some time. And it out of this situation that we must think, must try to understand the social, economic, and cultural patterns and dynamics that inform it, discern the possibilities of change and opening for alternatives that lie within it, identify and engage the social forces capable of transforming it, and so on. Of course, critical social theory is not the place where all or even most of this can be done. But it might contribute to the sort of broad reflection on the modern world that provides badly needed background to more concrete thinking about alternative modernities, if the latter to avoid degenerating into policy-oriented social “science” or evanescing into cultural imaginings unmoored from socioeconomic realities.

Be that as it may, all I mean to offer here are some very general remarks on the fate of developmental theory after Kant and some equally general thoughts on where that leaves us in thinking about globalization today. I shall assume the readers' familiarity with the main lines of Kant's universal history and the cosmopolitan world order in which we can rationally hope (not predict) it will eventuate, and begin with a few broad, brief, and unargued observations concerning their subsequent fate.

1. To begin with the obvious, Kant's *biologized account of racial, ethnic, and national differences* was eventually displaced by views that accentuate the historically contingent, socioculturally constructed, and usually politically motivated representations of race, ethnicity, and nationality. And with it went Kant's naturalized account of the supposedly unalterable differences in talent and temperament between various human groups, together with the basic explanatory role they played in his reading of history. This sort of account, which subsequently came to dominate the age of imperialism, was effectively displaced only in the latter half of the twentieth century.

2. At the opposite extreme, but equally obvious, the *demands of theodicy* that Kant placed on history play no role in postmetaphysical, postontotheological frames of interpretation. There is no *Endzweck* of history; it does not have to make moral-rational sense.

3. Along with theodicy goes the *teleology of nature* embedded in it. In post-Darwinian science there is no place for the purposes, plans, or designs of nature that functioned in Kant as stand-ins for Providence; evolutionary development is not the realization of a telos inherent in the nature of things. In particular, there is no way to make sense of the claim that the full development of the natural capacities of the human species is *der letzte Zweck der Natur*, the ultimate aim of nature.

4. The *teleology of history* is a more complicated matter. For postmetaphysical thinking there can be no historical purposiveness in the strict sense – no aims or designs, ultimate or final ends of history. And this means that strictly teleological modes of interpretation and forms of explanation no longer have a legitimate place in historical or social studies. On the other hand, this does not automatically preclude broadly naturalistic approaches that retain some of the features of teleological thinking. There are, for instance, various empirical approaches to the study of human development that make no appeal to design

and no claim to certainty but argue, nevertheless, for the cumulative and directional character of the processes they study. The cogency of such naturalized developmental approaches is not matter to be decided a priori; it is, rather, a question of their comparative strengths and weaknesses as interpretive and explanatory schemes for particular domains, that is, of how they stand up in the conflict of interpretations.

5. Finally, postmetaphysical thought has renounced, on good grounds, central aspects of *Kant's subjectivistic critique of reason*: the monological character of his conceptions of reason and rationality; the monocultural character of his idea of humanity; the repression of nature and subordination of happiness built into his concept of moral autonomy; connected with that, his insufficiently relational -- social, historical, cultural, embodied -- conception of subjectivity; and, of course, the residually metaphysical aspects of his noumenal/phenomenal split.

6. Hegel, of course, already tried to get beyond Kant's dualism and subjectivism, but the price was too high. His philosophy of world history does not so much overcome that eighteenth-century genre as outdo it -- with claims such as "that reason governs the world," that it is "the substance" of history and "the power" animating it, and thus that the aim of philosophical inquiry into history is "to eliminate the contingent," any "external necessity" originating in "causes which are themselves no more than external circumstances."<sup>4</sup> Subsequent theorists of modernization as rationalization were generally unwilling to go that far. Some, however, remained close to Hegel on one point: the idea that there are *inner logics to cultural developments*, which must be articulated by any adequate theory of societal transformation. Thus Max Weber was concerned to spell out the *Eigenlogik* of the cultural spheres whose rationalization he was studying; and Jürgen Habermas has tried to articulate the "developmental logics" underlying the cultural learning processes he studies. But unlike Hegel, and like most social theorists since, they regard rationalization processes, whatever their inner logics, as empirically conditioned all the way down.

7. Marx, of course, led the way in this regard. Though world-historical processes of development did tend toward the full unfolding of human rational capacities, what ultimately drove them belonged rather to the "external circumstances" that Hegel wanted to eliminate than to the internal development of the Spirit. "From the start," Marx

insisted, “the ‘spirit’ is afflicted with the curse of being ‘burdened’ with matter.”<sup>5</sup> Consequently, “life is not determined by consciousness, but consciousness by life;” so “philosophy as an independent branch of knowledge loses its medium of existence” and has to give way to the *materialist theory of history*.<sup>6</sup> With the need to bring “material circumstances” centrally into the explanation of cultural developments post-Marxian social theorists have largely agreed, as they have with the view that the power that drives historical change is not primarily that of reason but that of productive forces, political struggles, and a variety of other material factors. At the same time, they have distanced themselves from the residues of Hegel’s dialectic in Marx’s theory of history – and thus from the residual necessity and providentiality in his account of the inexorable development of productive forces and eventual arrival of a classless society.

8. This rejection of the Hegel that is still in Marx sometimes took the form of eliminating altogether the internal logic of cultural development from the explanation of societal transformations. Thus in the nineteenth-century evolutionary theories of society that proliferated in the wake of Darwin, social development was typically presented as the evolution of quasi-organic systems and reconstructed entirely from an externalist perspective. But the most influential social theorists of the late-nineteenth and twentieth centuries have attempted rather to grasp the *connection between “internal” and “external” factors*, however variously conceived, than to eliminate one in favor of the other. Thus Durkheim wanted to understand the interrelations between changes in the division of labor, on the one hand, and the changing forms of sociocultural integration through norms and values, on the other; Weber wanted to connect the rationalization of worldviews to the institutionalization of instrumental rationality in the major domains of society; and Habermas has tried to construct a dual-perspective approach to society that views it both as lifeworld and as system and connects rationalization under the former aspect to increasing complexity under the latter.

9. For our purposes, it is important to note that this type of approach explicitly seeks to distance itself from many of the most objectionable features of eighteenth-century philosophy of history and its nineteenth-century progeny. Development is not claimed to be necessary but thoroughly contingent; it is not unilinear but allows for diverse paths to the same level of development; nor is it continuous, irreversible, or even across all

domains of social life. What this type of approach does retain, however, is the idea that *some developments are cumulative and directional*; and in cultural domains this typically means that they can be rationally reconstructed as learning processes. Insofar as that idea holds up, internally reconstructible developments of rational capacities – developmental logics – will be an important part of understanding the changes in question. There may also be cumulative, directional changes in other than specifically cultural domains, for instance, in the growth of productive forces, in the scale and internal differentiation of organizations, or in the complexity and adaptive capacity of state administrations. In such cases, the type of approach in question examines the ways in which cultural learning gets transposed into social institutions.

10. It is equally important to note that this way of theorizing social and cultural development does *not* of itself commit the theorist to such *totalized notions of progress* as we find in the providential teleo-logics of the philosophy of history. Developments may occur in various domains, at different rates, and with diverse consequences. They are always shot through with contingency – e.g. the empirical conditions under which a certain sort of cultural learning may occur – and ringed around with contingency –e.g. the empirical circumstances that promote the institutionalization of certain cultural developments. And their significance for human well-being, however defined, will vary with the boundary conditions under which they occur. This makes such approaches quite different from schemes in which developmental advance itself serves as the basic standard of evaluation for any change, as was the case with nineteenth-century evolutionism.

11. This helps explain why theorists in this tradition, from Durkheim to Habermas, could be of quite different minds regarding *the relation of social progress to human happiness*, broadly and variously understood. Thus Weber, under the influence of Nietzsche and *fin de siècle* pessimism, saw modernization processes as forging an “iron cage” of instrumental rationality and resulting in losses of meaning and freedom; this diagnosis was reformulated by Max Horkheimer and Theodor Adorno during the darkest days of World War II; and it has since been repeatedly varied to comprehend the rapid advances in everything from techniques of social control to technologies of mass destruction. Habermas’s version of the “glittering misery” that already worried Kant turns on the

selectivity of capitalist modernization, a failure to develop and institutionalize in a balanced way all the various potentialities of cultural rationalization, which has resulted in a growing “colonization of the lifeworld by the system.” Thus the normative and evaluative standpoints that have informed developmental frameworks of interpretation have varied considerably.

12. This variability of standpoints has made *the relationship between developmental theory and political practice* hard to avoid as an explicit theme in the conflict of interpretations. In this respect developmental thinking today is closer to Kant than it is to the putative transcendence of the is/ought divide in Hegel and Marx or to its obliteration in social evolutionism and other varieties of allegedly scientific history. Recall that for Kant history was a domain of reflective judgment not of scientific certainty, and that universal-historical reflection was to be carried out *in praktischer Absicht*, not as an exercise in theoretical reason. This meant that general interpretations of human history, depending as they did on a course of future events that could not be theoretically predicted but only practically projected, had an intrinsic relation to practice. Of course today, in the absence of any religious or metaphysical guarantees, the historical hopes that sustain political practice are even more tenuous than Kant’s.

13. Finally, it should be noted that through all the alterations and variations that take us from Enlightenment philosophies of history to contemporary theories of social and cultural development, *Eurocentrism* has remained a constant. That is, in all the major developmental theorists, from Hegel and Marx, through Durkheim and Weber, to Parsons and Habermas, the main lines of development, at least in the modern period, run through the West and from there outward to the rest of the world.

## II

It is against this historical background that Habermas’s efforts to rearticulate a theory of modernization as rationalization should be understood. As is well known, the “metatheory” of reason that underpins his developmental approach takes the form of a universal pragmatics of communication. Unlike Kant’s critique of reason, it is meant to

be an empirical, reconstructive theory; but analogously to Kant's critique, it makes use of various form-content distinctions, seeks to disclose a number of "quasi-transcendental" structures of language-in-use, and maintains that certain idealizations are unavoidable presuppositions of linguistic interaction. The theory of communicative action that results is given a developmental twist in regard to both the life history of individuals and the universal history of the species. Ontogenetically, the acquisition of communicative competence proceeds through a series of stages of cognitive, social, linguistic, and affective development. Phylogenetically, development turns on a widening and deepening rationalization of culture and society that is, however, typically uneven and frequently "pathological."

Dallmayr objects to all of this, and I readily concede that there is more than enough here to take issue with. But I want to examine the idea of multicultural universalism, and so I shall simply move on without further ado. This is not as question-begging a move as it may at first seem, for a central feature of Habermas's account of communicative reason is that, in the final analysis, there is no possibility of rationally adjudicating competing claims to validity of various sorts – claims to truth, rightness, justice, and legitimacy, among others – apart from entering into discourse and weighing the considerations offered on the different sides of an issue. This radically discursive theory of validity means that no party to a disagreement is in an inherently privileged position to decide it; that agreements arrived at discursively can claim to be reasonable only insofar as discussion is open, inclusive, and free from domination and repression; and that no outcome of any discourse is ever final – commentary, contestation, and correction are in principle ongoing and never-ending. Now something very much like this could, I think, be endorsed, in one formulation or another, by theorists in the hermeneutic tradition generally and by Dallmayr in particular. And that is all I need to commence the line of reasoning I want to plot here. My first point is a variation of sorts on the Hegelian theme that negativity is inherent in reflexivity. The participants in the discourse of (post)modernity find themselves in roughly symmetrical conditions with respect to the cultural resources at their disposal. In fact, the recent course of discussion suggests that representatives of historically oppressed and marginalized groups are quite often more adept with the weapons of critique than their opposite numbers; the great virtuosos of

reflexivity in our time have come disproportionately from such groups. More to the point, the capacity for critical reflection is not simply a matter of occasional ingenuity or individual virtuosity. It is bound up with social and cultural conditions that undergo historical change. In modern societies conditions are such as to provide increased institutional, cultural, and motivational support for reflective modes of argumentation and critique. Forms of specialized discourse, transmitted and developed within specialized cultural traditions and embodied in differentiated cultural institutions, present enduring possibilities of discursively thematizing various types of validity claims and of productively assimilating the results of critical reflection upon them. It is, among other things, the extent to which and the manner in which modes of critical-reflective discourse have been institutionalized, and the requisite cultural and motivational conditions for them have been satisfied, that distinguishes posttraditional from traditional cultural spheres.

It goes without saying that "posttraditional" does not mean here "floating free of tradition altogether." It alludes to changes in our relations to inherited contexts of meaning and validity, schemes of interpretation and justification, patterns of socialization and identification, and the like. These changes are always matters of degree and never global in their reach, but they are not without far-reaching effects. What Habermas has referred to as the "communicative thawing" of fixed forms in ever-expanding domains of modern life increasingly exposes the authority of tradition to discursive questioning, displaces particularistic norms and values by more general and abstract ones, and replaces traditionally ascribed identities with identities that have to be ongoingly constructed and reconstructed in ever-changing situations. Customary beliefs can less and less be relied upon to guarantee the reproduction of modern forms of life; context-specific norms and values are less and less adequate to the demands of social integration; concrete roles and inherited models are increasingly insufficient to secure identity. There are growing needs for discursively tested convictions, general principles of legality and morality, and highly individuated, self-directing subjects. (It has been a commonplace of sociology since Durkheim, at the latest, that greater generality of norms and values and heightened individualism are interdependent and not opposed developments.) And it is important to note that this heightening of reflexivity, generality, and individualism

informs and structures the contemporary discourse of (post)modernity itself. For instance, all the various participants—post- and anti-modernist as well as modernist—take for granted the possibility of reflectively questioning received beliefs and values, of gaining critical distance from inherited norms and roles, and of challenging ascribed individual and group identities. Even arguments like Alasdair MacIntyre's for the superiority of premodern traditions are not themselves traditional arguments but the traditionalistic arguments of hyperreflexive moderns. We -- participants in the discourse of (post)modernity -- can argue about these basic features of posttraditional culture only by drawing upon them; and this is a good indication that they are practically unavoidable presuppositions of contemporary discourse.

A reconstruction of the pragmatics of our -- the participants' -- communicative situation could, then, make clear at least where our discussions have to start. And this in itself has far-reaching consequences for the discourse of (post)modernity. That discourse turns on what we, the participants, can and cannot make sense of, render plausible, justify, refute, effectively criticize, conceive of as alternatives, and so on. If there are constraining preconditions built into our discursive situation itself, they may in turn constrain the range of possible outcomes. Consider, for instance, how we relate to worldviews and forms of life marked by a comparative lack of awareness of, or openness to, alternatives to the established body of beliefs, and connected with this defensive or avoidance reactions in the face of challenges to them. It is precisely our historically, sociologically, and anthropologically schooled view of the diversity of system of belief and practice that informs our discourse about (post)modernity. Hence we are constrained, on pain of incoherence, to regard systems of belief that do not understand themselves as interpretations of the world, subject to error and open to revision, as deficient in that respect, as not having learned something that we know. There is, to put it plainly, no going back on the experiences of cultural change and pluralism we have had or unlearning what we have learned from them about the variability of forms of life and views of the world. In the current discourse of (post)modernity we cannot sensibly argue

against that.

There are other general presuppositions of contemporary discourse with which one might, perhaps, meaningfully take issue, but with respect to which the burden of proof on the critic is so great as to be prohibitive. Consider, for instance, the distinction we now draw between empirical-scientific questions and questions of religion, morality, or metaphysics. There is no easy way to go back on this and argue convincingly, for example, that the number, position, and composition of the planets could be decided by appeal to revelation, morals, or metaphysics. The same could be said for animistic and anthropomorphic accounts of nature, magical techniques that blur our current distinction between instrumental control over things and moral relations among persons, or attitudes towards names and naming that contravene our distinction between the symbolic power of expression and physical efficacy. In our cultural-historical situation it would be difficult-bordering-on-impossible to produce a warranted denial that there has been a significant learning process underway in regard at least to our scientific understanding of nature and our technical ability to manipulate it, and that modern societies have learned to pursue the interest in prediction and control more effectively by differentiating it out from other concerns. (Practically living out that denial would, of course, be even more difficult.) But this means that from where we, the participants in the discourse of (post)modernity, must start, some differences in beliefs and practices will be more than mere differences, precisely because they can only be made sense of as the results of learning.

I have been speaking primarily of beliefs, but it is worth remarking that our assessment of norms and values cannot remain unaffected by what we regard as learning in more narrowly cognitive domains. Traditional value systems are intimately interwoven with beliefs about how the world is. That is why the learning processes associated with names like Galileo and Darwin could have such profound impacts on normative and evaluative elements of modern life. To put the point somewhat crudely,

certain ethical views could be publicly justified only by appeal to beliefs that are no longer tenable. Since the reasons we regard as warranting evaluative and normative judgments have to be compatible with what we have learned in other domains, whole classes of reasons for acting are no longer available to us. In such cases it is *kinds of reasons* that have been devalued, have lost their discursive weight, and not just specific claims resting on them. This what appears to have happened, for instance, with justifications of unequal treatment by appeal to the natural inferiority and unfitness for self-rule of this race or that sex. That is to say, fundamental inequalities that could once be justified by appeals to beliefs about the world that are no longer tenable will be hard put to find substitute justifications capable of withstanding critical-reflective scrutiny. In any case, the discourse of (post)modernity itself is structured by a pragmatic presupposition of normative symmetry that requires treating all participants with equal respect. The tension between that presupposition -- with its attendant train of ideas of dignity, tolerance, fairness, and so forth -- and ethical views constructed around basic inequalities -- whether “natural,” “God-given,” “time-honored,” or what have you -- is evident and inescapable. This too enormously increases the burden of proof on anyone who would discursively defend such views.

Though the elimination of broad classes of reasons does not by itself settle questions of right and wrong, good and bad, better and worse, the scope of reasonable disagreement gets considerably narrowed. As a result, the range of norms and values that could stand up to criticism and be upheld in free and open discussion is by no means coextensive with the spectrum of what has historically been valued or might arbitrarily be commanded. But it is also not uniquely determined. One of the things we moderns have learned about values, for instance, is that reasonable people can reasonably hold different conceptions of the good, that there is no one way of life suited to all individuals and groups, and thus that a pluralistic culture within which members can pursue—within common limits—their different ideas of the good life is the most reasonable societal

arrangement. And this acknowledgement obliges us to rethink Enlightenment universalism from the perspective of multiculturalism.

### III

To these sketchy remarks about the “fact” of cultural modernity, I want now to add a few equally sketchy remarks about the “fact” of social modernity. The conditions of global modernity in which all contemporary societies willy-nilly find themselves present them with an array of large-scale societal problems that they have to resolve if they want to survive – problems, for instance, concerning how to relate to an increasingly integrated global market economy, how to administer an increasingly complex and differentiated society, how to accommodate ethnic, cultural, and religious diversity in a single society, how to maintain political unity and legitimacy in the face of it, and so forth. Habermas has argued that certain modern institutions are less the results of peculiarities of Western culture than responses to societal challenges of just this sort. Consider, for instance, something that is often represented as the epitome of modern Western civilization: the entrenchment of individual rights. In *Between Facts and Norms*, Habermas follows the main line of the sociology of law in arguing that modern law must have most of the formal properties it has in order to fulfill the functions it fulfills, that there are no functional equivalents for its formality, positivity, reflexivity, individuality, actionability, and the like.<sup>7</sup>

The fact that modern law is based upon individual rights and liberties releases legal persons from moral obligations in certain spheres of action and gives them latitude, within legally defined limits, to act upon their own choices free from interference by the state or by third parties -- as is required in decentralized market societies. If these rights and liberties are to have the protection of the law, they must be connected with actionable claims, such that subjects who consider their rights to have been violated may have recourse to legal remedies. At the same time, as membership in the legal communities of

diverse modern societies can less and less be defined in terms of cultural or religious membership, it comes to be more and more abstractly defined in terms of the equal rights and responsibilities of citizens as legal subjects. The fact that positive law issues from the changeable decisions of a legislator loosens its ties with traditional morality and makes it suitable as a means of organizing and steering complex modern societies. This requires that the enactment, administration, and application of the law themselves be legally institutionalized; law becomes reflexive. And since modern law, as a positive, reflexive, and therefore fungible “steering medium,” can no longer be legitimated solely by appeal to inherited beliefs and practices, there is a need for new forms of legitimation. That need is compounded by the facts that cultural pluralism limits the authority of any one tradition and that rights-based conceptions of citizenship increase the pressure for political participation. One could go on in this vein. The general line of argument is that the functions and forms of modern law are tailored to one another. Because any contemporary society, whatever its cultural traditions, will find it difficult to do without the former, it will find it correspondingly difficult to do without some version of the latter. As Habermas puts the point: “the decisive alternatives lie not at the cultural but at the socioeconomic level...[T]he question is not whether human rights, as part of an individualistic legal order, are compatible with the transmission of one’s own culture. Rather, the question is whether traditional forms of political and societal integration can be reasserted against, or must instead be adapted to, the hard-to-resist imperatives of economic modernization...”<sup>8</sup> To the extent that individuals are guaranteed spheres of choice free from collectively binding beliefs and values, that citizenship qualifications are made independent of religious profession or cultural membership, that legislation is legitimated by procedures of enactment, and so forth, to that extent legal and political culture is being differentiated from traditional worldviews and forms of life. What further cultural changes are likely to be associated with that differentiation and its consequences is an open question.

Similar lines of thought could be elaborated for other aspects of societal modernization. And together they pose an issue that has been increasingly discussed under the rubric of “alternative” or “multiple” modernities. Charles Taylor formulates it in general terms as follows: Assuming that some degree of convergence in economic, governmental, and legal institutions and practices is an unavoidable feature of a globalized modernity, what kinds and degrees of divergence remain possible and desirable?<sup>9</sup> In particular, how much room do such modernizing tendencies leave for deep cultural differences? Taylor emphasizes that different starting points for the transition to modernity are likely to lead to different outcomes, and thus that new forms of modern society are likely to evince new forms of difference. This is, of course, already true of Western modernity: Swedish society is interestingly different from French or Italian society, let alone US society. And yet they are too much the same to satisfy Taylor’s interests in alternative modernities or, it is clear, those of the many other multiculturalists, including Dallmayr, who are concerned with broader and deeper differences in ideas and beliefs, outlooks and attitudes, values and identities, practices and institutions, than these societies evince.

To the question of how much and what kinds of difference we have good empirical and theoretical reasons to expect to persist, there is clearly no generally accepted answer. But one might well conjecture that it is less than Taylor and like-minded theorists hope for. He concedes that market economies and bureaucratic states are inescapable features of modern societies, and that with them come expanded spheres of instrumental action, as well as increased industrialization, mobility, and urbanization. He also mentions science and technology as something all modern societies have to take on, as well as general education and mass literacy. We might add to these the legal forms I mentioned above, together with legal cultures that support them. And we might further add a host of other changes that also appear to be irresistible for modern societies: decline of the agricultural mode of life that has defined most of humanity for much of our

recorded history; functional differentiation and specialization of occupational and professional life; further diversification of lifestyles, outlooks, and attitudes; increasing pluralization of belief systems, value commitments, and forms of personal and group identity; steady growth of knowledge understood as fallible and susceptible to criticism and revision; spread of mass media and of mass-mediated popular culture; and, of course, ever-deeper immersion in transnational flows of capital, commodities, technology, information, communication, and culture. We might also add changes which most participants in these discussions find desirable but concerning which the empirical tendencies are not as clear-cut: the decline of patriarchal, racist, and ethnocentric stereotyping and role-casting, and of other “natural” hierarchies of these sorts; the inclusion, as equals, of all inhabitants of a territory in its legal and political community; and the existence of public political spheres that allow for open exchange and debate. One could go on, but these few remarks are enough to suggest that the scope of deep divergence possible and desirable is somewhat more constricted than many multiculturalists acknowledge, especially if we take into account the very dense internal relations and causal connections between the aforementioned changes and the cultural phenomena that are too often discussed in abstraction from them.

#### IV

Where does all this leave our discourse about universalism after multiculturalism, to which I have added considerations of developmentalism. If my claims about the “facts” of cultural and social modernity hold up, at least in general if not in all specifics, then the constraints on the multiple modernities in the process of formation may be rather more substantive than many theorists of multiculturalism seem to suppose. On the other hand, the perspective of global discourse carried on at a critical-reflective level opens up an inexhaustible horizon of possibilities for contestation and variation. From that perspective, not only claims to universal validity have to stand up to transcultural scrutiny

but developmental claims as well, for they implicate claims to superiority. Representing a given cultural change as the result of a learning process, for instance, implies that it offers a superior way of dealing with some domain of experience. For instance, in regard to a broad range of questions and problems, there seems to be little doubt that the history of the natural sciences and associated technologies can be represented as a progressive learning process. The same can be said, in relation to another broad range, for the history of historiography and other human studies in the modern period -- at least in general, for when it comes to specifics, as we know, there is more than enough room for disagreement. However, even if the developmental interpretation of a particular cultural innovation *as such* proves to be better than competing accounts, there still remains the rather different question of what to make of it in practice, that is, of what *role* it should play in our lives, of whether and how it should be institutionalized, and the like. Thus, for instance, neither Weber nor Habermas doubts that scientifically based technologies and instrumental techniques for managing human affairs are the results of learning processes, progressive enhancements of our rational capacities to cope with certain types of problems. But, in their different ways, both are deeply critical of how those developments have been incorporated into advanced capitalist societies via markets and bureaucracies. Obviously, when issues of this sort are being debated across a diversity of societies, with a diversity of traditions, and in a diversity of circumstances, one would expect a diversity of views; for they centrally involve matters of well-being, variously understood, and on such matters unanimity is neither likely nor, in many cases, desirable.

A related point can be made regarding “structural” or “functional” or “systemic” modifications as well. There is little doubt that certain innovations –e.g. market economies, bureaucratic administrations, or, more generally, the differentiation and integration of functionally specialized subsystems of action – generally increase the power or “adaptive capacity” of complex societies. That is, they are thereby better able to cope with certain ranges of problems than societies without them. However, what role

they should play in a given society is certainly open to debate. Furthermore, societal developments of these sorts are open to contestation in ways that cultural developments as such are not. Wholesale critiques of cultural modernity by its inhabitants always risk incoherence or bad faith, for participants in the discourse of (post)modernity cannot but draw upon it in criticizing it. There is no extramundane standpoint available to us from which we could set modern culture as a whole at a distance. By contrast, rejecting power-enhancing systemic innovations may be perfectly coherent: there need be no *conceptual* confusion involved in wanting to live without markets or bureaucracies. Of course, *in practice*, in the type of world we live in, going without developments of this systemic sort runs the risk – not of incoherence but – of impotence, of being dominated and exploited by others in ways that undermine a population’s well-being even more than would likely result from undertaking the transformation in question. Obviously, the choices a society faces are quite different if it is situated (today) in a nexus of neoliberal globalization dominated by great – formerly imperial – powers or, as some hope (one day), in a more law-governed, democratic, egalitarian, cosmopolitan world-order.

A crucial feature, then, of disagreements about what role either cultural or societal innovations should play in the life of a society is that they cannot be decided simply by arguing that a certain transformation represents a developmental advance, either of “rational capacity” or of “adaptive capacity.” Once the demands of theodicy and teleology are stripped from developmental schemes, such advances no longer carry the imprimatur of divine providence, ends of nature, or even the cunning of reason. The “perfection of species capacities”, for its own sake, no longer serves, as it did for Kant and most of his successors, as an ultimate sanction of historical developments, no matter how bloody. The issues under discussion in practical discourses about the desirability of adopting specific innovations have directly to do not with species perfection but with what we judge to be in the best interests of everyone affected by those changes, including those not yet born who will have to live with the consequences of our decisions. In

practice, these sorts of discussions unavoidably implicate the different values, goods, and identities of those involved, and thus can often be brought to a conclusion only through negotiation, compromise, accommodation, voting or the like – that is, through something short of consensus. Of course, one has to keep in mind that developmental advances are deemed to be such because of the enhanced capacity they bring to deal with certain ranges of real problems. And improving our ability to cope with the world bears directly on our pursuit of well-being, at least under most interpretations thereof. So judgments concerning the social development of adaptive capacities are by no means irrelevant to practical discourse, but neither are they decisive. On the other hand, cultural developments as such, in contrast to particular institutionalizations of them, normally can be decided against only by deciding for a closed society in which threats to established views from that quarter are forcibly excluded or repressed. Those who have understood the cultural developments will usually find any defense of such a society that rests on incomprehension of them unpersuasive and any defense of it that draws on them sinister.

I have been writing as if cultural and societal developments belong to two different orders of reality. But that is merely an analytical distinction and it can take us only so far. In reality, societal structures are anchored in cultural lifeworlds, and cultural practices are shaped by institutional forces. This interdependence becomes crucial to the discourse of modernization because, as we well know, structural changes have cultural presuppositions, so that if they are externally imposed or hastily adopted they often disintegrate or transmute; and they entail significant, unforeseen and often unwanted cultural side effects. On the other hand, cultural modernization can make certain traditional institutions unsustainable, at least in their traditional forms, and may make certain modern institutions unavoidable. Habermas argues that this last is the case with the democratic constitutional state, that is, that modern subjects formed in modern cultures will eventually demand basic legal protections and rights, including rights of political participation, and will increasingly refuse legitimacy to governments that deny

them. In this and like cases, cultural learning and societal problem-solving converge on the same institutional changes, which reflect enhanced “rational capacity” and “adaptive capacity” at once. Consequently, they can be defended as developmental advances, as superior to what came before, both normatively and functionally. Habermas argues projectively that this is also the case with cosmopolitanism: that it is the only rationally defensible and practically effective form of world order in a globalized modernity.

## V

In adopting cosmopolitical justice as the practical standpoint from which to articulate his general narrative of human development, Habermas clearly moves closer to Kant than to Hegel or Marx. Recall that for Kant the ideal of systematic unity among human beings with diverse, often conflicting interests has the form of a civil union under a rule of law that permits the greatest individual freedom compatible with a like freedom for all. By the same logic, the coexistence of the freedom of one independent state with a like freedom for all others is possible for him only under a rule of enforceable law governing relations between them. Thus practical reason requires not only that individuals abandon the lawless state of nature and enter into a law-governed commonwealth but also that individual nations, in their external relations, “abandon a lawless state of savagery and enter into a federation of peoples in which every state, even the smallest, could expect to derive its security and right.”<sup>10</sup> This not an empty ideal of practical reason, Kant maintained, for historical developments increasingly push us in that direction. Cultural developments, in particular, play a key role, leading to an expansion of mutual understanding across national barriers and growing agreement on basic principles. Nevertheless, Kant conceded that in his time the idea of a global civil union was impracticable and could best be approximated by a voluntary, revocable, league of nations under a law of peoples. In the meantime, the unprecedented slaughter of the twentieth century has made a mockery of even his weak faith in the capacity of

classical international law and interstate treaties to preserve global peace; furthermore, the chief theoretical and practical alternative to these failed measures remains some stronger version of the legal pacifism projected in Kant's cosmopolitan ideal. In any case, that is the practical hope animating Habermas's grand metanarrative of development.

Of course, he has revised Kant's eighteenth-century understanding of that ideal to incorporate the democratic, social, and cultural concerns that have animated political struggles in the nineteenth and twentieth centuries. Thus his conception of cosmopolitical justice thematizes not only civil rights but also transnational forms of democratic participation, economic redistribution, and cultural recognition.<sup>11</sup> What I want to emphasize here, however, are his efforts -- different from but parallel to Dallmayr's -- to displace the monocultural universalism underlying Kant's construction of the cosmopolitan ideal by a multicultural universalism more sensitive to the dialectic of the universal and the particular mentioned above. The key to that displacement is recognition of the ways in which the interests, goods, values, identities, and the like embedded in different cultural contexts inextricably figure in legal and political discourse. "Law," Habermas writes, "serves as a medium for the self-organization of legal communities that maintain themselves in their social environments under particular historical conditions." As a result, "the facticity of the existing context cannot be eliminated."<sup>12</sup> And it is not only statutory law that is pervaded with particularity: constitutional undertakings to spell out the basic principles of government and the basic rights of citizens also express the particular cultural backgrounds and historical circumstances of founding generations. Though Habermas expressly regards basic human rights as an idea of practical-political reason that should guide every constitution-framing process, he is equally clear that any actually existing system of rights is, and can only be, a situated interpretation of that idea. "No one can credit herself with access to the system of rights in the singular, independent of the interpretations she already has

historically available. ‘The’ system of rights does not exist in transcendental purity.”<sup>13</sup> Furthermore, “every constitution is a living project that can endure only as an ongoing interpretation continually carried forth at all levels of the production of law.”<sup>14</sup> And this “ongoing interpretation” is in practice an ongoing conflict of interpretations.

Even these few sketchy remarks should serve to make clear that for Habermas the rule of law in a democratic constitutional state is not a fixed essence but an idea that has to be actualized in and through being variously interpreted and embodied in historically and culturally diverse constitutional projects. Accordingly, what he calls “constitutional patriotism” is construed broadly as allegiance to a particular constitutional tradition – that is, to a particular, ongoing, historical project of creating and renewing an association of free and equal citizens under a democratic rule of law. And if that project is itself to include space for a pluralism of worldviews and forms of life, as Habermas argues it must, then constitutional patriotism may not be wedded to monocultural or hegemonic-cultural interpretations of basic rights and principles to the exclusion, repression, or marginalization of minority perspectives. This means, of course, that we must understand the core of a constitutional tradition dynamically and dialogically – as an ongoing, legally institutionalized conflict of interpretations of basic rights and principles, procedures and practices, values and institutions. Inasmuch as these interpretations purport to be of the same constitutional tradition, and inasmuch as their proponents are and wish to remain members of the same political community, the ongoing accomplishment of sufficiently widespread agreement, for all practical purposes, concerning how persistent disagreements may be legitimately settled, at least for the time being, also seems to belong to that core.

Extending this model to the global level obviously makes these ongoing accomplishments all the more difficult. Habermas’s cosmopolitan ideal calls for embodying the “same” system of basic rights in a diversity of political-cultural settings; and that evidently raises familiar questions concerning the possibilities and limits of

transcultural understanding and justification of human rights. To deal with such questions, John Rawls has famously introduced the idea of an “overlapping consensus” on a law of peoples among political societies of widely different political cultures – liberal and nonliberal, democratic and nondemocratic, egalitarian and hierarchical, secular and religious.<sup>15</sup> Habermas’s cosmopolitan ideal does not allow for as broad a scope of variation among political cultures; it makes cosmopolitan justice turn on institutionalizing at a global level a generalized version of the same rights and principles already variously institutionalized in national constitutional traditions. Thus it requires a greater degree of convergence among legal and political cultures than does Rawls’s approach, or Dallmayr’s, even if one allows for the processual, practical, and situated character of negotiating cross-cultural agreements. It is in part to underwrite this possibility that Habermas propounds his general account of cultural and societal development as interconnected “rationalization processes.” The positive import of the constraints thereby placed on “alternative modernities” is that the idea of a global rule of law is not as hopelessly impracticable as it might otherwise seem. Of course, it would require further developing and strengthening the cultural and institutional conditions for multicultural cosmopolitical discourse. And it would also – and especially -- require leveling down the massive asymmetries in the global networks of power within which cross-cultural encounters are now situated. For all of this, developmental theory can offer no more than what Kant called a “rational hope.”

## VI

This conception of universal is descended from Kant by way of Marx and a tradition of social theory infused with a peculiarly modern time-consciousness. The present is understood to be weighted with the past and charged with the future, and social theory to be the meeting place of historical and utopian thought.<sup>16</sup> The past is no longer viewed as exemplary; the future is hoped to be better; and the present is seen as the point

of possible transition from the one to the other. Thus, the theory of the present has somehow to fuse empirical-historical and political-emancipatory impulses, with each informing and limiting the other. Already in Kant, the interpretation of history from the perspective of human development had to be consistent with the findings of empirical research. Reflective judgment did not replace or override determinative judgment but complemented and completed it. And Marx, of course, had nothing but contempt for *merely* utopian thinking. The subsequent renunciation of Marx's scientism by Western Marxists did not mean a return to utopianism; the possibilities for different futures had somehow to be seen as inherent in the historical process itself, that is, as "realistic" utopias. Habermas comes out of this tradition of interrelating theory and practice. Hence in exploring the emancipatory potentials of the present, he is concerned to draw on whatever empirical resources are available to ascertain, so far as possible, "objective" conditions, constraints, tendencies, and possibilities. Of course, appeals to realism, objectivity, and the like are under clouds of suspicion today. But they cannot be simply dumped if we want our epistemic, moral and political judgments to make any sense at all. Rather, they have to be ongoingly reconstructed to take account of reflective critiques of received notions. I can't defend that view here;<sup>17</sup> by way of concluding I shall merely suggest some of the ways in which our understanding of "objective constraints," "objective possibilities," and the like has come to differ from that of Kant understood objectivity in terms of validity for "consciousness in general."

Habermas has "socialized" Kant's approach in terms of his discourse theory, so that validity is tied to what could be rationally agreed to in unrestricted discourse. In the present context, this means that the testing, vindication, and rejection of claims to objectivity, universal validity, developmental superiority, and the like would have to transpire in and through universal, transcultural discourse. In fact, this applies reflexively to Habermas's own theory of communicative reason in all its parts, including his conception of validity itself. That is to say, it follows from the discourse theory of

validity that it must itself be reflexively endorsed by participants in universal discourse. Of course, for that to happen, someone has first to propose and defend it *as* universally valid. Claiming validity in this way is what gets and keeps the dialectic moving, and the course the latter takes often involves an ongoing transformation of the very claims and conceptions being defended. What we have to do with here is a kind of struggle over the universal, to borrow an apt phrase from Judith Butler.<sup>18</sup> This kind of struggle cannot simply renounce universality, for that is what orients and structures it.

Even if this is granted in general, however, there are a number of problems specific to Habermas's approach, which would require some reworking. To begin with, there is the ineradicable interpretive dimension of social and historical inquiry, stressed by Dallmayr, which makes the pursuit of objectivity there importantly different from in the natural sciences. In the absence of a general theory on which a consensus has formed within and among the relevant communities of inquiry in the human studies, the languages, and hence the facts – not to mention the general “laws” – of the human “sciences” are up for discussion. If realistic emancipatory theories have to incorporate knowledge of the general character of the social systems to which they are meant to apply, then they can't avoid getting involved in the sorts of conflict of interpretation that have marked social and political theory in the modern period. Moreover, as Dallmayr has repeatedly emphasized, interpretive approaches do not hold out the promise of a “view from nowhere,” even in the qualified sense that this might be said of the natural sciences. The perspectives on the social world they offer always reflect the “somewhere”, the hermeneutic situation of the interpreter. And because interpretive situations are themselves located in the stream of historical life, they bring with them evaluative as well as cognitive presuppositions. This means that our objective knowledge of the social world is value-laden in a stronger sense than is our objective knowledge of the natural world, for it reflects not only the epistemic values of a particular mode of rational inquiry, but also, and unavoidably, the values of the sociocultural locations from which it

is pursued. And this suggests that claims to objectivity will also have to be defended on normative and evaluative as well as on more narrowly cognitive grounds.

Habermas is optimistic about objectivity in the restricted sphere of “morality” proper, which he privileges, but he recognizes that in the sphere of what he calls “ethics,” which Dallmayr privileges, questions involving competing goods, values, identities, and the like do not admit of universal answers.<sup>19</sup> I have argued elsewhere that in law and politics, considerations of morality and ethics – of the right and the good – are inextricably entwined and thus that justice claims are susceptible to contestation from many of the same angles as interpretive and evaluative claims generally.<sup>20</sup> All of this could be summed up by saying that Habermas’s theory of communicative action, with its prominent developmental component, is best understood as a *general interpretive framework* used to construct critical histories of the present, especially of capitalist modernization with its vast consequences for traditional societies-- rather like Marx’s historical materialism and Weber’s theory of rationalization. As such, the space for reasonable disagreement it allows – no matter how “saturated” it may be with empirical findings – is more extensive and multi-dimensional than in the sciences of nature. This is true, in particular, for claims regarding objective constraints and possibilities, conditions and consequences. As we know very well, from policy debates for instance, such claims are strongly influenced by interpretive and evaluative standpoints that reflect political commitments; and they also involve political will, so that judgments of impossibility may be expressions of an unwillingness to take action. To acknowledge this is not, in my view, to say that there are no better and worse arguments in this area, but only that, *pace* Habermas, there will often be no single right answer.<sup>21</sup>

There is another host of problems attending specifically to developmental-logical claims. For one thing, at a critical-reflective level of discourse, developmental claims are a peculiarly blunt instrument with which to settle cultural disagreements. The presumed asymmetry between the developmental theorist’s reflective grasp of historical cultures

and the prereflective understandings of their members breaks down here. In the discourse of (post)modernity all participants are in principle operating at the same discursive level, which means that any culture talked about is in a position to talk back – for instance, to argue with the theorist about his or her own presuppositions, procedures, standards, assessments, and so forth. In short, discursive symmetry makes any cross-cultural epistemic or evaluative assumptions essentially contestable. One thing that may well be subject to disagreement is whether or not a declared end-point of development – or “end of history” – is really such or is, instead, still in need of *Aufhebung*—for instance, whether or not the dominant Western understandings of human rights are overly individualized and in need of rebalancing with concerns for the common good. Furthermore, even when there is more or less general agreement that a certain development is an improvement on what came before, the structural features that characterize it in developmental-logical terms will typically be of such a general and abstract nature as to allow for an indeterminate variety of concrete realizations. All of this already holds true of debates about development within Western cultures; and the considerable displacements of scholarly common sense already brought about by postcolonial theorists make clear that the transcultural expansion of discourse about development will induce yet greater dialectical movement into all “fixed, fast-frozen relations” unable to withstand critical scrutiny.

Approached in this way, universalism does not become superfluous after multiculturalism; it becomes rather an ongoing struggle over the universals we have to bring into play in structuring our common lives, an ongoing contestation and negotiation of their practical meanings and political contents. Establishing common ground in and through cross-cultural dialogue is essential for constructing the kind of cosmopolitan order that would offer an alternative to the current neoliberal desolation of entire geographic regions, economic sectors, and “superfluous” populations. And in multicultural, cosmopolitan discourse, the rule is mutual learning rather than learning on

one side and assimilation on the other, as was generally taken to be the rule in monocultural, imperialist discourse. As the “objects” of the latter discourse increasingly become the subjects of the former, the universal audience ideally projected by claims to justice more and more assumes cultural reality in our global public sphere. And one may hope, along with Fred Dallmayr, that this growing global civic culture will contribute to building a cosmopolitan democracy “from below” that can contain and transform the globalization “from above” imposed by colonial and neocolonial domination.<sup>22</sup> This is, at least, one form that Kant’s idea for a universal history from a cosmopolitan point of view may take today.

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<sup>1</sup> *Understanding and Social Inquiry* (South Bend: Notre Dame Press, 1977). The notions of “reasonable disagreement,” “overlapping consensus,” and (below) “comprehensive doctrines” are, of course, borrowed (loosely) from John Rawls.

<sup>2</sup> See *Beyond Orientalism* (New York: SUNY Press, 1996); *Alternative Visions: Paths in the Global Village* (Lanham, Md.: Rowman & Littlefield, 1998); and *Achieving Our world: Toward a Global and Plural Democracy* (Lanham, Md.: Rowman & Littlefield, 2001). I shall be referring especially to the last work.

<sup>3</sup> See Sankar Muthu, *Enlightenment and Empire* (Princeton, NJ: Princeton University Press, forthcoming).

<sup>4</sup> *Lectures on the Philosophy of World History: Introduction*, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1993), pp. 27-28.

<sup>5</sup> *The German Ideology*, in Robert C. Tucker, ed., *The Marx-Engels Reader* (New York: W.W. Norton, 1978), pp. 146-200, at p. 158.

<sup>6</sup> *Ibid.*, p. 155.

<sup>7</sup> *Between Facts and Norms*, trans. W. Rehg (Cambridge, MA: MIT Press, 1996), chapters 1-3.

<sup>8</sup> “Remarks on Legitimation through Human Rights,” in J. Habermas, *The Postnational Constellation*, trans. & ed., Max Pensky (Cambridge, MA: MIT Press, 2001), pp. 113-129, at p. 124.

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<sup>9</sup> See, for instance his “Two Theories of Modernity,” in D. P. Gaonkar, ed., *Alternative Modernities* (Durham, NC: 2001), pp. 172-196; and my comments thereupon, “On Reconciling Cosmopolitan Unity and National Diversity,” in *ibid*, pp. 197-235, esp. pp. 227-235.

<sup>10</sup> I. Kant, “Idea for a Universal History with a Cosmopolitan Purpose,” in H. Reiss, ed., *Kant: Political Writings*, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991), pp. 41-53, at p. 47.

<sup>11</sup> See, for instance, *The Postnational Constellation*. In these respects, Habermas comes closer to the view of human rights that Dallmayr articulates in chapter 3 of *Achieving Our World*, where he criticizes the near exclusive concern with individual civil and political liberties in Western human-rights discourse and calls for a shift of emphasis in the direction of the social and economic, cultural and collective rights required to protect underprivileged groups and populations from the depredations of neoliberal globalization. I suspect, however, that Dallmayr would go further with cultural and collective rights than would Habermas.

<sup>12</sup> *Between Facts and Norms*, pp. 151, 156.

<sup>13</sup> *Ibid*, p.129.

<sup>14</sup> *Ibid*.

<sup>15</sup> *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).

<sup>16</sup> See J. Habermas, “The New Obscurity,” in Habermas, *The New Conservatism*, trans. & ed., S. Weber Nicholsen (Cambridge, MA: MIT Press, 1989), pp. 48-70.

<sup>17</sup> I have done so in Part I of David Hoy & Thomas McCarthy, *Critical Theory* (Oxford: Blackwell, 1994).

<sup>18</sup> See her *Excitable Speech* (New York: Routledge, 1997), p. 89.

<sup>19</sup> See his “On the Pragmatic, the Ethical, and the Moral Employments of Practical Reason,” in Habermas, *Justification and Application*, trans. C. Cronin (Cambridge, MA: MIT Press, 1993), pp. 1-17.

<sup>20</sup> See my “Practical Discourse: On the Relation of Morality to Politics,” in McCarthy, *Ideals and Illusions* (Cambridge, MA: MIT Press, 1991), pp. 181-199.

<sup>21</sup> See my “Legitimacy and Diversity,” in M. Rosenfeld & A. Arato, eds., *Habermas on Law and Democracy: Critical Exchanges* (Berkeley: University of California Press, 1998), pp. 115-153; and Habermas’s “Reply,” pp. 390-404 of the same volume.

<sup>22</sup> See chapter 2 of *Achieving Our World*.