

Jurgen Habermas, *The Inclusion of the Other: Studies in Political Theory*. Cambridge, Mass.: MIT Press, 1998. 300Pp+ paperback. ISBN 9-780262581868.

HABERMAS' *The Inclusion of the other* is a collection of essays on a wide range of topics, including the cognitive dimension of morality, discourse ethics, truth, justice relation, the normative requirement of law, democracy, the rule of law, nation-state, cultural inclusion, human rights, cosmopolitanism, and so on. For this reason, rich in content as the book is, it is very difficult for readers to pin down one central theme that goes through the whole book. One may also have difficulty in picturing the book in whole as a deep, mysterious forest as each chapter is an outstanding tree sparkling with insights and illuminations. Surely, essays of various parts are importantly related. Yet, their interrelations are not easy to see. For example, in what way is the relation between a reasonable political concept of justice internally related to the concept of cosmopolitanism? In what way is the concept of the cognitive content of morality internally related to the concept of a procedural concept of democracy? Even with regard to methodology, various chapters are diverse in style. For example, there is a genealogical account of the cognitive dimension of morality.

There is analytical analysis of the relation between truth and reasonable political conception of justice. There is historical account of the origin of human rights, as well. Surely, genealogical account, analytical analysis and historical narrative do not belong to the same category of methodology. In spite of all these, the volume at hand offers a titillating glimpse of Habermas' most recent thoughts. Of all topics that are discussed in the book, cosmopolitanism, or Habermas' reconstruction of the Kantian cosmopolitan project, remains the most intricate one for me.

A full account of Habermas' view requires another paper. But *The Inclusion of the other* offers us some glimpse. Here is how Habermas reads Kant. In his "Perpetual Peace", Kant puts forth his cosmopolitan project, envisioning a world order that safeguards perpetual world peace and persons' basic cosmopolitan rights. Moreover, Kantian cosmopolitan order is a juridical one, defined by a kind of cosmopolitan law based on the principle of human rights. As Habermas reads it, the concept of cosmopolitan law is a creative one with insights and illusions. The concept indicates a new category of law, which is crucial and significant to humanity. Meanwhile, unfortunately, Kant's concept of cosmopolitan law does not indicate a path to such a kind of law. Also revolutionary is that Kantian cosmopolitan order is one in which an individual person would be not only a citizen of his/her own country, but also a citizen of the world or a world citizen, enjoying what Kant would call "cosmopolitan rights". As Habermas reads it, the concept of cosmopolitan rights is the key in Kant's cosmopolitan vision. A cosmopolitan order is geared to promote and protect such a category of rights.

In *The Inclusion of the Other*, Habermas draws three distinctive ideas from Kant: (1) the concept of a global order wherein all human beings live as equal, free citizens; (2) the concept of world law or cosmopolitan law; the concept of a global order defined by cosmopolitan laws; and (3) the concept of cosmopolitan rights; each person's status as a cosmopolitan citizen is legal, not merely moral; correspondingly, each person as a world citizen enjoys certain basic rights or cosmopolitan rights. That being said, Habermas also finds Kant's vision to have significant shortcomings.

Kant feels comfortable with staying in the assumption that a cosmopolitan legal order can be deduced from a cosmopolitan moral order. In comparison, Habermas does not see law to be subordinate to morality. Thus, he resists the idea that a cosmopolitan legal order can be deduced from a cosmopolitan moral order. Moreover, for Habermas, legitimate global laws must be democratically established. Sticking at his view in *Between Facts and Norms* that law does not allow organizational deficit, Habermas proposes that the world state is replaced with a world order administrated by a system of world organizations on the top of which is a super-national organization, the U.N.

Noteworthy, in Habermas' reconstruction, the sole role of the United Nations consists of two parts: to protect human rights and to promote world peace. In other words, Habermas is more or less with Kant on the thought of what a cosmopolitan order is about. That being said, Habermas' most significant move in his proposal of a cosmopolitan project is his reconceptualization of Kant's concept of cosmopolitan law. In his proposal, cosmopolitan law would have a binding force not only on individual citizens, but also on individual governments. He points out that only through binding on individual governments by cosmopolitan law will "the unstable system of states... assert their sovereignty... be transformed into a federation with common institutions" (179). In his vision of a constitutionalized world order, a nation-state's sovereignty is no longer absolutely inviolable. For example, a nation-state's sovereignty can be transgressed when human rights are seriously violated, or worse yet, serious crimes against humanity occur in that nation-state.

Meanwhile, Habermas stubbornly insists that global human rights politics must be mediated by law and strongly warns against what he calls "human rights fundamentalism." He points out that the way to avoid human rights fundamentalism is not by "renouncing the politics of human rights", but "through a cosmopolitan transformation of the state of nature among states into a legal order" (201). That is, human rights fundamentalism is avoided through the rule of law.

Thus far, thus good. Nonetheless, some serious questions remain. What are cosmopolitan laws? How can legitimate cosmopolitan laws be established? How can they be authoritative without a world state? What are the enacting conditions of cosmopolitan laws? To list just a few. For the sake of focus, let us set aside the issues

of how can cosmopolitan laws be authoritative without a world state and focus only on issues of how legitimate cosmopolitan laws can be established here. A key point to consider with Habermas' cosmopolitan law is his view that unlike moral rule, law must be formally established; equally crucial, the formal democratic process of legislature through which law is legitimately established is the only source of the legitimacy of law. By this token, cosmopolitan law must be established through formal process of global democracy — that is, cosmopolitan law must be established formally through the means of formal discussion, voting, and so on. The concept of *formal process* of global democracy should be intimidating to some of us. At least I find myself feel unsettled with its possibility. I cannot help asking this question: Can cosmopolitan law be established in the same way or similar fashion in which American laws are established? More exactly, can there be a kind of *formal* global democracy that will legitimately establish cosmopolitan law which Habermas proposes?

For the sake of argument, we can imagine follows: in order for cosmopolitan law to be established democratically, similar to how American laws are established, several conditions must be met: 1) a legitimate world congress consisting of legitimate representatives of different peoples or all citizens in the world; 2) formal democratic discussion in the globe; 3) formal democratic voting procedure; 4) fair, and formal democratic vote in the globe through formal democratic procedure organized by laws; 5) full democratic participations in the global scale, either by citizens themselves or by their legitimate representatives. Can these conditions be met? My misgiving grows if taken into consideration the fact that we are talking about democracy of a global scale. We cannot take for granted that what can be done in a national scale can also be done in a global scale. Meanwhile, if there can be no *formal* global democracy that will legitimately establish cosmopolitan law which Habermas proposes, how can such a cosmopolitan law be legitimately established? We can no longer appeal to God or any divine powers.

We cannot conceive cosmopolitan law which Habermas proposes as any natural given either. Where is our path? One may think that perhaps, cosmopolitan law can be established democratically in the same way international laws are democratically established today. That being said, one cannot take for granted that this is necessarily the case. Cosmopolitan law is not supposed to be the same as international law. In addition, whether or not current international laws are truly democratically established remains an open question. In spite of all these, a cosmopolitan project as Habermas conceives is a worthy one.

In sum, Habermas' *The Inclusion of the other* is invested with rich thoughts and overall illuminating. The fact that it has provoked some heated debates on issues which are dealt in the book speaks for the book itself. Cosmopolitanism is and has

been a heatedly debated topic. This book brings to light crucial issues of our time and future time.

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