

# Habermas' Vision of a New Cosmopolitan Order<sup>1</sup>

Amsalu Tebeje<sup>2</sup>

## *Abstract*

*The multi-faceted processes of globalization have been associated with the increasing interconnectedness of the world or the creation of a global village. These processes are, however, full of ambiguities in that they challenge human freedom, dignity, rule of law and democratic self-determination. In this condition of human existence, cosmopolitanism is being advocated as a practical consciousness of universal humanism and as a political project to regulate the dehumanizing effects of economic globalization. This article explores and analyzes Jurgen Habermas' conception of a new cosmopolitan order as constitutionally structured multi-level global governance without global government. Habermas upholds the enlightenment ideals of rationality, freedom, human rights and democracy based on the notion of communicative reason implicit in everyday use of language. The global realization of human rights and democracy is conceived as the control of supranational and transnational governance by the will of world citizens developed in national and transnational public spheres. I argue that Habermas' cosmopolitan project is problematic in that the development of cosmopolitan consciousness and global public sphere is compromised by economic globalization. In as much as national and transnational public spheres depend on uneven global economic structure; it is unlikely that Habermas' project will realize the goal of overcoming global economic and social inequalities. I argue that the development of popular based nationalism in the postcolonial South can make the state serve the interest of the majority of the people and also challenge economic globalization.*

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<sup>1</sup> This article is an abridged form of my MA thesis entitled: "Habermas and the Cosmopolitan condition"

<sup>2</sup> Lecturer, Mekelle University

**Keywords:** *theory of communicative action, life world, public sphere, distributive justice, nationalism, global domestic politics*

## **Introduction**

Globalization is a central concept describing the multi-faceted realities that humanity faces around the globe. It is also a central theme of intellectual inquiry and reflection. Even if a precise definition of the term globalization seems to be evasive, the mention of it brings to the mind the increasing economic, political, cultural, and technological interconnectedness of the world as well as the inequality, exploitation and impoverishment that many people face around the world. Furthermore, the weakening of the nation state and the undermining of the democratic process is also connected with globalization. For many concerned with the human, inequality, injustice, loss of freedom and dignity is linked to economic globalization (one among the many faces of the globalization process). In this regard, in his book *'Inhuman Conditions: on Cosmopolitanism and Human Rights'* (2006), Pheng Chea associates economic globalization with what he calls "inhuman conditions", describing the defective features of human existence due to commodification, technology and totalitarian domination.

In this context of the 'inhuman conditions', cosmopolitanism is being advanced both as a practical consciousness of universal humanism and as a political project to regulate the dehumanizing effects of economic globalization (see Appiah, 2005; Gir, 2006; Chea, 2006; Fine, 2007). In this respect, Jurgen Habermas, one of the most influential thinkers of critical social theory, may be said to provide a systematic cosmopolitan political project in a way to control economic globalization. In line with his view of modernity as an unfinished project, Habermas conceives a cosmopolitan condition as a global realization of peace, democracy and human rights. He develops a cosmopolitan political project based on the premise that globalization is the manifestation of modernity and requires a critical analysis. In the following discussion, an attempt will be made to expose, analyze and examine his cosmopolitan project.

### **Globalization and the Post National Constellation**

There is no agreement among scholars with regard to the precise meaning of globalization. We can, however, understand globalization as the technological, cultural, economic and political processes leading to an increasingly interconnected world. Habermas uses the concept of globalization not as an end state but as a process that “characterizes the increasing scope and intensity of commercial, communicative, and exchange relations beyond national borders” (PNC: 65-66<sup>3</sup>). It includes the circulatory process of humanity, technology and nature via networks.

While globalization has many faces, Habermas notes that the most significant aspect of globalization affecting the nation-state is economic globalization. He presents four facts that characterize economic globalization: First, expansion and intensification of trade; Second, an increasing number and influence of transnational corporations along with worldwide production facilities; Third, the increase in direct foreign investment. Finally, global capital flow through electronic networks of global financial markets as well as their autonomous functioning. He makes it explicit that global economy is different from international economy in that the former is unregulated while the latter has been regulated through the regulatory systems created after the Second World War: “[t]he global economy was a very largely unregulated (and many would argue unregulatable) domain. The global economy as the matrix of “globalization” is a late twentieth century phenomenon” (PNC: 67).

Habermas argues that globalization undermines the defining characteristics of the nation-state and leads toward a post national constellation. He formulates the idea of post national constellation based on a careful analysis of the effect of globalization on the so called nation-state system. First, globalization affects the capacity of nation-states to provide public administration as well as to protect its territoriality. According to his observation, global capital flows affect the administrative state in so far as it becomes incapable to apply regulatory mechanisms for macroeconomic

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<sup>3</sup> A list of acronyms of the major works of Habermas is found at the end of the Article

balance and redistribution. He states that “increased capital mobility makes the states’ access to profits and monetary wealth more difficult, and heightened local competition reduces the states’ capacity to collect taxes” (Ibid:69). Furthermore, environmental problems and ecological destruction as well as their solution transcend national borders.

Second, increasing global interdependence challenges the sovereign status of the nation-state as prescribed in classical international law. According to Habermas, while the sovereignty of states and monopoly of violence remain formally intact, the weakening of the administrative capacity of states, economic interdependence as well as mutual environmental risks make the classical model inadequate to explain state sovereignty in its full aspect. He lucidly describes this as follows:

Nation-states can no longer secure the boundaries of their own territories, the vital necessities of their populations, and the material pre-conditions for the reproduction of their societies by their own efforts. In spatial, social, and material respects, nation-states encumber each other with the external effects of decisions that impinge on third parties who had no say in the decision-making process (DW: 176).

Habermas also notes that governance regimes at the regional, international and global levels emerge in a way to fill the gap created by the loss of capacity and autonomy on the part of the nation states. These included GATT, WTO and special UN agencies. Other arrangements such as G-7 summits, NAFTA, EU make the distinction between foreign and domestic policy blurry for nation-states.

Thirdly, globalization also affects the cultural background of civic solidarity in the nation-states. The solidarity basis for democratic self-determination, that is, the supposedly homogenous national culture is being undermined by global markets, mass communication, and mass consumption. In this post national conjuncture, multi-national corporations (MNCs) have become powerful competitors to nation-states. Nevertheless Habermas takes the replacement of nation-states by MNCs not as shift of power but as the replacement of regulatory mechanism of power by money. The fundamental dilemma in this shift is that power and money operate in a different logic. While power can be democratized, money cannot. Consequently, “the possibilities for a democratic self-steering of society

slip away as the regulation of social spheres is transferred from one medium to another” (PNC: 78).

Habermas’ solution to the problems associated with the uncontrollable aspect of economic globalization is analogous to the solutions he provides to the pathologies of modern societies. In his monumental two volumes *Theory of communicative Action (1987)*, Habermas analyzes modern societies into life world and system with the corresponding action coordination effected through communicative and instrumental reason. The pathologies of modern societies arise due to the colonization of the life world by systemic imperatives that are, political power and money. A brief discussion of how Habermas addresses problems of modern social order is important to understand his analysis of Globalization and his cosmopolitan project, better.

### **The Theory of Communicative Action: Life World and System**

The theory of communicative action distinguishes two concepts of rationality and how they guide action. These are instrumental and communicative rationality. Instrumental reason presupposes the subject/object model of cognition and aims at calculation of self-interest in terms of means and ends. The type of actions in this category are “either instrumental when they are directed at efficient intervention in a state of affairs in the world (e.g. through labor), or strategic, when they guide attempts to successfully influence the decisions of other actors (e.g. in relations of domination) (Defflem 1996: 2). Communicative rationality, on the contrary, presupposes “a community of speaking and acting subjects” (TCA1:13). Communicative rationality guides actions that aim at mutual understanding or a common interpretation of the world. Social actors can reach understanding and coordinate their action through language.

Habermas upholds the enlightenment ideals of freedom, democracy, and rule of law on the ground of inter subjective reason, that is, communicative rationality. This is implicit in everyday use of language. The idea of communicative reason is grounded on the thesis that speech acts as the smallest units of communication raise validity claims. He

provides three kinds of speech acts: connotative, regulative and expressive. These correspond to three kinds of validity claims: a truth claim in relation to the objective world; a rightness claim in relation to the social world and a claim of authenticity in relation to subjective world. Each of the validity claims is universal in that they are at least implicitly raised in every speech act. Furthermore, validity claims are universal or are not limited to the speaker or specific group. Validity means validity for every subject capable of speech and action.

Universal validity of claims in discourse is derived from communicative freedom or the presuppositions of actors in communicative action. Indeed, the validity of norms produced in discourse is measured in terms of the fulfillment of the procedures or presuppositions of discourse. In other words, normative validity in the areas of politics, law and morality depends on the fulfillment of the procedures of discourse including among others inclusiveness and consensus (BFN: 305-6).

On the basis of the two modes of rationality, Habermas provides a two level theory of society. These are the life-world and the system. The life world is a pre-given, intuitively present horizon of society, culture and personality. It is “the unquestioned ground of everything given in my experience, and the unquestionable frame in which all the problems I have to deal with are located “(TCA1: 131). It is the location of cultural background, shared values and competence of individuals.

In line with the three validity claims inherent in speech acts, the life world is a resource for shared interpretations of the world, normative standard of society and identity formation for individuals. Culture, society and persons are the structural components of the life world. The life-world can be understood both as a horizon and resource for the possibilities for changing or channeling culture and society. Communicative action serves cultural reproduction, social integration and socialization: “The interactions woven into the fabric of every day communicative practice constitute the medium through which culture, society and persons get reproduced “(TCA1:138). These processes cover the symbolic structure of the life-world. As such, it has to be distinguished from the material substratum of life-world. This, Habermas calls the system.

The system refers to the political, administrative, and economic sphere of life where action coordination is guided by instrumental rationality. In other words, rationality is judged in terms of power and money. In contrast

to the life-world, “the conclusive and self-justificatory nature of power and money means that there is no need within the system for consensus oriented discursiveness in the coordination of system actions” (Stacy 2000: 130-131).

Thus, Habermas’ account of modern society is based on the development of different forms of rationalization processes which lead to the separation of the system from the life world. Through processes of rationalization, the system functions independently of the life world. Power and money become the steering media through which the system functions. In other words, communicative action based on arguments of speaking subjects to reaching understanding is no longer applicable to the system. According to Habermas, the pathologies of modern societies arise due to the colonization of the life world by systemic imperatives: political power and money. What is at stake here is that the intrusion of the subsystems of state and money into the life world erodes the normative foundations of communicative action.

Habermas’ solution to the problems of modern social integration involves reconstructing the normative foundation of communicative action and democratic institutions. Democracy as a process of generating consensus deals with the practical question of how citizens can shape their lives in the context of systemic imperatives (power and money). In other words, “how can the power of technical control be brought within the range of the consensus of acting and transacting citizens” (TRS: 57)?

It is important here to mention the concept of public sphere which assumes a central place in Habermas’ democratic theory. Indeed, the concept is a reconstruction of modern bourgeois public sphere that emerged in the 17<sup>th</sup> and 18<sup>th</sup> century European societies as the “sphere of private persons come together as a public” (BFN: 366). It is an inter-subjectively shared space created when speakers come together in a speech situation. Unlike success oriented actors who observe themselves as something in the objective world, communicatively acting subjects create a shared space. According to Habermas, an inter-subjectively shared space of a speech situation can be conceived in the physical presence of speakers and hearers. In addition, the public sphere represents the extension of the public spheres (forum, stages) created by simple interactions without physical presence.

That is, when we think of scattered readers and listeners linked by public media (*Ibid: 361*). We can view the public sphere in the broader sense to include a literary and political public.

The political public sphere raises issues and engages in critical debate. The political public sphere in our time is rediscovered in the form of civil society organizations and associations. Unlike the liberal tradition, Habermas considers civil society as a sphere independent from both the state and the economy. It is a network of opinion and will formation that could be able to perceive, interpret, thematize and present social problems. However, participants in the political public sphere are not concerned with passing binding decisions. To this extent, “the communicative structures of the public sphere relieve the public of the burden of decision making; the postponed decisions are reserved for the institutionalized political process” (BFN: 362).

Thus, Habermas’ solution to the problems of modern social integration involves the reconstruction of democratic institutions and processes to bring the economic and political system under the control of the will of the people developed in deliberation and discourse. To this end, Habermas considers the normative functions of the constitution central. We should note here that the constitution of the nation-state provides a comprehensive legal order including the administrative state, the economy, and civil society. The constitution also expresses the normative ideals of a political community in accordance with which the state maintains law and order, the economy produces wealth, and civil society will produce solidarity among citizens. As such, “in light of a supposed common good the design of the constitution is intended to prevent system-specific pathologies” (Habermas 2005:19).

The constitution is conceived as an ongoing project with the goal of realizing a system of rights in changing circumstances. This goal is to be achieved through the control of the political and economic system by the will of the people developed in deliberation and discourse. This is the foundation of what Habermas calls “constitutional patriotism” – the commitment to maintain the constitutional project as an association of a free and equal citizens under laws they have themselves created.

### **The Thesis of a World Constitution without a World State**

Habermas' cosmopolitan project is developed by extending the function of the constitution and democratic institutions at the level of the state to the global level. We should recognize here that the idea of establishing a cosmopolitan legal order by extending constitutional order at the level of a state to the interstate level was first developed by Immanuel Kant in his *'Perpetual peace: A philosophical sketch'* (1791). However, Kant himself rejected this project because it demanded the establishment of a world state. Habermas argues that a constitutionally structured cosmopolitan order without a world state is conceivable. According to him, Kant does not fully adopt the idea of a world constitution for the obvious reason that he conceives it in terms of establishing a world state.

Habermas acknowledges that the conception of a cosmopolitan order in terms of a world republic is the wrong model. However, he argues that the Kantian idea of a world constitution can be conceived without the presupposition of a world state. This is possible if we recognize the difference between state and constitution:

A "state" is a complex of hierarchically organized capacities available for the exercise of political power or the implementation of political programs; "constitution", by contrast, defines a horizontal association of citizens by laying down the fundamental rights that free and equal founders mutually grant each other (DW:131).

The distinction between state and constitution will enable us to overcome the shortcomings of the Kantian cosmopolitan vision. Thus, the transition from international law to cosmopolitan law is complementary but not analogous to the development of the constitutional state:

The transition from the law of nation to cosmopolitan law can indeed be understood as a constitutionalization of international relations but not as a logical continuation of the evolution of the constitutional state leading from the national to global state (DW:132).

Based on the simple difference between state and constitution, we are able to understand that international law is undergoing a process of

constitutionalization. If constitution is understood as a legal code within which equal members mutually grant rights, then even classical international law can be understood as a form of constitution in as much as it creates a legal community with equal right. It differs from the republican constitution in that “it is composed of collective actors rather than individual persons, and it shapes and coordinates powers rather than founding new governmental authorities” (DW: 133). Hence, the constitutionalization of international law or its evolution proceed from the non-hierarchical association of collective actors to a supra and transnational organization of cosmopolitan order. In this reading of the constitutionalization of international law, the charters, treaties, or agreements that constitute the UN, WTO, EU and other multilateral and regional organizations represent its development towards a cosmopolitan order.

According to Habermas, we can realize the cosmopolitan condition by democratizing and reforming those institutions of governance without transforming them into a world state. Hence, “one can construe the political constitution of a decentered world society as a multi-level system that for good reasons lacks the character of a state as whole” (DW: 135-36). This constitution will provide:

[a] politically constituted global society that reserves institutions and procedures of global governance for states at both the supra and transnational levels. Within this framework, members of the community of states are indeed obliged to act in concert but they are not relegated to mere parts of an overarching hierarchical super-state (Ibid: 135).

In this respect, unlike international law as a law of states, which recognize one type player ( nation states) and two playing fields (domestic and foreign policy), the cosmopolitan law that Habermas develops involves three avenues or playing fields (Supranational, transnational, national) and three types of collective actors (a world organization, transnational organizations and states).

The supra-national level involves a single actor, that is, a world organization concerned with the function of securing peace and human rights at the global level. Habermas prefers a reformed UN along with an

enhanced capacity to secure human rights and preserve peace effectively and in a non-selective manner. The transitional level will be an arena of global domestic politics where transnational organizations negotiate, deliberate and take binding decision with regard to the world economy and environment. Habermas clarifies the goals and functions of the two levels of global governance as follows:

On this conception, a suitably reformed world organization could perform the vital but clearly circumscribed function of securing peace and promoting human rights at the supranational level in an effective and non-selective fashion without having to assume the state-like character of a world republic. At the intermediate, transnational level, the major powers would address the difficult problems of a global domestic politics which are no longer restricted to mere coordination but extend to promoting actively a rebalanced world order. They would have to cope with global economic and ecological problems within the frame work of permanent conferences and negotiating forums (DW: 136).

Thus, the reformed UN would specialize on human rights protection and the promotion of peace and will assume the playing field at the supranational level. The UN needs a reform that includes the strengthening of the UN Security Council, the improvement of its composition, organization, and voting procedures.

Habermas admits that there are no strong organizations, except the USA, to fill the transnational field which is the locus of global domestic politics in regards to global economic and environmental problems. However, existing multilateral organizations and democratized regional blocs such as EU, NAFTA, ASEAN, AU, etc. can take this role. These transnational organizations will negotiate, bargain and cooperate on issues of global domestic policy geared toward overcoming wealth disparities, reverse economic imbalances, avert collective threats, and promote intercultural dialogue. These issues cannot be solved either through power or coercion, but through dialogue:

International relations as we know them would continue to exist in the transnational arena in a modified form - modified for the simple reason that

under an effective UN security regime even the most powerful global players would be denied recourse to war as a legitimate means of resolving conflicts (Habermas 2008:325).

The national level of the multilevel global system would consist of the existing member states of the UN. According to Habermas, these states will retain the formal power of the legitimate monopoly of violence. State sovereignty, however, has to be conceived to include not only the right of states but also their obligation to protect welfare of its citizens and the international community. The world organization will have the power to secure world peace and protect human rights violation (even against violations of rights of citizens by their own government).

### **Critique of Habermas' Cosmopolitan Project**

In the preceding discussion, I have exposed that Habermas provides a global constitutional order lacking the character of statehood or simply multi-level global governance without global government. This is an ambitious project designed for securing world peace and human rights protection at the supranational level, and regulating economic globalization through a world domestic politics at the transnational level. At the third level of the cosmopolitan order, states will secure the rights and freedoms of citizens and retain a formal power on the monopoly of legitimate use of force. Is this project realistic, coherent or feasible? How can a reformed UN consistently secure world peace and protect human rights if it lacks the character of statehood? How can global domestic politics realize global distributive justice in an economically stratified world society? I will criticize Habermas' cosmopolitan project in light of these questions.

### **Critique of a Cosmopolitan Legal Order without a State**

Habermas' model of a global legal order without a state prescribes human rights protection and world peace to a new world organization or a reformed UN. The reformed UN, however, lacks the character of statehood, that is, it does not possess a monopoly on the legitimate use of force. According to him, a reformed UN would be made accountable to global public sphere and the Security Council would act under constitutional

obligation. In light of the selective and inconsistent protection of human rights and world peace characteristic of the UN system, how can a reformed UN consistently apply cosmopolitan law if states retain the exclusive control over military power?

This question is important if one recognizes that the UN system itself reflects the hegemonic law of the stronger 'legally' secured in the Security Council. As such, the veto power possessed by major powers can undermine the will of other members or the function of the world organization. The history of the UN attests to this. Thus, "constitution" and "state" become closely related in that generality and consistency in law presupposes some capacity to enforce legal norms.

Habermas attempts to defend this criticism by emphasizing the post national constellation, that is, the blurring of the distinction between foreign and domestic policy which will force states to replace the traditional forms of diplomatic pressures and military force with "soft power". He also counts on the emergence of global public sphere and discourse. He argues, "We should not underestimate the capacity of international discourse to transform mentalities under the pressures to adapt to the new legal construction of the international community" (DW: 177). His argument is that even if major powers like the USA possess military power which will enable them to ignore the UN and cosmopolitan law, they might not employ this power because of an improved self-understanding or the influence of international discourse.

Habermas also attempts to deal with the problem of applying cosmopolitan law consistently and non-selectively by limiting the function of the world organization to the protection of human rights and world peace. Human rights protection involves only the negative duties of preventing massive human rights violations due to armed conflicts, ethnic cleansing and genocide. According to Habermas, all cultures consider wars of aggression and crimes against humanity human rights violation. This can serve to justify the decision of the world organization:

The negative duties of a universalistic morality of justice - the duty to refrain from crimes against humanity and wars of aggression are rooted in all

cultures, and happily correspond to the yardsticks which the institution of the world organization themselves use to justify their decisions (2005: 35).

However, an ultra-minimalist conception of human rights at the supranational level is difficult to accept in a socially and economically stratified world society. Habermas clearly avoids all problems of social and economic origin from the legal function of the world organization. As such, the new world organization is not concerned with guaranteeing the minimal social and economic conditions necessary to realize the human right goals of the UN charter. For him, world citizens are not also expected to reach consensus on political issues of economic origin:

If the international community limits itself to securing peace and protecting human rights; the requisite solidarity among world citizens need not reach the level of implicit consensus on thick political values orientation that is necessarily for the familiar kind of civic solidarity among fellow nationals (DW:145).

Thus, the solidarity among world citizens and the function of the world organization do not include the positive commitment to overcome global social and economic inequalities. Although the world organization can formulate general principles of transnational justice, this is not a strict obligation on global players because political issues that reflect difference in value orientations require negotiation and compromise among global players

In the final analysis, the goal of overcoming extreme social and economic inequalities is dependent on the ethical and political orientation of global players. Indeed, the success of Habermas' project greatly depends as to whether his model of global domestic politics among regional blocs, and multilateral organizations at the transnational level could address problems of global economic and social inequalities.

### **Global Domestic Politics and the Postcolonial South**

As it has been mentioned elsewhere in the article, the political regulation of economic globalization is to be realized through global domestic politics at the transnational level. This is dependent on the development of cosmopolitan consciousness through the interaction of national and

transnational public spheres. Cosmopolitan consciousness is significant in that individuals can influence their respective states and transnational organizations to consider themselves as part of a cosmopolitan order and formulate a world domestic policy geared towards overcoming global economic inequality and alleviating environmental degradation. The feasibility of Habermas' project becomes questionable if one recognizes the intensification of competition among states created by the new international division of labor (NIDL). Moreover, the difficulty of conceiving cosmopolitan consciousness among individuals independently of this globalization process appears to undermine Habermas' vision of cosmopolitan democratic politics

I would like to criticize Habermas' project from two general perspectives. First, his project is based on a Eurocentric analysis of the effects of economic globalization and multiculturalism (as an empirical reality), both of which lead him to proclaim the "post national constellation". This, however, makes him unable to analyze the effect of economic globalization on the historically and structurally marginalized postcolonial South. Second, the model of global domestic politics is constructed by extending the norms and democratic institutions of the European welfare state such as the public sphere which, in other parts of the world, are fragile or deformed.

Habermas' analysis of economic globalization results in two central conclusions. First, economic globalization undermines the traditional nation state. It is also negative in that states can no more individually regulate economic globalization which points to the need to establish supranational and transnational political institutions. Second, with increasing transnational migration, it undermines the national basis of democratic solidarity. This is revealed to be positive in that multiculturalism simply requires shifting democratic solidarity from nationalism to constitutional patriotism. This in turn is of paramount importance to build cosmopolitan consciousness which is the basis of democratic legitimation of transnational political institutions and decisions. Multiculturalism, intercultural contacts and multi-ethnic connections will "strengthen a trend toward individualization and the emergence of "cosmopolitan identities" (PNC: 76).

According to Habermas, this cosmopolitan spirit on the part of states is developing only in the first world constitutional state. Third world countries characterized by social tension and second world countries characterized by authoritarian constitutions cannot provide lessons for a future global democratic politics: “Only the states of the first world can afford to harmonize their national interests to a certain extent with the norms that define the half-hearted cosmopolitan aspiration of the UN” (IO: 184). Furthermore, the first world states are the “meridian of a present by which the political simultaneity of economic and cultural simultaneity is measured” (Ibid). In other words, characterized by rule of law, tolerance, pluralism, and sensitivity to the public sphere, first world constitutional states can be models for a future cosmopolitan legal order.

Let me raise three points that could explain some of the problems immanent in Habermas’ project. First, his embellishment of the cosmopolitan spirit and peaceful character of the first world state can easily be rejected if one takes the recent US invasion of Iraq against international law. Second, the democratic institution of the first world welfare state that Habermas applies to the global level is itself a result of high economic development which cannot be realized in the third world. Third, while Habermas is right in identifying the development of cosmopolitan consciousness and solidarity in European public spheres during the Vietnam War and the recent US invasion of Iraq, it is reasonable to be pessimistic that this solidarity can be repeated towards overcoming global economic inequalities. This is due to the fact that the strength of European civil society itself depends on uneven global economic structure: “Global economic inequality is simultaneously the material condition of possibility of democratic legitimation in the North Atlantic and that which hampers its achievement in the post-colonial south” (Chea 2006:65).

I will substantiate my arguments by re-examining as to whether economic globalization or the New International divisions of Labor (NIDL) offers autonomous ground for the formation of post national identities and a global domestic politics as Habermas affirms.

The NIDL is coined by Falker Frobel, Jurgen Heinrichs and Otto Kreye to describe the new phase of capitalism or what we now call economic globalization in their book published in 1977. The authors showed the organization of production at the global level with an empirical study of the transfer of industries from wealthier states of European

Economic Community (EEC) to states of the third world beginning from 1970s. They provide three factors that explain this process: first, the existence of cheap labor force in the third world; second, the division and subdivision of production process which can be performed with minimal level of skills; third, the development of technologies of transportation and communication which make it easier to produce goods anywhere in the world. According to the authors, these factors changed the classical international division of labor under which third world countries were only producers of agricultural goods, raw materials, and minerals. Now, the relocation of industries makes these countries' producers of manufactured goods in a world economy:

For the first time in the history of the 500 year-old world-economy, the profitable production of manufactures for the world market has finally become possible in a significant and increasing extent, not only in the industrialized countries, but also now in the developing countries. Furthermore, commodity production is being increasingly subdivided into fragments which can be assigned to whichever part of the world can provide the most profitable combination of capital and labor.... The term which we shall use to designate this qualitatively new development in the world economy is the new international division of labor (2007:169).

The NIDL is the underlying cause of the weakening of the nation-state and also the pluralization of European societies through transnational migration. According to Frobels and his colleagues, the relocation of industries and capital mobility resulted in unemployment and also undermined the capacity of industrialized nations to achieve its intended goals (*Ibid: 162*). However the relocation of industries and the adoption of market-oriented industrialization by the third world have been considered a solution to poverty and underdevelopment. Frobels and his colleagues suspect this conclusion because market oriented industrialization is not the result of autonomous decisions and policies of developing countries. Rather, "Industry locates itself at those sites where production will yield a certain profit" (*Ibid: 168*).

It is this unregulated aspect of economic globalization that assumes the central theme of Habermas' cosmopolitan project. He correctly analyzes

the effect of economic globalization on the nation state as a political center and national solidarity. He notes the effect of the NIDL: structural unemployment, incapacitation of the European welfare-state, and also the pluralization of European societies as a result of transnational migration mainly from south to north.

However, Habermas overlooks the devastating effect of the NIDL on the third world, and presents the development of cosmopolitan consciousness in European societies as a global phenomenon. Indeed, the newly industrialized countries of East Asia benefited from the NIDL. Nevertheless large segments of the population of the postcolonial South do not benefit. The NIDL also does not end the north-south income gap as many be expected .Giovanni Arrighi (cited in Pheng Chea 2006: 37-38) notes that:

[Although] the signs of modernity associated with the wealth of the former First world... have proliferated in the former Third world; and it may also be the case that the signs of marginalization associated with the poverty of the former Third world are now more prominent in the former First world than they were twenty or thirty years ago [ , ]... it does not follow... that the distance between the poverty of the former Third world (or south) and the wealth of the former First World (or North) has decreased to any significant extent. Indeed all available evidence shows an extraordinary persistence of the North-South income gap as measured by GNP per capita... [In 1999 the average per capita income of former "Third world" countries was only 4.6 percent of the per capita income of former "First world" countries, that is almost exactly what it was in 1960 (4.5 percent) and in 1961 (3.4 percent).

Thus, Habermas' analysis of economic globalization is limited to Europe. He overlooks the effect of the NIDL on the postcolonial south and claims to see the development of cosmopolitan identities at the global level. In other words, his cosmopolitan project is constructed on the basis of the democratic institutions of the European Welfare state and cosmopolitan consciousness of transnational migrants. The question, however, is: can post national identities and cosmopolitan consciousness developed within the stratified field of economic globalization transcend this field and claim for humanity? Pheng Chea argues that multiculturalism and cosmopolitan consciousness developed in European societies will not be concerned with

uneven economic development and the suffering of peoples in the periphery:

[a] cosmopolitan consciousness formed in North Atlantic space that is attentive to struggle for multi-cultural recognition is not necessarily concerned with the problems of uneven development and the super exploitation of labor in the peripheries. The difficulties and injustices experienced in Northern multicultural migrant space-struggles over citizenship rights, problems of internal colonization, racism and discrimination within a constitutional framework where justice will be done in the best scenario-are not continuous with the struggles for subsistence of former compatriots left behind the other side of the NIDL (2006: 69).

Even if Habermas is correct in pointing out the development of cosmopolitan consciousness in the areas of development, environment, and rights of women particularly reflected in successive UN summits and NGOs, it is also a fact that UN summits cannot determine the global economic structure and decision making. It is the undemocratic decisions of the IMF, WB and WTO that brought devastating consequences. The UN summits and the NGOs attending these are not in a position to put pressure on these global economic institutions. In fact, it is difficult to present NGOs as representatives of global civil society because they are sometimes co-opted by Western governments and transnational capital:

The danger of imposing foreign models (economic or political) on other societies have been well-documented... with increased funding from Northern governments, NGOs are now in danger of being used in precisely this way, especially where large number of new organizations are being formed on the back of readily available donor funds, with weak social roots and no independent support base... Is this really strengthening civil society, or merely an attempt to shape civil society in ways that external actors believe is desirable? Will it promote sustainable forms of democracy? (David Hulme and Michael Edwards (cited in Pheng Chea, 2006:72).

Thus, Habermas' proposal of global public sphere or international civil society, which is supposed to make global economic institutions accountable, seems to be unrealistic and becomes less convincing.

In light of the effect of the NIDL on local, transnational and global public sphere, it is very difficult to provide autonomous grounds, both from economic globalization and particular interests, as arenas of discourse and deliberation for the common interest of humanity. Indeed, the dependence of European democracy and public sphere or civil society on uneven global economic structure suggests that Habermas' model of global domestic politics among global actors may not realize its goal of overcoming global economic inequality. Rather, it will maintain the status quo of economically stratified world society.

### **Popular Based Nationalism: a Glimmer of Hope?**

I argue that addressing economic globalization in the postcolonial South requires not so called cosmopolitan consciousness but nationalism. This nationalism is to be constructed or developed by people themselves and economic globalization does not undermine this possibility. In this regard, using the analysis of Samir Amin, Pheng Chea argues that economic globalization leaves a room for the development of popular based nationalism in the post-colonial south. According to his observation, the liberalization of trade and capital flows globally is not accompanied by the free movement of labor from South to North. Even if economic globalization brought the global integration of commodities and capital, a large reserve army of labor remains enclosed within national framework.

Thus, the deterritorialization of people is limited. The deterritorialization of people expresses the idea that globalization would bring the free movement of people all over the world without the limitations or restrictions of citizenship laws and migration policies of states. In as much as states remain important in the determination of movement of labor through citizenship laws and migration policies, the deterritorialization of people remain limited which paves the way for developing nationalistic solidarity to make the postcolonial state serve peoples interest. Chea notes that:

[i]instead of producing large groups of deterritorialized migrant peoples who prefigure the nation-state's demise and point to a post national global order, uneven globalization makes the formation of popular nationalist movements in the periphery the first step on the long-road to social redistribution. In this spirit, Amin suggests that in an uneven capitalist world system that largely confined the most deprived masses of humanity to national peripheral space, popular nationalism in the periphery is a necessary component of socialist cosmopolitanism (2006:39).

We have to be careful here to distinguish the idea of popular nationalism from the nationalism of European societies which Habermas rejects. Nationalism in the European context was the construction of the bourgeois class articulated through public media. It was grounded on pre-political identities or common descent. The idea of popular nationalism that Chea proposes in the post-colonial South is based on suffering from uneven economic development and the historical legacy of anti-imperialist struggles. As such, national culture and national self-determination is not equivalent to self-assertion of a chauvinist pre-political identity. Chea notes that:

Following the work of Frantz Fanon and Amilcar Carbal, national self-determination can be understood as people's achievement of collective dignity so that it can participate as an equal member in democratic self-legislation on the global stage (Ibid: 73).

Popular nationalism requires the state and the people to work hand in hand. The people should be informed so that government will not adopt economic policies and prescription that will negatively affect its own people. The people should oppose the involvement of national elites and governments in implementing neo-liberal economic reform (in this regard, the 1994 Zapatista peasant rebellion in Mexico is exemplary). In turn, States should assert control over resources connected with energy and industry and promote the interests of a national economy. Indeed, States are also expected to be strong enough to discipline their citizens through well formulated education, health, and population policies. They should build a political system founded on a spirit of collective freedom and dignity.

## Conclusion

Habermas' multi-level cosmopolitan legal order, though lacking the character of statehood, is geared towards the realization of universal constitutional principles at different levels. It has been shown that the distinction between "constitution" and "state" especially at the level of supranational governance seems to be indefensible for the obvious reason that the consistent and non-selective application of cosmopolitan law requires some capacity especially military power on the part of the world organization. In addition, limiting the function of the world organization to negative duties of justice is controversial and may lack universal consensus. I think, human rights violations of economic origin especially poverty related deaths should be considered human rights violations demanding at least that poverty reduction is a genuine issue of global justice

The model of global domestic politics is also shown to be a replica of the norms and democratic institutions of the European welfare state such as the public sphere which, in other parts of the world, are weak or deformed. It is also possible to state that democratic institutions of the public sphere and civil society might be used to pursue particular interests. As such, it would appear difficult to make a clear distinction between life world and system. That is, communicative action and democratic public spheres would sometimes depend on technical progress and economic development. Conversely, public spheres which are guided by communicative action oriented to reaching understanding might be instrumental to pursue ones' interest. In this regard, the dependence of European democracy and public sphere or civil society on uneven global economic structure shows that this model of global domestic politics may not realize its goal of overcoming global economic inequality. Rather, it will maintain the status quo of economically stratified world society. Furthermore, the idea of constitutional patriotism both as particular and universal forms of identity does not reflect the realities of the postcolonial South.

I have argued that the development of popular based nationalism in the postcolonial South can serve the interest of the majority of the people and

also challenge economic globalization. This is shown to be possible because economic globalization is structurally limited, that is, cannot bring a complete deterritorialization of people. Indeed, the majority of the people remain within national territories which open the possibility to use the state in the postcolonial south to serve peoples interests. This will be important to fulfill the minimum social and material conditions for people in the postcolonial South to participate in the global political order.

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### ***Abbreviations of Major Works of Jurgen Habermas***

- TCA 1 *Theory of Communicative Action*, Vol. 1. trans, Thomas McCarthy (Boston, Beacon Press, 1987)
- TCA 2 *Theory of Communicative Action*, Vol 2. trans, Thomas McCarthy (Boston, Beacon Press, 1987)
- PDM *The Philosophical Discourse of Modernity*, trans, Frederic Lawrence (Cambridge, MIT Press, 1987)
- PMT *Post Metaphysical Thinking*, trans, W. M. Hohengarten (Cambridge, Polity Press, 1992)
- BFN *Between Facts and Norms*, trans. William Rehg (Cambridge, MIT Press, 1996)
- PNC *The Post National Constellation*, trans, Max Pensky (Cambridge, Polity Press, 2001)
- TRS *Towards a Rational Society*, trans, J. J. Sapiro (London, Heinmann, 1971)

STPS *The structural Transformation of the Public Space*, trans, Thomas  
Burger and Lawrence (Cambridge, MIT Press, 1989)