Cosmopolitanism and the Solidarity Problem: Habermas on National and Cultural Identities*

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This paper argues that some implications of globalization, and of cosmopolitanism understood as a considered political response to globalization, have rendered the distinction between national identity and cultural identity deeply problematic. Cosmopolitan projects that do not aim at the creation of a world state but rather at a “mid-level” set of institutional and procedural measures toward a global democratic order, such as that of Jürgen Habermas, depend upon a reasonably robust normative distinction between national identity as a primary disabling condition for cosmopolitan democracy and cosmopolitan forms of solidarity generally, on one side, and cultural identity as an enabling condition for subjects accommodating themselves to democratic procedures in multicultural states on the other. The argument will trace the relation between national and cultural identities in Habermas’s position, and will show how this relation grows problematic. My closing remarks will suggest that the cosmopolitan project, rather than trying to find a way around this problem, should confront it squarely, and acknowledge that it is precisely the loss of cultural identities in the face of globalization processes that can serve as the basis for a substantive cosmopolitan global ethics.

Habermas has defended a rather temperate version of the project of cosmopolitan democracy. He explicitly rejects the ambition of a world democratic state, and has instead called for measures to provide new institutional foundations, or strengthen existing ones, that can support popular sovereignty, democratic procedures, and legal protections beyond the framework of the nation-state.

Habermas’s position is, at heart, a legal cosmopolitanism that serves to advance a moral argument against the specific ethical substance of the modern nation-state. Specifically, Habermasian cosmopolitanism is the claim that the inherent contradiction between the particularism of national identity and the universalism of subjective rights can only effectively be compensated if the legal institutions and processes that recognize and enforce basic rights are removed from the level of the sovereign nation state to an as-yet unrealized institutionalization of coercive cosmopolitan law. Habermas recognizes, of course, that such a project would require a considerable change in the political self-understanding of global political actors. Such a change can be reasonably expected only on the basis of a form of cosmopolitan solidarity beyond national borders on the part of citizens, a solidarity that can serve as a resource of social integration and political motivation beyond traditional nation-states.

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It is difficult to underestimate the importance – or the force – of Habermas’s critique of the nation as a political-ethical category; probing the various theoretical and personal commitments that underlie this decades-old critical project would be a very large undertaking in itself. Initially, it is important not to oversimplify the relation between Habermas’s anti-nationalism and that of other participants in the discourse of nationalism and national identity. Basically, Habermas shares a consensus view of modern political theory that nations are, to use Benedict Anderson’s often-quoted phrase, “imagined communities,” “cultural artifacts” whose claims to such substantial forms of collective identity as racial or ethnic homogeneity, a shared language, history and destiny, or even a “common sense of the good” are invariably the artificial constructs of a population that needs to adapt to changing political and cultural conditions and to generate better and stronger forms of social solidarity.3

Since Habermas is not and has never pretended to be an empirically-minded political scientist, however, this critique of the strategic or ideological character of national identity has tended to be more normative than functionalistic, and has been driven by Habermas’s role as an engaged public intellectual in the public sphere of the Federal Republic of Germany. Hence any broader critique of national identity in Habermas’s work has, until relatively recently, only emerged as an extension of his bitter criticisms of the highly distinctive problems of German national identity. Hence Habermas’s role as a participant in an ethical-political discourse, with historical, ethical, and traditional problems and understandings specific to that ethical sphere, has often served as a shorthand for a position on national identity generally, while by contrast his views on the role of cultural identity have been much better developed in stricter theoretical terms.4

That situation has now largely changed; the essays collected under the titles Zur Einbeziehung des Anderen (Accommodating the Other) and more recently, Die postnationale Konstellation provide a much broader analysis of the function and limitations of national identity.5 And while this analysis finally breaks free of Habermas’s own self-imposed restriction to the specific ethical-political questions facing German collective identity, it remains powerfully normative.

In the case of modern Europe, Habermas argues, nationality – the concept of a national identity or “spirit of a people” that could serve as the ideological justification for a claim to collective self-determination – developed only subsequent to the emergence of modern states after the Peace of Westphalia. (The “delayed nations” of Italy and Germany serve as exceptions that prove the rule.) Modern states could no longer turn to traditional, metaphysical, or ecclesiastic sources for encouraging newly formed citizen-subjects to integrate themselves into the political and legal institutions and practices required for social stabilization. In this way, Habermas reconstructs the rise of national identity following the revolutions at the close of the eighteenth century as together comprising something like a prosthesis temporarily providing the levels of social integration and social solidarity necessary to bridge the conceptual and political gap.
separating a fragmented and particularistic present and the universalist, republican future of the modern state. While always rooted in a particular form of ethical life, republican principles are highly abstract. They are context-transcendent in the sense that they require individual citizens to regard themselves and their fellow citizens, in the final analysis, as political agents sufficiently unfettered by purely local contingencies to be capable of reasoned judgment on matters of general concern. The abstract procedural requirements of the constitutional state thus impose a heavy existential burden on individuals. “Nation” consists of an imaginary solidarity among strangers that cements the otherwise fragile bonds of reasonable cooperation. The myth of a common people with a common past and destiny thus provides “a cultural background for the transformation of subjects into citizens.”

This transformation proceeds via the path of the juridification of political action; from subjects who can be defined only by their relation to self-legitimating state authority, citizens are constructed as persons bearing legal rights.

But such a legal transformation would have lacked driving force, and formally established republics would have lacked staying power, if a nation of more or less conscious citizens had not emerged from a people identified by its subjection to state power. This political mobilization called for an idea which was vivid and powerful enough to shape people’s convictions and appealed more strongly to their hearts and minds than the dry ideas of popular sovereignty and human rights. This gap was filled by the modern idea of the nation, which first inspired in the inhabitants of state territories an awareness of the new, legally and politically mediated form of community. Only a national consciousness, crystallized around the notions of a common ancestry, language and history, only the consciousness of belonging to ‘the same’ people, makes subjects into citizens of a single political community – into members who can feel responsible for one another. The nation or the Volksgeist, the unique spirit of the people – the first truly modern form of collective identity – provided the cultural basis for the constitutional state.

The explanatory power of this functionalist reconstruction lies in its ability to criticize the concept of nation all the more powerfully by revealing both its internal contradictions and its anachronistic character. The universalistic value orientations required by the constitutional state develop according to a logic that invariably brings them into conflict with the particularistic, substantive form of identity required by adherence to a specific nation and national tradition. Hence the nation-state becomes “double-coded” or indeed “Janus-faced.” The logic of moral and political universalism entails a normative demand to question the legitimacy of all particular allegiances that take priority over egalitarian forms of moral and political recognition. Conversely, national solidarity invariably defines itself against the foreign, and reacts to the foreign with isolation or aggression. The freedom grounded in universalistic categories that the state provides to its citizens internally – the codified system of legal rights freeing
individuals negatively within a circumscribed sphere of civil society – is matched by the externally-directed freedom of assertion of the nation as a whole, conceived as a super-individual with its own needs, ambitions, and “destiny.” But conceiving the freedom of the nation naturalistically in this fashion, according to the prepolitical categories of place, history, ethnicity, language, and common destiny, can only come into conflict with constitutional principles.

The tension between the universalism of an egalitarian legal community and the particularism of a community united by historical destiny is built into the very concept of the nation-state. This ambivalence remains harmless as long as a republican understanding of the nation of citizens is accorded priority over an ethnocentric interpretation of the nation as in a permanent state of war. The nation owes its success to the fact that it substituted relations of solidarity among citizens for the disintegrating corporative ties of early modern society. But this republican achievement is endangered when, conversely, the integrative force of the nation of citizens is traced back to the prepolitical fact of a quasi-natural people, that is, to something independent of and prior to the historical-political opinion- and will-formation of the citizens themselves.8

Hence the critique of nationalism proceeds on three interrelated conceptual fronts: first is the functionalist argument that forms of national identity fill the “solidarity gap” for states as they emerge from premodern political arrangements and acquire new forms of sovereignty based on the moral abstractions required to produce free and equal citizens. Concomitant with this argument is the weaker (because empirically undersupported) claim that, as such, national identity is always “constructed” or fictionalized; the supposed “prepolitical values” of place, language, ethnic homogeneity, and historical lineage emerge as a discursive construction of an entity that never existed. Second is the conceptual claim that this function comes into open tension with the universalistic dynamic of republican principles. This conceptual claim entails the normative claim that the particularistic forms of solidarity made possible by national identity cannot be justified from the moral point of view, and that, as a political and legal corollary, the system of basic rights that is legitimately extended to all individuals (the cosmopolitan claim) ought to effectively trump any form of national particularity that is incompatible with that system. The logic of democratic procedure requires the steady abandonment of a naturalistically construed population. And third, an essentially pragmatic entailment is that, in the context of globalization, national differences are in any event becoming increasingly irrelevant in the face of current patterns of economic influence, global and regional migration, technological development, the rise of international institutions and arrangements, and the globalization of ecological and economic risk. Nations, in other words, lose their relevance to the degree that the nation-states that institutionalize them steadily lose
their basis of legitimacy under the pressure of economic and political globalization. Taken together, these arguments define the “nation,” as the foundation for collective identities and the basis for the institutionalization of popular sovereignty, as the premier disabling condition for the growth and strength of global democratic institutions.

At the same time as Habermas continues his vigorous criticisms of national identity, however, he has come to give a simultaneous (if not as energetic) defense of cultural identity, arguing in essence a modified Taylorian position, namely that culture, broadly construed, provides individuals with the specific sorts of background knowledges, vocabularies, shared historical experiences, and interpretive commitments – ethical substance – that together constitute something like an enabling condition for the adoption of the abstract principles and procedures of the democratic constitutional state. Here the need for access to an ethical substance on the part of individual citizens in order to accommodate themselves to the requirements of the constitutional state is met halfway, so to speak, by the “permeation” of the abstract principles of a democratic constitution by ethical substance. In both cases, the co-implication of ethical substance and moral form is an inference drawn from the more general, philosophical “individuation through socialization” thesis. Accordingly, “[a] correctly understood theory of rights requires a politics of recognition that protects the integrity of the individual in the life contexts in which his or her identity is formed,” with the further implication that such protection succeeds best when it acts consistently according to its own purely formal principles, rather than tailoring forms of recognition and allocation of rights on a context-sensitive basis.9

What, then, is the most promising way to describe the distinction between national and cultural identity in the vocabulary of political theory? As we move from the category of “national” to “cultural identity,” the assumption of artificiality – that is, the normative critique of a form of constructed identity that masquerades as organic and hence as “prepolitical” – is a good deal more difficult to defend. If “cultural identity” turns out to be just as constructed, just as artificial, and indeed just as contingent on the shifting political currents tending toward a globalization of politics as “national identity” proved to be, then Habermasian cosmopolitanism will be obliged to criticize the particularism and arbitrary limitations on democratic solidarity of cultural specificity in the same way as it does national identity. If, on the other hand, cultural identity proves to be a qualitatively different, “authentic” form of specific ethical substance – requiring a different analysis and different conceptual foundations, that is, than the general attribution of ethical substance to all individuals via the “individuation through socialization” thesis – then the heart of Habermas’s argument, the uncompromizable universalism inherent in the very idea of constitutional democracy – would appear to be in some difficulty.

One way to approach this question is to look briefly at the chief competitors to Habermas’s approach here. The revised liberalism of Rawls and Kymlicka, in a
certain rapprochement with Taylor, has annexed much of the available conceptual terrain in the discourse about the relation between the fact of cultural difference and the value of political accommodation within multinational states. We now find ourselves comfortably referring to the contestational, agonistic aspect of large democratic societies in a way that is not significantly different from the old liberal model of a civil society composed of more or less genially competing agents. Now “cultural groups” form a patchwork quilt of different, perhaps overlapping interpretive communities with their own self-sustaining and self-legitimating sets of identity-granting values and practices. They only need to reconcile these values and practices to a broader political culture in order to cohabit peacefully as fellow citizens. And in this sense, the notion of cultural groups has come to rely on an emphatically hermeneutic conception of cultures as interpretive communities. Kymlicka’s definition of “culture,” specifically of what he refers to as a “societal culture,” is an extreme but not atypical example. He defines a culture as “an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history.” Hence a cultural group “provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres.”

This emphatically hermeneutic conception of cultural identity is the foundation for Kymlicka’s defense of group-differentiated rights; a significant modification of the traditional liberal creed that the state should above all remain neutral concerning the varying substantive ethical commitments of its citizens. Yet this “substantialized” version of the individuation through socialization thesis has a direct bearing on the question at hand, for on this basis Kymlicka will also insist on the indifference between “societal culture” and “nation.” Indeed, Kymlicka’s stipulative definitions of “nation” and “culture” are identical: he also explicitly defines “nation” as “a historical community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and culture.”

Much of Kymlicka’s book is concerned with whittling down the range of problems that could fall under the rubric of “multicultural democratic politics”: racial minorities, immigrant groups, the poor, gays and lesbians, thus all count only as “groups” in another sense than a “cultural” group. Now, Kymlicka clearly wishes to concentrate on the “hard cases” of distinct national minorities within multinational democratic states insofar as he believes that doing so will draw out the more promising conclusions that can then be argumentatively extended to cover ethnic minorities and oppressed social groups as well. Nevertheless, his emphatic conception of “societal culture” dramatically changes the entire argument, for the point of procedural democracy now becomes the accommodation of cultural identities, which is the same as the accommodation of nations. National identity, in turn, is read in a strong sense as the necessary enabling condition for the accommodation to democratic values, the precise opposite of the disabling
condition that Habermas diagnoses. Hence Kymlicka’s analysis of the entitlements for group-differentiated rights within a multinational state leads directly to a broader argument in favor of the kind of “liberal nationalism” familiar from Yael Tamir’s work. Kymlicka is convinced that “national cultures and polities provide the best context for promoting Enlightenment values of freedom, equality, and democracy.”

Now, as plausible as this position is, it is important to realize how utterly it depends upon Kymlicka’s emphatic conception of national-cultural identity, which is essentially drawn from the North American models of Native American tribal communities, Amish and Hutterite religious communities, or French-speaking Quebec. Kymlicka and other defenders of liberal nationalism have significantly decreased the justificatory burden for themselves by figuring “cultures” as more or less discrete interpretive communities whose members appear to have relatively unambiguous and apparently dependent relations on the cultural group for the transmission of a “shared sense of the good,” even if they retain an abstract capacity to reflect upon and revise the terms of their group membership. It is less clear whether this model does the conceptual work that liberal nationalists believe it does in analyzing the full range of cultural identities and differences within a multicultural state. Nor, as we shall see, is it even clear whether this emphatic concept is itself entirely coherent.

I introduced Kymlicka’s argument to contrast that of Habermas: the emphatic concept of cultural identity argues for the indifference between nation and cultural group, based upon a naturalistic understanding of the sources of identity. It is just this understanding that Habermas will dispute, although we will have to look a bit farther afield to find this argument.

On the one hand, Habermas will agree with Kymlicka and the liberal nationalists up to a point: multicultural societies entail a common political culture that is meant to integrate citizens with a variety of cultural identities, but these same identities provide the resources needed for integration. Hence Habermas differentiates between a desirable political form of integration (accommodation of and to cultural difference within a pluralistic political culture) and an undesirable cultural form (assimilation and the end of culturally distinctive identities). Individuals can all expect to undergo a process of political integration into a constitutional democratic state insofar they must “assent to the principles of the constitution within the scope of interpretation determined by the ethical-political understanding of the citizens and the political culture of the country.” But no individual should be compelled to undergo a cultural integration that would demand “a willingness to become acculturated, that is, not only to conform externally but to become habituated to the way of life, the practices, and the customs of the local culture.” The question is whether this distinction between political and cultural integration holds up on Habermas’s own terms.

Like Kymlicka, Habermas assumes that cultural groups, the object of analysis here, exist insofar as they are already co-existent with other groups, and within a
dominant culture, within a constitutional state. The problem that stands in need of
analysis is the politics of multiculturalism within the democratic state; that is, how
cultural groups with their own forms of concrete cultural identity can survive
within a broader democratic political culture. All cultural groups can be expected
to undergo a political accommodation to the prevailing principles of democracy –
on this point there is near unanimity between Habermas, Kymlicka, Taylor, and
even the most sulphurous communitarians. (Tough cases, for example, that
construct a direct conflict between practices that are constitutive for a culture’s
distinctive collective identity, on the one hand, and the basic rights of one or some
of its members, on the other, clearly have to be settled in favor of the latter.)
Hence the perennial problem of intolerant (or “fundamentalist,” in Habermas’s
terms) minority cultures.

But this raises a central problem: do the specific requirements of such a polit-
ical accommodation allow us to speak of the “distinctive” identity of cultural
groups in the emphatic form? In the context of multicultural democratic states, is
it even possible to distinguish between cultural groups accommodating to a
common political culture, as opposed to a cultural group being generated by
modernization processes themselves?

Here I would insist that the conclusions of the Theory of Communicative
Action, specifically its Weberian theory of modernization as the rationalization of
democracies, cannot simply be bracketed as we move from one level of theoretical
analysis to another. We cannot forget the basic entailment of a sociological expla-
nation of an ambiguous process of modernization as rationalization: no forms of
cultural specificity can in the final analysis resist the process of modernization;
all cultural traditions are devalued to the extent that they require some form of
extramural justification on the part of their own participants; all lifeworlds, as
they modernize, progressively lose their capacity to provide prediscursive expla-
nations and situation definitions. No legal arrangements or political goodwill can
protect lifeworlds from the dynamic of modernization, even under the premise
that robust, “authentic” traditions are a sine qua non for a non-pathological
process of political integration. It is just this reading of societal and cultural
modernization as relentless and exceptionless that seems often to fall out of
Habermas’s specifically democratic-theoretical analyses. Modernization
processes are intrinsically hostile to holistic cultures in the emphatic sense.
Indeed the political accommodation that Habermas (not unreasonably) would
require of all cultural groups can only be achieved insofar as those groups are
capable of adopting a de-centered, reflective attitude toward their own beliefs and
practices – no matter how foundational those beliefs and practices may be (or may
once have been). Now, a “decentered” relation to one’s own traditions, beliefs,
and practices has several entailments: it means that one is capable of regarding
one’s own beliefs as beliefs, that is, as possible interpretations of the world that
can and do compete with others. It means that one is obliged to cease regarding
one’s cultural identity as anything else than a cultural identity, that one regard the
foundations of identity as validity claims that appear convincing. It means that one is capable (even if only a little bit) of engaging in a process of rational reflection on the bases of one’s own traditionally secured interpretation of the world. It means that one can reconcile two apparently contradictory claims: the foundational, “antecedent” role of cultural membership for individual identity, and the inviolability of the individual’s right to leave. And it means that one is capable of a critical relation to tradition, according to which some traditions can be carried on and others rejected, according to their ability to meet the requirements of public reason – their capacity to continue to convince social actors.

Now, for Habermas, these pluralistic requirements constitute grounds for the rejection of Kymlicka’s call for group-differentiated rights: “In the last analysis,” Habermas writes,

the protection of forms of life and traditions in which identities are formed is supposed to serve the recognition of their members; it does not represent a kind of preservation of species by administrative means. . . Cultural heritages and the forms of life articulated in them normally reproduce themselves by convincing those whose personality structures they shape, that is, by motivating them to appropriate productively and continue the traditions. The constitutional state can make this hermeneutic achievement of the cultural reproduction of the life world possible, but it cannot guarantee it. For to guarantee survival would necessarily rob the members of the very freedom to say yes or no that is necessary if they are to appropriate and preserve their cultural heritage. When a culture has become reflexive, the only traditions and forms of life that can sustain themselves are those that bind their members while at the same time subjecting themselves to critical examination and leaving later generations the option of learning from other traditions or converting and setting out for other shores. 

True enough, but reflexivity also entails that the “critical examination” of traditions will follow justificatory criteria that derive from the public use of reason, and not necessarily from the traditions themselves. Political accommodation, in other words, provides individuals with context-transcendent criteria for the evaluation of traditional contexts that make a claim to holism. It is not clear how any holistic set of cultural traditions can be expected to survive this form of analysis, for on the formal level the claim to holism is the first thing that has to go. Political accommodation entails cultural accommodation. Habermas depicts the devaluation and decay of cultural traditions as a learning process – which it surely is. But it is not entirely consistent to expect members of cultural groups to retain, except in fragmentary, self-conscious form, a set of beliefs whose claim to completeness and consistency is rendered operationally defunct. This fact explains the self-contradiction inherent even in cultural group’s members’ own self-descriptions as members of cultural groups requiring special legal protections and political recognition. For in order to recognize one’s self as a member of a given cultural group requiring protection and recognition, one must

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have already carried out the process of decentering and self-criticism, which is in turn not compatible with the emphatic, holistic notion of culture. But just that notion of culture, I would argue, is needed to make the plausible claim that cultural groups impart a distinct and unique identity to their members. In a decentered, self-reflexive context, the values constitutive of a cultural group have no more foundational a status for identity formation for individuals than any other sort of validity claims. They may have a temporal priority – we may grow up with them – but that may indeed often mark them as even more likely targets for rejection. On Habermas’s own terms, cultural groups survive or perish according to the reflective choices of members who vote with their feet and who are obliged to adopt the very attitude toward their culture that Sandel described as the “unencumbered self”: we may not be “antecedently individuated,” but our individuation through socialization makes any cultural claim up for grabs.

This reading of the ambiguity of modernization processes is a descriptive, not a normative one. Loss of culture both liberates individuals from ascriptive and limiting ties and increases the existential burdens upon them, and their need to construct new forms of social solidarity. If this is true (and I think it is), then we will have to make do without the notion that “cultural identity” constitutes a privileged source of semantic resources within a multicultural state; it is one of many. This is not to say that cultural identities and cultural groups are irrelevant; far from it. It is just that the emphatic reading of them is implausible on its face. Indeed, it may be much more reasonable to regard cultural group identities as in many cases arising from the historical efforts to effect just the kind of political accommodation that Habermas (not unreasonably) requires. In multicultural states, cultural groups often form identities precisely as an incorporation of, and reflection upon, the historical experiences that a delimited group of people have undergone in their efforts to adapt successfully to the very heavy demands of modern life, both political and economic. A collective self-consciousness of groups, their literal construction as groups, often emerges only via the experience of seeking legal and political redress for specific oppressions. This constructed character of cultural groups leaves unanswered the naturalistic question as to whether groups that establish a general social recognition as groups do so on the basis of prepolitical features such as ethnicity, language, an attachment to a particular geographical territory, and so on. But the shared collective experience of political “accommodation” (probably too gentle a word to cover the empirical facts) seems to provide as good a criterion as any for establishing group identity.

This means that – in a way the direct obverse of Kymlicka’s liberal nationalism – Habermas effectively argues (though he may not want to read the implications of his own argument in this way) that “cultural identity” is just as “constructed,” and hence just as “artificial,” as national identity, if by “constructed” and “artificial” we mean “the discursive accomplishment of an empirically contingently constituted group of persons.” Just as Kymlicka’s emphatic notion of culture commits him to effacing any difference between
national identity and cultural identity, so Habermas’s reading of modernity effectively undercuts any meaningful distinction between nation and culture – introducing the specter of universalistic hostility to difference normally attributed to cosmopolitan fantasies by their critics. “Nation” now appears as only one brief episode in the larger and longer historical adventure of the decline of cultures in the plural, a temporary stopgap in the larger story of the steady collapse of the sources of solidarity.

Can or should we try to reconstruct the normative critique of nationalism and national identity in such a way that it does not include cultural identity as well? It appears that the normative distinction between national and cultural identity – such that the one is deceptive, the other merely constructed – is not the hermeneutic concept of “identity” at all, but rather the political concept of sovereignty. As I argued earlier, Habermas sees the folly of nationalism consisting in the construal of the basic concept of popular sovereignty as a claim to collective or national self-determination, where the national collective is understood as a homogenous Volk united by prepolitical categories of shared descent, language, place, and destiny. We can now return to this distinction to observe the only effective difference between national and cultural identity: national identity implies a claim for sovereignty in terms of collective self-determination; cultural identity is conceived as already forming a constituent part of a multicultural state whose sovereignty is understood in terms of popular sovereignty via constitutionally assured democratic processes.

Old-style nation-state sovereignty – the kind that Kant, grudgingly, affirmed as an intrinsic part of the cosmopolitan program in “Perpetual Peace” – consists in the Weberian sense in the capacity to maintain the rule of law internally via coercion, and stable borders externally via an army; as such it constitutes something like the de facto claim that a specific territory distinguishes between foreign and domestic affairs, and that the latter is off-limits for other sovereign states. This conception of political sovereignty entails the idea that the internally homogenous construction of a people corresponds to the capacity for the assertion of a collective will directed externally. But it is just this kind of sovereignty that has grown increasingly irrelevant as a result of the dynamic of globalization. Habermas’s most recent work adds to the growing documentation of the overlapping, cross-cutting, partial, and fragmented forms of sovereignty that arise at the level of regional, continental or international organizations and regimes.

Popular sovereignty, consistently conceived, is in the final analysis incompatible with the arbitrary allocation of sovereign power to a given temporal state, since the principles that popular sovereignty is meant to realize – the recognition and realization of the complete schedule of subjective rights allocated to all members of an unbounded moral community – cannot be limited on inherently contingent grounds. Democratic polities realize the basic moral intuitions of modern universalism via modern, i.e., positive, constitutional law. Hence constitutions express abstract principles according to specific and ongoing interpretive
practices and traditions. But this permeation of the ethical meets its limit normatively in situations where a given state’s sovereignty makes it impossible to extend full rights to persons who have good reason to expect their recognition.

Thus the dynamic of cosmopolitan democracy holds that state sovereignty, like national identity, ought to be regarded as a pragmatic arrangement for the full global realization of human rights; as an institution it has no independent legitimacy, for there is no internal connection between popular sovereignty and the raison d’état of specific states. This fact underlies the fundamental legal claim of Habermas’s cosmopolitanism: that subjective rights ought to be recognized by coercive positive cosmopolitan law, thus effectively bypassing the category of the sovereign state altogether – a state of affairs that would directly conflict with the principles of international law as encoded in the United Nations charter.

Hence the last political differentiation between national and cultural identity – sovereignty conceived as the will to collective self-determination – is itself finally undermined by the core political ambition of cosmopolitanism, the emergence of a popular sovereignty beyond national borders. Neither national nor cultural identities of course simply disappear or become irrelevant, but in the contemporary scene, cultural identity does not retain the capacity to endow individuals with a sense of collective identity that is so qualitatively different from other sorts of social collectivities that any special arrangements are justified in protecting them. Moreover, even the thesis that cultural identity constitutes a special semantic resource for the accommodation to procedural democracy is rendered dubious, since it is in the final analysis an entirely empirical question whether given persons will or will not find their own (often multiple, overlapping, or conflicting) group memberships particularly formative for their identities. In the general field of the ethical, in the agonistic space of democratic procedures, cultural identity is but one source of identity, or one source of trouble, or confusion, or creation, or bureaucratic construction, or delusion, or manipulation, or oppression, or insight, self-discovery or self-dramatization, political emancipation or political trickery, among countless others. The loss of such a privileged site of ethical substance is the condition of contemporary democratic practice, and not the fear that democratic practice must overcome. Culture, in the emphatic sense I have used above, is gone. Its absence, in fact, composes something like the only distinctively ethical commonality that links a post-national world together into one ethical discourse.

And indeed this fact of cultural loss provides something like the ethical beginning point for a reflection on the normative foundations of cosmopolitan projects. Taken as a fact, as something that has happened, the decline of culture can provoke a wide range of responses from celebration to alarm to outrage to mourning. It seems to me that cosmopolitan self-reflection ought to confront the full range of these possible responses; doing so would result in a form of cosmopolitanism that is just as past-oriented as it is future-oriented. To be worthy as a progressive doctrine in the face of the world as it is, cosmopolitanism would
need to establish itself as a form of critical historiography, just as much as a part of a speculative political and legal theory – as a normatively inspired, unquenchable curiosity about the forms of cultural identity that have been lost in the process of forming the very possibility of global democracy.

Cultural identity in the emphatic sense is not a “price paid” by the call for a cosmopolitan democracy; it is not cosmopolitanism, but the fact of modernization itself that has rendered cultural identity into one of many competing, agonistic, conflicted, politicized, indeterminate, and partial sources of ascriptive identity in large democratic societies, one that is insufficiently differentiated from other forms of social identification to justifiably require any special legal protection under the rubric of “group-differentiated rights.” It makes little sense to speak of protecting cultural identities from modernization processes that so often turn out to have been crucial in the process of creating just those identities. The unforced unity that cosmopolitan democracy calls for means neither uncritically affirming nor simply erasing the fact of cultural identities. It rather calls for understanding them as “limitations” to the totalizing concept of the human, limitations that both constitute and at the same time mark the limit of the thought of moral-political progress. Such an understanding may contribute to the realization that the real subjects of cosmopolitan democracy are members of the growing global plurality of the destitute, whose destitution deprives them of membership – cultural, national, or otherwise – more surely and more completely than any political theory could.

In the final analysis, cosmopolitanism is the attempt to articulate a claim about solidarity. At the end of the era of the nation-state, forms of particularist identity, and the forms of social solidarity that they made possible, steadily lose their basis of legitimacy. But a cosmopolitan solidarity that could be adequate to the fully realized universalistic intuitions that underlie both moral deontology and democratic practice has no substantial content that could be traced back to the particularities of nation or culture. As the “flipside of justice,” universal solidarity rests upon intuitions concerning the symmetry and reciprocity conditions that constitute the conditions for discursive practices as such. Habermas rightly doubts whether such a “dry idea” of solidarity as a formal recognition of the inherent fragility and vulnerability of individuation and socialization processes (or, translated into the discourse of law and politics, the recognition of the universal claims of rights through the violated rights of national citizens) could adequately fill the “solidarity gap” that emerges as national solidarities ebb under the pressure of globalization. But Habermas also doubts whether any substantive mode of collective identity could possibly provide a basis for a cosmopolitan solidarity; that is, he doubts whether there is any possible ethical dimension to a form of global solidarity. And yet just such a substantive dimension is clearly what the “cosmopolitan project” requires if it is to have any realistic chance of success.

In a sense, “cosmopolitanism” can be taken as a kind of normative claim that contests the boundary between “moral” and “ethical” discourses in the
Habermasian sense: it is the claim that the concrete ethical substance of a given community – the discussion of “who we are, and who we want to be” – ought no longer to confine itself to any spatially bound polity but, in questions that directly affect the interests and needs of all, ought to be extended to include all human beings as a part of a global ethical community, in the flesh, and not merely as members of a Kingdom of Ends. The moral principle of inclusion in discourse, in other words, is met and matched by the ethical call to revise who we are, and who we want to be.

If there is a global consciousness on which a cosmopolitan democracy could find some substantial support – a global ethics, as opposed to a universal morality – it is not in a Taylorian “republican consciousness” in which each temporal nation would realize a moment of unity between love of the universal and of the particular state, nor in Kymlicka’s liberal nationalism, where individuals, bereft of other resources, depend on ethical particularism as a translation tool for accommodating themselves to the unique challenges of modern society. Nor, I think, would a global ethical substance be adequately described as a nationally unbounded Habermasian constitutional patriotism, in which each nation would critically rework its own ethical substance and national history to put some flesh on the bare bones of moral universalism. Cosmopolitan solidarity would intend something a bit different, and a bit stranger: a consciousness of the shared fate of global risks, of course, and of shared potentials and dangers in the decades to come as globalization processes continue to undermine older forms of identity and generate new potentials and new dangers. But beyond this, cosmopolitan solidarity as a global ethical discourse may also extend to a common, critical remembrance of what “we” have undergone in the process of cultural modernity, the fact of which ties “us” as humans more closely to one another than anything else. As modernity’s children, all of us have been dealt different hands by the same set of global transformations; in radically asymmetrical ways, all of us have (or are having, or will soon have) to cope with the decline of cultural particularity, and to adapt to a state of affairs in which identities are multiple, hybridized, fragmented, overlapping, contradictory, forbidden, lost, forgotten or half-forgotten, repressed or misremembered, fantasized, perverted, ignored. A global ethical discourse about “who we are, and who we want to be” could be addressed only indirectly via a discourse about “who we were, and what happened to us.” Such a discourse – call it a global ethical Vergangenheitsbewältigung – would no doubt be as difficult, jagged, ambiguous, angry, and potentially endless as one could imagine. But for a cosmopolitan solidarity worth having, it seems indispensable. Who “we” are and what “we” lost are of course themselves enormously dangerous and contestable terms, and at first glance seem to invite all manner of abuses and concealments – over the character, meaning, magnitude or implications of loss, over the asymmetries of power that may hide behind the attribution or self-attribution of victimhood, and so on. Such things can neither be ruled out nor are they even to be avoided – as opening positions in

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ethical discourses, expository claims over identity and of victim status only stake opening claims for ongoing debates, even when they do so negatively. The image of loss does not imply a flattening out of our ethical sensibilities; loss is not an equalizing force. But collective loss can also be read as a source of solidarity and identity, and need not efface the political differences between marginalized and oppressed groups and members of a privileged culture; indeed, it is possible that only through a dramatically greater feeling for loss and the effects of loss can members of a global community come to any better understanding of the history, sources, and nature of the oppression that they experience. Indeed, such new fields as postcolonial studies and critical race theory, insofar as they engage a broader reading public in critical discourses, appeal to just such a fragmented, troubled, but vital interrogation of a shared past as a normative foundation.

The ethical discourse of modernity is a discourse of loss – the loss of cultural difference, the loss of opportunities for the reasonable adoption of scientific and technological discovery, the loss of life, the loss of “repeated attempts at dialogue,” to borrow Habermas’s own early formulation.21 A global ethical discourse that would discover, and register, the “traces of violence that deform” such repeated attempts at dialogue would be one that took as its subject the historical processes in which oppressed groups have been constituted, how they responded to that oppression, and how, very often, they vanished. To keep alive the history of this process is not just to engage in a form of historical antiquarianism, but to respond to an intuition that can one last time be registered in a transformed formula of Adorno: “Eingedenken der Kultur(en) im Subjekt.”

NOTES

* With thanks to Seyla Benhabib and Ciaran Cronin.
1. “The point of cosmopolitan law is...that it goes over the heads of the collective subjects of international law to give legal status to the individual subjects and justifies their unmediated membership in the association of free and equal world citizens.” “Kant’s Idea of Perpetual Peace, with the Benefit of Two Hundred Years’ Hindsight,” in Bohman and Lutz-Bachmann, 128.
6. Habermas, Accommodating the Other, 109.
7. Ibid., 112–113.
8. Ibid., 115.
11. Ibid., 18.
12. Ibid., 11.
16. For an interesting analysis of this see Kymlicka, *Multicultural Citizenship*, ch. 8, “Toleration and its Limits.”
17. “In multicultural societies the national constitution can tolerate only forms of life articulated within the medium of such non-fundamentalist traditions, because coexistence with equal rights for these forms of life requires the mutual recognition of the different cultural memberships: all persons must also be recognized as members of ethical communities integrated around different conceptions of the good.” “Struggles for Recognition”, 133.
18. Ibid., 130.
20. “Die postnationale Konstellation und die Zukunft der Demokratie,” in *Die postnationale Konstellation. Politische Essays* (Frankfurt: Suhrkamp, 1998), 162ff: “A legal community of world citizens that is all-inclusive yet organized in time and space certainly would be different from a universal community of moral persons, for which any such organization would be neither possible nor necessary. On the other hand, however, such a legal community of world citizens could not generate the comparatively firm levels of integration of state-organized communities with their own collective identities. I see no structural obstacles to expanding national civic solidarity and welfare-state policies to the scale of a postnational federation. But the political culture of a world society lacks the common ethical-political dimension that would be necessary for a corresponding global community – and its identity formation.”
21. See Habermas, “Postscript” to *Knowledge and Human Interests* (Cambridge, MA: Beacon Press, 1974), 314–315: “Only when philosophy discovers in the dialectical course of history the traces of violence that deform repeated attempts at dialogue and recurrently close off the path to unconstrained communication does it further the process whose suspension it otherwise legitimates: mankind’s evolution toward autonomy and responsibility.”