

## **Universalism and critique of ideology in global politics\***

*Tong Shijun*

A significant divergence exists between the neo-conservatism theory dominating modern American politics and the liberalism theory represented by John Rawls and dominating the modern American political circle. But important similarity exists between the critique of the former and the latter by German philosopher Jürgen Habermas. On the other hand, Habermas justified the Kosovo War launched by NATO in 1999 but criticized the Iraq War launched by America and Britain in 2003, though both were launched with America as the leader and directed at a sovereign state

---

\* This paper, based on several papers read at various conferences, was first published as a whole in the third volume *Dialogue of global justice and civilization* of The Intellectual Forum (published by Jiangsu People's Publishing House in November 2004).

without authorization of the UN. This paper tries to analyze the above phenomena so as to expose three types of universalisms in modern international politics and two types of critique of ideologies.

## I

98 Contrary to the Atlanticism proposed in “The West: Unique, not Universal,” published by Samuel Huntington in 1996, the Bush Administration taking office in 2001 pursued the foreign policy of Globalism plus Unilateralism clearly opposed by Huntington in that paper. The core of Globalism is to promote the American values considered to have universal meaning around the world; the reason of Unilateralism is that the American neo-conservative upholding this foreign policy believes America shall unilaterally carry out the policy since these values cannot get the support of other countries, including the primary NATO. The Atlanticism held by Huntington is replaced by a special kind of Americanism in the national-security strategy of the Bush Administration. Americanism is characterized by the fact that its crucial point is not to expand and maintain American national interests around the world (though this point is actually the constituent part of American foreign policy today), but to expand and maintain American national values; the constituents of American foreign policy deem that such American values as freedom, democracy and rule of law have universal validity throughout the world.

In his recently published articles and interviews, Habermas sharply criticized this type of universalism, and pointed out that its root is a kind of view of “a subject trying to objectify both itself and the world around it” and “trying to bring everything under control.”<sup>1</sup> From the view of the single subject, values—even the values possibly winning worldwide general acceptance—are taken as the things owned by private persons and distributed and exported in the world. This view does not realize that the meaning and validity of these values depends on the understanding and approval made by all people concerned according to their own views. In an article entitled “Interpreting the fall of a monument,” Habermas writes:

It is precisely the universalistic core of democracy and human rights that forbids their unilateral realization at gunpoint. The universal validity claim that commits the West to its “basic political values,” that is, to the procedure of democratic self-determination and the vocabulary of human rights, must [not] be confused with the imperialist claim that the political form of life and the culture of a particular democracy—even the oldest one—is exemplary for all societies. The “universalism” of the old empires was of this sort, perceiving the world beyond the distant horizon of its borders only from the centralizing perspective of its own world-view. Modern self-understanding, by contrast, has been shaped by an egalitarian universalism that requires a decentralization of one’s own perspective.<sup>2</sup>

99

The universalism advocated by Habermas is different from that of American neo-conservatism, and it can

---

1. Jürgen Habermas, “Interpreting the fall of a monument,” translated by Max Pensky, *European and International Law*, v. 4, n. 7. p. 701.

2. *Ibid.*, p. 707.

be summarized in the opposition between a cosmopolitan universalism and a nationalist universalism because its purpose is to pursue what Kant refers to as “a civil society which can administer justice universally,”<sup>3</sup> not a society where hegemony imposes laws all over the world. This society defines in advance equal relations among all sides; therefore, the universalism of cosmopolitanism advocated by Habermas is also a type of Universalism of Equalitarianism, and is different from the universalism of hierarchism advocated by American neo-conservative, deeming that a few people and countries have rights to force such universalism values as democracy and freedom on other people and countries.<sup>4</sup> Whereas the equality discussed here is not the indiscriminate acknowledgement of the validity or legitimacy of substantial contents of any culture, but refers to the equal status of actors—including actors beyond boundaries of national states—in discussing, dialoguing or negotiating the meaning and validity of standards and values which they involve. In this way, the universalism advocated by Habermas in his discourse theory can be called dialogical universalism, opposing the monological universalism advocated by American neo-conservatism. Dialogue includes not only the virtual adoption of others’ roles and views when each ac-

---

3. Immanuel Kant, *Political writings*, edited by Hans Reiss, translated by H. B. Nisbet, Cambridge University Press, 1991, p. 45

4. Refers to Grant Havers, “Romanticism and universalism: the case of Leo Strauss,” *Dialogue and universalism*, n. 6-7, 2002.

tor chooses the action plan relating to others, but the actual discussion and negotiation between all parties and their representatives. With regard to the universalism of American neo-conservatism, Habermas wrote

(...) that non-Western cultures must appropriate the universalistic content of human rights from their own resources and in their own interpretation, one that will construct a convincing connection to local experiences and interests. (...) And this is why multilateral will-formation in interstate relations is not simply one option among others. From its self-chosen isolation, even the good hegemony, having appointed itself the role of the trustee of general interests, cannot *know* whether what it maintains is in the interest of others to do is, in fact, *equally* good for all. There is no sensible alternative to the ongoing development of international law into a cosmopolitan order that offers an equal and reciprocal hearing for the voices of all those affected.<sup>5</sup>

101

## II

To sum up, there are two main points about the above critique of Liberal Nationalism<sup>6</sup> as shown in American-British foreign policy by Habermas: one is to say that it starts from the monological view of the lonely subject; the other is to say that it takes values of universal validity as things which can be owned and distributed. It is worth noting that the two critiques of liberal nationalism by Habermas are apparently similar to his critique of the basic theoretical design of John Rawls's theory of justice.

---

5. Jürgen Habermas, "Interpreting the fall of a monument," translated by Max Pensky, *European and International Law*, v. 4, n. 7. p. 707-8.

6. Jürgen Habermas, "Letter to America," *Nation*, v. 275, issue 21, p. 12-6, 2002,.

The starting point of John Rawls's theory of justice is the so-called Original Position: the reasonable representative person rationally chooses after filtering through the Veil of Ignorance anything related to his special position. Habermas puts forward three questions about the theoretical design:

1. Can the parties in the original position comprehend the highest-order interests of their clients solely on the basis of rational egoism?
2. Can basic rights be assimilated to the primary goods? And
3. Does the veil of ignorance guarantee the impartiality of judgment?<sup>7</sup>

The first two of the three questions basically correspond to the two critiques of liberal nationalism brought up by Habermas: regarding the monologist's view as the starting point, and confusing universal values (standards) with goods.

**102** As for the first point, Habermas thinks the rational design of the Original Position gives all parties just a kind of first-person view like the rational egoist, not a kind of moral point of view, that is, considering the moral question—what is equally good for everyone—the necessary adopting of perspectives of others, or the opposite sides:

At any rate, the parties are incapable of achieving, within the bounds set by their rational egoism, the reciprocal perspective taking that the citizens they represent must undertake when they orient themselves in a just manner to what is equally good for all.<sup>8</sup>

---

7. Jürgen Habermas, "Reconciliation through the public use of reason: remarks on John Rawls's Political liberalism," in *The Journal of Philosophy*, v. XCII, n. 3, March 1995, p. 112.

8. *Ibidem*, p. 112-3.

As for the second point, Habermas criticizes Rawls for not distinguishing the Rechte or rights applicable to all the people from the Güter or goods which are only applicable to me or us: in the original position, rights are just chosen by all parties as one category of “goods” among others: “For them, the issue of principle of justice can only arise in the guise of the question of the just distribution of primary goods.”<sup>9</sup> It is especially notable about the following explanation of rights by Habermas:

Rights can be “enjoyed” only by being *exercised*. They cannot be assimilated to distributive goods without forfeiting their deontological meaning. An equal distribution of rights results only if those who enjoy rights recognize one another as free and equal. Of course, there exist rights to a fair share of goods or opportunities, but rights in the first instance regulate relations between actors: they cannot be “possessed” like things.<sup>10</sup>

103

Here, Habermas distinguishes not only rights from *Güter* or Goods, but rights from *Dinge* or Things. He opposes “*Werten*” and “*Güter*” in the article entitled as “Was bedeutet der Denkmalsturz?” Though “*Werten*” can be translated as “Value,” while viewed from the context (not only the context of this paper, but also the larger background where this paper was published, a newspaper addressing the general public) and the adjective “universal” before it, it actually refers to the standard or rights in the deontological sense, not the value in the teleological sense or the utilitarian sense. Accordingly, although *Güter* means what is

---

9. *Ibidem*, p. 114.

10. *Ibidem*, p. 114.

generally referred to as value, it is close to the value in the market meaning—close to things instead of value in the axiological sense.

At any rate, the problems we have here are: on one hand, Habermas calls the divergence between his political thought (and that of the European tradition represented by him) and the American-British political thought as the dispute between Kantian cosmopolitanism and Mill's liberal nationalism, while he calls the dispute between Rawls and him the "familial dispute"<sup>11</sup> under the common premise of Kantian concept of autonomy; on the other hand, though belonging to the same Kantian tradition, Habermas criticizes Rawls in a way that is very close to the way in which

**104** he criticizes "liberal nationalism." How are we to understand the contradiction between the two sides?

In order to answer this question, I am going to compare Rawls's political theory with liberal nationalism itself. In Habermas's opinion, both have the theoretical premises of (what we might call) a monologue-oriented theory and a goods-oriented theory, but can these two shared theoretical premises lead to the same conclusions in the field of international politics—the field where Habermas criticizes liberal nationalism?

### III

Rawls's theory of international politics is the result of the second and the third application of the theoretical de-

---

11. *Ibidem*, p. 110.



sign of original position. The first application of the original position is in the domestic context, or the context of the domestic politics of the liberal democracies. The second application of the original position is among liberal peoples, which is to extend the concept of liberalism to the law of peoples. The fundamental interests of liberal peoples include political independence, free culture, safety, territory and their citizens' well-being; in addition there is a people's proper self-respect of themselves as a people. But this does not mean that inequalities of certain kinds are not agreed to in various cooperative institutions among peoples. Just like Kant, Rawls does not agree with unified world government, because he believes this would be either a worldwide absolutism or a fragile empire that can easily fall apart. Many different types of organizations will obey the law of peoples, regulate the cooperation between peoples, and assume some recognized responsibilities.

105

The third application of the original position is to extend its application from liberal peoples to non-liberal (hierarchical) but decent peoples; the latter and the former together are called "well-ordered" peoples. A decent hierarchical society accords with two standards. Externally, although it has comprehensive world views, it does not have aggressive aims, and at most seeks to influence others by peaceful means. Internally, it respects human rights of its members according to its common good idea of justice: the right to life, to property, to freedom of religion and thought, and to formal equality expressed by the rules of natural justice;

its legal system assigns bona fide moral duties and obligations on all persons within its territory; a sincere and not unreasonable belief exists among their judges and other officials who administer the legal system that the law is indeed guided by a common good idea of justice.

A major concern implicit throughout his idea of the law of peoples is what are “the ideals and principles of the foreign policy of a reasonably just liberal people.”<sup>12</sup> The reason why the viewpoints of decent peoples are taken into account is not to formulate the just principles for them, but to “assure ourselves that the ideals and principles of the foreign policy are also reasonable from a decent non-liberal point of view.”<sup>13</sup> The point is that, according to Rawls, the foreign policy of a liberal people needs to consider the issue of how far non-liberal peoples are to be tolerated, and, in his view, this is even an essential issue. In Rawls’s understanding, the meaning of tolerance is not only to refrain from using political sanctions to force a people to change its ways, but to treat non-liberal societies as equals. If every society were a liberal people, political liberalism in the international level would be meaningless. Someone asserts that the guideline of liberal foreign policy should be to change all non-liberal societies into liberal ones. Rawls does not agree with this point, and his reason includes two sides. First, in procedural terms, this view commits the logical mistake of beg-

---

12. John Rawls, *The law of peoples*, Harvard University Press, 1999, p. 10.

13. *Ibidem*, p. 10.

ging the question: the formulation of the foreign policy, and the decision of sanctioning a particular society, shall be conducted in a reasonable frame of the law of peoples, whereas in order to formulate the law of peoples, all peoples' representatives must choose the principle of the law of peoples. Since no nation will choose to harm itself, the utilitarian principle is not to be put forward as an alternative principle in the first place, so only the different interpretations of those eight principles that he listed could be the objects of choice. In the domestic context, political liberalism does not propose to favor any comprehensive theory, nor in the international context. That is to say, it should not exclude any society with a particular worldview background that respects basic human rights in advance. The procedure of expanding the domestic condition of the concept of liberalistic political justice to the law of peoples alone requires tolerating the non-liberal decent peoples. Secondly, in substantial terms, even if we want to change the non-liberal society to the liberal we should not adopt the means of political sanction. For one thing, sanction means to refuse to respect a people and its members, and this refusal needs convincing reasons, but since these peoples do not deny human rights or deny their members the right to be consulted or a substantial political role in decision-makings, and do not deprive dissidents of their basic rights, there is no reason to sanction them. Also, members of a non-liberal people are capable of changing their society by themselves from the inside, so there is no reason not to give them a chance. On the

contrary, not respecting them will strangle this possibility. If liberal and constitutional democracy is indeed advantageous, it should be confident that proper respect of decent peoples will be conducive to their becoming liberal. Contempt on the one side and resentment on the other can only cause damage, and will not help to encourage changes towards liberalism. In other words, Rawls argues for mutual respect among peoples without at the same time endorsing cultural relativism.

Someone thinks that equality among peoples and inequality among persons inside a hierarchical society is inconsistent and unjust. Rawls clearly disagrees. He takes church and college, for example, to illustrate that both can adopt various forms—internal members of some are equal, while those in the other are unequal. We can nevertheless find some occasions where we shall treat them equally.

Issues of tolerance and those of human rights have a close relation. Rawls considers that two methods can be used to explain human rights, one is liberalism, or individualism, the other is associationism,

which sees persons first as members of groups—associations, corporations, and estates. As such members, persons have rights and liberties enabling them to meet their duties and obligations and to engage in a decent system of social cooperation.<sup>14</sup>

Rawls thinks that under both conditions, what we call human rights are the prerequisite of any social cooperation system, but these rights do not depend on any particu-

---

14. *Ibidem*, p. 68.

lar comprehensive religious theory or philosophical theory concerning human nature. Rawls's view that human rights can be understood in a non-liberal way is the most important reason why it is possible for liberal societies to tolerate non-liberal but decent ones, though he does not explicate his reasons in detail.

Rawls argues that the important role of human rights given in the law of peoples reflects profound changes in the conception of state sovereignty after the Second World War. First, war is not taken as a feasible means of government policy, and it is justified only for self-defence, or is used in serious occasions of defending human rights. Second, the interior autonomy of the government is limited at present—that is, in a certain situation, human rights are above sovereignty. Human rights are different from constitutional rights (rights of free and democratic citizenship), and also from rights of other political institutions (whether individualistic or corporatistic). Human rights set a necessary but not sufficient standard for the decency of domestic political and social institutions; there is no reason to interfere with any people respecting human rights. They also set a limit to pluralism among peoples. It seems that Rawls treats human rights as natural rights, respecting human rights as a natural duty, which is different from a institutional obligation derived from particular institutions. Therefore, human rights apply to outlaw states as well as to states refusing the law of peoples.

“Outlaw states” has the same meaning as what the U.S. Department of State calls “rogue states” and their opposite

is decent peoples. The fact that Rawls uses “decent” to describe peoples while avoiding using “outlaw” to describe people shows that he does not want to morally condemn members of a nation, but only to morally condemn the government representing the nation. Rawls thinks that the so-called “well-ordered” peoples (peoples of liberal democracy plus non-liberal decent peoples) have rights to sanction and even intervene in outlaw states, because outlaw states—by definition—do not respect the human rights of their own people at home and the sovereignty of people of other countries. It seems that Rawls says little to argue for the point, or he thinks it unnecessary to argue for the point in great detail: “This refusal to tolerate those states is a consequence of liberalism and decency.”<sup>15</sup> It is here that Rawls’s theory of international politics is closest to the Bush Doctrine.

However, though Rawls’s argument on refusing to tolerate outlaw states is not elaborated, he says a lot to argue that although well-ordered peoples have the right to intervene in the outlaw states, the interventions should be quite restrained and cautious in means and degree. This indicates that Rawls’s theories of international politics and Bushism are widely divergent.

Rawls thinks that the reason for engaging in a war against another country must pursue reasonable interests instead of rational interests.<sup>16</sup> A liberal people understands a war of self-defense as a war defending the basic freedoms of its cit-

---

15. John Rawls, *The law of peoples, op. cit.*, p. 81.

16. John Rawls, *The law of peoples, op. cit.*, p. 91.

izens and the political institutions of constitutional democracy. A liberal society cannot justly go to war to gain wealth and power. Measures like conscription cannot be taken beyond the limit of the defending of liberty. For liberal peoples, self-defense is only a primary and urgent task. Its long-term task is to make all societies respect the law of peoples and human rights at last. Rawls believes this is a matter of foreign policy, and political philosophy has nothing to say about it. In this aspect he just lists a few familiar viewpoints: an international forum (like the UN) shall be built and utilized to criticize the outlaw peoples; substantial economic sanctions shall be conducted, and so on. Rawls emphasizes that the implementation of these measures depends on the proper political judgment and evaluation. When an outlaw state seriously violates the human rights of its own people, the reason to intervene is evident and forceful. But since generally these societies are no longer isolated and primitive, it is more effective to seek trade or other cooperative arrangements to produce the desired influence.

111

#### IV

From the above, we can conclude that although the term used to translate what Rawls calls “the Law of Peoples” in Chinese (*wan min fa*) can make people associate this with the Roman Empire (*wan min fa* is originally used to translate *Jus Gentium* in Latin), it is suspicious now in the eyes of those who talk about Pax Americana, which is comparable to Pax Romana; although the term “rogue state” used by the Bush Administration has many similarities with the term

“outlaw state” used by John Rawls, and although Rawls gives much freedom to interfering in the outlaw states with force, Rawls’s liberal theory of international politics is clearly different from the diplomatic strategies of the neo-conservatism of the Bush Administration. Rawls would not agree to set aside the United Nations, to conduct the so-called preemptive attacks, to resort to force on the so-called outlaw states before efforts of resorting to political, economic, trade and diplomatic means are exhausted, let alone to play hard just to win the approval of the citizens on using force. Taking into consideration the subtle relationship between the Bush Administration and Christian fundamentalism, Rawls’s following description of the difference between the statesman and the politician is worth mentioning:

The statesman must look to the political world, and must, in extreme cases, be able to distinguish between the interests of the well-ordered regime he or she serves and the dictates of the religious, philosophical, or moral doctrine that he or she personally lives by.<sup>17</sup>

Furthermore, Rawls calls his conception of the law of peoples as a realistic Utopia, and explicates it in the Kantian spirit.<sup>18</sup> In Rawls’s view it is true that this Utopia is only a

---

17. John Rawls, *The law of peoples*, *op. cit.*, p. 105.

18. I discuss “Kantian spirit” mentioned here in a paper titled “The historical responsibilities of the human beings in the era of globalization” (v. 5, 2002, *Academic Monthly*). Kant, in my view, provides three arguments for his views concerning the progress of human beings towards the cosmopolitan “civil society which can administer justice universally.” Compared with his “logical possibility argument” (in the sense that this state is not impossible) and “historical necessity argument” (in the sense that the realization of this state is “a hidden plan of nature”), the most typ-



possibility, but this is not a logical possibility, although it is not a historical inevitability. The reason why a Utopian idea is important is that as long as we believe in such a possibility, actual effects will turn up sooner or later: the belief will produce a hope that will affect our actions:

For so long as we believe for good reasons that a self-sustaining and reasonably just political and social order both at home and abroad is possible, we can reasonably hope that we or others will someday, somewhere, achieve it; and we can then do something toward this achievement.<sup>19</sup>

From the above, we can also conclude that Rawls and Habermas definitely belong to the same family—the Kantian family. Universalism, together with egalitarianism and requirements of virtual dialogues (what Kant means by his famous “categorical imperative” is just a validation of action maxims through virtual dialogues of each moral subject) in Kantian theory, obviously exist in Rawls’s political theory, including his international political theory. If Rawls were still alive, he would have shown his strong support for the anti-war fight of Habermas and other European intellectuals from the other side of the Atlantic.

113

Nonetheless, this does not mean that there is no difference between the international political theory of Haber-

---

ically Kantian argument, which is also the most convincing and charming argument in my view, is his “moral responsibility argument”: it is our irrefutable moral obligation to believe that this possibility will be realized in the end, and to struggle for the realization of this possibility, and this moral obligation is not without practical effects.

19. John Rawls, *The law of peoples*, *op. cit.*, p. 128.

mas and that of Rawls. The differences can be generalized into the following points, which have some connections with the features of the theoretical design in Rawls's original position.

114 Firstly, as for the relationship between domestic politics and international politics, Habermas puts more emphasis on the continuity of the relationship between the two than Rawls, or in Habermas' words, the continuum<sup>20</sup> made up of *Staatsbürgerschaft* and *Weltbürgerschaft*. On the issue of distributive justice, Charles Beitz and Thomas Pogge, etc. criticize that Rawls fails to carry through his justice principle worldwide. Regarding the open attitude of Habermas on the issue of immigration, as for his criticism of the so-called chauvinism of affluence, Habermas would agree to this criticism as well. When Habermas discusses the issues of the rights of people in poor countries who immigrate to the rich countries, he cites the opinion of J. H. Carens that the design of the original position on the global level should be applied to individuals rather than peoples, an opinion also held by Charles Beitz and Thomas Pogge. Habermas agrees to J. H. Carens's defending the rights of the immigrants, and thinks that the legal limitation on the rights of immigrants to a country can be justified at most from some views that are different from the moral point of view, "the need to avoid social conflicts and burdens on a scale that would seriously endanger the public order or eco-

---

20. Jürgen Habermas, *Between facts and norms*, translated by William Rehg, Cambridge, Mass., The MIT Press, 1996, p. 515 and 507.

conomic reproduction of society.”<sup>21</sup> Here, although Habermas does not criticize Rawls’s idea of the original position, and agrees to it, it is obvious that he has explained this idea in dialogical terms instead of monological terms, and connected it with the moral point of view mentioned above:

The moral point of view obligates us to assess this problem impartially, and thus not just from the one-sided perspective of an inhabitant of an affluent region but also from the perspective of immigrants who are seeking their well-being there. In other words, they seek a free and dignified existence and not just political asylum.<sup>22</sup>

Secondly, because of this continuum Habermas would allow larger space than what Rawls would allow to international intervening in the name of human rights. The reason why Habermas is positive when NATO (the North Atlantic Treaty Organization) attacked Yugoslavia is related to the fact that he attaches importance to the general validity of human rights. Rawls thinks that human rights can still be respected in hierarchical society; seen from Habermas’s criticism of the “Asian values” and his argument for the unity of individuation and socialization, however, Habermas will not agree with this opinion of Rawls, including his understanding of the associationist conception of human rights. It can be clearly shown in the following passage in Habermas’s first speech in China:

The alternative between “individualist” and “collectivist” will be meaningless if people include the ongoing unity between individualization

---

21. Jürgen Habermas, *Between facts and norms*, *op. cit.*, p. 512.

22. *Ibidem*, p. 511.

and socialization at the present in the basic concept of the law. Since even a legal person can realize his or her individualization through socialization, integrity of individuals can be protected only when they freely face the interpersonal relationship and cultural inheritance, and their identity can be kept only in such relationship and inheritance.<sup>23</sup>

116 Thirdly, it does not mean that Habermas will agree that some countries or country groups directly resort to their understanding of human rights and their standards of human rights and act as international policemen. Just as mentioned above, Rawls basically took human rights as a morality and the respect of human rights as a natural duty rather than an institutional obligation. Different from this, Habermas stressed that as one kind of rights, human rights inherently require the form of the institutional system. In his opinion, human rights cannot be understood just as morality, and should be shown in the construction of positive law; only as law do human rights have actionable coercive force. Even in the controversial article in which Habermas makes conditional justification for the Kosovo War by NATO, he points out that:

Human rights possess the structural attributes of subjective rights which, irrespective of their purely moral content, by nature are dependent on attaining positive validity within a system of compulsory law. Only when human rights have found their “home” in a global democratic legal order, as have basic rights in our national constitutions, will we be able to work

---

23. Jürgen Habermas, “Discussion on the transcultural human rights,” *Vor-trage von J. Habermas in China*, edited by the Institute of Philosophy of Chinese Academy of Social Sciences, People’s Publishing House, 2002, p. 10.

from the assumption that on the global level the addressees of these rights can simultaneously understand themselves as their authors.<sup>24</sup>

Habermas thinks that when implementing human rights beyond the specified legal scope, on the one hand, the issue of explaining human rights will turn up: “But what do we say when one day the military alliance of another region—for example, in Asia—pursues the politics of human rights with military means in accordance with a very different interpretation of international law or the UN Charter?”<sup>25</sup>; on the other hand, it is paternalistic to implement human rights beyond the specified legal scope:

When they authorize themselves to act military, even nineteen indisputably democratic states remain partisan. They are making use of interpretative and decision-making powers to which only independent institutions would be entitled if things were already properly in order today; to that extent their actions are paternalistic. There are good moral grounds for this. Whoever acts with an awareness of the inevitability of a transitory paternalism, however, is also aware that the force [*Gewalt*] he exercises still lacks the quality of a compulsory legal action legitimated by a democratic civil society of global citizens. Moral norms appealing to our better judgment may not be enforced in the same fashion as established legal norms.<sup>26</sup>

117

Fourthly, it concerns how to view the function of the United Nations. Human rights are mandatory only as positive law, then how is a law of human rights produced and

---

24. Jürgen Habermas, “Bestiality and humanity: a war on the border between legality and morality,” *Constellations: an International Journal of Critical & Democratic Theory*, v. 6, Issue 4, Dec. 99.

25. *Ibidem*.

26. *Ibidem*.

put into effect at the global level? According to Habermas, no international government is required to turn human rights into a cosmopolitan law of a global civil society, that is, to endow human rights with legal forms all over the world:

Essential at the very least, however, is a functioning Security Council, the binding jurisprudence of an international criminal court, and a “second level” of representation for global citizens as a supplement to the General Assembly of governmental representatives.<sup>27</sup>

That is to say that the current international organizations, laws and public areas have moved towards this direction, yet not fully reached the goal of the institutionalization of cosmopolitan law (*Weltbürgerrecht*). In this case, the actions of humanitarian intervention can resort neither simply to current international law, since such international law does not exist, nor directly to morality, as Karl-Otto Apel, a colleague of Habermas’s in the Johann Wolfgang Goethe-University, argues.<sup>28</sup> The reasons have been listed as above. In Habermas’ opinion, at this moment the basis of humanitarian intervention is “the moral validity of international law” and “norms for which no effective and universally recognized instances assure their application and enforcement.”<sup>29</sup> These norms are neither purely moral ones, as they have already been implied in the international law accepted at present, nor legal norms in the full sense,

**118**

---

27. *Ibidem*.

28. Refer to Karl-Otto Apel, “On the relationship between ethics, international law and political-military strategy in our time: a philosophical retrospective on the Kosovo conflict,” in *European Journal of Social Theory*, v. 4, n. 1.

29. Jürgen Habermas, “Bestiality and humanity.”

since they do not have the certainty and accepted coerciveness that typical legal regulations have. This means that if humanitarian intervention is conducted in the current situation, it is “as though there were already a fully institutionalized global civil society.”<sup>30</sup> Seen from this opinion, Habermas will support intervening by force more definitely than Rawls in the situations where strong evidences show that large-scale humanitarian disasters are taking place. However, at the same time, Habermas would stress more than Rawls resorting to authorization by the current international laws and reforming the international laws not complying with requirements of human rights, and he argues that the emergency rescue efforts in such conditions are made only as an exception, rather than as a rule. However, the problem is that if the “emergency rescue” could be justified, why could it not be adopted as a rule? If it could not be justified as a rule, in what sense could it be justified as an exception? It is quite obvious that here Habermas is hesitant and even self-contradictory. However, he is not unconscious of it and he obviously is not willing to avoid this contradiction, which in his view just shows that the progress from power politics to “a global civil society” is a process of collective learning or “a learning process with which all of us together are going to have to come to terms.”<sup>31</sup> As a learning process, it must be full of tension and be fallible. Habermas supported the NATO bombing of the former

---

30. *Ibidem.*

31. *Ibidem.*

Yugoslavia earlier and condemned the Bush Administration for invading Iraq later; this apparent shift of positions may not necessarily be an expression of change of principles, but definitely implies some adjustments among various reasons for his positions. This may just be regarded as his gain in participating in such a learning process.

120 However, what is more important is not just learning, but learning together with relevant parties. The fifth and also the most important difference between Habermas's and Rawls's international political theories lies just here. Rawls regards the issue whether the free democratic system has global general validity as the issue of comprehensive doctrines and avoids answering. Habermas, on the contrary, argues for the trans-cultural meanings of the discourse principle that is the basis of democratic principle on the basis of his theory of communicative rationality. Rawls explicitly points out that his argument for the principles of the law of peoples is just meant to see whether they can also be accepted by society and are also accepted by the decent non-liberal society, or whether the latter can be tolerated by such principles. That is to say, the virtual dialogue of the theoretical design of Rawls's original position is "virtual" in a stronger sense in the context of international politics than in the domestic context. In the context of domestic politics, various parties in the original position can be regarded as the representatives of the citizens in the domestic society—it is definitely possible for these citizens to entrust their representatives to choose rationally. In the context of international politics, however, the problem of whether it is truly possible for the party of the decent non-liberal society in



the original position to be entrusted by these societies is meaningless, since the designer of the whole original state—the political philosopher—is just a member of one party in the original state (the liberal democratic society), while what he considers in the theoretical design—to repeat the point—is just whether the liberal democratic society can possibly accept the non-liberal decent society, or not. Because of this consideration and because of the importance of Rawls’s political theory as a whole—as pointed out by Habermas, that is, to replace the discussions of the citizens with the consideration of political philosophers, Rawls basically does not consider it necessary for different cultures and different societies to have negotiations and discussions in the formation of the standards of international relationships, or in giving these standards general *validity* in the pragmatic sense (not just general *form* in the semantic sense). Thus, although Rawls talked about tolerance or even respect for decent and non-liberal societies, he basically ruled out the necessity for the liberal democratic society to modify their own opinions through negotiations and discussions with the decent non-liberal societies, or negotiations and discussions between Western society and non-Western society. Principles of the law of peoples are only a result of choice of political philosophers who imagine what all parties in the original position would choose in accordance with their current benefits and values; as for the role of negotiations between different cultures to relativize respective points of view—the role of exchanging arguments and modifying the understanding of their own benefits and values and some new common views or fusion of horizons—all these ideas are

difficult to find in Rawls's international political theory. Although Rawls mentions the issue of interpreting the principle of human rights and the law of peoples, he fails to conduct enough discussions on this view.

## V

122 The above accounts indicate that on the one hand, Rawls's position on international issues is in no proximity to that of liberal nationalism; on the other hand, Habermas's critiques of his theory of the original position, namely that it takes the monologist's viewpoint as the point of departure, and regarding the rights which derive their validity only from the agreements among the subjects as to the *Güter* or goods that can be unilaterally possessed or allocated, do not miss the point. The key to resolve the contradiction is to recognize that there are three types of universalism in international political theory: dialogue universalism, monologue universalism, and virtual dialogue universalism, which stands between the former two. Rawls's theory, like Habermas's, belongs to the egalitarian universalism of the Kantian tradition and in reality he also admits that the feature of the moral point of view lies in its transcendence over the monologue vision—thinking from the perspective of others. However, Rawls, in his argumentation for and application of principles of universalism, attaches much more importance to the virtual dialogues conducted by individuals, including liberal political philosophers, citizens and representatives of free and democratic societies, rather than actual dialogues between actual peo-

ple. This feature is more obvious when it comes to international politics than domestic politics. Therefore, as virtual dialogue universalism, Rawls's international political theory juxtaposes itself right in the middle of the monologue universalism of liberal nationalism and the dialogue universalism advocated by Habermas. This explains both the divergences between his international political theory and that of Habermas's, and those between it and American neo-conservatism.

Distinguishing those types of universalism accounts for the "familial dispute" between Habermas and Rawls, but it also singles out another kind of "familial dispute" that Habermas is involved in, which is inside the tradition of critical theory to which he belongs. When Habermas describes the divergence between the cosmopolitanism advocated by most European people and the liberal nationalism pursued by the British and American government as the difference between dialogue universalism and monologue universalism, he is in fact looking at American military actions in Iraq and even its national security strategies from the normative perspective. To be more specific, his remarks on America were no longer confined to unmasking the particularistic interests hidden behind its universalist rhetoric, as a critical theorist would typically do. What he did was to accept its universalistic motivation, but indicating that it is false more in the cognitive than in the normative sense. In the article he wrote in 1999 we can find support for this reading:

**123**

The case at hand shows that universalistic justifications do not by necessity always function as a veil for the particularity of undeclared in-

terests. The results of the hermeneutics of suspicion are quite meager in the case of the attack on Yugoslavia. For politicians left with little space to move domestically by the global economy, flexing political muscle in the realm of foreign affairs may seem attractive. But neither the motive of securing and extending its sphere of influence ascribed to the United States, nor the motive of finding a new role attributed to NATO, and not even the motive of establishing a “European fortress” as a way of preventing waves of immigration, can explain the decision to undertake such a serious, risky, and costly intervention.<sup>32</sup>

Four years later, when America and Britain invaded Iraq, Habermas did not conduct “the hermeneutics of suspicion,” nor did he condemn them for the connections between the White House and Downing Street on the one hand and the oil capital and the arms blocs on the other, nor did he even criticize them mainly for the massive casualties and the sea  
**124** of difficulties of re-construction, but rather thinks that

All this notwithstanding, we should not interpret the neo-conservative doctrine as the expression of a normative cynicism. Geo-strategic objectives such as securing spheres of influence or access to essential resources, which the doctrine must also meet, may well invite analysis in terms of a critique of ideology. But such conventional explanations trivialize what, until 18 months ago, was still an unimaginable break with norms that the United States had been committed to. We would do well, in other words, not to guess at motives, but to take the doctrine at its word. For otherwise we fail to recognize the truly revolutionary character of a political reorientation; a transformation that finds its sources in the historical experiences of the previous century.<sup>33</sup>

That is to say, his major critiques of the American and British policy-makers are neither focused on their unscru-

---

32. Jürgen Habermas, “Bestiality and humanity.”

33. Jürgen Habermas, “Interpreting the fall of a monument,” translated by Max Pensky, *European and International Law*, v. 4, n. 7, p. 704.

pulous motives nor their unwise strategies, but rather on their self-contradictory thoughts. He censured that they misunderstood the real meanings of universalism, which they claim to have been adhering to. “It is precisely the universalistic core of democracy and human rights that forbids their unilateral realization at gunpoint.”<sup>34</sup>

If we understand the critique of ideology as disclosing particularistic interests behind false consciousness and reverted consciousness, then Habermas in his criticism of the American and British invasion of Iraq as mentioned above is not conducting the critique of ideology. Conversely, we may even say when Habermas criticizes the universalism behind the war decision-making of America and Britain as a wrong universalism, and when Habermas adopted a universalism which he thought was correct to counter the former one, he actually admitted that the opposite standpoint is a standpoint of universalism, and that the opposite did not take actions for particularistic interests—when Habermas was conducting a critique like this, one may have reason to say that this critical theorist is actually justifying the war launched by America and Britain! When NATO bombed Yugoslavia, the justification Habermas made for it actually implies many criticisms; when America and Britain invaded Iraq, the criticism he made actually implies some justifications. How shall we explain this phenomenon?

125

One possible way of answering this question is to have a new understanding of the critique of ideology.

---

34. *Ibidem*, p. 707.

Ideology is always related to some particularistic interests, or, the basic reason why a system of ideas is called ideology or reverted consciousness or false consciousness is that it mistakes particular interests for general ones. Particular interests are particular firstly because they are related to some special groups in society (such as classes, ranks, and even races and genders). But the meaning of ideology is not limited to this. In Habermas's famous proposition "science and technology as ideology" put forward in the 1960s, what is hidden behind this kind of ideology are not interests of particular groups (such as scientists and engineers), but a particular type of interest of human beings in general: the subjects' interest in controlling the objects. In Habermas' view, human interests are always related to human knowledge, but different interests are behind different types of knowledge: the interest in technical control (empirical and analytical sciences), the interest in historical understanding (interpretive sciences) and the interest in emancipation. The reason why science and technology is an ideology is that the human interest in technical control behind science-technology could be turned from being one of the human interests that is concerned with the relationship between subjects and objects into something concerned with the relationship between human beings, so that science-technology is used not only to handle the relationship between subjects and objects (areas of science and technology), but also to handle the relationship between subjects (areas of morality and moral theory) and the relationship between

subjects and themselves (areas of art and artistic criticism). If we admit that Habermas's critique of scientism and technocracy in the 1960s is also a critique of the ideology, then we have seen that critique of the ideology is not limited to exposing particularistic interests behind some ideas; it can also be exposure of the distorted and one-sided perspectives behind some ideas.

Habermas' critique of what Max Weber called "instrumental rationality" can also be understood this way. In Habermas' view, modernization as a process of rationalization should be understood as a process in which communicative rationality as comprehensive rationality develops itself, and instrumental rationality is only one of its dimensions. But the actual modernization process is a process of one-sided expansion of instrumental rationality and thus a one-sided and selective process. So, Weber's one-sided proposition of modernization as instrumental rationalization can be said to be a correct reflection of a wrong and one-sided historical process. In order to criticize the proposition of instrumental rationality we should not only point out its theoretical mistakes (reducing rationality to one of its dimensions), but should also point out the mistakes of the modernization process itself reflected in the theoretical mistakes: the colonization of the language-mediated lifeworld (culture, society and personality) by the instrumental-rational system (the bureaucratic administrative system and the market economic system). Like the critique of scientism and technocracy, Habermas's critique of the proposition of instrumen-

tal rationalization not only aims at the particularistic interests or selfish motivations of some groups (the bureaucratic class of the administrative system and the capitalist class of the economic system) in society, but also points to some cultural defects or intellectual obstacles which affect the whole society.

So, if measured with the standards of the traditional version of critique of ideology, one may have good reason to blame Habermas for having left and even betrayed the tradition of critical theory. But if we adopt a new way of thinking, if we readjust our understanding of ideology, and if we regard ideology as one-sided consciousness and fragmented consciousness as well as false consciousness and  
**128** reverted consciousness, then we may be able to say that Habermas is conducting a new type of critique of ideology and pushing critical theory to a new stage.

Let us turn back to Habermas's philosophical critique of the tradition of liberal nationalism in America and the U.K. Such a critique also uses words like "imperialism," but this word is now no longer the synonym of monopolistic capitalism, but rather reminds one of the New Roman Empire referred to by many people these days, the major character of which is no longer to strive for the markets of raw materials, products and capital overseas, but to try to impose one uniform political order on any place where its military force can reach. For Habermas, it seems that the root of this type of imperialism is no more the economic logic of imperialism, but the consciousness of the egocentricity of the paradigm of subjective philosophy. Op-



posing this type of imperialism no longer means to refute the objective logic of the bourgeoisie of having an unlimited desire for more and abolishing capital expansion, but rather to eliminate the consciousness of ego-centricity by using the paradigm of inter-subjective philosophy and to eliminate the subject's "Cartesian anxiety"—"the fear of a subject trying to objectify both itself and the world around it; trying to bring everything under control."<sup>35</sup> In Habermas's view, the key of the debate between Europeans and Americans regarding the Iraq War lies just here: Europeans, unlike Americans, can realize more clearly that they must conduct subjective understanding on the issues of value and regulations, keep a distance from themselves when having disagreements with others concerning the issues of value and regulations, and try to see themselves from the point of view of others—including people who are hurt by them; only in that way can we refuse Euro-centrism (and West-centrism). Habermas said while Europeans have obtained this idea from their historical experiences, it is precisely the American pragmatist philosophy, particularly that of George Herbert Mead, that gives good philosophical arguments for it:

129

It was precisely the insight of American pragmatism that reciprocal perspective-taking paves the way for grasping what is in each case equally good for all parties. The "reason" of modern rational law does not consist of universal "values" that one can own like goods, and distribute and export throughout the world. "Values"—including those that have a chance of winning global recognition—don't come from

---

35. Jürgen Habermas, "Interpreting the fall of a monument, *op. cit.*, p. 706.

thin air. They win their binding force only within normative orders and practices of particular forms of cultural life.<sup>36</sup>

When Habermas presents this new critique of the ideology—if we can call it that—on the basis of his discourse on the theory of politics, critical theory will encounter a hard problem in terms of its social validity and social impact: Habermas’s critical theory turns its emphasis from the normative critique to the cognitive critique, so at the same time as it is strengthening the power of its cognitive critique it is weakening the power of its normative critique. But the point is that for this theory, whether its power of cognitive critique has really been strengthened totally depends on whether people accept Habermas’s whole theory of communicative action behind his political theory. As for people who do not accept the theory of communicative action, it can be said that Habermas pays the price of weakening the power of his normative critique in vain. So, our problem is to determine whether we are capable of avoiding the choice between the normative critique and the cognitive critique. Is it possible to combine two such critiques—in other words, in the field of global politics, is it possible to combine the two critiques of the ideology that are related to the differentiation between the three types of universalism?

---

36. Jürgen Habermas, “Interpreting the fall of a monument,” *op. cit.*, p. 707.

## BIBLIOGRAPHY

- APEL, Karl-Otto (1999). "On the relationship between ethics, international law and political-military strategy in our time: a philosophical retrospective on the Kosovo conflict." *European Journal of Social Theory*, v. 4, n. 1.
- HABERMAS, Jürgen (1987). *The theory of communicative action*. Vol. 2. Translated by Thomas McCarthy. Beacon Press.
- (1999). "Bestialität und Humanität: Ein Krieg an der Grenze zwischen Recht und Moral." *Die Zeit*, n. 18.
- (2002). "Letter to America." *Nation*, 12-16-2002, v. 275, issue 21.
- (2003). "Was bedeutet der Denkmalsturz?" *Frankfurter Allgemeinen Zeitung*, vom 17, April.
- HABERMAS, Jürgen and Derrida, Jacques (2003). "Der 15. Februar oder: Was die Europäer verbindet.—Plädoyer für eine gemeinsame Außenpolitik—zunächst in Kerneuropa." *Frankfurter Allgemeinen Zeitung*, vom Samstag, den 31. Mai.
- HAVERS, Grant (2002). "Romanticism and universalism: the case of Leo Strauss." *Dialogue and Universalism*, n. 6-7.