THREE FACES OF THE LEGITIMACY CRISIS OF LIBERAL DEMOCRACY: IDENTITY, RATIONALITY AND UNIVERSALITY

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Ankara

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by

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in

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ANKARA

June 2001

I certify that I have read this thesis and in my opinion it is fully adequate, in scope and in quality, as a thesis for the degree of Doctor of Philosophy in Political Science and Public Administration.

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ABSTRACT

THREE FACES OF THE LEGITIMACY CRISIS OF LIBERAL DEMOCRACY: IDENTITY, RATIONALITY AND UNIVERSALITY

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Supervisor: Associate Professor E. Fuat Keyman

June 2001

The thesis investigates the question of legitimacy crisis of liberal democracy as manifested by the processes, debates, concepts, popular demands and emerging new identities and forms of politics along the globalization phenomenon. It argues that this crisis is situated in three principal sites of the liberal theoretical and normative conceptualization: identity, rationality and universality.

Then a dialogical and thematic reading is carried out among various theoretical positions in order to find out whether the current legitimacy crisis is an ephemeral or conjunctural development or rather it is a crisis which is exacerbated by the basic assumptions, modalities and configurations provided by the liberal democratic discourse. These positions are classical liberalism, the Rawlsian perspective and the communitarians, Habermas and the theory of deliberative democracy, and finally radical democracy and agonistic democracy approach within it. All these theoretical positions are critically presented and evaluated on the basis of their capacity to offer alternatives for the legitimacy crisis and for the reconstruction of the democratic legitimacy.

In the final chapter, general findings, problems and prospects are introduced and certain strategies and modalities of theorization for political science are suggested which would both strengthen democratic participation and reconstitute the democratic legitimacy based on the intrinsic relationship between politics and ethics which has been largely ignored in the liberal democratic thought.

Keywords: Political Science, Political Theory, Liberal Democracy, Globalization

ÖZET

LİBERAL DEMOKRASİDEKİ MEŞRUİYET KRİZİNİN ÜÇ YÜZÜ:
KİMLİK, USSALLIK VE EVRENSELLİK

Savaş Ş. Barkçin

Siyaset Bilimi ve Kamu Yönetimi Bölümü

Tez Yöneticisi: Doç.Dr. E. Fuat Keyman

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Bu tez, küreselleşme olgusu ile beraber ortaya çıkan süreçler, kavramlar, tartışmalar, kavramlar, kamusal talepler, yeni kimlikler ve siyasa şekilleri ile belirginleşen liberal demokrasideki meşruiyet krizi sorununu irdelemektedir. Bu krizin liberal teorik ve normatif kavramsallaştırmadaki üç ana merkezde ortaya çıktığı vurgulanmaktadır: kimlik, ussallık ve evrensellik.

Bunun ardından, mevcut meşruiyet krizinin geçici veya mevsimsel bir olgu olup olmadığını, ya da bu krizin liberal demokrasi söyleminde mündemiç temel varsayımlar, modaliteler ve kavramsal çerçevelere dayandığını belirlemek için, çeşitli siyasi konumlar arasında bir diyalojik ve tematik okuma yapılmaktadır. Bu siyasi konumlar klasik liberal, Rawls'un teorisi ve toplulukçular, Habermas ve diyalogcu demokrasi teorisi ve son olarak da radikal demokrasi ve onun içinde yer alan agonistik demokrasi yaklaşımlarıdır. Bütün bu teorik konumlar, liberal demokrasinin meşruiyet krizine ve demokratik meşruiyetin yeniden inşasına alternatif olma kabiliyetlerini ortaya koyacak şekilde eleştirel bir şekilde sunulmakta ve değerlendirilmektedir.

Son bölümde, tezin tesbit ettiği genel bulgular, problemler ve ileriye yönelik açılımlar sıralanmakta, ayrıca siyaset düşüncesi çerçevesinde hem demokratik katılımı güçlendirecek, hem de liberal demokrasi düşüncesinde genellikle gözardı edilen siyasa ile etik arasındaki birbiriyle içiçe ilişkiye dayalı demokratik meşruiyetin yeniden kurulmasına yardımcı olacak çeşitli teorileştirme stratejileri ve modaliteleri sunulmaktadır.

Anahtar Kelimeler: Siyaset Bilimi, Siyaset Teorisi, Liberal Demokrasi,
Küreselleşme

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CHAPTER I

INTRODUCTION

1.1 Globalization and the Ethical Concern

Ethics has always been a significant part of political philosophy. It is at the same time the theoretical realm where legitimation and rationality arguments often encounter and contest. Legitimacy of the liberal democratic politics, like all other polities, transforms power into authority, habitual politics into an ethical/normative practice. Ethical question stands at the crossroads between the modern and postmodern conceptions of politics because both conceptions differ in terms of the problems they define, as well as the ways in which democracy is expected to handle these problems.

The aim of my dissertation is to gain an insight into the legitimacy crisis of liberal democracy and its implications for political theory, in general, and the democratic theory, in particular. This crisis has been highlighted by the general change that is conventionally called "globalization".

Major political consequences of globalization that contribute to the legitimacy crisis are collective claims made by new social movements and the demands for redefinition of public sphere and democratic citizenship. The representative regimes seem to be unable to meet demands by emerging identity/differences. As a result, Balkanization of identities -- ethnic and religious fragmentation of identities previously ignored leads to conflicts and threatens democracy as a political system, as an idea, and as an ideal. Hence a decline in the mass loyalty and

confidence in party politics, institutional mechanisms of representation such as the Parliament, and in the bureaucratic system as a whole, an eroding pattern of participation in elections and other political activities, a sense of the demise of the political ideologies in general, and an apparent convergence of political discourses. The outcome is a political indifference or apathy. These signs in liberal democratic societies show us that the liberal democratic state is faced with a legitimacy crisis together with a governability crisis which also has significant ramifications for the liberal political thought, its conceptions, theoretical tools, and modalities.

On the other hand, globalization paradoxically marks a euphoric revival of democracy *prima facie* after the Cold War. The challenge before democracy and democratic theory is now to revitalize the democratic ideals alongside the very process of apparent democratic expansion in the world.

Concomitant to the legitimacy crisis of liberal nation state, we have the emerging theoretical positions which focus on the crisis of modernity and claims announcing the end of the Enlightenment project.

Globalization is the basis for my study because it carries tremendous implications for the liberal democratic construction of the nation state and for its ethical configuration in terms of its conception of the self, the Other, the Reason as the *modus operandi* and universalism as the axiological framework.

My goal in this thesis is to attempt a thematic and critical reading of various positions with regard to the legitimacy crisis of liberalism in order to explore the

plausibility of a new political-normative framework which would ensure the viability of the democratic model in the face of globalization.

This thesis is written from the perspective of political theory which aims to provide a systematic analysis of the discourses, theoretical attempts and explanations which frame politics. If political science is an empirical study of the institutions, processes, interactions and ramifications centered around the realm of political action and thought, political theory provides a framework which shapes them. In this thesis I will systematically analyze theories, models and modalities of political science as well as ethics.

My methodology is based on a careful, systematic, detailed and critical reading of the theories related to the legitimacy crisis of liberal democracy in a way to reveal the fundamental differences and similarities between them. This critical reading I have mentioned allows me to come up with prepositions related to the reconstruction of the intrinsic relationship between ethics and politics in a way to make it capable of answering some of the important questions of our globalizing world. And at the same time this critical reading also permits for a better understanding of democratic ethics as I will be proposing in the concluding chapter.

Usually the literature is based on incompatibility of ethics and politics. In this thesis I present a critical dialogical reading among the theories which underline autonomy while those others which stress solidarity, as well as those which focus on conflict, while some others which emphasize order. A dialogical reading

between the various theories I will be discussing will provide a more plausible synthesis for that task. And this is where the originality of my thesis lies in.

1.2 Liberal Democracy Revisited: A Theoretical Overview

Modern critics of liberal democracy have emphasized the significance of the moral question as opposed to legal-rational basis of liberal democracy that is indeed a product of the Enlightenment. Hence the debate between communitarians and the Rawlsian liberals, as well as the approaches such as deliberative and radical democrats emerge not only as theoretical positions seeking an accommodation of the liberal democracy's problems, but those that take aim directly at the definition of politics as a "conflict management" procedure *per se*. The critics of liberal democracy advance substantial theoretical investigation of the human relations, identity and agency, and definition of the nature of the political question. The common denominator for all the critics of the liberal credo is the need for reintroducing ethics into politics. Thus the conventional liberal understanding of democracy as a procedural, legal and rational system is challenged by ethical and normative claims that ask for a more participatory and moral democracy.

In my dissertation I am going to try to present arguments for reintroduction of ethics into democracy. Subsequently I will compare and analyze them and come up with the possibilities, and risks, highlight the inconsistencies and theoretical promises of each approach. Generally, our study is designed to find out whether liberal democracy is capable of regenerating and resurrecting itself in the face of its legitimacy crisis.

The positions of the critics of liberal democracy imply a larger theoretical quest for a redefinition of the universe of political assumptions and tools developed along the Enlightenment project, such as rationalism, foundationalism, constructionism, universalism, individualism, constitutionalism and social evolutionism.

Therefore the debate on the legitimacy crisis of liberal democracy and the debate on the crisis of modernity seem to converge in their respective limitations and prospects for political theorization in general, and an increasing appeal of ethics to political science as well as other social disciplines.

The legitimacy crisis of the liberal nation state can be said to be manifest in three peculiar developments: the shaking of the faith in the modern rational man, the questions over the singularity and homogeneity of the liberal subject, and the critique regarding the universal connotation of the liberal credo. These notions of rationality, identity and universality also constitute the three important themes for the debate between modernist and postmodernist camps.

This trinity of rationality, identity and universality constitutes the background of both the positing the politico-ethical claims as well as the tensions, fractures and failures to grasp, articulate and truly reflect the social reality for any liberal or competing ideology. In other words, these are sites for both construction as well as crisis. They also highlight the crisis on modern conception of the ethical and the political that at the same time furnishes the political morality of liberalism. My thesis, seen from this perspective, becomes a theoretical analysis which underlines the intrinsic relationship between politics and ethics and introduces a junction where the ontological (self), epistemological (rationality), and axiological

(universality) elements meet. These three areas constitute the main intersection not only between political and ethical conceptions, but also between major debates within modern political theory.

In order to explore the significance of the legitimacy crisis of the liberal democracy fully, we need to assess whether the groundwork of liberalism has had any inconsistency from the start. In other words, it needs to be examined whether all its assumptions regarding the human nature, rationality, identity and universality contribute to the current politico-ethical crisis.

Therefore, we need to rely on an analysis of these three sites of the crisis in considering the liberal construction of politics. For this objective, we need to take into consideration four prominent political-normative approaches within liberalism: the natural rights approach of Locke, the Kantian contractarianism, the utilitarianism of Mill, and the Rawlsian revision. These figures and strands best exemplify the question to what extent the liberal credo deserves the critique that the liberal conception of political ethics *per se* limits, distorts, displaces the political.

Essentially, our thesis presents a theoretical inquiry and will require the assessment of current debates on the vulnerability of the liberal nation state, an in-depth exploration of the normative crisis inherent in that crisis, and examining whether the liberal credo contributes to that crisis. Then we need to address the question whether the liberal (like that of Rawls, or in some sense Habermas) or non-liberal (e.g. radical democracy, republicanism and communitarianism) approaches to the crisis can generate sound and theoretically justifiable remedies, and we will discuss

the ramifications of the legitimacy crisis according to our understanding of the relationship between ethics and politics in particular and, political morality in general.

The thinkers and the lines of thought covered in the thesis are selected on the basis of their significance in terms of the normative-political arguments in relation to the liberal constitution of the self, reliance on rationalism and the idea of universalism. My concern is not to refute or fully sponsor the liberal theory altogether, but to explore the weaknesses and problems inherent in its theoretical constitution. Therefore I exempted from my study those anti-liberal or libertarian thinkers and movements which have agendas outside the framework of my study. I also limited the discussion on liberal nation state strictly to its locus in the globalization processes otherwise the topic of nation state alone constitutes the focus of a vast body of theoretical discusssion.

1.3 An Overview of the Thesis

In my thesis I will attempt to carry out a thematic inquiry, and a critical reading of the models that emphasize a theoretical shift to a reformulation of politics on the basis of legitimacy instead of rationality. This will call for a scrutiny of all major positions such as the Rawlsian contractarianism, deliberative democracy, radical democracy and communitarianism with reference to their normative and ethical perspectives by demonstrating theoretical limitations and prospects of each model.

Then I will pose a question whether these approaches could provide democracy with a viable and consistent ethical framework that would prevent the anti-

democratic impulses including fundamentalisms of all sorts and “negative dialectics” of identity politics.

Consequently, such a thematic reading will lead to a discussion on the constitution of the relationship between "the political" and "the ethical" in liberal democracy by utilizing the symptoms that underline the misconfiguration, or misconception for that matter—of liberal democracy as well as the competing political perspectives.

In order to deliver a critical reading of the positions with regards to the legitimacy crisis of the liberal democracy, I will first analyze the liberal approaches on the legitimacy crisis, then major alternatives to this crisis. I do so by exploring the respective stances of these approaches with regards to three sites of the legitimacy crisis: identity, rationality and universality. The concluding chapter attempts to sketch the possibilities, opportunities and strategies for reconstitution of democratic theory.

Chapter II deals with the pressures exerted upon the liberal nation state by the globalization processes, and its political-normative implications because the legitimacy crisis is based largely on the ability or inability of the liberal discourse to respond this change. It identifies three sites of the normative crisis of liberalism and their significance for the concept of "change" by considering the debate between the modernist and the postmodernist approaches. These sites are: Identity, rationality and universality. The postmodern critique of these sites are evaluated for it highlights the crisis of modern ethics and the modern conception of man that also shapes the political morality of liberalism. The debate between the postmodernist and the modernist approaches has an impact on the definition of the

"political". Therefore it takes us to the question of the definition of the "ethical" and subsequently the relationship between change and ethics.

Chapter III presents an analysis of the ethical universe of liberalism in order to consider the underlying theoretical causes for that crisis. In this part of the dissertation, I elaborate on the three distinct ethical approaches liberalism possesses and which have tremendous significance for the constitution of the liberal conceptions of identity, rationality and universality: the contractarian approach of John Locke and Kant, and the utilitarian brand of John Stuart Mill. At this point, I try to examine how the roots of the liberal normative framework correspond with the three sites of the crisis of the liberal democratic framework as mentioned above. Kant is given a special place both he is the thinker who may be considered as the primary founder of the normative model of liberalism and also because he still has a tremendous influence in shaping the liberal discourse.

Chapter IV turns to the question how the Rawlsian deontological liberalism tries to respond the theoretical weaknesses of the liberal normative conception and the response of the communitarians by looking again at how these three sites of the normative crisis are considered, conceived and eventually shaped by that debate. I focus on Rawls who has regenerated the political theory by developing a modern interpretation of the liberal democracy and communitarians, because they both characterize the contemporary debate on liberal order and moral universe.

Chapter V covers major non-liberal alternatives to this crisis while the first three chapters of the thesis analyze the liberal conundrum on the subject which includes the deliberative ethics model of Habermas and the radical democratic and

particularly the agonistic democratic discourse and the ramifications of these approaches with regards to the same critical sites of identity, rationality and universality. I analyzed the Habermasian theory in detail, because his attempt is broadly a synthesis between liberalism and the critical theory therefore stands as an original contribution to the problem. It is also a theory which claims to offer a response to the perennial tension between normativity and factity, by which the political-normative questions brought by globalization may be answered. The radical democratic approach on the other hand is considered because it emphasizes participation and solidarity and tries to redefine the political with a tranformative accent on the political theorization in general. Both approaches may be considered as major theoretical stances which stress the democratic element in the liberal democratic synthesis and offer strategies to combat the insulating, depoliticizing, conformizing and silencing tendencies implied by the legitimacy crisis of liberal nation state alongside globalization.

Chapter VI concludes my thesis. In this chapter I analyze the elements of a theoretical framework for an ethical reconstruction of democratic legitimacy, drawing upon the theoretical clues I derive from this thematic discussion of perspectives on legitimacy crisis. I also present traps awaiting at any theoretical attempt for such a reconstruction. Finally, based on this theoretical framework, I discuss the plausibility and elaborate on possible constitutive elements of a new democratic ethic that could respond to the liberal democracy's legitimacy crisis.

The theoretical discussion and thematic reading of the approaches on ethical construction of liberalism in my dissertation indicate that the constitution of the political in liberalism suffers from a misreading and thus misconception of the

multiplicity, ambivalence, and multidimensionality of the human experience. This leads to a political thought which indeed sees politics as a negative practice since it defines it by clash of interests. The three faces of the legitimacy crisis of liberalism, namely, identity, rationality and universality all prove that the liberal political morality often emerges as a formalist, and conformist model upon which the diversity of aims, projects, conceptions of the good by the individuals is uniformized. The social and affective elements for the political constitution such as solidarity, care, other-regarding, compassion are by and large ignored. In the final chapter, I attempt to propose some avenues where further theoretical attempts may engender especially those which take into account the diversity of the political and social constructions, historicity, ambivalence and which stress the embedded relationship between politics and ethics.

CHAPTER II

GLOBALIZATION AND LEGITIMACY CRISIS OF LIBERAL DEMOCRACY

2.1 Globalization and Change

In last decades "globalization" became almost a shibboleth, and a buzz-word. Globalization has proved to be a theoretical field where economics, sociology, political science, philosophy, international relations, anthropology and cultural studies all crisscross and contest, converge and conflict. Globalization discourse has also opened the new challenges and theoretical avenues for political scientists. However, interpretations of globalization as well as its theoretical evaluation and construction show significant variance with regards to the approaches of various schools and scholars as to how to define it: as an anomaly, a question, a threat, or an opportunity. Thus the globalization issue becomes problematic. Globalization is important not only as change, but also as the theoretical realm where contesting ideas about the nature of politics and ethics as well as liberal and democratic stances, and modernist and postmodernist positions crisscross. For my concern in this thesis, globalization constitutes the domain for the emergence of the questions of identity, rationality and universal relevance which all contribute to the legitimacy crisis of liberal nation state.

In this chapter I will try to explore the extent to which globalization has contributed to the question of legitimacy crisis of the liberal nation state as well as its political and ethical ramifications. This discussion will provide a thematic grounding for the coming discussion on modern and liberal ethics and its

constituency for liberal legitimacy that I will present in Chapter III. And I will argue that the legitimacy crisis of liberal democracy as manifested by globalization process is not a temporary phenomenon, but linked to the normative configuration of "the political" in the liberal thought.

2.1.1 The Concept of Change

The discussion of change in general entails the ancient Greek statement *panta rhei*, meaning "everything is in flux". In a similar sense, Alain Touraine asserts that one of the chief questions of the modern sociologists has been: "if modernity is change, how can a stable modern society exist?" (Touraine, 1988: 29) Thus the very concept of change constitutes the central element of modernity: its promotion, valorization and character as the ground for social and political action and organization has remained rather intact until recently. It is because of this equation of change with modernity that modern polity is motivated to demarcate, limit and structure the state vis-à-vis civil society, as well as determine the conception of society in order to guarantee a certain level of order.

Hence the conceptions of order and change are part and parcel of any political view. Similarly, this modernist conception of change is directly linked to the liberal conception of order. This is the reason how the postmodern objection to universality and Eurocentrism in modern project will have lasting impact on the way "order", and for our purposes, the liberal political order has been constructed. In some sense, the postmodern resistance to the Enlightenment project can be seen as a search for a new order, however this time amidst uncertainty, irrationality and ambivalence.

This sense of modern "order" is most visible in common distinction between state and society. In this way, the parties are enumerated and limited, and further refinements within these each agents of human life are made through a strict loyalty to this binomy. Just as the economic activity is supposed to be conducted through either state or civil society actors, the political order is imagined as composed of agents that are either dependents or representatives of the same duality.

When globalization process is seen as "the change" that both empowers and weakens the liberal democratic governance, it will be more meaningful to situate it in a broad historical and theoretical context. For it is the component of change that has been characteristic of modernity in general: the sacralization of change, its desirability, its normative status and the fact that social sciences in general, and political theory in particular, have concentrated on explaining change. Assuming that globalization is ontologically and epistemologically possible, the political theory also focuses on that issue in its orientation, methodologies and nomenclature.

One of the most important challenges globalization process poses is the inability and indeed insufficiency of the social sciences whose analytical and conventional tools, models, conceptions and methodologies seem to be falling short in face of the expanding horizons and changing parameters of action and human organization. The "crisis of social sciences" as I prefer to call it, is linked intimately with the larger crisis of modernity and the crisis of liberal democratic nation state that I am going to discuss later. [1]

[1] The important challenge of globalization for the social sciences is methodological: it relates to how social science perceives "change" in general, its scale, scope and possibilities. This is a rather

Thus it is argued that political theory should not proceed with the conventional analytical tools to understand and produce explanations for the global change, but needs to devise a new understanding transcending the old conceptions of state, civil society, citizenship, rights and liberties, representation, identities and cultures. Let me now analyze some perspectives on globalization in order to explore the scope, dynamics and challenges of the social change that necessitates the inquiry regarding the political question that once again appeared in the debate on legitimacy crisis of liberal democracy and the significance of ethics for this crisis.

2.1.2 Globalization as Change: The Perspectives

One of the most profound perspectives on globalization comes from Roland Robertson. His approach to the problem is "moral and critical". (Robertson, 1992: 28) His understanding of the process attests to its complex nature. He tries to bring a new perspective drawn from historical, social, cultural and political thought.

For Robertson, "globalization is, at least empirically, not in and of itself a nice thing", in spite of certain indications of world progress." (Robertson, 1992: 6) Globalization is not a recent event, rather it is an analytically emphasized period of history in which "compression of the world" and increasing "consciousness of the world as a whole" take place. (Robertson, 1992: 8) Robertson claims the

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delicate question since it relates to the normative and value-laden analyses abound in the subject of globalization. The second challenge is the *loci* of this change. Is it nation state, *Gemeinschaft, Gesellschaft*, system, structure, agent, or globality? The responses to this epistemological problematic largely determine the power, relevance and reliability of the corresponding theoretical explanation. Susan Strange (1995: 292) thinks that "most Western social science has been rendered obsolete by these globalizing changes." Peter Taylor (1998) calls globalization "the social change that undermined orthodox social science." He also argues that social sciences tried to meet the challenge of globalization by two types of reaction: The first are those trying to reform the orthodoxy by "internationalizing" the scope of their framework, but still relying on state-centered model. The second is the one that is willing to make a thorough critique of the methodology and the way of knowing, thus reconstituting heterodoxy instead of old orthodoxy and "liberating" social science from nation state.

globalization process dates from the 15th century through stages that indicate the relative intensification of "global" relations among states, societies and civilizations. He thinks that this long process of globalization seems to be dominating the world and there is no possible retreat from it. Robertson refuses Anthony Giddens's view that globalization is "a consequence of modernity". (Robertson, 1992: 27) He sees globalization as a product of both modernity and postmodernity.

Robertson argues for a global-human condition which he defines on four tenets: national societies, world system of societies, selves and humankind. Involved in relations among these four actors are four links of relativization: relativization of citizenship, self-identities, social reference, and societies. Relativization here means how identities previously assumed to be "caged" start to interact across boundaries, cultural, political and otherwise. (Robertson, 1992: 27) Globalization has involved and continues to involve the institutionalized construction of the individual. (Robertson, 1991: 80)

Robertson presents a cultural perspective on globalization but not without playing down discontinuities and differences. He explains how insufficient the modernization theories, world-system theory and postmodern approach seem in explaining this phenomenon. He presents the inability of the social theory to cope with this process and indicates the growing problems with universalism-particularism, functionalism-idealism debates. His stress is on an interdisciplinary approach that would combine various fields. Robertson also draws our attention to the central position of the concept of "globality" as the new unit of analysis in social theory, and its significance as the catalyst for modernization process that

also brings along fragmentation of identities, structural differentiation, cognitive and moral relativity, ephemerality, etc..

Robertson's effort is to introduce heterogeneity of globalization process without reducing it to a new homogeneity. (Robertson, 1992: 141) His emphasis is that the process puts greater impact *within* the societies. (Robertson, 1992: 104) It has its own logic, and can be reduced neither to intra-societal processes nor the development of the inter-state system. Globalization is primarily *the form* in which the world moves towards unicity. (Robertson, 1992: 175) In other words, Robertson does not think that the type of globalization that has been at work recently is necessarily the only theoretically possible trajectory, and he professes that there could have been other directions in which the world could be globalized.

He argues that the four reference points of globalization, namely nationally constituted societies, the international system of societies, individuals in general and humankind have recently become relatively independent *foci* of social practice. (Robertson, 1992: 176) As a result, relativization of identity occurred; the prevalence of "being human" and interpretations of world history multiplied, resulting in emerging fundamentalisms and anti-fundamentalisms. What emerges as the prominent feature of globalization is its contradictory or contested aspect; both enabling and constraining the social entities and processes. (Robertson, 1992: 61)

Robertson argues that globalization is "a form of universalization of particularism and the particularization of universalism." (Robertson, 1992: 102) Hence resistance to contemporary globalization includes both anti-modernity (since there

is the will to oppose homogenization), and anti-postmodernity (since that resistance needs to distinguish itself by giving lesser status to other cultural entities). Even the anti-global movements (such as fundamentalisms) are contained within the larger process of globalization. In this sense, globalization serves as a field where identity claims can carry elements signifying both *Gemeinschaft* and *Gesellschaft* tendencies at the same time.

In addition, globalization produces new actors and "third cultures" such as transnational movements and international organizations. Cultural pluralism, for example, is the constituent feature of globalization. However, Robertson perceives the "global culture" ill-defined just like national or local culture, since the ways we imagine for organizing of the world blind us to the "shifting definitions of global circumstance". (Robertson, 1992: 114) He tries to contain both types of analyses regarding representation of identity in globalization. In his view, "relativism" stresses discontinuities and is postmodern, anti-foundational and anti-totalistic, against any "universalizing" act. On the other hand, what he calls "worldism", or world-system approach as foundationalist because it claims that it is possible to grasp the world as a whole. (Robertson, 1991: 73)

On the contrary, Anthony Giddens defines globalization as "the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events miles away and vice versa". (Giddens, 1990: 64) He delineates four dimensions of globalization: the nation-state system, the world capitalist economy, the world military order and the international division of labor. In this sense, globalization means enlargement of modernity, expanding from western society to the world. (Robertson, 1992: 142)

To exemplify the depth of change as globalization, Giddens distinguishes three sources of social change that occurred in recent decades: globalization for him is a complex process and both invades and liberates the local contexts of action; detraditionalization that can be considered as synonymous with "reflexive modernization"; and social reflexivity that means self-decision making without relying on "expert systems". (Giddens, 1996: 153-155)

Giddens has developed the "reflexive modernity" thesis by situating globalization in the wider framework of "modernity turning towards itself". For Giddens too, the question of globalization is problematic. He perceives a "radicalized modernity" instead of postmodernity that is characterized by discontinuity as a result of "rapidity and pace of change in modern life; the global scope of change; the uniqueness of modern institutions, such as the nation state; the commodification of products and labor, and the great reliance on inanimate sources of physical power." (Giddens, 1996: 139) He, similar to Robertson, argues that the globalization process has double-edge: both constraining and enabling. From this ambivalence, he extrapolates the themes of security *versus* danger and trust *versus* risk.

A significant aspect of Giddens's view of modern society is that it is not defined entirely by its economic base, but by the fact that it is a nation state. Thus he implies that capitalist nation state is the modern society *par excellence*. (Waters, 1995: 48) This perspective has ramifications for our discussion since it is necessary to situate the nation state within modernity in order to analyze and understand its legitimacy crisis. Another significant aspect of Giddens' thought is the concept of time-space distanciation which means "the lifting out of social relations from local

contexts and their restructuring across time and space." (Giddens, 1990: 83) Included in this "disembedding" process are symbolic tokens, i.e. universal media of exchange like money, and the expert systems which involves technical knowledge that in return provides guarantees regarding a wide array of expectations. Modern people rely on these two mechanisms in a reflexive manner: they exhibit a constant reception, revision, reconstitution and reproduction of information. (Waters, 1995: 48)

Bringing the dimension of cultural change of globalizing processes to the scene, Arjun Appadurai argues that the central problem of globalization lies in the tension between cultural homogenization and cultural heterogenization. He sees globalization as a "complex, overlapping and disjunctive" process. (Appadurai, 1990: 296) Appadurai suggests the emergence of five dimensions of global culture: "ethnoscapes"-- meaning the flow of people like tourists, immigrants and refugees; "technoscapes"-- indicating the rapid movement of technologies across the national borders; "mediascapes"-- referring to the flow of image- and narrative-based strips of reality such as electronic media; "finanscapes"-- that refer to mobility of global financial resources and investments; and "ideoscapes" -- indicating the spread of political buzzwords like "freedom" and "democracy". (Appadurai, 1990: 296-300) For Appadurai the central concept is the deterritorialization process whereby labor, images and finance transcend the borders of country of origin. (Appadurai, 1990: 301) His important conclusion in the discussion, however, is a negative one: He encapsulates globalization as "the politics of the mutual effort of sameness and difference to cannibalize one another" (Appadurai, 1990: 307-308) Appadurai warns that both heterogenization of the cultures and their cannibalization are two sides of the same coin. In this way, Appadurai presents globalization as a complex

and multifarious cultural phenomenon that has serious political and ethical consequences.

Malcolm Waters defines globalization as "a social process in which the constraints of geography on social and cultural arrangements recede and in which people become increasingly aware that they are receding" (Waters, 1995: 3) His main thesis is that in a globalizing world, material exchanges localize, political exchanges internationalize, and symbolic exchanges globalize. Therefore, he distinguishes between three spheres of globalization in the fields of economy, polity, and culture (Waters: 1995: 9) Of these, Waters thinks that culture tends to be more globalized.

The crisis of the welfare state after 1970s proved, as Waters argues, that the state was unable to meet the growing popular demands that sometimes clogged the political processes, that the location of real state power shifted towards bureaucrats and technicians, consequently the welfare system got into a deep crisis due to creation of a culture of state dependency, unemployment and failing industries galloped, the class-interest groups on which the welfare state was established started to decompose in favor of new status groups, organized crime got stronger and internationalized beyond state's intervention. (Waters, 1995: 99-100) [2]

Waters points that the response to this crisis of nation state is *disétatization*, alias -- weakening the sovereignty of state. On the other hand, "the crisis of state contributes to the reflexivity of globalization" (Waters, 1995: 101) because

[2] Strange (1995: 305-309) seems to be in a similar line in showing that globalization both stems from the weakness of governments and facilitates functioning of the globalized crime hence further exacerbating the failure of nation states. For her, the meaning of "the political institution" has also changed in favor of TNCs relying on Arendt's definition of such institutions as "manifestations and materializations of power".

national governments tend to attribute their inability or failures to exterritorial developments or crises, most recently, for example, to the Asian crisis. This negative link with global scene may become even more harmful for the sovereignty of nation state since the attempts to provide solutions may increasingly rely on exterritorial agents and processes. In addition, Waters analyzes the "planetary problems", due to which the liberal nation state is losing from its sovereignty: human rights, environmental problems, development and inequality, peace and order (Waters, 1995: 101-111). He sees further erosion in nation state sovereignty as the social problems are re-defined as global problems (Waters, 1995: 111)

After reviewing the common theses on globalization, Waters reaches some conclusions: First, globalization is related to modernity; second, it involves the increasing relationships among individuals and thus facilitating the unification of human society; third, globalization involves elimination of space and generalization of time; fourth, it is reflexive; fifth, it destroys universalism and particularism; and lastly, it involves a Janus-faced mix of risk and trust (Waters, 1995: 62-64).

David Held, however, holds the view that a cosmopolitan global governance is emerging at the expense of nation states, but this does not mean that nation states will become redundant. He argues that sovereignties of regional, national and local political entities must be subordinated to the cosmopolitan democracy. He links the cosmopolitan democratic order to the democracies in particular societies. Thus he

foresees strengthening of democracy from outside through a network of international agencies and assemblies (Held, 1995: 237). [3]

He argues that with globalization nation states become unable to control the flow of ideas as well as economic transactions and cultural connections and thus become ineffective. Furthermore, the expansion of TNCs into foreign countries weakens nation state's sovereignty since in most cases they are more powerful than the national governments. At the same time, many conventional public activities such as defense, communications and economic management must be coordinated together with transnational bodies. Also, states have thus been obliged to surrender sovereignty within larger political units such as EU, ASEAN, or international organizations like UN, WTO, etc.. Held's conclusion is that a global governance is emerging with its own policy development and administrative system (Waters, 1995: 97).

Negating Waters' theme of cultural globalization, Mike Featherstone, in his work *Global Culture* argues that many "global cultures" that are based on heterogeneity and diversity rather than homogenization are emerging. For him, this plurality is a direct outcome of the perceived multiplicity of the paths of globalization processes (Featherstone, 1990: 10).

Stuart Hall takes "global culture" as being necessarily western in origin and homogenizing. Using the Gramscian term of hegemony, he claims that globalization is a hegemonic project (Hall, 1991a: 68).[4] For him, ethnicity is still

[3] Similarly, Martin Shaw (1994: 3-4) argues for emergence of a global society in his book *Global Society and International Relations*. However he too indicates the contradictory nature of this process which emerges through global crises of political, environmental and social nature.

[4] Against Hall, Janet Abu-Lughod (1991: 131) argues that multiple cores in the sense of world-system theory are proliferating and some cultural power differences are decreasing. Her conclusion

the primary locus where people define themselves. The emerging ethnic nationalisms are "defensive enclaves" against the hegemony of "global forces of postmodernity" (Hall, 1991b: 36). He also thinks that globalization is a contradictory process. It is not a pacific nor a pacified one, and its contradictions stem from the "old dialectic" between the global and the local (Hall, 1991a: 62).

Hall discusses the process of the Eurocentric formation of collective identities of class, race, nation, gender and the West itself. These identities were supported and stabilized by industrialization and capitalism, as well as the nation state. However with the advent of globalization, these identities can no longer remain homogenous. The partial reason is that "identities are never completed", in other words, identities are culturally, historically and politically constructed (Hall, 1991a: 47).

Zygmunt Bauman is also critical of the prevalent globalization theories. He believes that globalization follows the same modern pattern of "unequal development", meaning those remaining local in a globalizing world constitute the deprived class. This inequality reveals itself along the process in economic opportunities, mobility, time and space; nation state, and law and order. Bauman describes globalization as a new structuring process by which those on the top of globalization receive benefits, while those at the bottom -- those remaining local cannot. Therefore, he thinks that globalization process tends to be temporally polarizing rather than converging the human condition (Bauman, 1998: 18).

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is that global culture is not a one-way street, it also includes creolization of the western culture. While Ian Douglas sees globalization as a new form of capitalistic power**,** Falk (1997a and 1998) asks for resistance against the the state-driven globalization process through cosmopolitan or what he calls the "normative" democracy. Louise Amoore and Richard Dodgson (1997) too make similar plea to resist globalization as "teleology".

According to Bauman, globalization also restructures the time so that there is a sharp division between those who live in a constant present and those who cannot pass their time. The "top" of globalized world live in time, space does not matter for them, while the "bottom" globalizers live in space and they cannot control the time (Bauman, 1998: 88). The same inequality is observed in those who are tourists, i.e. highly mobile, and those who are vagabonds meaning the relatively less mobile lower class of globalization. Bauman criticizes postmodernism for its understanding of globalization from the point of view of one-sided, and high-class interests (Bauman, 1998: 101). Similarly, he sees increasing incarceration and "spectacular promotion of issues classified under 'the law and order' rubric" as a sign of yet another global stratification: the state trying to reinforce its status as the security provider for the "top" globalizer while the "bottom" one falls usually a victim to this process (Bauman, 1998: 116). Order is "local" while the laws are translocal. He points to the ethical ramification of globalization by asserting that global elite with their mobility can escape from local order, while poverty is criminalized (Bauman, 1998: 125).

2.1.3 Globalization: An Assessment

All the major perspectives I have summarized indicate the fact that we are going through a time of transformation which carries tremendous implications for the way we usually understand nation state, power, politics, sovereignty, democracy, culture, social constructs and political geography. Therefore globalization is a central question of political theory whether it is presented in a euphoric way by some as "the end of the history", or "third wave of democratization", or accused of being a conspiracy of the dominant world powers to once again exploit the remainder of the world.

While some of the analyses of globalization characterize it as a historically unprecedented process, or another stage yet in the purportedly unilinear development of the human society, it is clear that globalization has historical ramifications for the understanding of the history, not only of the human civilizations, but also political institutions and polities, as well as political ideas such as democracy and liberal democracy.

Therefore it is not a coincidence that the debate on globalization is indeed the crossroads for the debates of modernism vs. postmodernism, liberalism vs. communitarianism, individualism vs. Republicanism, epicureanism vs. stoicism, particularism vs. universalism, etc.. which all attest to the impressively reflexive and thought-provoking nature of change.

Based on these perspectives, my conclusion is that globalization is multidimensional, contingent and revealing as well as mystifying. The conception of change that is inherent in all globalization theories indicates a decline in nation state's primacy and legitimacy, a wearing out of the liberal notions of the identity, rationality and universality, a rising demand for more democratic forms of politics, liberated from the boundaries of the liberal state, and finally, a challenge for the social sciences in general and political science in particular, to include the ever-changing and multiplying agents and processes in their analysis of the complex world of man.

Indeed globalization, like any other crisis of action and thought, provides us some opportunities as well: the fading of sovereignty understood as the political rule on a

limited piece of territory with limitations on the cultural, social and political formation, expression and articulation of various identities, life styles and positions is absolutely a window of opportunity for the democratic moment to capture. In Falk's terms, "globalization from below" is indeed the current along which the discussion of democratizing the liberal democracy. As Giddens refers to, reflexivity, an awareness as well as a global responsibility are needed in order to effectively understand and transform the crisis. One of the most important ways to do that is to rethink, revisit and regenerate the ideas and ideals that might have been at the root of this crisis. In this thesis, I aim to contribute to achieving this task by focusing on the faultlines of the current crisis of the notions of liberal self, liberal politics and liberal normative principles.

This conclusion paves the way for my analysis of the legitimacy crisis of liberal nation state and provides us the background upon which I can continue to discuss its politico-ethical ramifications on the liberal legitimacy, as well as the liberal conceptions of identity, rationality and universality.

Let me now try to explore the scale and scope of globalization which I have discussed as the change which has a profound impact not only on liberal nation states, but also on the ways, strategies and constructs of the political theory with regards to the legitimacy crisis of liberal democracy and its ramifications for the normative-political understanding of democracy in general.

2.2 Legitimacy Crisis of Liberal Nation State

2.2.1 Globalization and the Legitimacy Crisis of Liberal Nation State

In the preceding section I have tried to underline the significance of globalization as a process that has a direct bearing upon the notions of liberal democracy, nation state, and other social, cultural and political processes by exhibiting various perspectives on globalization in order to understand its multidimensional and contrasting implications. Now I would like to discuss how globalization as the change is related to the legitimacy crisis of liberal democracy in general.

The complex of expanding and intertwining relations among places and peoples, as well as ideas and genres makes it difficult to characterize the local and the global as comfortably as before. As Saskia Sassen (1998) indicates, one of the most important features of globalization is that whatever happens within the territory of a sovereign state does not necessarily mean that that process is a national one. This brings enormous mobility to the routine lives of people and institutions which have been previously conceived as "entities bounded" by the territorial nation state.

In recent decades, forming of new nation states and dissolution of the modern-day empires such as Soviet Union have changed the political maps considerably. Liberal thinkers such as Samuel Huntington attribute this apparent spread of independent nation states possessing nominal democracies and market economies to the winning out of liberal democracy, i.e. "the third wave of democratization". What is perceived by some students such as Samuel Huntington and Francis Fukuyama is the emergence of a global liberal political culture alongside the globalization process and the weakening of nation state. The nominal proliferation of nation states as a result of political globalization is seen as a formidable indicator for the strengthening of democracy on the globe as a whole. This rhetoric is also exacerbated by liberal democracy becoming a global *cliché*, a hegemonic

discourse that has almost no alternative or rival. Some analysts including Giddens see the crisis of liberal democracy in the fact that there remains no rival to it thanks to the globalization discourse. Therefore it is assumed that liberal democracy has no need to repair its ailing legitimacy (Giddens, 1998: 3). For those students, globalization seems to have destroyed the Other, the rivalry of communism and is now left alone with its own identity that seeks no differences to posit itself.[5]

However, all these celebrations of the triumph of liberal democracy cannot conceal the deep legitimacy crisis of nation states including the new ones. As Claude Ake asserts, "it is by no means clear whether we should be celebrating the triumph of democracy or lamenting its demise" (Ake, 1997: 284). This is exactly the problematic face of the current globalization discourse. It also forces us to rethink many convenient and conventional assumptions we tend to make about the nation state and democracy. What globalization induces us to do is to question the essential link between territoriality of the nation state with its role as a representative totality, as well as the link between the nation state as "the container of social processes" (Sassen, 1998) and its role as the maker of nation. Therefore, globalization once again poses important theoretical questions regarding the viability, continuity, essentiality and relevance of nation state as the main political unit of international as well as domestic politics.

Legitimacy crisis of liberal democracy is a subject that precedes globalization discourse, but it is at the same time exacerbated by it. In this sense, the legitimacy

[5] There are also those like Hyug Baeg Im (1996) who think that globalization does not promote democracy but, on the contrary, by wekaening the state that is the repository of liberal democratic experience may even hinder it. For Ake (1997: 291), the social movements are especially negatively affected by globalization processes, because there is no rival before "the triumph of democracy" to contest.

crisis of the nation state and the ensuing crisis in liberal ethics can be situated in the larger crisis of modernity.

Globalization encourages arguments for the crisis of liberal democracy in various ways. First, it contributes to the legitimacy crisis by weakening of the nation state and its sovereignty and territoriality arguments. Second, and in relation to the first, the conventional liberal stress on individualism comes to a new juncture as new collective identities start to make political claims. The new ethnic and religious identities create a new dimension of "politics" as it is usually understood, in that these claims and movements supersede the national boundaries and defy the liberal definition of citizenship bound by a national state. Third, the representative democracies are further weakened by the "global intrusion", the exterritorial influences on the political sphere which are beyond the scrutiny of the national populations and thus the phenomenon of non-governability.

Some of the outcomes of this legitimacy crisis which is accelerated and expanded beyond the western locus by the globalization process are; first, the weakening of the governability of the state as a result of the engrossment of the bureaucracies managing the outflow and inflow of the economic, cultural, political and ideational elements and their further distancing away from the public; second, declining popular trust in institutional representation and in public agencies in general, and politicians, in particular, because of the money/power relations and the opaque character of the managing class; third, the increasing lack of confidence in the electoral process and the apparent convergence of the left and the right; fourth, the rise of new social movements that endanger the conventional norms of citizenship on the basis of gender, race, religion, etc. which at the same time threaten not only

the "unitary" vision of the national society, but also its ethical construction by reinvigorating the ideal of "good society" against the notion of "welfare society".

Therefore, the scale and nature of "change" as exemplified and amplified by globalization process that I have discussed above are significant elements in rethinking "the political". What is at stake is not only the students' inability to perceive, evaluate and analyze the social and political events within nation states, but also the viability, continuity, and relevance of the democratic ideal that is historically wedded to liberal ideology and the concept of nation state. Just as the sovereignty element of liberal nation state is tied to its territoriality, so is the institutional framework of nation state equally entwined with the democratic project. The control established over the subjects by the modern nation state is realized through, as Bauman calls it, "transparency of setting" (Bauman, 1998: 30). It means that the state is eager to demarcate boundaries, hence turning the nation state into a "cartographic state".

What happens along the globalization process is, when "the black box" of nation state is opened up and the national citizen is enabled to transcend the claustrophobic borders of the state, there emerge certain signs that signal the loosening of state's legitimacy: the loss of authoritative control of the state over its constituency, and the inability of its codes, symbols, values, procedures and modalities that have provided before a secure one-to-one relationship between the nation state and the society to meet the expanding, "globalizing" consciousness of the populace. This adds to the legitimacy crisis of the nation state. As Ake says: "As the relevance of the nation-state diminishes, so does that of democracy, especially liberal democracy". (Ake, 1997: 286).

Giddens attributes the legitimacy crisis to the immense social changes in result of globalization, detraditionalization and social reflexivity, and also to the fact that the voters are now using in the same discursive arena as their political leaders, hence political activities which were taken granted before and now being questioned. He suggests that it is the welfare state with its risk management system that faces the same legitimacy crisis (Giddens, 1996: 156). He proposes a shift from "emancipation politics" that focuses on freedoms and social justice to "life politics" that stresses taking life decisions reflexively and with ethical and value considerations (Giddens, 1996: 158). As Lash and Urry argue, the contemporary nation state is undermined by globalization in many ways: development of transnational practices, development of localized sites, decreasing effectiveness of state policy instruments, an increasing number of inter-state connections, the embryonic development of global bureaucracies, the emergence of new socio-spatial entities, and an overall decline in the sovereignty of nation state (Waters, 1995: 53).

Eric Hobsbawm lists some of the indicators for this legitimacy crisis: the attenuation of links between citizens and public affairs in liberal democratic states as demonstrated by "the decline in ideological mass parties, politically mobilizing electoral 'machines' or other organizations for mass civic activity (such as labor unions), and the spread of the values of consumer individualism" (Hobsbawm, 1996: 61). This has a direct impact on the link between democracy and ethics, since "the state is weakened when it is not identified with a common good"

(Hobsbawm, 1996: 61).[6] Similarly, for Falk, globalization has won out against the image of state-centric world. He thinks that globalization is linked to both the crisis of the nation state and to the crisis of modernity. He contends that three pillars of the modern project, namely, territorial state, secularization of political inter-state relations and Western global dominance have been eroded (Falk, 1997b: 128).

Levent Köker lists five elements of the legitimacy crisis of liberal democracy: first, the notion of political participation of the individual is reduced to electoral process and the "private" freedoms of the individual and thus needs to be turned back towards participation; second, the institutional structure of representative democracies and the inherent inequality and hierarchy within those institutions as well as civil society agencies prevent a broader political participation; third, recognition of new collective identities constitutes a problematic that liberal state seems to be unable to respond; fourth, the assumption that the state is neutral towards "cultural" identity and its association with "private" life seems to restrict the public sphere and the "political" domain and debates; fifth, the major objective of liberal state becomes its own institutional survival rather than serving the ideal of "a good political community" (Köker, 1996: 113-114).

Based on this discussion, I may delineate three broad crises of the global scale: crisis of liberal nation state and the liberal subject, crisis of modernity and modern rationality, and the crisis of political morality. I will be analyzing these crises in the following sections. Let me first focus on the legitimacy crisis of liberal democracy.

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[6] Hobsbawm (1996) however thinks that what are presented as alternatives to nation state like anarchism, or free-market liberalism and smaller state machinery are not effective and viable. On the contrary, he presumes that states are too small to cope with globalization.

Liberal democracy functions in two separate realms. At the procedural level liberal democracy aims at protecting political, economic and civil rights and their realization through political decision-making, hence saving individual rights and freedoms from the societal pressures. On another level liberal democracy presumes the democratic control by the citizens through a pluralist public sphere (see Keyman, 1996: 98).[7] As Touraine suggests, political traditions inherited from the 19th century have defined democracy as representative. However one century later this type of democracy is in deep crisis almost everywhere (Touraine, 1992: 131). Because the representative mechanism of liberal democracy ultimately blocks participation that must be the core of the democratic ideal.

The legitimacy crisis of liberal democracy emerges because it colonizes or "étatizes" the public sphere at the same time it functions at the procedural level. As a result, the liberal polity behaves according to an abstract definition of citizenship that is based on the "rights." In consequence, other constitutive elements of identity such as gender, religion, ethnicity, culture and class are left out. Therefore the public sphere becomes the battleground for interest groups rather than being a territory for the diverse identities to interact and communicate.

The legitimacy crisis of liberal democracy is most apparent in the general feeling of "lack of trust and certainty" (Keyman, 1999a: 62; also Pieterse, 1997: 79; Ake, 1997: 292).[8] Douglas refers to the same global psychology as "global paranoic politics" (see Sammy, 1996).[9] This feeling is perceived largely as a consequence of

[7] The existence of civil society is especially significant when one remembers what Leo Strauss says: "liberalism stands and falls by the distinction between state and society or by the recognition of a private sphere" (quoted in Gilden, 1987: 93).
[8] A similar characterization can be found in Pieterse, 1997; and in Ake, 1997: 292.

the crisis of state-centric citizenship, the extension of identity claims across the territorial borders of nation state, lack of confidence in civil society institutions including political parties, and the inability of the representative state to turn to itself and reinstitute the democratic ideal for larger participation of the civil society.

When we talk about the legitimacy of a certain governance we mean the legality of the governing institutions, but more importantly we also imply "a general interpretation which supports the system of authority as a whole" as Habermas suggests (Habermas, 1988: 97). Legitimacy may be said to be a concept that has gained new significance alongside the modernity (Mardin, 1994: 10).

Hence, in the current crisis of legitimacy, the legality argument relies on the modern rationality argument, whereas the argument of authority relies upon merely the electoral process and the pressure groups that are in fact hardly representative of the popular trust and moral support for the democratic polity. In other words, the current crisis of liberal democracy is a crisis of legitimacy because the "legitimizing system", i.e. the liberal notions of citizenship, representation and civil rights, "does not succeed in maintaining the requisite level of mass loyalty" (Habermas, 1988: 46). [10]

2.2.2 The Postmodern Stance and The Crisis of Liberal Ethics

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[9] For the discussion on the subject, see Sammy (1996). The difficulty of thinking about the state is, as Bourdieu (1990: 40) puts it, "because we are the state's thinkers, and because the state is in the head of the thinkers."

[10] However, as Barker (1990: 99) and Beetham (1991: 165) indicate, the notion of legitimacy in Habermas and his followers such as Offe and O'Connor seem rather limited to the material satisfaction of the masses by the state.

Once the exclusionary face of the instrumental rationality is exposed, then the need for an "ethical" reading of politics instead of a new rationality becomes clear. It also forces us to consider the strategies to resist the antagonisms created as a result of the modern Reason in political sphere such as othering, universality and homogeneity claims and the subsequent creation of difference through identity. The outcome is acknowledgment of uncertainty, historicity and relativity of the political subject. So, the ethical question is thus situated not in a rationally organized project where it is expected to function as a marginal element of the "iron cage" of political representation, but in a reflexive and ambivalent course of human action that is inclined towards responsibility for the Other, dialogue, deliberation and therefore peaceful coexistence. By underlining the significance of the replacement of instrumental rationality, this "ethical" approach also moves towards inclusion of rather diverse theoretical approaches that can be associated with postmodernity and its poststructuralist variant.

One of the useful concepts for our discussion developed by Foucault is "genealogy". He uses this term to connote that "being" is an historical and discursive process of "becoming", identity of the subject constantly being reshaped by discourses of knowledge and power. Hence, the individual is made a moral agent in the specific ethical discourses (Keyman, 1997: 127).

One critique of modernity by the postmodern discourse is creation of binary oppositions. Modern discourse operates by situating the Eurocentric self as the center and creating the Other as its mirror image (Keyman, 1997: 132). The creation and constant reproduction of binary oppositions is seminal for our discussion since the major crisis facing the nation state is the emerging ethnic,

gender, life-style, religious and other types of identities. The modern identities formed through binary oppositions are the causes for antagonistic othering. They are also the cause for perpetuation of the instrumental rationality that both provides the ground for othering and justifies it in the name of "moral neutrality".

Postmodern perspective relates the theory to the practice by urging radical action to reverse the discursive or textual hegemony of the modern narratives (Keyman, 1997: 140). The ethical question is once again accentuated here since it is necessary to approach the legitimacy crisis of democracy not only form a topical point of view, or as an academic pastime, but also with the view that stresses responsibility and response to the challenge by producing modalities, frameworks and ways for action. Therefore the ethics of responsibility intertwines with the ethics of action. This is an important reference in order to achieve the task of preventing the annihilation of the Other as a result of modern identity formation and subsequent othering process.

Keyman suggests that the postmodern thought provides us the elements involved in making of the modern identity, reality and rationality. All these theoretical warnings imply the need for exploration of the very structures of the liberal polity and attempt to examine its hierarchical, unequal and exclusionary character. They, therefore, attest to the "poverty of the Reason", and the need for an ethical reconstruction of the political question if democratic ideal is to survive this ordeal. In other words, the ethical question emerges as a response to the bankruptcy of the modernist notion of rationality along the globalization process, and the nation state as the container of the power in modernity suffers from this larger crisis. Then the

task is to salvage the democratic ideal without running the same risk of foundationalism and a new type of rationalism (Keyman, 1997: 140).

In short, the postmodern perspective contributes to our discussion of the legitimacy crisis of liberal nation state by first, providing the epistemological tools for deconstructing the identity formation and the discursive nature of the national ideology, and second, by demonstrating the need to emphasize the ethical question as the integral and central question of the same crisis. Contrary to some arguments, postmodernity may even be considered as an "era of morality" in that it could be possible to "face the moral issues point-blank" in the ambivalence that is an outcome of the postmodern dispersal of "ethical clouds" around the moral subject and moral responsibility. (see Bauman, 1997: 43) I shall discuss the significance of liberal ethics in Chapter III.

However, the incredulity of postmodern position vis-à-vis the metanarratives may make it more difficult for the task of understanding and situating the legitimacy problem although the intention seems justified. First of all, what is common between the approaches of "discursivity" of Foucault and "textuality" of Derrida within poststructuralism is the stress on discontinuity and historicity, and through these arguments, a sense of non-knowability of the phenomena emerges, and thus virtual impossibility of theorizing (Keyman, 1997: 142). The question is an ontological one, since if the reality cannot be defined theoretically, then no political or philosophical position and statement can be made subject to an examination, and as a result, the consistency of meaning could shatter immediately. The second danger is the narrow basis this perspective offers for action.

Postmodern style of life subjected people to stay away from each other, hence giving rise to indifference. The postmodern ethics becomes the consumer ethics in which the satisfaction comes before needs (Keyman, 1997: 81).[11] Therefore, the modern nation state's legitimacy crisis receives no ready and full answer from postmodern position, but there is no doubt that the postmodern critique may provide us useful hints to further explore the ethical repercussions of the crisis.

In this section, I have reviewed the positions with regards to the legitimacy crisis of liberal nation state in relation to globalization and suggested that the crisis consists of a weakening claim of sovereignty, an inability under its rubric of citizenship to meet the demands of new and emerging collective identities based on ethnic, religious, gender, ecological and similar factors, a doubtful reliance on the modern instrumental rationality best exemplified by expert systems and bureaucracy, ambiguity of positions of mass political parties, declining popular participation and confidence in representational politics. Now let me attempt to ground main elements of my perspective on the legitimacy crisis of liberalism as revealed, perpetuated and problematized by the globalization processes.

2.3 Three Sites of the Legitimacy Crisis of Liberalism: Identity, Rationality and Universality

I have tried to emphasize the setting and the elements of the legitimacy crisis of liberalism in the previous section. Now I would like to turn to the discussion of

[11] For Bauman (1998), even in being a consumer globalization restratifies men: not all can become even if they wish to be. This is called "global apartheid" by some others (in similar lines, see Lynch, 1998).

three major sites or faces of this crisis, namely, the inherent crises in identity, rationality and universality.

2.3.1 The Crisis of Identity

The legitimacy crisis of nation state is determined not only by the *actual* events, but also by the crisis in imagining, projecting and constituting of the universal and liberal conceptions and institutions of state, bureaucracy, civil society, citizenship, electoral process and representation, rule of law, constitution, national identity, national economy, culture, sovereignty and territoriality within the modern paradigm.

Roland Axtmann (1997: 115) argues that globalization challenges our conception of democracy associated with the representative, liberal and territorial nation state. Despite the liberal principle of non-discriminatory equality of citizens, women and ethnic identities are asking for recognition on the basis of their "group identity". This is something that liberal state that is based on "individual rights" is not prepared to. He sees that globalization does not do away with the nation state, but poses very important challenges before it and democratic ideal. Legitimacy crisis of nation state emerges because it cannot properly meet the citizens demand for "political representation, physical protection, economic security and cultural certainty." (Axtmann, 1997: 134) The danger of this crisis is the emergence of "extreme nationalisms and right-wing extremism" that seek to balance the identity crisis by globalization through othering (Axtmann, 1997: 135).

As we have already mentioned, one of the main challenges before liberal democracy is the emergence and fragmentation of ethnic identities and

nationalisms, mostly resulting in the weakening of confidence in liberal polity, but also the confidence in the democratic ideal. "Balkanization" of identities as it is conventionally called, calls the legitimacy of the liberal state as the representative of a "national identity" into question. Ironically, as Wendell Bell argues, modern nationalism is an aspect of democratic revolution (Bell, 1996: 15). Therefore, global changes create yet another havoc in this assumed unity of the subject with the official definition of the national citizen. Some of the recent examples for this fragmentation of identity are, Mexican Zapatista movement, the native Indians of Canada and United States, the segregation wars in the Balkans. The importance these movements possess results from their exclusionary discourse and the methods they utilize, often a combination of the use of global culture as their enemy, and at the same time depending on the global networks to make their voices heard. On the other hand, Axtmann (1997: 137) points to the emergence of a "global elite" that enjoys a shared global culture, but which lacks "global civic sense of responsibility". This is one of the most frequent arguments regarding the external causes of the legitimacy crisis of nation states. This means, while nationally elected politicians can be scrutinized by the public through electoral process and other checks and balances, the "global elite" identified by the business can escape the democratic monitoring and responsibility.

In a similar vein, Touraine argues that the "State" in modern polity could become legitimate through becoming less repressive, but only at the cost of distancing itself from the society in an increasing fashion (Touraine, 1988: 32). Following this then, and consequently, it is visible how the State is no longer the unifying force in the society, so it is no longer the agent for modernity. There is a further phase to modernity that also involves the crisis of nation state. Hence the "unifying"

function of the state is jeopardized by nation state that is moving away from "political" sphere to dominantly "economic" sphere (Touraine, 1988: 32-36).[12] This, however, does not mean that state is no longer relevant. It means that the society is no longer the source of the unity of social life. On the contrary, the social has become a ground for contesting and resisting identity claims (Touraine, 1988: 39). For Touraine, the dissolution of the idea of society thus gives rise to two developments: First, by releasing the "social" from the modern cage, it creates a sense of permanent change, thus regenerating the "political" by politicization of the social life, and secondly, it leads to "the birth of the idea of subject", meaning that the subject becomes problematic with than the notion of "national subject" (Touraine, 1988: 40).

The post-materialist values such as community, self-expression and the quality of life as Inglehart elaborates, are yet other important factors that contribute to the legitimacy crisis of the nation state by blurring and delegitimizing the old division between the left and the right on the basis of distribution and redistribution of goods and services. The state becomes problematic in this phase since the new right sees it as an obstacle to individual freedoms and free markets, and the new left perceives it as the agency of rampant materialism and an oppressive arm against minorities and marginal populations (Waters, 1995: 121). As Waters asserts "the state might therefore be the final bastion of resistance to globalizing trends" (Waters, 1995: 122)

[12] As Wallerstein argues (1990: 166), nation states are not dying out, just to the contrary, they have "never been less legitimate" as a result of the globalization process.

For Bauman, globalization represents the loss of control, thus disorder in the modern mind, and what it is about is "what is happening to us all" (in italics, Bauman, 1998: 60). He professes that the modern equivalence of "state equal order" and consequently association of the state with regularity is faced with overwhelming uncertainty, risk and non-knowability as a result of which, the globalization process is seen as "things going out of control", or as what Leach calls "a runaway world" (quoted in Giddens, 1996: 152) . A direct result of this panic is that the distinction between the "inside and outside" of the state gets blurry and, subsequently, weakens the nation state (Bauman, 1998: 61, 65). However, he explains that this weakening is taking place by the initiative of the global trade, finance and information that "depend on political fragmentation" in order to pursue their ends, and again for their interest, they would not let the nation states to die out (Bauman, 1998: 68). As a result of disembedding politics from economics and letting the former dominate the latter, globalization actually has weakened the politics and the power became anonymous and "its locus empty" (cited from Claus Offe by Bauman, 1998: 68) by porous borders. Bauman argues that it is for this reason that it will be difficult, if not impossible, to channel social issues to collective action.

Stuart Hall remarks that there are two simultaneous responses to the weakening effect of globalization on nation state as going in two ways simultaneously: "above", meaning transcending territoriality and sovereignty of the nation state, i.e. going global; and "below", which implies that it subverts the authority of the nation state at home by new identities and claims, thus "going local" (Hall, 1991b: 27).

An empty political realm invites the possibility of the non-public, non-transparent and non-responsive administrative practices and behavior which in turn leaves no room for the ethical question. This is often stated as one of the reasons for the extensive lobbying by private interest groups at the expense of environmental concerns, civil and political rights of especially the minority groups, and the surfacing of the large global crime schemes that penetrate the "democratic" process. I think this picture also relates to the profoundness of the legitimacy crisis of liberal democracy exacerbated by the globalization process.

The ethical significance of the political question arises once again with the challenges and threats of the globalization processes for the identities formed in public sphere by the liberal ethos. These individual identities are perceived as homogenous, separable and distinct social labels on the basis of which the constitutional guarantees and freedoms, as well as rights and entitlements are established. The global culture and the mass political upheaval associated with the nation state also weaken these readily-accepted identity referents, making liberal democracies vulnerable to additional or fragmented identities such as gender, ethnicity, region, and religion. The concept of unitary and individual citizenship isolated from the identity/difference dimension thus becomes a mechanism for othering and exclusion of other identities. The consequent antagonisms and annihilations are observable in the human tragedies of Bosnia, Rwanda, Haiti, Mexico and most recently in Kosovo. It is at the juncture of the global that the governability crisis of liberal democracy meets the legitimacy crisis.

As we have seen, globalization pressurizes the modern liberal nation state to lose control over its "identity engineering", and results in multiplying identities, both

individual and collective. The modern politics of identity is based on what I call a "transvestite existence" to express the point made by Jonathan Friedman, namely that alterity becomes a permanent situation in modernity (Friedman, 1993). However, the social representation of the particular identity is not directly linked to the political definition of that identity, hence creating all other cultural and subjective categories as sub-altern. Globalization poses a challenge to this transvestite subjecthood from the modern political point of view. This is the junction where the representational crisis turns into legitimacy crisis.

What is involved in this crisis are not only the "functional" elements of governance, i.e. the public institutions and their services, and their changing roles and perception by the public. Also involved in the crisis are the "ideational/ideological" elements such as "unity", "nation", "culture", "citizen", as well as "morality" that binds the nation and the state together, as well. The distinction is significant since any project with the objective of upholding the democratic ideal and flourishing a democratic governance needs to work out both tracks of the legitimacy crisis, thus not sufficing with the institutional reforms but also supporting the reshaping of democratic polity with a new perspective of the ideal and ethical constitution of democracy. This is also necessary in order to convert the sense of democracy from a "problem-solving strategy" that is by and large the product of the core of rationality within the modern project to a model that is based on legitimacy.

These two concerns also shape the way we read the globalization discourse. While conceiving the benign side of globalization as a social process whereby the repressed and underrepresented identities and collectivities are empowered, we

have also to acknowledge the emerging collective identities that call for totalizing projects that at the same time threaten the very basic idea of democracy. Therefore, the "democracy-as-problem solving" approach would only strengthen those Balkanizing and fragmenting tendencies by shattering the unitary concept of citizen, national culture, national society and what is meant by governance in general that would also pave the way for weakening of the democracy's attachment to nation state. What is at stake is then looking for ways and frameworks that would both challenge the dark side of globalization and at the same time provide proactive measures to consolidate the "democratic vision" as independent from its representative brand.

2.3.2 The Crisis of Rationality

The current claims for "end-isms" such as "end of history", "end of the nation state", "end of the social", "end of the metanarratives", etc. that are related to the globalization discourse, eventually center around the "end of modernity". Both the enabling as well as constraining features of globalization signal the need for rethinking the modern actors that are involved in the process such as the nation state, society, culture, civil society, but also the general paradigm of modernity. Indeed much of the postmodern discourse has pointed to the issue of globalization as the ultimate theoretical ground where supporting evidence and arguments for the crisis of modernity are derived from.

The "ambiguous" position of postmodernism, alternatively called "late modernism" by Giddens, "second-modern" by Beck, and "surmodern" by Balandier, stands in opposition to the project of Enlightenment, in its invalidity and oppression in symbolic as well as historical planes. Postmodernity or "dissident thought" is

centered around "ambiguity, uncertainty, and difference as an effective political resource to impede, disrupt, and delay any attempt to transcend diversity into unity" (Keyman, 1997: 124). As Keyman notes, the significance of postmodern thought comes from its incredulity towards metanarratives that are products of social and political theory, and also from their resistance to imposed boundaries and the truth. Henceforth, modernity is seen as totalizing in its claim of universalism, and oppressive since the unity is realized by dissolving differences (Keyman, 1997: 124-125).

At the center of the postmodern refusal and its radical search for an alternative lies the critique of the Enlightenment, and thus the liberal Reason. "Postmodernism is primarily an intellectual identity that defines itself in opposition to the rational-scientific core of modernity" (Friedman, 1993: 211).[13] For postmodernists it is the Reason itself that should be regarded as the source for the oppression of modern totalizing unity (Gilden, 1987: 91). Because the Reason is responsible for the practice of inclusion/exclusion by privileging one identity through the process of othering (Keyman, 1997: 126).

The modern liberal nation state relied on constructing a bureaucracy that stood in opposition to the "transparency" of the state's geography with its opaque and impenetrable structure "while keeping [it] clear to [itself]" (Bauman, 1998: 33). What happens with globalization is the demand by populace to see inside this opaque space and try to seize the control erected by demarcations not only around

[13] As Strauss argues (as quoted in Gilden,1987: 91), "the critique of modern rationalism or of the modern belief in reason by Nietzsche cannot be dismissed or forgotten. This is the deepest reason for the crisis of liberal democracy." Inglehart (1997), on the other hand, sees postmodernity as the shift from instrumental rationality to "postmodern values", what he calls "the post-materialist values".

the "nation" but also the "individual", "group", "gender", and "ethnicity". Bauman argues that the modern state bureaucracies manipulated uncertainty in order to preserve and maximize their power much like Foucault's panopticon (Bauman, 1998: 34). Once the panopticon where the insider could not be seen from outside, but could monitor and control all social processes started to have holes all around the place thanks to the globalized transactions and interactions, the rationality that has so far been represented by bureaucracy and its neutrality started to crumble. As a result, in most of the liberal states the trust for the civil servants took a sharp decline in recent decades. This gave another blow to the legitimation potential of the nation state versus what is called the civil society.

It means that the rational construction of the nation state model starts to attenuate as a result of the weakening of its basis in modern conceptions such as national society and the individual subject that lose their meanings, and its representational power diminishes as a result of the massive fluctuations in loyalty, trust and self-affiliation of the populace vis-à-vis the state as the "guardian of freedoms". In other words, the liberal freedom discourse gives itself away to a global freedom that discourages consolidating of bonds between the political subject and the "local", nation-wide, representative and territorial state.

One of the most important contributions of Jürgen Habermas on the subject is his suggestion that the legitimation crisis of liberal democracy is a product of the instrumental rationality of the Enlightenment. In order to accomplish the unfinished project of modernity, Habermas proposes the alternative of relying on legitimacy and thus the moral element, rather than on rationality in democratic governance. Therefore one direct conclusion that can be drawn from Habermas is

his claim that at the root of the legitimacy crisis of liberal democracy lies the crisis of politics based on rationality. Although Habermas does not directly link this claim to the globalization discourse, it is possible to draw the same conclusion with regards to the challenge of globalized phenomena before the nation state and its rational organization. It is also possible to relate it to the challenge for the mechanism of representation that assumes a certain typology of citizenship and national identity, within a given boundary, thus making democratic state "a political machine" that works according to the precepts of the Reason. However, once this rational structure starts to malfunction, it appears that there is still the need to enhance democracy than what the rational approach would permit.

The emergence of "global risks" is yet another area where the instrumental rationality of modernity is taken as the culprit. The awareness of and the responses to these common planetary problems such as environmental pollution, nuclear threat, migration and overpopulation also add to the decline of the authority of nation state. Moreover, migration, human rights and increasing xenophobia are other important political questions that call for an extension and revision of the liberal democratic citizenship concept (see Jacobson, 1998).

Ulrich Beck approaches the problem of the crisis of nation state from his conception of the "risk society", the society in which dangers to human life emerge not in result of natural harms, but due to the decisions made in the political realm. The question Beck asks is how democratic polity can be preserved in the face of global risks that endanger its credibility (Beck, 1990: 106). These risks are produced by humans and are universal in their effect. The risk society becomes a global phenomenon, so it also poses challenge to the sovereignty of nation state

(Beck, 1990: 113). Beck touches upon the fact that in industrial democracies, the decisions are made on behalf of the populace by some technocrats whom the people cannot control within the representative system, hence resulting in a legitimacy problem. His proposal is the "ecological extension to democracy" which basically refers to remedy this crisis by creating a new public sphere where free deliberations regarding decisions on risks can be made and be subjected to some "discursive checking" by experts, and making a division of powers (Beck, 1990: 119).

Therefore, the larger crisis involving the nation state and -on its mirror- the political question necessitates a critical evaluation of the centrality of the argument of rationality of the modern project, in order to come up with a new definition so that othering cannot harm the democratic ideal. According to Keyman, three theoretical attempts must be made for such a task: first, decentering of subject from its modern definition as the epistemologically autonomous, and rational actor. Second, abandoning its claim of universality, unity, totality and foundations, and thirdly defeating its regime of universal truth (Keyman, 1997: 126).

2.3.3 The Crisis of Universality

In previous sections I have discussed about the role of the crises in the liberal conceptions of identity and rationality as contributing to the general crisis of liberal democratic legitimacy. Now let me dwell upon the last site of the crisis, namely, the crisis of the universalist conception of liberal democracy as revealed by the globalization process.

The loss of a unicentered world is one of the most prominent arguments underlying the postmodern discourse and the process of globalization. The modernist inclination to extrapolate the European and the western historical experience, universally valid terms of social and political organization, and the assumptions of linear development is rejected on the basis of difference, alterity and the primacy of the local. Unilinearity and uniformity are seen as the tools for hegemonizing of the non-western societies, and the West's colonialist past is related to its use of knowledge/power strategies.

Therefore, those theories or approaches which emphasize all-binding, all-encompassing and universalizing explanations are finding less room for a welcome, an acceptance on the basis of scientific certitude and even relevance. The outcome is a suspicion of the theoretical approaches that try to explain the reality on the basis of the terms, symbols, historical schema and moral priority by relying on a Eurocentric perspective.

The loss of the faith in universally relevant processes, explanations, and models also draws on the emerging emphasis on the significance of the local identity, life and localized politico-ethical relations. The post-colonialist thinking ushers by the introduction of new philosophical ventures such as deconstruction and stands against modernist portrayal of the social phenomena as basically uniform and unilinear. It also tries to uncover the vestiges of the colonial influence on the patterns of thinking, action and conception. Universalism together with its twin, positivism, are seen as dangers to the diversity and difference that are believed to constitute the essential mode of human existence.

Global discourse strengthens this tendency by making available to it the self-reflection of the Other and the alterity ignored in the Eurocentric thinking. The "glocalization" as it is conveniently referred to, both works to empower the local and the unaccounted for, as well as to link the local with the global without risking to become homogenized or colonized. The resistance against homogeneity and the conception of the world as the home to one kind of reality and life brings about an intensifying theoretical search for a moral-political vision that could accommodate the plurality, alterity and contingency without the risks of colonization, assimilation and homogenization.

2.4 The Search for A Solution

There are various approaches responding to the challenge posed by the implications of the legitimacy crisis of liberalism. For Axtmann, for instance, the global condition necessitates a conceptual approach that comes closer to the Kantian cosmopolitanism than the Lockean individualism (Axtmann, 1997: 139). This point links the legitimacy crisis to its inherent and inevitable ethical repercussions which I will discuss in the next chapter. However, for Axtmann, like William Connolly, the state and democracy still share an "elective affinity" despite the rise of "global consciousness". Thus a tension arises between the concept of democratic citizenship based on liberal nation state and democratic humanity based on global cosmopolitan democracy (Axtmann, 1997: 142).

Therefore, just as the globalization process contains multiple and contradictory elements within a whole complex of increasing relations and thus tensions, the democratic governance also faces multiple threats and opportunities at once.

All these concerns on legitimacy stress the need for seeing politics as necessarily an ethically significant realm. It also encourages us to perceive the challenges before the nation state as manifested by globalization, i.e. Balkanization of identities, irrelevance of modern rationality, and the clash between local and universal claims, as elements that necessitate a thorough questioning of the definition of politics as a rational activity in favor of a perceptive which considers politics necessarily intertwined with ethics and thus legitimacy.

As Geertz says, the liberal democracy's crisis may be overcome if it stops seeing difference as the negation of similarity, but rather if it can transcend this binary opposition that underlies its logic and rather sees that the difference is the element that comprises it, locates it, concretizes it, and gives it the form (Geertz, 1996). The abstract individualism of liberalism imposes a unitary conception of human needs, which thereby marginalizes groups who differ from the norm (Stevenson, 1997: 56).

I think that in order to understand the legitimacy crisis, we have to discuss the effects of the general division of particular versus universal that is the denominator not only for the liberal conception of democracy and its notion of citizenship, but also the significant divide of the Kantian liberal ethics and the color of the postmodern tendency. Because it is from this binary opposition that the liberal constituent claims of totality vs. difference, abstraction vs. actualization, global vs. local, systemic vs. chaotic, *Geist* vs. individual, homogeneity vs. heterogeneity and hegemony vs. fragmentation emerge.

As we have seen in this chapter, globalization reveals us the weaknesses and the legitimacy crisis of liberal nation state. The crisis has three faces: the crisis of the liberal conceptions of identity, rationality and universality. These faces force us to rethink the normative tenets of liberal democracy and hence to assess whether liberal democracy as it is can handle such extensive changes and whether it can provide consistent and comprehensive theoretical answers to its legitimacy crisis.

I shall now proceed to Chapter III in order to explore the nature of liberal political ethics, and whether the groundwork of liberalism has had any inconsistency from the start. In other words, it needs to be examined whether and how all the liberal democratic assumptions regarding the human nature, rationality, identity and universality contribute to the current politico-ethical crisis.

CHAPTER III

THE NORMATIVE UNIVERSE OF LIBERALISM: BETWEEN PROMISE AND DISILLUSIONMENT

In the previous chapter I have dealt with the process of globalization and how it contributes to the conditions for the crisis of liberal democratic legitimacy and underlined three distinct crises within that crisis, namely the crises of the liberal conceptions of identity, rationality and universality. In this chapter I will try to elaborate on the question whether these crises are ephemeral phenomena or can be connected to the faultlines in the theoretical conception of the liberal democratic political-normative condition. Hence the aim of this chapter is to gain an insight into the liberal conceptions of identity, rationality and universality with a view to determine how intrinsic and perpetuated are these crises which contribute to the legitimacy crisis that are manifested along the globalization process.

Liberalism, as Ronald Terchek (1986: 15) contends, is a political language of rights that aims at expanding the range of choices for individuals in such a way as not to interfere with the legitimate choices of the others. Liberalism may be said to be rooted in the belief in the individual and his ability to take decisions and, consequently, be responsible for them. As such, liberalism represents the post-Reformation mood of secular self-salvation and subscribes to the Enlightenment ideals by attributing individual will to rationality, universality and abstract rights.

The recent renewed interest in liberalism and its normative foundations may be attributed to John Rawls's epoch-making study, *A Theory of Justice* (Rawls, 1971).

However, the course of intellectual engagement with liberalism and its ethical constitution has gained new dimensions with successive debates focusing more radically on the meaning of liberalism despite its increasing popularity in the world. Consequently, there has also been a revival of discussion on ethical ramifications of political liberalism. This is apparent in works that refocus on Hobbes, Locke and Kant.

In order to substantiate my analysis of this subject, I will first elaborate on the contractarian strand of liberalism that is best represented by John Locke and especially Immanuel Kant for he provided the most sophisticated account of ethical-normative foundations of political liberalism. Then I will proceed to the utilitarian theory of liberalism and thus the contributions and ideas of Jeremy Bentham and J.S.Mill for that matter. Consequently I will try to formulate what liberal ethics entails and its ramifications for the current legitimacy crisis and three sites of this crisis, and liberal conception of "the political", in its claims as well as achievements and failures by discussing the theoretical consistency of its moral premises.

3.1 Liberalism and Its Normative Universe

The origins of liberalism can be described as relying on a messianic message that aims at eradicating religious clashes and destructive antagonisms, intolerance and traditional forms of obedience. The liberal order is the one that aims to provide the full prospect of human dignity, self-determination, self-development and autonomy. There are three versions of the liberal order: The "vulgar" or the Hobbesian version sees the relations between citizens in terms of conflict of interest who share only a common interest, that of security and prevention of

violence. The "political" liberalism like that of Rawls treats liberalism as "neutral" towards diverse and competing claims of the good and stresses equality. The "ideal-based" liberalism like that of Dworkin and Galston, on the other hand, argues that liberalism has its own theory of the good life (Lund, 1996: 480).

Essentially, political liberalism has two ultimate values: equality and individuality. Whereas the former is put into question by many thinkers especially those who argue for the non-democratic nature of liberalism, the latter is certainly the unique characteristic of liberalism. Understandably, liberals have the discourse of value neutrality which rejects any *a priori* political good, and instead uphold a claim of equality that means the possession of rights regardless of the performance of any given good (Terchek, 1986: 17).

Terchek (1986: 17) calls liberalism a theory of rights that tries to justify the moral autonomy of men and women. However, the justification of a political theory of morality is never an easy task. It has a direct impact on the procedures, concepts and significance a theory attributes to the legitimacy of the state. Morality is not to be taken for granted either. In other words, "morality is not a Procrustean bed into which willy-nilly, social existence can be trimmed to fit" (Lomasky, 1990: 100). So, one common critique about the aggregative, representative arrangements is that they lack moral resources required to generate and sustain democratic legitimacy for decisions made on issues that are politically contentious (Knight and Johnson, 1994: 277).

The legitimacy crisis of the liberal state that I have discussed in the previous chapter is thus related to the larger problem of the relevance, plausibility and

desirability of a liberal ethic. It is true that many liberals are reluctant to profess a comprehensive ethical conviction. However, there is no doubt that liberalism too possesses a morality of its own as I will discuss in the coming paragraphs.

Let me first focus on the contractarian liberal tradition and within it two prominent figures: Locke and Kant, in order to determine whether their politico-ethical ideas may have contributed to the legitimacy crisis of liberal democracy.

3.1.1 Contractarianism: Locke and Kant

Both Locke and Kant defend a contractarian approach to political morality by which political rights and entitlements ensue from a contract between the civil society and the government that was designed in a hypothetical time through a hypothetical procedure. The actual contracts such as laws and constitutions are justified in the light of such an abstract historical convent. Contractarian "moral theories see morality as the product of, or constituted by, a mutually advantageous agreement." (Phillips, 1998: 184) Such theories, however, often run the risk of ignoring interests and moral status of certain groups within the society on the basis of ethnicity, gender, property ownership, etc.. (Phillips, 1998: 183) Yet, it is this contractarian lineage that interests us most since it is also the same school that has created our existing imagination of a unity between Enlightenment liberalism and democracy.

3.1.1.1 Locke and the Glorification of the Individual

John Locke establishes the basis of the political and ethical life on the notion of natural rights that are prior to the political life. He is a defender of the constitutional government whose *raison d'être* is protecting individuals' rights that

are namely rights of life, liberty and property, "as laid down by God's will and as enshrined in law." (Held, 1996: 79) In the state of nature humans are free because they are rational. Locke says, "being all equal and independent, no one might do harm to another in his life, health, liberty or possessions." (Bobbio, 1990: 6) His stress, unlike Hobbes, is on society not the state. The government can be legitimate as long as it obtains the consent of the individuals that means the majority of the people's representatives. It is through the notion of consent that natural rights and the theory of the social contract are connected. (Bobbio, 1990: 8)

Locke rejects the Aristotelian idea of virtue as the basis of moral behavior, however he also uses this notion to substantiate his claim for toleration. Virtue for him as well as other early liberal thinkers is "an instrumental good" for the end of nonmoral goods that the liberal politics try to attain. For Locke some of the liberal virtues are "self-denial, civility, justice, courage, humanity, industry, and truthfulness." (Galston, 1986: 130-131) All these virtues refer to self-preservation that can be said the utmost motif of the liberal thinking. According to Locke, political activity is instrumental, and not substantial because it secures the condition of freedom so that other human activities can be carried out. The whole purpose of his imaginary reconstruction of the original state of man is to assert that the state power must be limited. (Held, 1996: 79-82; Bobbio, 1990: 6) The law is presumed to preserve individuals' liberty essentially by coercing other people. It helps individuals to draw around themselves a circle within which the others may not trespass. (Axtmann, 1996: 17)

There are various aspects of Locke's thought which negate his intent for total salvation of the individual. By conceptualizing natural rights and civil society as

synonymous with legal authority, Locke in fact legitimizes the state in the sense of power politics. (Axtmann, 1996: 16) His concept of rights-based state follows the medieval saying *lex facit regem* (the law makes the king) (Bobbio, 1990: 12), but the limits on the power of the state is left to the initiative of the state itself. In this context, it is not surprising to find Locke, the champion of liberalism as an investor in the Royal Africa Company which was involved in slave trading (see Macpherson, 1980: x). Similarly, his understanding of the right to vote in elections is confined only to the propertied-classes. The nonpropertied, on the other hand, do not have any voice in making the laws, but conversely "were to fully bound by the laws" (Macpherson, 1980: xix). Property thus constitutes the backbone of the Lockean liberal moral universe. Locke says: "the great and *chief end*, therefore, of men's uniting into common-wealths, and putting themselves under government, *is the preservation of their property*." (Locke, 1980: 66, italics original) Although Locke introduces the element of property in order to secure a larger political participation before the aristocratic rule, the accent on property ultimately bears the question of inequality which liberalism often faces.

The theme of inequality as justified in God's bestowing is reflected in Locke's description of reason in relation to the state of nature. The men in the state of nature possess reason and thus become equal moral persons. However, only those having property come to possess the reason after the introduction of money and thus property. (Macpherson, 1980: xix) It becomes a calculative reason, in fact, the rationality that could be called the historical and normative conditioner of liberalism. In other words, rationality loses its traditional moral character through the introduction of the constitutive element of the liberal polity: inequality. Locke highlights this tendency for moral justification of inequality in his suggestion for a

civil government that is under the ultimate control of the propertied class.[1] (Macpherson, 1980: xx) It is interesting to see how such a glorified humanitarian notion of reason is used to justify such an anti-humanitarian evil. However, as I am going to discuss, the inconsistencies of this sort are frequent in the western political thought in general, and in liberal thinking, in particular. Toleration for Locke means that the state must be neutral towards the religious differences. He rejects the rational justification of beliefs and religions. Therefore efforts to impose truth through coercion lack rational warrant and no faith can be imposed by coercion.

Locke is an important thinker for he grounds the individual in a society and polity, a construct that provides the basis of government for the liberals to come. This is not so much because he differs from Hobbes who underlines the necessity of political legitimacy to be rooted in a certain high principle involving the intervention of the human reason and the consequent social contract. Locke is truly "liberal" in the modern sense for he elevates the place of individual as the main actor in the whole process of creation of government, and thus in the purportedly self-asserting "the political". This is indeed so, because Locke turns the natural law approach around and replaces the center of the natural political law from divine laws to the laws of the human beings. Therefore, his understanding of the rights, liberty, choice and the individual endowments work towards replacing the Christian-Judaic notion of the transcendental and holistic political *raison d'état* in favor of a man who is essentially determined by autonomy. The new man, in other words, can decide for his own good and is responsible for the actions he performs.

[1] Macpherson goes on explaining that the weight of property as the basic moral right in the Lockean liberalism may be attributed to the historical developments in England where Locke's ideas eventually led to the Whig state which was controlled by the propertied class.

This is a critical twist in the post-Reformation political thought and is followed by Kant in yet another intellectual endeavor, aimed to reconcile the rights approach with an ethics, both centered around man.

Locke seems to situate a liberal self that merits existence through recognition by the state even though he defines the individual as prior to the state. Therefore, the chain of justification of the liberal political ontology starts not from individual to the state but the other way round. So, he constructs "the political" as a necessary evil out of which the individual autonomy must be preserved against the perils of the collective life. In other words, "the ethical" is the sanctified as an autonomous sphere of the atomized individual which in return shapes the liberal state as something like a neutral referee who can actually manipulate the rules of the game aided by this "asocial politics". Because of this fact and due to the extreme identification of the individual with separateness and isolation, and the identification of the political life with the government, Locke actually contributes to the impoverishment of the political in its very source. The political becomes the domain of the government that is assumed to represent the atomized individuals who naturally possess some rights that stand as the wall between them. Therefore, even though liberalism has the claim of a liberating ideology *par excellence*, its political resources seem rather limited to achieve that end. The political needs to be the social as well as the individual, yet the Lockean liberalism misses this point and creates an image of the political man as something that needs to be afraid of, taken precautions against and full of greed, hatred and distrust.

3.1.1.2 Kant and the Categorical Imperative

I have tried to analyze the first major line in the contractarian thinking of the liberal school by focusing broadly on the Lockean perspective on politics and legitimacy. Now, I will deal with the Kantian perspective within the same tradition to explore whether and how the liberal assumptions lead to an estrangement of the individual to his own social universe, and thus his depoliticization under a liberal government.

Immanuel Kant is *the* thinker who provided much of the philosophical foundations of political liberalism. Deontological liberalism that Kant advocated contains the notions of justice, fairness, individual rights and conceives "the priority of the right over the good". (Sandel, 1987:1) According to Michael Sandel, this type of liberalism assumes that justice must be the primary moral element because of the plurality of the conceptions of the good in the society. This necessity of justice relies on the concept of right, "a moral category given prior to the good and independent of it." (Sandel, 1987: 1) The motive behind this primacy is that "both morality and law perform the social function ... of overcoming certain basic difficulties of human life in society." (Nino, 1993: 66)

Kant is a thinker who may be called the most unique bridge-builder in the western thought. He tries to resolve so many and diverse tensions and contradictions and therefore has an influence on almost all strands of the western thought from liberalism to progressivism, from Hegelianism to radical democracy. He represents the unique juncture where the transcendentalist and naturalist traditions converge and then through him diverge into the schools of romanticism, rationalism, humanism and universalism of the latter epochs. Kant has been deeply influenced

by Jean-Jacques Rousseau, who believed in the power of the masses, and by John Locke who believed in the power of individuals for governance.

Kant's adoption of *volonté général* from Rousseau is clear. However he thinks that the general will as the political self-legislation cannot be manifested without representation. He considers representation as moral because it relies on laws that are founded over the moral consent of the people. (Bielefeldt, 1997: 542) Kant, in contrast to Rousseau, upholds legality so strongly that he claims that there existed legality even in state of nature, in contrast to Hobbes. (Bielefeldt, 1997: 543) This also marks his difference from those who advocate "possessive individualism" because he thinks that citizenship is relevant even in the state of nature.

Kant is primarily an Enlightenment thinker and thus depicts the portrait of an ethical universe that is by and large in conformity with the laws of the Newtonian physical universe. (see Findler, 1997: 167-199) He is a firm believer in natural law. His greatest effect in political thought was the introduction of the idea of *Rechtstaat*, the state governed according to the rule of law. (Reiss, 1989: 10-11)

Kant revolutionized the notion of ethics since "he identified basic formal features that any moral judgment in order to be valid must display: its autonomy, its universality, and its unconditionality with regard to desires and interests of the agent." (Nino, 1993: 69) He sought to derive the "supreme moral principle" (or categorical imperative) from pure practical reason, in other words, he claimed the ethical to be associated with rationality for the first time. (Baynes, 1992: 3) The same endeavor has been carried further by Rawls whose theory I will be analyzing in the next chapter.

Deontological or Kantian liberal ethics depends on a non-consequentialist conception since it regards only certain categorical duties and prohibitions that precede other moral or practical concerns, and it is at the same time non-teleological because it does not regard any final human end or purpose nor any determinate conception of the human good. (Sandel, 1987: 3) Kant gives a radically new content to the notion of equality by building liberty into it.[2] (Shusterman, 1997: 197) This approach is secured through the arguments of rationality and universality of the moral self. The catalyst in this process is rationality since equality that has an impact on social and political norms and institutions is confined to the rational quality of individuals. This is best exemplified in the Enlightenment motto Kant urged: *Aude sapere*, i.e., dare to know. (Shusterman, 1997: 198) The individual is given the power to think for himself, for his own fate without the interference of transcendental injunctions. Therefore the Kantian morality centers around the individual, his interactions with the society and his will to follow the rules that are at the same time universal moral consensus.

This passage from the individual to the society and to the humanity is provided by principle of categorical imperative which states in its first formulation, that we have to "act according to that maxim which we can at the same time will should become a universal law." This is at the same time the objective principle of morality. (Reiss, 1985: 18) Baynes thinks that the Kantian notion of categorical imperative promises a more egalitarian political morality than Locke's, because it underlines the primacy of practical reason and the consent in moral laws. (Baynes,

[2] "The problem of human freedom was at the very core of his thought." Hans Reiss says this in reference to Kant. (See Reiss, 1985:3).

1992: 46) Kant's discussion of universal moral law also has the power of natural law in forcing individuals to follow it even in the absence of positive law. (Findler, 1987: 181)

Kant's effort is to reconcile the liberal and the republican traditions, hence bridging the political idealism of Locke and the normative egalitarianism of Rousseau. Kant's contribution is meaningful because he demonstrates us that a moral governance can be feasible over the practical political constitution of the society and that morality has a role to play for politics. Thus he opens the way for the normative value of democratic participation. For Kant, individual autonomy can only be obtained through collective interaction. The rights of individual moral agent are determined by the collective self-legislation. And such a collective and individual moral position can only be sustained within civil society. Therefore civil society is the only element that can provide autonomy, i.e. freedom. The social contract for Kant, then, becomes the manifestation of this collective will and therefore the moral significance of individual moral agency. (Dodson, 1997: 93-111) In this way Kant tries to establish a bridge between moral action and the political authority, i.e. the state. He borrows from Rousseau the idea that civil society produces a moral transformation in the nature of individuals. The medium in this process is social contract that would come into being with self-legislation of the autonomous individuals through which the universal laws will be enforceable. (Dodson, 1997: 94-97) Consent appears to be the main element in this process.[3]

[3] For Kant, the notion of moral personality entails that the legitimacy of laws depend upon the participation and consent of the individual. (Baynes, 1992:15). Axtmann (1996: 17) remarks that governments gain legitimacy as well as their limits in the performance of popular consent.

Baynes summarizes the Kantian theory of justice in four ways: the rights in the theory are understood as related to rationality away from self-interest, and thus the notion of autonomy, the theory has a constructivist and non-teleological approach to ethics, the theory delineates laws of justice having the same source of justification, i.e., Moral Law (or categorical imperative) as do the laws of ethics, and that Kant's theory of justice is about the legitimate use of force or coercion. (Baynes, 1992: 29)

Kant wants justice to be applied to all external acts of moral individual agents. Therefore justice contains both the element of coercion as well as freedom. The underlying belief is that law would not be sufficient by itself without the support of morality. (Nino, 1993: 68) For this reason, Kant formulates the third version of categorical imperative: "Act always in such a way as if you were, through your maxims, a law-making member of a universal kingdom of ends." (Reiss: 1985: 19)

Moral autonomy and the duty of one's moral conduct precedes rights for Kant and hence is constitutive of freedoms. Right is not teleological, thus independent of the moral or practical ends the men may pursue and "is derived entirely from the concept of freedom." (Sandel, 1987: 5) Struggle for morality is a moral duty because it is not possible to live morally without being free. In this way, duty precedes freedom and normative rights. (Bielefeldt, 1997: 527) Kant tries to save the individual from becoming dependent upon a higher authority for his freedom and self-responsibility. This conception of ethics that is man-centered is truly a Copernican revolution in the field of ethics. Because the new ethics provides no ranking of moral behavior as "higher" or "lower" and thus contributes to the secularization of the moral grounds of liberalism. The moral will initiates and at

the same time carries out the moral obligations. In other words, as Bielefeldt calls it, the moral will is both the "executive" and the "legislative" organ. (Bielefeldt, 1997: 527)

The moral disposition as a duty for the sake of acting morally must be balanced with consideration of the individual interests. Here the Kantian bridge-building tendency reappears and provides us with the maxim. In other words, the abstract moral disposition is bridged with the practical individual action, subjective as well as objective moral obligation, and the particular and the universal. However, whether these elements are "bridged" or rather "wedded" is another question.

The duty for Kant is the door through which we can obtain moral consciousness. As Findler says, "an act is moral if I do the act simply because I ought to do it." (Findler, 1997: 177) In other words, moral action is tied to duty as it is tied to freedom in an intertwined fashion just as human dignity and moral autonomy are. There are two types of duties: duties of virtue (ethics) and duties of justice (rights). The difference between these two duties is that while the latter can be enforced the former cannot. The awareness of freedom goes hand-in-hand with awareness of duty. This deontological approach is situated on the radical notion of individual moral autonomy and from it emanates all the liberal arguments for inalienability of rights of individual, and the transcendental conception of individual away from any shadow of difference and collective identity. Non-conformism has no place in this duty-oriented liberalism.

Kant differs from Locke in his consideration of the right to freedom as the basic right while Locke includes it within his trio of natural rights of "life, liberty and

property". Because freedom constitutes all rights and the whole legal order. The innate right of freedom is synonymous with the innate right of equality. For Kant, the moral freedom of the individual is thus demarcated by the laws of the civil society, or more realistically, the state that is presumably consented by the individual and hence are moral to follow. Laws, just like maxims, bridge a particular society's political and social affairs with the universal principle of right that basically means freedom. (see Findler, 1997)

3.1.1.2.1 Unintended Consequences of the Kantian Ethics

The universalizability test for the moral maxims can only be done by "practical way of reasoning" hence the Kantian argument prescribes an individual good that is defined by autonomous will. (Kant, 1969: 34) However, as there are as many ways to "moral reasoning" as the number of human beings, it seems rather dubious whether the universalizability argument can still provide a common point in the way rationality is assumed in the Kantian ethics, that unite all human conceptions and actions morally designed in so many diverse ways. Thus the effort to bridge the particular conception of the human good with the general moral convention may fail as it may produce the unexpected outcome of the latter dominating the former.

The Kantian definition of two worlds, that of the noumenal and of the phenomenal is used to distinguish between the right and the good. (Baynes, 1992: 47) However it also creates the problem of "being grounded in this world", in other words, the applicability of the ideals, or the common theme of the relationship between facts and norms. This is indeed the case with the liberal ethics in general. Most of the

time, morally contentious issues are debated from the point of the universal relevance which is historically, epistemologically and cognitively structured.

This search for a way out becomes a deadlock especially when one takes into consideration the fact that the only universal values that can raise no question within the liberal moral universe are those rights, liberties and entitlements that citizens are assumed to possess. Therefore the perils of the abstractness of the liberal moral position emerges: The winner of such debates often become those who can better control, manipulate or substantiate powerful positions in reality. In this way, the ambiguous rights argument or universal applicability serves only to strengthening the legitimacy claim of the most powerful. The universalizability test in this regard becomes the tool at the hand of the politically more powerful rather than as an equalizer of power and status by which fair and equal contest of ideas and positions can be made.

Kant's categorical imperative as the basis of his version of liberal ethics is founded over the cardinal concept of individual moral autonomy. His project of human freedom on the basis of human autonomy and political republicanism leads to the liberal ethical assertion that the individual rights are inalienable, meaning they are not subject to bargaining nor manipulation. The supremacy of the individual choice hence becomes the central issue over which the liberals defend their minimalist morality. In this picture, the individual is endowed with reason that is the only legitimate source of morality, and the only medium for justification of beliefs and convictions.

Besides, as Benhabib says, Kant has "a reductionist treatment of the emotional and affective bases of moral judgment and conduct." (Benhabib, 1992: 23-67) In this way, individual actions are justified as long as they are reasonable and do not breach universal maxims, the apparent transcendental moral system that is sustained through the rational consensus of all humanity. The claim that this is an egalitarian extension of the Lockean natural rights approach, as Baynes does, may be right. (Baynes, 1992: 46) However let us not forget that this ideal becomes a hard task to accomplish given the abstractness of the "universal moral maxim" coupled with the notion of a rationality that is conceived as uniform, instrumental and as being devoid of a social and versatile quality that indeed manifests a plurality of reasonableness both *in* persons and groups, as well as *within* persons in terms of their emotive, cognitive, strategic and supra-rational dimensions.

The second formulation of the categorical imperative reads: "Act always so that you treat humanity whether in your person or in that of another always as an end, but never as a means only." (Reiss, 1985, 18) So, individuals can only be taken as ends in themselves in the Kantian morality. This principle of human dignity or respect may be related with the liberal glorification of the individual, however, as we are going to see, liberalism ultimately lacks the means by which this ideal can be achieved. Historically, it stands over a morality as an extension of its Realpolitik that imposes different moral standards for different territories, societies, identities, and cultures. For this reason, it is important to note that the history of liberalism in western societies is cotemporaneous with the history of imperialism at the same time. These are clear signs of lack of tolerance and respect that liberal ideology promises so ambitiously on a universal scale.

Kantian consideration of the other starts with this principle of the self as an end, i.e. having the absolute worth. Findler characterizes the Kantian self as "a legislating being who legislates for him/herself also legislates for everyone who is similar to him/herself." (Findler, 1997: 177) Therefore in the Kantian ethics, in conformity with the general liberal notion, the other is a replica, or an analogue of the self. As Benhabib calls it, it is the "generalized other". The emphasis on similarity of the individual and his inner motives, instincts and goals thus determines strongly the place and nature of the alterity. The generalization of the self onto Others is achieved through the definition of the individual as a rational, universally homogenous and unitary being. There is no question that such a disembodied and mass-produced self would result in the ultimate crisis of common political action, i.e. consensus, and thus representation and together with it all arguments that support it, such as rationality, distinct individual identity, moral autonomy and the universal moral laws. This weakness in construction of the self is, therefore, facilitated by the instability in the Kantian bridge-making across the shores of particularity and universality by making use of ethical dignity and responsibility. Therefore this weakness leads us to the same conclusion: too abstract promises on the part of political empowerment of the individual leads to disempowering of his ethical stature which consequently weakens the individual's political primacy presumed by the liberal theory.

Kant has two strategies with regards to the individual moral disposition towards the other that is not naturally defined in his vocabulary. The first strategy is the uniformization of the individual as a whole through the ontological reduction of human existence to one type of standard individual. In this way, the question of the other is absorbed at best, and ignored at worst. The second strategy relates to his

conception of duties. "Kant does not deny that promoting the well-being of others is a duty. But, on the other hand, by proclaiming it an imperfect duty [those duties that only the virtuous would carry out], a duty left ultimately to the discretion of the agent." (Tan, 1997: 54) In other words, he categorizes and ranks the moral benevolence in such a way that care, trust, solidarity and "the face of the other" as Levinas calls, become only extraneous. Virtue defined in this way can no longer be the essential part of the moral behavior that is already made hostage to the formalistic and ethically minimalist legalistic order. This fact reinforces our observation that the Kantian deontological liberalism ultimately results in a disempowered, disembodied, hence depoliticized self.

The Kantian notion of respect is for the morally worthy persons, as Honig explains, "not for persons *tout court*; and it is certainly never for those who are other." In any case, the respect for person as ends in themselves require a picture of the self who adapts himself and his behavior in conformity with certain moral ends. It also requires a certain distance, "as equals, and as bearers of rights". (Honig, 1993: 18, 32) Therefore the Kantian notion of the self can be called "moral sameness" that is derived from the natural law which is influenced by the Newtonian physics in turn. In fact, contrary to what Findler concludes in his discussion of the Kantian understanding of the other (see Findler, 1997), this brand of liberal ethics relies on the notions of equality, selfhood and sameness rather than of inequality, otherness and difference.

The Kantian self is a self-conscious reproducer and container of the other as much as it leans on duty as moral action and respects the other as long as he/she demonstrates the same qualities of obedience, rationality and sameness. The liberal

political argument that situates the self in this narrow and powerless stature thus promises the dominance of the system over the individual more than his prominence in empowering the system. The liberal self is a creation of the dimensional, rational and universal understanding and thus has been constantly shaped and reshaped as there emerged changes and contingencies that affected that understanding over the ages. However, as Thomas Spragens explains, the moral assumptions that Locke, Kant and other liberal thinkers considered as "common sense" and over which built their theories, have changed over time. (Spragens, 1986: 35) In this sense, liberalism experiences a rigidity in terms of its epistemological as well as moral resources.

To quote William Galston, the Kantian approach is the one that tries to "combine an ethics of positive freedom with a politics of negative freedom." (Galston, 1991: 83) However, as he concludes, this attempt fails. Indeed, the Kantian moral argument eventually becomes a suffocating vicious circle: it starts with "the duty to be free" and conversely "being free with a duty" and from there it travels to emulate the universal in our inner moral reasoning utilizing the categorical imperative that is an utterly hard task to envision and implement for any individual. Kant himself admits this fact: "To be sure, common human reason does not think of [the categorical imperative] abstractly in such a universal form, but it always has it in view and uses it as the standard of its judgments." (Kant, 1969: 23) The failure comes from the fact that Kant vigorously seeks a morality that is "freed from propositions about the nature of man or ... the circumstances in which he is placed" (Galston, 1991: 167), even though he clearly presumes such a nature (rational, autonomous, homogenous and duty-oriented) and such circumstances (consent, respect and the *Rechtstaat*).

The most destabilizing arguments against liberalism and its moral universe generally come on three fronts: its highly abstract stature, its ahistorical and asocial nature and its universal and rationalist claims. Indeed, on the subject of categorical imperative as moral law, as Bielefeldt notes, Kant completely ignores the fact that the subjective moral maxims are historical and social constructs and thus cannot be universalized directly. (Bielefeldt, 1997: 535) Moreover, he tries to bridge the phenomenal morality, i.e. the maxims with the noumenal morality that is respect aiming "to consolidate selves into moral and political subjects." (Honig, 1993: 7) This objective, however, runs contrary to the conception of a rights-based social life where moral maxims are represented by laws enforced by the state, and that the individual morality is isolated in the notion of rational autonomy.

Therefore, the circle closes on itself on the point where the universal moral envisioning and the ensuing moral obligation almost completely displaces and then bypasses the individual action because the universal moral condition supersedes the individual factity through its dominant abstractness. This conflict is also reflected on the tension between "individual perfection" and "state neutrality." (Galston, 1991: 89)

A similar dilemma can be detected in the case of rationality argument of the liberal subject. The Kantian theory implies that the reason must be free in its public use, and must be submissive in its private use. Here, as Foucault adds, the private use of reason entails an image of the individual who has a role to play in the society, in more interesting terms, "a cog in a machine". Therefore the promising expanding horizon of the Kantian individual initiative, in one way or other, is submitted to a

political ethic of rational submission that consequently presents the largest obstacle to it. In another sense, the Kantian political morality propounds a participatory and egalitarian process of politics while the "logistics", i.e., the mechanisms Kant provides for this objective lead the individual to the opposite direction. Moreover, the liberal notion of rationality often carries the sense of economic rationality that construes reason as a technical functionary enslaved to individual self-interest. It also is for this reason that liberalism has become a "philosophy of will rather than of reason." (Spragens, 1986: 45) This is because the initial liberal contention, namely "reason creates morality" has been replaced by a "Humean skepticism." (Spragens, 1986: 46)

In the light of the foregoing explanation, the criticism regarding the neutrality of the liberal state and its current legitimacy crisis becomes meaningful as mirrored in its inability to reflect the political and moral claims of various new actors in the society. The liberal freedom is the freedom of the liberal state to impose its own values yet doing this in the name of neutrality. And this fallacy, as we can see, goes back to the Kantian definition of moral will and autonomy. This false fondness of liberty can be found in Kant's division of labor between the public who can debate and engage in political criticism, and the despots who subjectively need to govern in "a republican manner, even although they may rule autocratically." (Bielefeldt, 1997: 30) There is this sense of "rational despotism" as Foucault calls in the Kantian project of reasonable contract: a contract that is proposed to the monarch to conform to "universal reason" in return for the unhindered obedience of the individual. (Rabinow, 1984: 37) The Kantian tendency for legalism disregards democracy as "a despotism" and excludes women and poor from its

"universal" and "egalitarian" conception of active citizenship. (Bielefeldt, 1997: 30)

What is the problem here? Is it that the secular definition of the man's freedom inevitably results in a reduced importance of the singular will of an individual versus the others? Or is it the claim of rational and uniform individual that cuts across all these problematic areas of freedom and universality? I think that the Kantian categorical imperative and the definition of the morally disembodied and culturally "disembedded" self (see Axtmann, 1996: 83) underlies all the attempts to justify moral neutrality of the liberal state in such a way that the individual and the civil society in his definition fail to counteract against the moral imposition of the liberal state. In other words, the Kantian project results in justifying the state which it aims to turn around. Then, in the face of the failing and weaker individual moral will, the only sources of moral behavior and the definers of the moral political order become either state or community. And as the liberal state has no affinity with the idea of community in general, the outcome of this "liberating" effort remains "suffocating" the individual before a state that has all means of moral justification wrapped around the transcendentalized concepts of freedom, reason and rights. Michel Foucault indicates that Kant has taken the meaning of *Aufklärung*, the Enlightenment negatively as a "way out". (cited in Rabinow, 1984: 34) I think that Kant with his theory proceeds from this liberating sense of "the way out" and arrives eventually at the suffocating sense of "one way", completely reshaping and manifesting the Enlightenment mind.

By denying difference and subscribing to a transcendental individual who is defined in uniformity and natural tendency towards moral consensus, the Kantian

moral schema in reality gives way to the enclosurement of the individual will by the systematic will, i.e. the liberal state. As Foucault explains, "the Enlightenment must be considered both as a process in which men participate collectively and as an act of courage to be accomplished personally." (cited in Rabinow, 1984: 35) As the collective process involves definition and implementation of abstract, asocial and ahistorical principles by which the state is situated at the center of the political act of submission and the individual is endowed (or alternatively burdened) with the duty to act under this moral precursor, the personal moral act eventually becomes a singular and politically less emphatic act of submission. Therefore we see that the motto of Rousseau whom Kant admires so much stands at the point where this apparently empowering argumentation turns out to be disempowering and hegemonizing: "*on les forcera d'être libre"*!

When seen from the reverse angle, this dilemma reveals the basic paradox of the liberal state: the liberal state is relatively freer not to impose on itself any moral guidance as many classical liberals would argue. This is so even when we assume that the legitimation of the liberal state would also involve a moral correspondence between the civil society and the state. For this reason, liberal legitimacy from the outset has built-in destabilizing relationships in the sense of the different moral obligations for the public and the government. This, in turn, endangers its legitimate position as the neutral and somewhat indifferent arbiter over diverse interests and moral positions.

For Kant, the state and law come first in any case. Honig (1993: 7) is right when she remarks that Kant reduces politics to law and treated politics as an instrument of his moral project. Therefore, the political in the face of this formalism and

reductionism becomes weaker through which the individual, the center of the liberal universe actually loses the ability to politics although the claim of the theory is just the opposite. The Kantian reduction of politics to law stems from his fear that once politics is unharnessed, it could disrupt the moral life of individuals. Here the basic element of fear within liberalism becomes manifest.

In this light, Terchek's claim, namely that "unlike some other political theories that were suspicious or even hostile to change, liberalism always expected change and welcomed it", becomes doubtful.[4] (Terchek, 1986: 19) As we have mentioned before, change for the liberals is a contained fact, a phenomenon that can take place only within the limits of a rational, disembodied, unidimensional and asocial self and his political practice. This is the reality which Terchek later comes close to discover when explaining the liberal dilemma that the liberals " ... wanted to remove obstacles to rights", but "their theory of the practice of rights usually required the continued vitality of some settled institutions." (Terchek, 1986: 20)

Kant asserts: "A system of politics cannot take a single step without first paying tribute to morality." (quoted in Baynes, 1992: 11) So, in the Kantian thought, ethics and politics overlap, although he differentiates between political and moral duties. (Reiss, 1985: 20) The political is defined exclusively in terms of, and subordinate to, the principle of justice, that is, of right (*Recht*). There is therefore a strong correlation between legality and politics, thus the Kantian system turns out to be formalist and proceduralist. And the Kantian ethics depoliticizes morality by

[4] Similarly, John Dewey wrote: "If radicalism be defined as perception of the need for radical change, then today any liberalism which is not also radicalism is irrelevant and doomed" (quoted in Bernstein, 1992: 232).

its definition of a phenomenal self and therefore results in the glorification of discipline as disguised under the rubric of law.

3.1.2 Utilitarianism: Individual Good as Anti-Political

My analysis of the contractarian brand of the liberal democratic tradition concluded that the current symptoms of the disruption in the liberal concepts of agency, rationality and universality indeed may be traced back to the fundamentals of this tradition. In this section, I am going to inquire whether the second major normative perspective within the liberal tradition, i.e. the utilitarian brand may be exempted from this conclusion or remain vulnerable before it.

Utilitarianism is a dynamic theory of political morality that has been evolving since Jeremy Bentham who argued for a "felicific calculus" by which any political rule would be judged whether it contributed to a diminishing or increasing in the sum total of human happiness. (Birch, 1993: 98) The simple definition of this principle was elaborated by John Stuart Mill who differentiated between the levels and contents of happiness or pleasure and perfected the theory as we know it today.

Utilitarianism is important for our discussion, because it provides "one of the clearest justifications for the liberal democratic state." (Held, 1996: 95) It is yet another attempt against paternalism as "each individual is the proper guardian of his own health, whether bodily, *or* mental and spiritual." (quoted from Mill; Bobbio, 1990: 61) Its basic claim is that the morally proper act or policy is the one that produces the greatest happiness for the greatest number of members of the society. (Kymlicka, 1990: 9) The good that it promotes does not depend on any transcendental being, and it is consequentialist. Utilitarianism presumes that

"principles of justice like all other moral principles take their character and color from the end of happiness." (Sandel, 1987: 4) This demonstrates the teleological character of this type of liberal strand.

As Neal (1997: 35) explains, there are two types of utilitarianism: Psychological utilitarianism like that of Bentham and Mill "aimed at maximizing satisfactions which were conceptualized as ... empirically verifiable, quantifiable and capable of comparative measurement". Preference utilitarianism like that of Dworkin, on the other hand "takes the aim of social policy to be that of maximizing the satisfaction of individual preferences, leaving aside the attempt to quantify levels of individual satisfaction in terms of happiness or pleasure." On the other hand, Kymlicka argues that there are four sub-divisions within utilitarianism: "welfare hedonism" of Bentham which argues that the experience of pleasure is the ultimate good, "non-hedonistic mental-state utility" that defends that the experience of pleasure is not the only good because we have other mental states that are valuable beside it, Dworkin's "preference satisfaction" thesis that argues something is valuable for the reason that many people desire it, and the argument of "informed preferences" that defines welfare as the satisfaction of "rational" or "informed" preferences. (Kymlicka, 1990: 12-18)

Mill speculates that the state could curtail the freedom of individuals only in cases where they would harm others, i.e. the principle of *neminem laedere*. (Bobbio, 1987: 101) In this account, a harmful action may be prevented by the government but cannot be abolished altogether. It is up to the individuals to decide whether such an action would decrease their own utility. The limit for the state action, then, is when there is a threat to the others. Utilitarianism, especially that of Mill

attempts to define limits for the state action. Utilitarians have a negative concept of liberty, and therefore they believe that individuals will be free as long as they are not constrained by laws and regulations. Mill argues that the best polity is the representative democracy that could provide a counter-balance to an overgrown bureaucracy. But while he supported universal suffrage, he did not conceal his distrust in ordinary people and their elected representatives. (Held, 1996: 107-108)

Utilitarians reject "the whole idea of rights prior to and against the state." (Birch, 1993: 119-120) Gray calls utilitarianism "perfectionist liberalism" as opposed to the Kantian "rights-based liberalism". (Mehta, 1997: 508) Because Millian liberalism takes individual autonomy as the central value that leads to the argument for human flourishing that unites all human aspirations within it. (Damico, 1986: 171)

Utilitarianism develops a completely different strategy with regards to the agency, rationality and universality arguments of classical liberalism. Instead of referring to some natural or abstract rights, utilitarianism seeks individual-based calculations of inner motivations, interests and desires in configuring the role of individual vis-à-vis the society and the state. Utilitarians take "facts of individual welfare as the basic subject matter of ethical thought." (Williams, 1985: 75) From this perspective, we can claim that this brand of liberalism seems weaker on its systemic, i.e. state-oriented claims and stronger in terms of its description and utilization of the individual ethical behavior in comparison to the contractarian strand of Locke and Kant that we have already discussed.

For some liberals like Neal, utilitarianism itself may be said to constitute a distinctive ethics in its own right. For him, utilitarianism is both devoid of a theory of the good, yet on the other hand**,** it is *the* liberal theory of the good. It is the teleological version of liberal ethics as opposed to the deontological liberal ethics, of which the contractarian branch relies on Locke and Kant, and the libertarian branch that is represented by several thinkers including Hayek, Nozick and Rand. However both schools are similar "in maintaining that the state must be neutral" in regard to the question of the good life. (Neal, 1997: 36)

The major criticisms against utilitarianism generally focus on three fronts: that it does not secure individual rights since it values only pleasures and pains; it does not take into account the distinctiveness of persons; and, finally, it does not respect the dignity and autonomy of the moral individual. (Neal, 1997: 36) It is also accused of establishing an administrative system that provides the government control, best symbolized by Bentham's *panopticon* which is an icon of glorification of the manipulative power of the expert systems under the guise of liberal rhetoric. It leads to exclusion of differences and increased government control on the people in the name of upholding the principle of utility. The utilitarian legacy had a strong influence on the welfare state policies starting with Bentham's proposals for a free education, minimum wage and sickness benefits. Therefore it is proper to call it a "founding model of democracy for a modern industrial society" as Macpherson prefers. However it also contributed to inequality by seeing politics, public sphere and public affairs as synonymous with the realm of men, especially men of property. (Held, 1996: 97) Utilitarianism justifies sacrificing the weak and unpopular members of the community for the benefit of the majority. (Kymlicka, 1990: 45) Therefore, it tends to be inegalitarian and indifferent with regard to the

arguments for justice. Utilitarians are also "surprisingly conformist" since they want to leave everything unchanged. (Kymlicka, 1990: 45) Thus they evade the need for change and tend to disfavor the political as we understand it. Politics for them is confined to the state and its activities, and is a distinct and separate realm than other social activities. (Held, 1996: 98)

Utilitarianism has a deep dislike of democracy and its egalitarian project although it also talks about a direct relationship between the interests of populace and the principles of governance. Gordon Graham summarizes this position: "appeal to desires and preferences as the basis of political choice does not sustain the principle that everyone should have an equal say, or even that everyone should have a *say*." (Graham, 1994: 25; italics original) It shows a semblance to the democratic theory with its agenda of individual's self-development as a consequence and at the same time ideal of the political morality. However, as Held suggests, "Mill tried to weave arguments for democracy together with arguments to protect the modern political world from the democracy." (Held, 1996: 117) Clearly, there was a fear of democracy on the part of utilitarians just like the libertarians such as Hayek, for it could result in arbitrary or oppressive rule of majority, their representatives and bureaucracy. (Held, 1996: 256) Mill, for example, exempts from the universal suffrage those bankrupts, fraudulent debtors, the illiterate and those who receive charity and suggests plural votes by which the best educated must have more than one vote, (Bobbio, 1990: 64-66) as if the educational level is something that is equally and justly obtained by each and every person in the society. Therefore, his seemingly egalitarian utilitarian ethics consequently turns out to perpetuate the inequalities already in place.

Moreover, we can detect the familiar theme of Eurocentricism underlying the very claims of universalism of the Millian utilitarianism. For in his view, all societies could be placed "on a single scale according to the degree to which they afforded its members the opportunities to realize the highest human form", i.e. what he calls the "noble character." (Mehta, 1997: 509) Liberty is only for those individuals whose faculties are fully developed. The imperialist connotation in this thinking is manifest as Mill claims that for the "barbarians", despotism may be "a legitimate mode of government, provided the end be their improvement, and the means justified by actually effecting that end." (quoted in Bobbio, 1990: 61) He thinks, in accordance with the Enlightenment ideal of progress, that non-western civilizations are frozen in a state of arrested development. This claim necessarily leads to his famous antipathy towards plurality of cultures and civilizations and his advocating of a hierarchy of cultures. (Mehta, 1997: 509)

3.2 Liberal Ethics: Its Constitution and Problems

So far I have concentrated on the pretext, the theoretical milieu and the implications of the globalization process for the legitimacy of the liberal democratic state. I have presented various perspectives on the legitimacy crisis of the liberal nation state and then proceeded to analyze the contractarianism of Locke and Kant and the utilitarianism of Mill as two major normative traditions within political liberalism with a view to find out whether the current crisis is a temporary and "conjuntural" one, or whether it is imminent in the very conceptions of the three major constituents of the liberal political idea, namely the notions of agency, rationality and universality. In this section I will try to present a general critical overview of the liberal democratic normative framework in order to

broadly delineate the trajectories by which the liberal nation state is assumed to be associated with democracy.

3.2.1. Liberalism and Democracy: A Perfect Match?

Before discussing the elements and problems of the liberal ethics, first of all, we need to delineate the relationship between liberalism and democracy. When the secular individualistic transcendentalism that is a part of the negativism by which the liberal theory is characterized is exempted, the liberal normative argument relies on a single element: democracy seems to be the savior of liberalism in dire times. Norberto Bobbio (1987) contends that liberalism and democracy although historically and conceptually different, do and have to depend on each other for the success of democracy. Nevertheless, it is clear that the immediate link between these two models is not easy to establish, especially in terms of their historical, ethical and political ramifications. For well into the twentieth century universal suffrage was left non-accomplished in many liberal societies. Lower classes that lacked ownership of property, education and income were kept outside the democratic participation in many of the major liberal societies. Women were excluded in quite many cases. Besides the inequality in universal suffrage, the equality of votes was also a late comer. All these show that liberalism could do well without the democratic principles and processes such as equal participation in the public decision-making.

Liberalism seems to be benefited most from the democratic input that has appeared with expanded universal suffrage and egalitarian welfare state policies. Shklar claims that, at present "liberalism is monogamously, faithfully, and permanently married to democracy" but this is a rather "marriage of convenience" (Shklar,

1989: 37). The democratic element of liberal democracy was galvanized only after extensive conflicts, and as Held suggests, it still remains a rather fragile achievement. Benjamin Barber accepts this fact of marriage between liberalism and democracy but rightly adds that "although liberalism has benefited from democracy, it has rarely acknowledged the benefits and has generally treated democratic practices (if not also democratic ideas) as perilous" (Barber, 1989: 55). While the liberal notion of negative rights push the individual introvert, the democratic resistance emphasized the positive rights to cement solidarity, collectivity, community and an ethic of care.

At present, the liberal and the democratic elements are subjects of vibrant theoretical debate as radical democrats and deliberative democrats stress the democratic element in liberal democracy, while Rawls and libertarians underline the element of liberalism. I will dwell upon these thoughts and their positions with regards to the democratic element in the coming chapters.

3.2.2 The Groundwork of the Liberal Normative Order

The crisis of liberalism, as we have discussed earlier, is not a simple nor a passing phenomenon. It requires a profound critique and analysis of how liberalism is understood and practiced today, as well as how its basic statement and principles such as rights, freedom, consent, reasonable self contribute to this crisis. Moreover, it asks for a thorough rethinking on how its formulation and formation of the liberal nation state on these very bases could and still can respond to change.

Basically liberal ethics can be basically situated within modern ethics which is an "ethic of progress" and "ethic of success". This modern ethic is based on some

particular assumptions: that man is rational and self-interested, that human beings have human rights regardless of origin and culture, that capitalistic economic development is good because it leads to progress, that this development is universal, and that the human knowledge and ethics are capable of transformation based on a universal and impartial standpoint (Ferguson, 1998: 96). In addition, Galston argues for these elements of the good to be constitutive of a liberal ethic: the life, normal development of basic capacities, fulfillment of interests and purposes, freedom, rationality, society, subjective satisfaction.[5]

On the subject of self-development, Kant, just like Mill, argues that liberalism with its stress on unhindered action of the individual moral agent can reveal the best hidden in the human beings. Kant articulates this view: "The history of human race as a whole can be regarded as the realisation of a hidden plan of nature to bring about an internally perfect political constitution as the only possible state within which all natural capacities of mankind can be developed completely" (Reiss, 1985: 50) We can also see the evolutionist element in Kant's belief in a "constantly progressing human race" in cultural as well as moral matters, a process that "may at times be *interrupted* but never *broken off*" (Reiss, 1985, italics original).

An ethical liberalism is the one that individual is the prime agent for morality from where negative and positive notions of liberty, as well as economic and political freedoms, legal and institutional arrangements issue (Bobbio, 1987: 105-106). The problem of political liberalism, then, is to provide a framework on which various freedoms can coexist through introduction of practical rules of conduct. Many

[5] For Galston (1991: 173-177), the liberal notion of the good is rather "thin" and stands in defiance against the dangers of secular nihilism, theological withdrawalism, moral monism, Nietzschean irrationalism, and barbarism. Axtmann (1996: 107-108) reflects a similar view: "liberalism itself is thoroughly "moral" in its appreciative endorsement of the autonomy and self-determination of the individual."

critiques relating to liberalism argue that political liberalism lacks ethical substance therefore it relies almost solely on procedures to keep the society together. Because all the social and moral relation need to pass through the state, so it becomes stronger than the individual. This proceduralism in return gives rise to a formalistic and minimalistic morality, and an institutionalism that risks encouraging individuals to be moral in their political behavior (Bielefeldt, 1997: 524; Hardin, 1994: 32).

As I have suggested before, the liberal notion of the individual is assumed to be in *a priori* disposition towards the ethics of "the jungle", or in later models, "the modern system". The relationship between the individual of the liberal discourse who is characterized as being singular, autonomous, homogenous, identifiable and rational; and the political process, on the other hand, is established on an ethical marginality. Therefore the liberal ethics may be broadly assumed to be the rational disposition of individuals towards rational uncertainty and thus ethics does not constitute the core of liberal legitimacy. It rather becomes a contingency, instead of the determining framework of liberal democracy. We can only speak about an ethical remedy for the rational political model.

On the other hand, liberalism also possesses an *a posteriori* element because the ethical question is reduced to its immediate identification by the outcome of the rational process of identity constitution, in other words, a particular identity is granted prompt moral recognition as long as it serves the ethical position of the liberal state. Therefore the individual is defined as a political subject without a history, hence a predictable and homogenous being, not heterogeneous since that is already consumed under the rubric of liberal pluralism. The moral constitution of

the liberal subject takes place through a process of self-centered reflexivity that shapes and reshapes the elements, and thus the whole complexion of the political subject.

It is important to see the role of the liberal state in the othering process between the national subject and other subjects in the world, but also among the national subjects themselves that would mean the negation of interpersonal concerns for solidarity and responsibility. Thanks to this monopolizing role, the liberal public sphere tends to be claustrophobic, morally relativistic, indifferent and finally exclusionary for those identities defined outside the moral standard of the liberal state.

The liberal discourse places the individual who is conceived as a small island at the center whose social life is intervened by the liberal state that is presumed to be rational and universal. The liberal state has a false moral claim of neutrality and a claim for anonymity that distances it not only from the citizens but at the same time destroys the empathy between them that results in increasing solitude, absence of sociability therefore contributing to exclusion of the other. Because as Damico suggests, "rights are part of liberalism's program to protect individuals from society and the state" (Damico, 1986: 177). Protection of the subject from other individuals and the social bonds leads to a solitary being of liberal individual, unable and ineligible for social coherence and solidarity.

Liberal individualism leads to asocialization of the individual, his de-moralization and exclusion. As Barber (1989: 54) argues, "liberalism created a safe heaven for individuals and their property, but a poor environment for collective self-

government." This individualism entails both that persons must be free from outside intervention as well as that they can have, develop and pursue their own interests (Damico, 1986: 170). Such a notion inevitably introduces an "introvert" individual. Hence the political is left out of the self's constitution in ontological, epistemological as well as axiological terms. The liberal rhetoric of " rights" means to make the political subjects seem "equal", but not necessarily "social", i.e. selves in solidarity or for that matter, "morally responsible". Because the social and thus the political is the realm where the ethical resides: "if there is no concern with "the social" in the public arena, what is left of politics?" (Axtmann, 1996: 53)

Barber (1989: 57, 62) points out that the liberal notion of consent that is presumed to link the individual with the community has been despised through a weaker interpretation of its democratic content by rampant individualism and social inequality It means, the attempt to bridge the liberal liberty with democratic *demos* has unjustly favored the former over the latter and hence created a priority of right over utility, of an abstract individual over community-created citizens. In this way, the liberal state becomes the Self with its self-definition of the Unitary, the Universal and the Rational. As Axtmann puts it very clearly: "as a moral regulator, the state "creates" society . . . the state, of necessity, is a moral(izing) agent" (Axtmann, 1996: 109) Such a state encourages its subjects for othering and consequently the other is internalized and made invisible within the "national" discourse.

The liberal reason "has become instrumental to interests, and virtue has often been made into something individualistic and utilitarian" (Terchek, 1986: 27) Hence the liberal political rationality means making individual useful for the state that has the

monopoly of possessing a history, certainty, universality, therefore the moral neutrality, and ultimately permanence that provides the cognitive, moral and actional horizons of the subjects. This is done in such a way to impose cultural limits to the individual self as contained in the image of nation state where popular sovereignty resides. The liberal construction of the self, as Kymlicka discusses, follows an introvert political process because "liberalism wants individuals to be free, not to go beyond the language, conventions and history of their community, but to move around within their culture" (quoted in Axtmann, 1996: 94) In short, "the idea and reality of liberal democracy has always been linked to the idea and reality of the nation-state." (Axtmann, 1996: 102) The liberal state has also been an interpreter of the history, (see Bobbio, 1990: 24) as exemplified amply in the Eurocentric and Orientalist liberal discourses. Rorty claims that "pluralistic postmodern bourgeois liberalism" is "at least the best possible world achieved by European civilization," and even goes further in claiming that liberalism is prior to philosophy and hence needs no philosophical justification (cited in Bernstein, 1990: 234-235).

I can add that it is only through the liberal state that legitimate claims for political action and organization can be made by the civil society. The liberal state retains control of the channels through which the individuals could penetrate into the web of social relations. In other words, for liberals the state remains an agent, but the only one that can supervise, collect and disseminate the social inputs and claims for conflict or harmony.

Let me now focus on certain aspects of liberal normative framework which may contribute to my discussion on the crisis of the liberal political agenda exacerbated by change, i.e. globalization.

3.2.3 Between Facts and Norms: The Problems of Liberal Normative Conceptualization

The recessing notion of the political as represented by the morally neutral nation state against the normative configuration of the liberal subject and his political potential brings about a further question: how can the abstract ideals of liberalism over such a shaky theoretical enterprise be related to its performance in real terms?

There is a "disparity between the "ideals" of liberty and equality that liberals profess and the actual state of affairs in so-called liberal societies. The disparity becomes indeed a gap when we recall that there are so many forces and tendencies such as class conflict, social division, patriarchy and racism that are "compatible with liberal political practices, but nevertheless foster *real* inequality and limit effective political freedom." (Bernstein, 1992: 245-246) To put it differently, the liberal reliance on abstract concepts like rights, consent and contract has cost liberalism the impoverishment of its politics (Barber, 1989: 67).

Liberalism has two main avenues in terms of its ethical claims: Those liberal thinkers who envisage the good as the basis of politics may lead to the danger of hegemonic conception of ethics, i.e., transcendental and corruptible politics. Mill is an example of this concept. He tries to erect a liberal polity out of defining the man's nature in terms of utility, a concept that carries global connotation, yet rooted in capitalistic and modern conception of man, his role and his self-

achievement. However those liberal thinkers who lean on rights and duties as the escape from this reductionism and essentialism also fall in the same trap of universalism by adopting the duty, rights and entitlements as values that possess immunity from change and imply a sense of the good of "submission" prior to participation. The contractarian approach is part of this escapism, since it provides a new theoretical beginning through which troublesome social and political experiences can be concealed and the appeal to the bright future of liberties can be made (see Bobbio, 1987: 132).

Many including some of the liberal thinkers argue that there is a deep theoretical weakness of liberalism. In fact, for any moral theory or political moral theory one needs to scrutinize that the claims of the theory at the "global" and "abstract" level need to be coherently linked to and complemented by the "particular" and the "concrete" level. This is at least true for the Enlightenment political theories such as liberalism, republicanism, and utilitarianism that by and large depict such a two-tiered moral structure: sometimes in the form of distinctions such as public-private, general-particular, universal-local, communal-individual, etc..

However, whether the bridging in the liberal tradition between matters of factity and normativity has been successful is rather questionable. The liberal moral claim fails to remedy what is already inflicted into its fundamental structure and this is the reason why even liberal thinkers such as Gray can "express skepticism about the possibility of providing liberalism with adequate philosophical foundations" (Mehta, 1997: 506).[6] Rorty differs from many other liberals by claiming that

[6] Kekes distinguishes between liberalism as ideology which means "a set of organizational principles integral to a particular mode of collective being in the world" and liberalism as theory meaning "a series of reflections responsive to some of the deepest questions human beings have raised about themselves and the world" (see Botwinick, 1998: 441).

"liberal culture needs an improved self-description rather than a set of foundations" (quoted in Bernstein, 1992: 265). He perceives liberalism as a "clarification, elaboration and redescription of an ongoing practice" rather than "resting upon universalist foundations" (see Mehta, 1997: 508).

Paradoxically, liberalism is treated more and more as a political practice, rather than as a coherent political theory that has ethical implications even though it claims the triumph in an apparently globalizing world. Moreover, by subscribing to the view that philosophical skepticism can provide any basis for preferring liberalism to any other political morality, some of the liberal thinkers tacitly indicate that the liberal stance is in no need of philosophical justification, and just a fact by itself. This further complicates the definition and redefinition of political morality in a liberal context and the defense of liberal ethics either in the form of contractarian, utilitarian, or pluralist versions. Because such an indifference to the justification and consistency of the theory ultimately leads to conformism and an intellectual blindness that indeed haunts much of the liberal discourse today in the wake of globalization discourses. The conformist character of liberalism defies its historically revolutionary aspect and shows us that it serves as an essential aspect of power politics. It is possible to ascribe this philosophical weakness to its Enlightenment-based project of a universal society grounded in a generic humanity and a rational morality. The aspiration of liberalism is to unite all local and disperse moralities under one universal morality by the principle that all human beings can agree upon it by virtue of their being rational persons (Mehta, 1997: 507).

As can be seen from above, what comes out as problem is not the debate over a certain policy (like entitlements and property rights, and the central position of state), but also the indication that perhaps what underlies all these problems is the conception of man and his relation with ethics. This is an issue that has been by and large ignored under the rubric of political morality, a derivation rather than the substance.

It seems that liberalism falls prey to its own ideal, namely that it tries to limit the government by limiting it in theory, but not in actuality, and that the state becomes the only legitimate source and guardian of a hypothetical contract that serves only to its own legitimation, rather than the political ability of the populace.

One of the preliminary conclusions I may derive from this analysis of liberal ethics is that ethics cannot be reduced to a functional, derivative and secondary element of politics. It characterizes, determines and generates the ideas about the political too. Therefore, I will now elaborate on major claims of the liberal discourse in order to discover the significance and thus problematicization of ethics beyond the simple discourse of rights, the good life and entitlements.

3.2.3.1 Value Pluralism and Neutrality of Liberal State

i. Value Pluralism: Value pluralism is defined as "the claim that there are objective values, but these are irreducibly diverse" (for this definition, see Mehta, 1997) For pluralistic liberals, "there is an irreducible plurality of valuable goods, activities, and ways of life that are conflicting and often uncombinable" (Mehta, 1997: 510). Thus, value pluralism relies on the argument that we humans have different view points and the conceptions of the good, therefore the liberal state

must respect the difference of values and more than that, must enforce the best standpoint in case of conflicts between persons and groups over values.

Starting with the autonomous self and perceiving infinite ways of interpreting and analyzing the universe and the life under the assumption of universal reason, the liberal claim for value pluralism aims at representing and respecting all those multiple claims for the good life by trying to accommodate them through a mechanism of a *modus vivendi* among competing and conflicting views of the good life. The argument for value pluralism is indeed concomitant to the argument of neutrality.

The historical examples of a liberal pluralistic order have been rather recent and open to criticism. Because in each of these "pluralistic" liberal practices, one can argue for a certain exclusion and reduction of various moral positions and visions. Hence, the discussion of pluralism represents the critical test for liberalism's basic arguments and institutions that stress the primacy of the self-justification of the moral arguments, hence of the individual choice and gain.

Value pluralists defend that the loss of interest is inevitable for any moral position in conflict because of the plurality of ends and moral motifs. Similarly there emerges a conception of political ethics that actually mediates between ideas and positions in the society claiming moral primacy in any political issue involving conflict. So, the liberal pluralists like Berlin argue that the liberal state is "hospitable to the widest flourishing of human values" (Dzur, 1998: 375). Some liberals argue for an automatic relationship between liberalism and pluralism: "every liberalism is a pluralism and all liberal societies are pluralistic" so contends

Flathman, for instance (see Flathman, 1998).[7] This argument reflects what Mehta (1997: 517) highlights: "liberals are rightly accused of sometimes rigging their procedures so that they issue in liberal outcomes."

Recently, such thinkers like John Kekes, John Gray and Stuart Hampshire have rejected such an understanding of liberal pluralism and instead defend that the value pluralism of liberalism is dubious because the liberal state itself propounds the goods of individuality and equality (Dzur, 1998: 375). Kekes, for example, defends that both liberalism and pluralism cannot be sustained at the same time because "liberalism is liberal about anything except the necessity of maintaining a liberal society" (Botwinick, 1998: 441) Therefore the moral smokescreen of liberalism fails at the point where it pretends to be the strongest theoretically. It also implies that rationality argument of liberalism is no longer useful in resolving the best moral stand point because all values are meaningful for the groups or persons who uphold their own versions of the good.

As the critiques against the value pluralism of liberalism emphasize, "liberalism insists upon the use of ranking principles", in other words superior and primary values, i.e., equality and individuality over others. Therefore the liberal claim is incompatible with the liberal practice.[8] Secondly, social values are ignored in considering the "lone being" of individual whereas social traditions, rules and institutions play a very important role on individual's moral flourishing. Thirdly, as John Gray argues, the argument of equality is incompatible with individuality since

[7] Spragens (1986: 43) affirms the need for the liberal state not to "be totally "neutral" – in the sense of being utterly indifferent—to the character of its citizenry."

[8] Thinkers such as Nagel and Walsh argue that "neutrality cannot be regarded as the ultimate value of liberalism, because neutrality tacitly presupposes a particular conception of the good that identifies the good with neutrality" (see Botwinick, 1998: 440).

some forms of individual flourishing necessitate inequalities. It is not always the case that individual capabilities will grow better in relatively equal societies (see Dzur, 1998: 375-392). It may also be added that "the doctrine of value pluralism poses a serious challenge for liberalisms of the Rawlsian and Millian kind" because they emphasize a certain organizing principle, a liberal good so to speak, around which the liberal society is founded (Mehta, 1997: 503).

Liberal thinkers such as Galston defend that we have to accommodate practices and institutions we regard as unjust (Altman, 1996). This argument is strengthened by the liberal conceptions of the individual, community, society, state and politics which are confined to the ethical paradigm that relies on a unitary and universal code of reason, human existence and individual agency. I think that value pluralism in particular and liberalism in general emphasize the notion of conflict or damage and its management that both constrain the limits of the political and the theoretical ability to sensibly explain and understand the human condition. It also results in the prominent negativism of the liberal theory.

ii. Value Neutrality of the Liberal State: Perhaps the principal element for liberal ethics is public neutrality. It may be said to be the most popular conception of the liberal state and yet, at the same time, the most fragile to criticism. As Neal says, "liberalism, if it does not have a theory of the good, certainly has a meta-theory of the good" (Neal, 1997: 38) The liberal neutrality may be called the "moral Esperanto" since it aims to accommodate a wide range of selves and beliefs within a neutral public system (Vincent, 1996: 146).[9]

[9] He thinks that liberalism and postmodernism stand in parallel in terms of their extreme individualism.

Dworkin and Ackerman think that the best response to the plurality and contestation of various ethical claims and projects of the good life in the society is the absolute neutrality of the liberal order. The liberal state must ensure only the moral grounds on which the citizens can follow their differing agendas of moral life and the vision of the good life. Therefore, it cannot itself advance a program of the good life and impose it on the citizens. While Dworkin bases his defense of liberalism on the conception of equality as its constitutive value, Ackerman argues for a principle of "neutral dialogue" (see Neal, 1997: 16)

In fact, liberalism cannot do without, and presupposes, a non-neutral account of the human good. Liberal thinkers including Rawls see neutrality as a guarantee for greater equality in the society since a "thin" notion of justice and rights would provide the most realizable general consensus of the citizens for a particular political decision. Hence, the liberal neutrality can be seen as working for legitimizing the liberal state. Here we again meet the liberalism of fear by which any conception of the "general good" must be based on rational consensus of individuals who are assumed to be those who can best evaluate and articulate their ideas, projects and wishes through the political structure. Therefore, political liberalism justifies a polity only as long as it sticks to the principle of neutrality and contrasts itself with those coercive polities who impose a certain version of the good life on its citizens.

So, it is no coincidence that the advocates of public neutrality almost always rely on this fear of an impository good that would jeopardize the competing programs for the good life present in the society. For them, as Lund argues, public neutrality

becomes a criterion for political inputs, i.e. political participation, more than a value in itself (Lund, 1996: 483).

The principle of value neutrality presents a serious field of contestation for the liberal theory. One of the strongest objection to this principle comes from communitarians whom we will try to elaborate in the next chapter. While the communitarians attack it for possessing a "thin" notion of neutrality, some others like John Kekes accuse it to be too "thick", i.e., itself propounding an ethical "good", thus subverting its own claim of "neutrality". The latter ones argue that the fact that liberalism presents itself in the disguise of neutrality is a strategy to hide its real set of particular values and thus implicitly applies an exclusion towards certain interests and values in the society. Therefore what is presumed "neutral" is, in reality, false. In other words, liberalism tends to create its own metaphysics, a metaphysics of freedom and an ethics of neutrality that serve to fulfillment of the opposite processes of exclusion, inequality and indifference.

Patrick Neal analyzing Ronald Dworkin's interpretation of liberal neutrality remarks: "liberalism as political morality is of a different, and more deeply reflective, epistemic order than non-liberal political moralities" (Neal, 1997: 4) For many liberals the moral dimension of the liberal theory is too feeble and vague and they perceive this weakness of moral infrastructure as a superior aspect of a polity that needs to pose ultimately as "neutral". I think this statement fails to account for the strong moral claims and frameworks liberalism builds behind the veil of neutrality. Because according to the liberal principle of neutrality, rights stand as the "ordering principles" for diverse and conflicting positions of the good life in the society. Yet, as Neal acknowledges, "no state, including a liberal state, can

practice neutrality with regard to the competing conceptions of the good existent within its domain of power" (Neal, 1997: 5).

As Joseph Raz explains, it is impossible to be neutral about ideals of the good or to exclude them completely as reasons for political action (cited in Nino, 1993: 133). Liberalism which strongly defends its moral-neutral nature, however, converts and reduces the civil claims of the good into its own conception of the good. As Neal suggests, "liberalism continues to allow us to speak, but asks that we translate our self-understanding ... into the language of [the liberal] meta-theory" (Neal, 1997: 38). Hence it tends to hegemonize, transform and intervene with the moral claims of the good in competition or in contestation within the society. We may conclude that liberalism is self-contradictory since it does advance the good of its own.[10] As Sandel (1987: 11) explains, "the ideal of a society governed by neutral principles is liberalism's false promise."

3.2.3.2 Negativism of the Liberal Political-Normative Discourse

An important element in the normative-political configuration of the liberal state in relation with its claim of value-neutrality is the reliance on negativity as a major political strategem which connotes prevention, fear, exclusion and cynicism and hence has a profound impact on the perception, conception and management of such theoretical instruments as agency, rationality and universality. I will now try to present a brief analysis of this negativism and some of the important implications it carries for our discussion.

[10] Dworkin argues in favor of such a liberal good (see Nino, 1993: 134).

The discourse of freedom is the mythology of liberalism. The liberal discourse of freedom signifies the conception of a human-centered universe where any transcendental being or authority is absent in directing and commanding the will of the individual. Berlin distinguishes between the terms "freedom" and "liberty" that are used commonly synonymous on the basis that while the former pertains to the positive liberty, the latter characterizes negative liberty (Berlin, 1969). The negative sense of liberty finds its best expression in Hobbes when he refers to freedom as the absence of external impediments of action. The positive sense of liberty is symbolized best by Rousseau and his theory of general will by which the presence and intervention on the part of securing freedoms is justified. The liberal discourse of rights entails a background which paves the way for universal, rational and individualistic construction of the social universe.[11] Liberal rights are often categorized as "negative", i.e. entailing noninterference from external sources than the self, and those "positive" rights connoting the provision and intervention by authority, let it be an individual or an institution (Lomasky, 1990: 84). Classical liberalism including libertarianism is based on the notion of negative rights which emphasizes the autonomy and self-direction of individuals without the aid and the interference form any other being, person or the state. This understanding is paramount for it is the basis upon which rests the highly individualistic portrayal of the social life, the construction of interpersonal relations and the relations between civil society and the state by the liberal theory.

Positive rights argument or "welfare liberalism", on the other hand, claims that the individuals "possess extensive positive claims on others", in other words,

[11] These rights are sometimes labelled as "legal rights", i.e. those related to the laws of a specific community, "moral rights" that often back the legal rights but are independent of it, and those "basic rights", "natural rights" or "human rights" that are universal in application, morally superior and underly to other types of rights. (See Lomasky, 1990: 101).

regardless of and besides the argument for non-interference, individuals are entitled to receive help from others (Lomasky, 1990: 84). Thinkers in this line beside Rousseau include Green and English Idealists who deny the assumptions of utilitarianism, reject individualism and the utilitarian view that the man is prompted by desires.[12]

While those thinkers like Mill, Locke, Kant, Berlin and others advocate negative liberties for the argument that the essence of individuals is that they are free, autonomous, and possess their own brand of morality, the thinkers who stress positive rights such as Rousseau underline the fact that man is a social creature and derive their values and ends in life from the communities in which they live (Birch,1993: 109). The essence of the debate on liberties is the notions of agency and autonomy and their moral character. While the negative liberty argument safeguards the individual freedom, and his autonomy, the positive liberty argument describes him as the possessor of positive rights to resources to complement the negative rights (for a discussion of these notions, see Axtmann, 1996: 40-42). In parallel to their respective positions, the proponents of negative liberties argue that positive liberties approach would lead to a state imposing a certain good on the people and thus tends to be authoritarian, while the defenders of positive liberties attack them for estranging the individual and ignoring his social construction.

I think that the negative definition of freedom necessarily enhances the notion of "liberalism of fear" and undermines such essential democratic values as solidarity, participation, civic responsibility and care for the other. Because securing the individual autonomy and liberty by stressing his difference from the Other,

[12] Flathman (1992) refers to negative rights as the proper balance between action and coercion, while sees positive liberalism something like illiberalism that underlines control and intrusion.

supported by the neutrality claim which creates enclaves of identities each possessing its own brand of moral conduct ultimately results in weakening of the social cohesion and the sense of solidarity. In this sense, the negative freedoms ensure the relative autonomy of the liberal state to legitimize the interests and the values of the governing classes as the common good while weakening the moral and political integration of the individuals. Because in the absence of such a social cohesion, the individual will almost always is left alone before the state assumingly acting as the referee for moral questions which indeed do constitute the content of the political questions as well. Then the state gains unexpected power to advance the political agendas of the interest groups and certain actors like the corporations which have greater influence on the liberal state than the mass of atomized individuals.

3.2.3.3 The Liberal Negation of the Political

In addition to its negativist definition of freedom, the liberal sketch of the human nature as a container of "appetites and aversions" (Macpherson, 1980: xi) underlies its negative definition of politics in general and political morality in particular. Hence Barber is right in calling liberalism "a politics of negativity" (Barber, 1989: 59). Indeed, liberalism carries a strong negative tone regarding the moral constitution and disposition of the human beings. This is certainly contributed by the historical milieu fraught with civil wars, religious persecutions and massacres, bloody revolutions, endless battles that Hobbes, Locke, Kant and others witnessed in person. This "liberalism of fear" as Shklar (1989: 27-30) calls it, bears a profound impact upon liberalism's definition of the political and the moral and its situating them accordingly. Liberalism is an answer to undeniable actualities of horrors, tyranny, cruelty and violence and that is the reason why it naturally

concentrates on damage control and that it must remain eclectic since it does not rely on any other moral philosophy.

Another element underlying the negativity of liberalism and its skeptical perspective of the human potential and action, as well as the basic antecedent to the emphasis on justice in the Kantian liberalism is the Christian dogma of original sin and "the radical evil in human nature" (Reiss, 1985: 38). Kant believes in the evil nature of the social relations relying on what the "experience" teaches him about the human existence: "human beings act in a violent and malevolent manner, and ... they tend to fight among themselves until an external coercive legislation supervenes" (Reiss, 1985: 137). This, clearly, shows that the historical perspective in which the Enlightenment and the Kantian ideas about the human nature as well as ranking of the human races are situated leads them to a distrust, and a deliberate remedying of it by harnessing interpersonal relations (that is exactly the level where ethics is confined) through an enforceable moral "equalizer" and a universally watchful liberal political order.

In other words, liberalism can be called "a therapeutic polity" by which the ways, causes and moral inclination for destruction, violence and intolerance are assumed to be prevented. This is the reason why "liberalism has always ranked the problems of misrule and legitimate authority ahead of the values that might attend ruling itself" (Damico, 1986: 167) Mill makes the point rather eloquently: "men, as well as women, do not need political rights in order that they may govern, but in order that they may not be misgoverned." (Damico, 1986: 171) Most of the liberal thinkers conceive "liberty" and "power" as two antithetical terms, "denoting two realms which are mutually conflicting and thus incompatible" which results in the

notion of negative liberty (Bobbio, 1990: 15). In this non-equation liberty is given to the depoliticized self, while power is spared for the state. This negative tendency towards affirmative politics and participation leads to the general moral indifference and the crisis of legitimacy in liberal societies today.

The preponderance of negativity in the liberal political morality thus leads to depoliticization since the liberal politics becomes purely a defensive practice in face of the fact that it is characterized as reactivity (Barber, 1989: 59). In this way, politics is understood as the realm where only individual private interests and concerns can meet and which creates asociability in return. Political action is imagined possible only under conflicting and antagonistic configurations of relations of interest and power. As a result, inaction and indifference becomes the main norms of liberal political morality. Cooperation, solidarity and resistance are all downgraded and the sense of conflict is almost glorified. This fact is best exemplified in one of Kant's statements: antagonism is "the means used by nature to further the development of all her dispositions" (quoted in Bobbio, 1990: 23).

One important outcome of the negation of politics and sociability is clearly the relative dominance of the stable, settled, limited, well-guarded and non-compromised site of the political power, i.e. the state, and the power politics. In some ironic sense, the negative notion of liberties result in the inaction on the part of the citizens while it contributes to amelioration of the means, resources and the strategies, in other words, the political potential of the liberal state. And the liberal state may behave like a despotic state against the "civil power" revealing itself outside the normalized, formal, state-centered politics whether it is manifested through family, kinship, class or collective identity. This is yet another reason why

the nation states that characterize a limited territory and limited notion of participation could foster relatively well under the liberal discourses since the 17th century. In other words, the liberal ethics of conflict based on the individual self-determination ultimately becomes the ethics of the liberal state based on the self-determination of the state, meaning diminishing popular control upon itself.

It can be concluded that the negativism of the liberal theory meets with the lack of acknowledgment and accordingly utilization of the factity at the very junction of the description of a transcendentalized individual. The abstraction of the individual leads to, and in one sense, stems from the negation of his constant involvement in the very construction of the liberal state through the notion of the abstract and ahistorical process of contract that is assumed to be drafted in the absence of a specific and concrete political craftsmanship of specific and concrete selves. Sandel discusses that the primacy of justice in deontological liberalism is due to the fact that the individual interactions are assumed to be based on conflicts (Sandel, 1987: 11). The stress on rights and justice is therefore the downside of the individualism of liberalism that advocates it in terms of neutrality that is often a "false promise" as we have seen before.

In the liberal imagination, the individual as a "solitary being" is assumed to face conflict as he enters into community. It is through this negation of association and social relation that the liberal ethics manifests itself as an ethics of "damage control". Hence, it would be too much to expect from it a thorough and profound sense of social reality which underlies the roots of legitimacy for any polity that claims to be non-authoritarian and non-totalitarian. In this way, the liberal morality consists of configuring peaceful and balanced ways to handle the claims and

actions of the individuals as "conflict-makers." It results in conceiving political morality as a surrogate, a remedy of the shortages of the political in terms of its social requirements. Yet, the political is the arena of contestation but as well as cooperation, thus the liberal relational ethics and its negative perception of the sociability eventually leaves the political devoid of its imminent moral content. Because it also leads to negation of politics in general: politics is often seen by liberals as a "necessary evil" (Axtmann, 1996: 37) whether they admit it explicitly or not. The relational character of the modern ethics shows its negative impact once again in this issue.

Then, "the political" is strictly distinguished from the realm of "the social" which is then defined as the free-floating area where the solitary beings, i.e. individuals perform non-essential roles and hence posit no moral significance in their relationship with others. Thus, "the social" is distinguished from "the moral" too.

It may be also concluded that the process of globalization accentuates the faultlines within the liberal democratic political stance as it makes the nation state to be more vulnerable against the pressures of the movements seeking recognition, participation and a reformulation of the political in line with the democratic ideal which are characterized by not only their scale of action, but also the imposing ethical tone of their message. I will turn to these and other concerns about the liberal normative-political construction in the coming chapters which will be analyzing the modern liberal interpretations and their theoretical alternatives.

Now I will try to analyze the liberal conception of identity which also will give us important clues about the theoretical consistency of the liberal political groundwork.

3.2.3.4 The Liberal Conception of Identity: Liberation or Suffocation?

It is interesting to note that whenever it comes to defend an ethic of political liberalism, a conception of transcendentalized individual comes to fore. The individual, stripped off his sociability, affectiveness, inner dimensions and in innumerably different typology becomes the single most important argument for the liberals. Yet, the individual is pushed towards submission to the *a priori* systematic constraints, the public realm and the state by defining him/her a party to an abstract contract that has no history and no practical relevance for his daily life.

Following Flathman's categorization, we can talk about an "agency liberalism" that descends from Montaigne and Mill to Hart and Berlin which supports the achievement of individual passions and desires within the framework of a negotiating state. This brand of liberalism stands in opposition to the "virtue liberalism" represented by Kant, Hegel, Rawls and Habermas that privileges the universality of reason and justice beyond particular ambitions and desires (Flathman, 1992: 124).

For liberalism, individual is both "a blessing" and "a threat". Because as Andrew Vincent explains (1996: 142), the initial aim of individualism of Locke and then Kant was to wage a struggle against the fixed hierarchies.[13] The self-choice

[13] For those liberals like Flathman the basic feature of liberalism is its voluntarist morality, meaning that the individuals are the sole creators of their actions and require non-interference from other sources of power including the state. Individual freedom means individual control of his fate, and the motives and the outcomes that he may choose. In his account, the voluntarist liberal tradition stresses the idea that individuals are capable of developing their own beliefs, interests, desires and

doctrine was used for this purpose. However, with the relative triumph of liberal individualism in later epochs, this idea of self-choice turned out to be an "individualistic narcissism" that negated concern for others. Sandel (1987: 10) argues that deontological liberalism can eschew much of the complexities which other political philosophies face "by virtue of its independence from ordinary psychological and teleological assumptions." Deontological liberals even argue that "liberalism does not rest on any special theory of personality", or as Rawls indicates it has "no particular theory of human motivation" (quoted in Sandel, 1987). Yet, this does not mean that liberalism lacks a theory of the self.

At this conjunction, Barber's characterization of the liberal subject as the "stranger" becomes meaningful, since the liberal notion of individuality and individual interest weakens the democratic practices. Sandel goes even further and claims that the liberal self is not even an individual: it is merely an apparition because it is "disembodied" and "dispossessed" (Damico, 1986: 175).

I think the liberal individual is not even synonymous with liberal self since "individual" is the true container of the rights whereas "self" defined as the non-political and implicit "being-in-solitude" may be exempted, prohibited, or simply ignored from possessing or accessing to them by the way of advocation of property, thus inequality as the real arena for freedom. In other words, while "self" is strictly preserved within an introvert circle, "individual" is apparently extrovert and possesses the political quality. The historical examples of slavery, racial, sexual and ethnic segregation by the liberal states and liberal thinkers themselves is a case. Thus, a black slave is a subject, a self of the liberal ethical understanding,

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convictions and includes Adam Smith, Benjamin Constant, Immanuel Kant, Green, John Stuart Mill, Isaiah Berlin and John Rawls. (See Flathman, 1992: 123-124).

but not an individual since he is not permitted to possess even his own proper personal name.

The effects of a misconstructed liberal self are exacerbated by the strict distinction between public and private in the liberal theory. Dworkin calls this "a politics of ethical and moral schizophrenia" by which we are asked to clearly define what is private and public in our interests and instincts, as if this is a feasible and meaningful enterprise Galston, on the other hand argues that the distinction of public and private in addition to the claim of neutrality leads to a moral elitism by which the lived experience of liberal life cannot be fulfilled (Lund, 1996: 485).

In any case, even for those liberals who perceive the absence of the conception of the good in the theory, it is the case that the liberal "good man" is not the same thing as the liberal "good citizen" (Galston, 1991: 231). Here too, we can see the instability and inconsistency caused by the liberal distinction between the moral and political persons in its conception of agency that ultimately results in "depoliticized" self to add to Sandel's characterization (on the same theme, see Vincent, 1996: 145). Then, it is easier to understand how such a formulation of "self *cum* citizen" gives rise to the legitimacy crisis of liberalism that is primarily manifested by the multiplication, or a "redemption of the selves" in singular or collective expressions, that had been buried under the rubric of "liberal individualism." It is this universalistic tone of individualism, like other universalist agendas, which is imperialistic because it includes the other in a consensus to which the other does not participate, or it dismisses the other as unreasonable. (Bevir, 2000: 135).

Liberal self is "a fixed being with an identity arising out of theoretically constructed interests legitimate by the heightened language of rights" that for Barber, are actually individual interests pausing as moral claims (Barber, 1989: 63). Hence, the self is immutable and fixed as well as his interests, it is natural and a social monad. "Interests equal moral claims" may be a debatable equation, but never the one that reads "interests equal morality." Indeed, liberalism may be said to bear this perennial burden of false moralism.

Kymlicka describes the liberal understanding of individual as "a moral ontology" that "recognizes only individuals, each of whom is to be treated with equal consideration" (Kymlicka, 1989: 162). This definition on the moral ontology of liberalism brings up further areas of discussion since liberal equality and rights are defined in terms of an individual construct that defies both the concreteness of the liberal politics that is ultimately manifested through mechanisms through which the citizens contribute to decision-making, and the abstractness of the liberal construction of the state and civil society. It is rather questionable how easy liberals can extract the individual out of the morass of the "state of nature" without harming his sociability let alone characterized by conflict, violence and distrust.

Moreover, the negative tone of liberal morality is the very element that underlines the liberal notion of autonomy, since as Kekes argues, "the stress on autonomy within liberalism is vitiated by the prevalence of evil in the world" and that liberals overoptimistically assume that "virtues are autonomous, and vices are not" (Botwinick, 1998: 441).

The liberal conception of the moral self carries the risk of glorifying the liberal subject through the use of global markers such as reason and freedom without establishing necessary and persistent links between the subject and his social universe. Although the efforts by the advocates of "virtue ethics" have contributed to a certain blending of the classical, i.e. the Enlightenment liberalism by injecting sociability and participation into it, and yet upholding the universal and rationalist assumptions, the liberal self cannot be said to be fully liberated from the very structural boundaries that liberalism tried to overcome through the discourse of the individual as an innate and inevitable redeemer of liberty and freedom. So, as Nancy Rosenblum asserts, the problem with liberal democracy is that it "fails to mold the moral identity of individuals" (Rosenblum, 1989: 4) and that its moral definition is too limited, partial and minimal to accomplish that task.

Liberal self has been shaped around a bunch of moral conceptions that various strands of liberalism utilize selectively. For example, skepticism that is a moral philosophy in its own right, is the foundational idea behind the individual autonomy that for many liberals is the ultimate value of liberalism (Botwinick, 1998: 442).

There are those thinkers like Flathman who try to remedy this theoretical weakness and inconsistency on the part of the conception of the agency in liberal theory.[14] However, in doing so, Flathman falls into the trap of facile theorization: namely that he proposes an individuality-confirming pluralism by which any society committed to "the ideals of individuality" whatever that may mean, is a society that

[14] His effort is to introduce "Nietzschean and Wittgensteinian reconfigurations of subjectivity and identity ... while protecting the sanctity of individual human action and freedom of association so historically central to liberalism." (See Flathman, 1998b).

would most likely become pluralistic. As we have mentioned earlier, the liberal self is in need of justification himself, let alone the efforts to impose him additional "loads" of theoretical missions and qualifications such as those proposed by approaches emphasizing respect, value pluralism, human flourishing or self-development. These are "democratic" values that have penetrated into the liberal sphere in an historical wedding process and can only be considered consistent within that proper context only.

In other words, the benign individual who deserves liberty and equality can hardly be made out of the moral foundations of liberalism that stress negativity, asociability and ahistoricity. What is at hand, then, is just the *status quo* that tells us the relevance and even the triumph of power politics and hence the liberal state. This strong state notion is supported by both classical and welfare state liberalisms. Especially the New Right that emerged in response to the welfare state liberalism sees the intervention of the state essential in the capacity of a moral agent "to combat permissiveness" (Axtmann, 1996: 44). Then the liberal state emerges as the real focus of the liberal theory, more than the individual who is talked so much about.

In this section I have discussed about the general contradictions of the liberal normative-political tenets and its negative discourse on the self and the political. I also tried to demonstrate its weaknesses in terms of its abstract nature, lack of a theoretical coherence, and its vulnerability against the difference, disruption, change and conflict that actually characterize the political.

My conclusion from this discussion is that the liberal credo at least in its contractarian, i.e. Lockean and Kantian, and utilitarian representations do suffer from contradicting, unfulfilling, disempowering and depoliticizing conceptions regarding its definition of the liberal self, liberal rationality and liberal universality. In face of all these contradictions of the liberal politico-ethical construction, the question becomes, as Rosenblum touches upon in her discussion of the morality and liberalism: whether "liberalism has the resources to repair its failings" (Rosenblum, 1989: 10). In order to explore that I now turn to whether the Rawlsian contractarianism has to offer as a remedy.

CHAPTER IV

THE NORMATIVE DEBATE SURROUNDING LIBERALISM: RAWLS AND THE COMMUNITARIANS

My concern so far has been, first, to analyze the ramifications of globalization for the normative-political configuration of political liberalism and then to highlight three distinct crises within that crisis, namely the crises of the liberal conceptions of identity, rationality and universality. In the previous chapter I have discussed the major normative-political brands within political liberalism and concluded that the current faultlines of the liberal democratic discourse especially in terms of its conceptions of identity, rationality and universality as manifested by globalization process, indeed lie deeper in the foundations of the liberal democratic thought itself and not an ephemeral phenomenon.

In this chapter I will try to analyze in what ways Rawls's neo-Kantian reconstruction of liberalism offer new perspectives and solutions to the theoretical problems that I have covered in the previous chapter, and to what extent it could play the role of savior of the liberal credo. I will also engage a critical analysis of the liberal-communitarian debate and try to pinpoint the strengths and weaknesses of both approaches with regards to our task, namely, whether the liberal ideology and liberal ethics can reformulate itself so that it might overcome its current legitimacy crisis. For this, I will be paying a special attention to the ramifications of their arguments with regards to the three sites of that crisis, namely the conceptions of identity, rationality and universality.

The liberal conundrum that I have discussed in the previous chapter has given rise to two distinct movements that seek a reformed and revitalized conception of the liberal notion of the self, the liberal sense of rationality and the liberal claim of universalism.

The first response is the Rawlsian contractarianism which tries to correct the inegaliatarian and highly abstracted ideals of the liberal political theory by injecting into it certain normative principles which emphasize the social as well as the ethical. The second major response is communitarian thinking stems from the debates and discussions around this work that reinvigorated political theory, and ignited opposition from those communitarian critics of neo-Hegelian or neo-Aristotelian brand which includes anti-liberals and anti-moderns like MacIntyre, and egalitarians and liberals like Walzer as well.

Both lines of argument are important not just because they raise a number of issues that are essential for the democratic practices, but also because they seek new kinds of justification appropriate to the political ideas within democratic regimes (Baynes, 1990: 61).

4.1 Rawls and Justice as Fairness

John Rawls and his theory of justice as fairness which presents us "the paradigmatic statement of contemporary liberalism" (Mulhall and Swift, 1992: x). His theory may be considered as the first major response to the legitimacy crisis of liberalism that is heeded from within the liberal line itself, characterized by his epoch-making work, *A Theory of Justice* in 1971. Here Rawls engaged himself

with the questions of distributive justice which aimed at resolving the tension between the utilitarian conception of the good, the liberal objective of complete freedom, and the democratic ideal of equality.

4.1.1 Rawls: An Introduction

John Rawls revitalized the social contract theory and political theory in general with his *A Theory of Justice*. It is a remarkable political work because it "offers a fundamental analysis of the uneasy relations between social justice and economic performance" (Ricoeur, 1990: 533), as well as it renews emphasis on the political character of the conceptions of the good. It is at the same time an attempt to defend "political liberalism which establishes its autonomy from economic liberalism" (Mouffe, 1990: 218).

Rawls's objective in developing his *A Theory of Justice* is twofold: to construct a morality based on agreement as contract, and to formulate a liberal political ideal by stressing the definition of justice not as a good in itself, but as fairness. In pursuit of the former, he subscribes to contractarianism with a difference: his emphasis is not on explaining the emergence of legitimate political power, but of justice .[1] In pursuit of the latter, his theory is deontological, i.e. he takes the priority of the right over the good in order to preserve the autonomy of the individual.

[1] As Bobbio (1987: 131-132) argues, we see the revival of contractarianism in him because "the notion of an original contract to lay the foundation of society as a whole ... satisfies the need for a sense of a beginning, or rather of a new beginning, in an age of profound upheavals within existing society."

The two objectives I have mentioned above reveal his ambition to bridge the gap between the liberal assumption of an individualistic self and the principle of self-interestedness with the political ideal of egalitarianism. Rawls tries to inject fairness and reasonableness into the liberal ethics. Thus, while he is a liberal in delineating rights and liberties, as a result, creating a liberal theory in its own right, he also goes on introducing an egalitarian element into the theory by the way of his argument of original situation in order to balance the liberal excess in emphasizing the priority of the individual. For this reason, I tend to call him as *the* political philosopher of welfare state. He is also responsive to the moral plurality in liberal societies. He tries to extend the principle of toleration to include the fullest possible range of practices and beliefs by designing a theoretical framework that could reconcile the fact of pluralism with the need for social unity. [2]

4.1.2 Justice as Fairness: Tenets

The main objective of Rawls's attempt is to establish the principles over which people would agree upon in constructing a fair organization of the society. Here the principles of justice emerge as the hypothetical contract or agreement which are to "govern the assignment of rights and duties and to regulate the distribution of social and economic advantages" (Rawls, 1971: 61). The model of original position is used to highlight the agreement that could be reached in the way to realize this objective of a society composed of free and equal persons. In short, Rawls tries to erect a theory which may be called the normative (or justice) theory of political liberalism.[3] It is posed to discard the socialist ideal of egalitarianism

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[2] For an interesting analysis of Rawls's political philosophy, see Galston (1991: 162) where he concludes that Rawls offers a "dangerously one-sided reconstruction of the liberal tradition."

and a just distribution of income and wealth, as certain thinkers like Galston (1991: 162) argue.

Rawls' political theory is constructed over two interrelated ventures: the original position and the veil of ignorance as the initial situation of the theoretical foundation, and, the issue of stability, a conception of well-ordered society and justice as fairness as the ideal of the theory.

i. Original Position: This step is introduced as something for which any hypothetical contractarian concept would be utilized: to situate the relevance of the arguments and the tenets of the theory in a certain initial stage where those objectives and arguments of the theory would be accepted. In other words, original position is the equivalent of the concept of state of nature, a common element found in most classical liberal works. For Rawls, original position provides justification for both a deontological relationship between the norms and the facts, a historical but a hypothetical one unlike the Hobbesian or the Lockean versions as well as for "the principles of justice on which all individuals in society, with their radically differing conceptions of the good, could agree" (Furman, 1997: 1199). In the original position the people make a contract and this is not, drawing largely on game theory.

ii. Veil of Ignorance: Original position is characterized by an overwhelming ignorance which is supposed to justify the objective of the theory: that the people without the knowledge of their possessions and talents would agree upon the same

[3] Indeed such an effort was not without any justification, as Sterba (1989: 410-411) explains, since new social movements such as anti-war and civil rights movements were questioning the relevance of the liberal ideals in the beginning of 1970s.

set of principles of justice. In other words, inequality and lack of freedom are the outcomes of processes that involve injustice and non-fairness. All persons are ignorant of their social status, and of their talents or natural endowments.

The people in the original position are ignorant also of their moral conceptions, and their own idea of the good. This argument is utilized to enable full freedom in the original position (Mulhall and Swift, 1992: 5). People do not know what their beliefs are and how to lead their own lives. Rawls implies that the people must be free to hold any conviction they tend to, and hence strengthens the Kantian theme of autonomy by this turn. Persons in this stage have two powers: a sense of justice and a conception of the good (Sterba, 1989: 413).

Rawls devises veil of ignorance in the original position in order to show that the plurality of norms may well be related with the consensus of individuals on basic structure of the society. He, in other words, tries to bridge the normative theory with the political one. It is the representative instrument for his contractual justice (Sterba, 1989: 406). Veil of ignorance is the test for the original position and for the subsequent principles of justice: it demonstrates us that even without any preceding conviction or information, human beings innately tend towards social justice relying on their reason and cooperation (Raskin, 1993: 774).

Behind this veil of ignorance, the original position is indeed a process of bargaining. Rational persons try to get as good a deal as possible for themselves. What prevails in the original position is fairness since without it justice cannot take root in face of inequalities. Rawls's understanding relies on reducing politics to a "politics of interest", justifying it by his search for a neutral and agreed-upon rules

of bargaining (Mouffe, 1990: 224). This element tends to contribute to the impoverishment of the political in Rawls's theory.

The introduction of such a veil of ignorance depicts Rawls's theoretical maneuver with the intention of establishing an argumentational basis which is implausible in real terms to arrive at the concrete and the plausible conclusion which is the distributive justice. This is clearly a metaphoric move, yet I think assuming a complete ignorance of the persons in the original position does not lead to enhancing the comprehensiveness of the theory at the end, just as assuming persons' equality at the original position does not automatically lead to a consistent egalitarian ideal.

Original position is used as a level which is synonymous with the liberal solution: that the individual is bound to reach the principles of justice that Rawls delineates in subsequent arguments. In other words, the process in that stage is not that of agreement but of acceptance. This of course, has consequences regarding the content of consensus that is aimed by the theory and makes it a prey to some of the critics' attacks on the ground that the theory limits its liberating role, and instead pushes the individual towards convergence and unanimity rather than difference and dissonance. For Rawls, therefore, the source of dissonance in the society lies with the individual, not with the system (Furman, 1997: 1200). This moreover implies that in his framework, difference is just a contingent and marginal element which needs to be corrected. In this reading, Rawls is no different than many other liberal thinkers who equate difference with disorder, and dissonance with irregularity.

The original position is rather exclusionary: It is based on unanimity and there is hardly room for disagreement. And what is more is that all this is situated in the deeper claim for unity or universality of rationality. The lack of disagreement and dissonance is indicative of a further fact: that the concern for maintenance of political stability in the society overrides Rawls's concern for the plurality of the conceptions of the good, and hence giving way to his conformism at the end. Justice as fairness can be said to be the alternative to the realist assertion that power determines justice (Raskin, 1993: 774). Yet whether this intuition is realized by the theory is not so clear.

iii. Two Principles of Justice: According to Rawls (1971: 302), people in the original position would accept two principles of justice that would regulate the society:

1. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

2. Social and economic inequalities are to be arranged so that they are both

   (a) to the greatest benefit of the least advantaged, and,

   (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

However, the persons in the original position would also agree on the priority of the first principle of equal basic liberties over the second principle of advantages. They would also agree on the priority of the (b) of the second principle, i.e. the principle of fair equality of opportunity to (a) which is also called the "difference principle".

People in the original position have the principle of *maximin*, i.e. that they would find the worst-off position as good as it can be and this leads them to support equality (Mulhall and Swift, 1992: 8). As can be seen, Rawls tries to bridge both the equality and liberty sides of the liberal creed by asserting these principles and lists them under the motto "justice as fairness" to endow that bridge with a moral nature.

Contrary to Rawls's reluctance of naming it as such, the original position is indeed a normative tool. Statement of ignorance and how it leads to fairness, prioritization of the principles, the assumption of rational human beings are all normative elements of the theory.

Let me now elaborate on Rawls's theory by concentrating on various significant aspect of his thought in order to evaluate whether his explanation can offer an effective remedy to the political-normative crisis of liberal democracy.

4.1.3 The Weaknesses of the Rawlsian Remedy

4.1.3.1. Bridge-Building: Rawls in the Path of Kant

Rawls is Kantian in his deontology, assuming the priority of the right over the good, and also in upholding the principle of individual autonomy.[4] Following Kant, he (1971: 252) calls his original position "noumena". However, Rawls is aware of something that Kant did not observe so acutely in his time: that the modern western society has a pluralism of goods, those contesting, rivalous, and often antagonistic conceptions of the good. Therefore Rawls's attempt revolves

[4] There are also some who think Rawls is more connected to Rousseau than Kant in devising his theory. See Neal, for example, (1997: 51-70). For an analysis on whether Rawls is a Kantian, see Baynes (1992: 49-76).

around introducing a conciliatory element of politics that would mitigate the clash of those positions and at the same time contain them peacefully within its institutional structure.[5]

Rawls does not follow Kant only in espousing a deontological account of politics and the moral behavior, but also in the "bridge-building" attempt as we have called it in Chapter III. What he tries to do is to bridge the gap between the liberal ideal of ensuring human autonomy and freedom with the democratic ideal of equality which would provide the fairness and peace in overall human relations in the society. In other words, he tries to find a convergence point between idealism and realism, as well as between deontology and teleology, individual and the collective good, the human convictions and the human reason. As Heidi Hurd (1995: 795) explains, he attempts to show that it is possible to accomplish an egalitarian distributive justice with free-market capitalism.

Whether this bridge building venture eventually succeeds is an open question. As in Kant, erecting such comprehensive schemes of convergence requires immense theoretical venture of defining a set of limited number of variables that would be used in placing and justifying the whole theory. For Kant, this is categorical imperative and rationality, for Rawls this is distributive justice and the original position. It is interesting to note that both Kant and Rawls proceed from similar grounds of claims of rationality, universality and agency and arrive at similar conclusions: moral autonomy, rights, and a normative universalization of the western mode of polity.

[5] However, as Sandel (1987: 11) argues, there is a conflict among competing moral claims which is contributed by liberal individualism.

There are, of course, certain differences between Kant and Rawls too: As Ricoeur (1990: 533) notes, while Kant concentrated on individual rights in his theory, Rawls rather emphasizes institutions. In other words, Rawls builds on the premise of the individually-constructed political morality by stepping up the same argumentation and this time analyzing the effects of a deontological approach on the level of liberal constitutional institutions and arrangements. In this sense, it would be no mistake to consider Rawls as the natural heir to the Kantian formulation of a politics which combines both the contractarian element on the part of the institutions and the deontological element on the part of the individual concerns.

4.1.3.2 State and Power

Rawls defines power as manifestation of public reason which in return determines the ethical posture and ensures stability. Perhaps it is this conception of power that essentially weakens the tenets of his theory. Because limiting the notion of power to the rational and thus the ethical realm necessarily drives the whole theory towards a rigid institutionalism and proceduralism that results in a weakened emphasis on the moral relevance of the individual will and absence of enough space for the contingency, difference and non-consensual modes of social relations. One of the most striking examples of this weakness is the role of the state in determining the political and social will of the individuals. For example, the marriage codes in most liberal societies today do not reflect the gender dimension and the self-expression of the gender preferences, conversely it is the state which almost single-handedly determines the identity of any given couple.

Indeed, Rawls's conception of public culture reveals us the fact that he does not really analyze enough the extent of the involvement of the liberal state or any state with regards to creating a "public" culture. Because for him, once a moral conception is public, it "assumes a wide role as part of public culture" (quoted in Swift and Mulhall, 1992: 197). In other words, he tries to define a public culture as if it is subject to no intervention from the state power or the dominant ruling classes, but conversely is created in vacuum by a visibility of an abstract moral idea. The same reasoning would imply that neutrality of the liberal state, an element of the western public culture, draws its legitimacy from its dominance as an idea accepted by majority of people and not necessarily created and invoked by the liberal state itself.[6]

Rawls seems to have missed the point that it is what he calls the "basic structure" (Rawls, 1999: 256), i.e. the contemporary western liberal state that is passing through a legitimacy crisis. Most of the questions of legitimacy certainly revolve around the role of the state as the repository of political power, such as in the debates around gender relations, racial segregation, ethnic identity and religious agendas. The state is the key player in all these debates either as the supposed "arbiter" or as the "certifier" for which discourses and which identities may benefit from the liberal repertoire of rights. As we have explained in Chapter II, the liberal

[6] A further question may be raised regarding the apparent equation of the term "public" with the "social" in the Rawlsian terminology. I arrive at this conclusion not because that Rawls does not tend to use the term "social", but because he tends to assign the public a more political significance as understood from his analysis of the basic structure and the relationship between the moral ideas with the public culture that we have mentioned above. This implicit equation is yet another problematique that may distort the perception and thus interpretation of complex processes that involve "social" interaction but cannot reach at the level of becoming "public" since that requires a somewhat institutional representation and recognition. Hence, this lack of emphasis may also be another reason for the depoliticized notion of justice and the basic structure in the Rawlsian liberalism.

state is no more a non-problematic given: it is at the center of a dynamic and possibly threatening depoliticization of citizenship along with politicization of certain identities unknown or taken for granted before. Therefore, it is clear that Rawls seems to stay away from the very nascent issues involving the liberal state by resorting to highly abstract notions of the self, reason and the formation of political morality. Rawls also enhances the neutral liberal state by his prioritizing stability. Indeed the whole theory may be considered as a precaution and remedy in favor of political stability under the guardianship of nation state against the dangers of pluralism.

4.1.3.3 Negativism

MacIntyre calls the modern politics as "civil war carried on by other means" (MacIntyre, 1992: 62). Indeed, Rawls presents revolution or civil war --two deadly fears of any liberal conception, as the malign alternatives to the original position. He cites the Wars of Religion as the historical basis for the notion of justice, toleration, diversity and plurality of moral positions that are the so-called "hallmarks" of the liberal societies (Rawls, 1988b: 4). Hence in Rawls too, the theory is structured as a conflict management model, but it does not remain there and the sense of negativity can also be seen in the conceptions of the political and the sociability of the individual. For him too, like other liberals, liberty is the freedom from external interference and the task of constructing a positive moral political order upon this negative basis becomes rather difficult as apparent from Rawls's theoretical attempt which depends on some sense of exclusion and exception.

4.1.3.4 Non-qualified Egalitarianism

One interesting note on Rawls's non-qualified egalitarianism is his rejection of moral desert. He (1971: 310) asserts that "there is a tendency for common sense to suppose that income and wealth, and the good things in life generally, should be distributed according to moral desert. Justice is happiness according to virtue... Now justice as fairness rejects this conception."

In other words, Rawls defies by his rejection of desert (Rawls, 1999: 338), the very premise of his own egalitarian correction of classical liberalism. The principle of desert is perhaps the only guiding principle for an egalitarian conception of the society. Moreover, without desert, it seems rather difficult for the individuals to be encouraged for self-fulfillment, which is yet another element emphasized by Rawls. Talents are nurtured and developed only within the social framework based on desert which at the same time improves the sense of belonging and citizenship, and in turn encourages resonance and elimination of antagonisms. As MacIntyre argues, in the absence of the principle of desert, Rawls's "task of developing a conception of justice upon which we can all agree is doomed to failure." (Mulhall and Swift, 1992: 95) It also contributes to the impoverishment of politics by closing another space of politics (Honig, 1993: 131).

4.1.3.5 Proceduralism

It is interesting to observe how "conciliatory" liberal approaches, i.e. those theories that try to relate the individual initiative and power with that of the social universe such as Rawls's, Kant's, and, as I am going to discuss, Habermas's turns out to be rather proceduralist and tend to defy the very premise they are constructed over. Rawls is to respond to the question how we can move starting from the level of

human autonomy, to the level of social contract in such a way that the autonomy argument would still hold and that the institutional and the proceduralist definition of the relationship between the men and their political relations in the form of sharing and participating in common principles of governance would be still meaningful.

At the root of his theory, Rawls too is indeed proceduralist. Proceduralism for him involves not only how the theoretical process of introducing rights-based politics as situated in a conception of the strictly individual good that must have no bearing upon the social conception of the good, but also in his emphasis on the theoretical relevance of the basic structure defined as the western constitutional and institutional framework in a rather conformist way. However, there is even more to that. Proceduralism of the Rawlsian kind in the guise of juridical administration and enforcement actually stabilizes the disruption that constitutes the activation and vitality of the political. Honig (1993: 129) affirms this finding: "reconciliation, not politicization is Rawls's goal in *A Theory of Justice*."

4.1.3.6 Institutionalism and Formalism

Rawls is keen on stressing the institutional character of his liberalism. Basic structure, as he calls it, has to do with the social, political and economic organization the western society has produced. That structure is the ultimate seat of all the theoretical arrangements and the hypothetical elements he devises. In this respect, we find Rawls quite in the line with other liberal thinkers, notably Kant and Habermas.

Rawls tries to construct a political system that operates mostly on the institutional and formalist sphere, rather than at the margins of the individual and social configurations and residues. He posits the stages of his theory accordingly: from the individual to the institutional level in all four stages, namely the original position, constitutional convention, legislative stage and application of rules to particular cases by judges and administrators. This indicates that the moral nature of politics must be situated at the original position, the most hypothetical of all his novelties, so that the formal institutional framework becomes moral in a rather natural way. All the difference claims and all other disturbing signs of dissonance are thus collapsed onto the realm of practical matters which is then called "politics". This is not surprising since his notion of politics like his liberal predecessors such as Locke, Kant and Mill, is predominantly negative.[7]

Rawls (1999: 233) conceives well-ordered society as a society where institutions and the individuals relate each other on the basis of consensus and mutual-justification without any imposition of a common good. In the absence of any primacy of virtue, however, it remains dubious how he can expound such a society without taking the virtue of justice in the first place (Mandle, 1997: 420). This position may lead to a kind of liberal tyranny. Rawls takes the political to signify a symbolic ordering of social relations. According to Mouffe, this tends to annihilate the idea of the political by its emphasis on order, consensus, structure and the constitutional tradition (Mouffe, 1990: 227). In other words, for Rawls too, like other liberal thinkers, the political becomes a mere reflection and sponsoring of the legal. Just take his portrayal of "constitutional judges as the guardians of the

[7] What Honig (1993: 157) observes in Rawls is interesting in this regard: "Given the choice between justice and politics, Rawls opts for the former" with the belief that "the disruptions of politics are symptoms of injustice."

people's own best selves" (quoted in Bellamy, 1996: 91-92). More than an expression of his easygoing liberalism, this characterization reflects also his reluctance to sponsor a genuine democratic participation broadly speaking.

Here we again find the common futile liberal endeavor of building greater claims of institutional politics on weaker foundations of the self, rationality and universality. It is for this reason that Rawls (1999: 388-414) seems to be later drawn into defining his liberalism a political one, one that is tangible and already in use, in other words, one that is easier to defend. In Rawls, this abstraction does not help the intended outcome of his theory since the two principles of justice are rules which govern the basic structure of society and not intended to guide the everyday lives (Katzner, 1980: 43). He fails to account for a significant portion of the social reality and therefore his theory may hold "only in conditions that Rawls specifies" (Barry, 1989: 180).[8]

Rawls has recently emphasized the primacy of certain rights and liberties that are more fundamental than others. This is also an undeserved conclusion from his own theory since such a prioritization defies all what he tries to reject: a "veiled" but metaphysical conception of justice. In other words, he tries to justify liberalism with liberalism (Hurd, 1995: 795).

Political Liberalism is the second major work of Rawls which is intended to shed light and to reflect his response to the mounting criticisms on the part of the classical liberals and utilitarians as well as the emerging communitarian school.

[8] What Raskin (1993: 773) suggests in conjucntion with the abstract thinking such as Rawls's is instructive: "abstract thought, like abstract painting, calls into existence new social and ethical possibilities although they may not be the relationships the philosopher intended.

The work may be considered as his abandonment of the Kantian metaphysical notion of ethics in favor of a liberal notion of liberalism. However, as Rawls modifies his theory for a certain political brand of liberalism, he meets inconsistency of his own theorization since the original motifs and assumptions of the initial work are kept intact (the original situation, the veil of ignorance, and largely unaltered principles of justice) while their consequences and implications especially for the political theory are said to have moved from a less political claim to a more political explanation.[9] In other words, Rawls claims to have rebuilt his home without touching its foundations.

There are mainly two arguments in this later work which indicate that Rawls intends to modify and clarify his position in *A Theory of Justice*: first, he declares that his is a political and not a metaphysical account of justice, given the fact of "reasonable pluralism" (Rawls, 1999: 425) and thus concentrates on the issue of stability (Hurd, 1995: 802). Second, that his is also based on a traditional perspective, if we may call it as such. By this he means his theory is one that is situated in the western liberal society and hence reflects the consensus and the normative universe of it, partially correcting his overarching universalist aspirations in the original work.

Rawls argues that political liberalism tries to motivate people to abide by justice and to justify that justice as fairness is the correct conception of justice (Hurd, 1995: 803). The features that he distinguishes are signs of this new emphasis: first, moral conception is relevant for a constitutional democratic regime; second, it

[9] Rawls (1988a: 254) remarks: "The distinction between a comprehensive doctrine and a political conception is absent from *Theory,* and while I believe nearly all the structure and substantive content of justice as fairness ... is changed when it is seen as a political conception."

does not presuppose any general religious, philosophical, or moral doctrine, it only is included in reasonableness of politics; and third, that the new approach is presented not as a comprehensive moral doctrine, but as in the form of certain fundamental ideas of public political culture of a democratic society (see Mulhall and Swift, 1992: 171). Rawls also clarifies his original position and asserts that this is just a device of representation and is not intended to serve as the ideal model for his conception of the society. These features are clearly aspects of Rawls's new and more modest approach to the political morality of liberalism and this is the reason why he frequently refers to "the constitutional democratic regime" in order to demonstrate that his intention has not been to devise a new normative theory of political liberalism. However, with this move that emphasizes democratic (read liberal democratic) tradition in the Anglo-American world, he implicitly confesses the impossibility of justifying liberalism just by the help of philosophy. This then constitutes indeed an escape from the inconsistency of the liberal moral doctrine which preaches moral neutrality in the name of moralized values of freedom, individual will and constitutional contractualism.

In this work Rawls tries to distinguish between two moral conceptions: one that is comprehensive which addresses the problem of justice, and the other the political conception of justice that is independent of any moral theory. Political conception of morality necessitates an overlapping consensus about justice. Overlapping consensus "consists of all the reasonable opposing religious, philosophical, and moral doctrines likely to persist over generations and to gain a sizable body of adherents in a more or less just constitutional regime, a regime in which the criterion of justice is that political conception itself" (Rawls, 1993: 15) In other words, overlapping consensus indicates a consensus on moral principles that

allows room for change. However, this alteration of the theory still resists the hidden virtue in the Rawlsian theory: the liberal conception of the good. Rawls carefully exempts the liberal notion of the good that is based on self-interest and the sharp distinction between public and private from his argument of overlapping consensus. In other words, while all individuals are assumed to move towards a political conception of moral consensus, the liberal state and its constituent elements such as powerful lobbies and the bureaucratic circles are placed as referees within the neutral state picture.

4.1.4 The Implications of the Rawlsian Theory for the Liberal Political-Normative Crisis

So far I have discussed the elements of the Rawlsian liberal theory and tried to present its problems and shortcomings broadly. Now, I will turn to where Rawls stands in terms of his conception of identity, rationality and universality in order to understand whether he can really offer remedies for theses three major sites of the legitimacy crisis of liberalism.

4.1.4.1 The Conception of Self in Rawls

Because of the equation of difference with disorder, the individual self in Rawls is defined more or less as the classical liberal subject. As Rawls does not sufficiently elaborate and ameliorate the the conventional liberal understanding of the self, the individual remains as a being who is isolated, indifferent to the other, self-interested, duty-bound and the seat of a rational disposition. As we have mentioned before, persons in this stage have two powers: a sense of justice and a conception of the good. However, in the face of the theory's claim for its moral neutral stance on the constitution and nature of the self, these two capacities seem rather

essentialist and somehow self-affirming. Because both virtues or senses necessitate a construction and formation of identity that precedes the original position where no human quality and information is possible. Hence, the inception of the theory's search for a contractarian liberal justice start to fail just at this point.

The veil of ignorance in the original position tends to favor a conception of the person who is taken out of his proper lifeworld and his particular connections and relations. Although this is used to highlight the hypothetical process of arriving at principles of a liberal justice, we must not forget that it is this very conception of the person that makes justice and the deontological claim possible. Hence, in theoretical perspective at least, the characterization of the self with a lonely rational being has immense bearing upon other arguments of the theory. Hence, Rawls's claim (1971: 129), namely that liberalism has "no particular theory of human motivation" defies his own conception of the person. Rawls suffers from his modernist inclinations which also support and nurture the liberal ethics: for example, for him there is such a thing as moral progress in history, that the man has a desire for freedom and exercise of his highest powers (Schwarzenbach, 1991: 543).

The Rawlsian liberalism like other forms of liberalism that we have covered in the previous chapter falls prey to its own weaknesses. The individual is defined as pre-political if not anti-political. As Honig (1993: 127) argues, the task Rawls assigns political theory and politics is "to dissolve the remainders of politics rather than engage them." Hence the modern conception of rights is dissociated from the social ends, hence sharply dividing between rights and responsibilities. While the liberal self has rights, he has hardly as strong responsibilities as he needs to towards the

public. This, in return, contrasts with the Rawlsian claim of justice as social consensus and contributes to the modern fact of moral indifference and lack of public solidarity. Barry (1989: 182) says: "as [Rawls] presents it, justice can be exercised only by people who are totally indifferent to one another's interests." It also necessitates a notion of justice that is possible only under circumstances involving conflict, hence such a conception of justice would lead to discouragement of sociability and care: a normative indictment of solidarity from the outset of the theory.

Rawls's definition of reasonableness as the political liberalism is problematic in terms of the conception of agency. Because he implies that "those who are not already liberals are excluded from the category of persons from whom an overlapping consensus about justice is sought" (Hurd, 1995: 811). Thus emerges depoliticization, in other words, silencing of the Other. Honig (1993: 128) is right in asserting that "justice as fairness is forced to draw on otherness as a resource to secure itself even as it insists that one of its greatest merits is its refusal to treat others merely as means and not also as ends in themselves." As Hurd explains, Rawls excludes those who are most in need of his message. Although the real threat to a liberal regime appears to derive from the plurality of non-liberal and thus unreasonable conceptions of the good, it seems that the liberal creed does not need even to convince them before excluding them out from the political sphere.

The self in Rawls's picture is normatively constructed. So, we may also question whether such a conception of person is desirable at minimum. Swift and Mulhall assert this fact: "Perhaps ... Rawls's and liberalism's prioritization of individual freedom is coherent but undesirable, unwarrantedly emphasizing one aspect of

moral life at the cost of neglecting others" (Mulhall and Swift, 1992: 13). As Baumeister explains it, although Rawls assigns certain room for incompatibility and diversity for philosophical and moral convictions, he endorses a homogenous conception of the public and hence establishing limits to diversity.

As Benhabib (1994: 175) calls it, the liberal self is a generalized other. It means, the role, significance and even the existence of any particular individual as a being of moral respect is codified in institutions in the form of civil, legal, and political rights. She thinks that Rawls's theory like other liberal theories, has "proceeded from models of universal citizenship, and [has] not considered the constitutional relevance of the standpoint of the generalized concrete others . . . who may want to preserve their way of life" (Benhabib, 1994: 177).

Rawls clarifies his position in *Political Liberalism* in terms of the conception of the self, by stressing that by selves he means *people qua citizens* (Mulhall and Swift, 1992: 175-176). This enables him to distinguish between people who as private individuals can hold certain moral standards and convictions, but still can isolate these concerns when it comes to their becoming citizens, following the liberal schizophrenic distinction between public and private selves. This distinction is also problematic from the viewpoint of the political: it establishes a purportedly less political figure (*person*) in the liberal sense before the all-powerful liberal conception procedural politics, while supposedly more political figure (*citizen*) faces a weak and almost non-existing liberal moral political order. In other words, the Rawlsian liberal self like the classical liberal self which I have discussed in the previous chapter, is left alone before the moral and political aspects of the liberal state which are deliberately kept distant. Hence, depoliticization occurs in this very

plane besides the invented perfection of the original position and the basic structure. In other words, political closure instead of politicization is the outcome. And what is even more alarming is that this is done in the name of a *political* conception of liberalism.

This in return has an impact on his conception of the political: Although he has been trying to reformulate the individualistic and natural rights type of liberal discourse, he cannot be considered to be as successful in replacing it with a viable alternative because of "his incapacity to think of the collective human aspect of human existence as constitutive. The individual remains the *terminus a quo* and the *terminus ad quem* and that prevents him from conceptualizing the political" (Mouffe, 1990: 232).

As we can see, Rawls's attempt to correct the essentially biased and flawed notion of the liberal self cannot yield positive outcomes. His self, like that of the utilitarian, Kantian and the natural rights approach suffers from isolation and his theory cannot improve the liberal weaknesses of inflexibility towards change, difference and disruption.

In short, the conception of the self which must be the strongest element in Rawls's account proves to be the weakest since he loads the self with all the claims and tenets of the theory that presumes to construct a moral vision. The main drawback of the Rawlsian conception of the self is not really how a political system utilizes certain moral elements such as his, but how that political system substantiates a conception of being which is not victimized in the way of twisting and bending the

human self to conform to a certain systemic requirement, such as consensus or purely rational mode of thinking and action.

4.1.4.2 The Conception of Rationality in Rawls

Rawls maintains a difference between reasonableness and rationality although he thinks they are complementary (Raskin, 1993: 776). The term "rational" means seeking of interests and ends of peculiarly private character while the term "reasonable" tends to seek social cooperation and thus consensus and change. In other words, while rationality drives towards clash, reasonableness is introduced as a remedy to it, because it involves cooperation. Here reasonableness also means willingness to sacrifice or ignore first-order moral convictions in favor of a liberal solution whose legitimacy and moral significance is actually in question. But without discussing this aspect, he arrives at the conclusion that "the most reasonable political conception of justice for a democratic regime will be, broadly speaking, liberal" (Rawls, 1993: 156). However, as Mouffe (1990: 224-225) argues, the difference between the rational and the reasonable does not permit any space "for something properly political whose nature we could establish independently of morality or economics." This notion of rationality posed to secure agreement is a direct threat to the notion of the political as the expression of disagreement, as argued by Mouffe (1990). Rationality as the guarantee of consensus is not a viable conception of the political.

The rationality argument in Rawls is certainly aimed at guaranteeing the unity of a universal subject which is supposed to think, act and be governed in the same way. However, it also has its burdens: by placing rationality within the positivistic framework, the Rawlsian rationality cannot remedy the liberal misconception

about the human nature, nor can it replace it with a new perspective that considers the individual and the Other as necessarily situated and bound in each other's being. Hence, the rational individual tends to cause the same type of problems that we have discussed in the previous chapter.

Rawls's argument for rationality is directed against the perils of moral fragmentation by pluralism. Public reason mitigates such negative effects for him since it is the means by which individuals of different moral conceptions can come up with a common, just and political solution. In other words, reason here is taken as something against individual convictions. However, by looking at the primacy of instrumental rationality in Rawls, it is hard to deny that that type of rationality is certainly yet another moral conviction. This is why Rawls characterizes rational persons as moral persons following Kant (De Lue, 1986: 97). It is also the reason why Rawls comes to claim that "a rational individual does not suffer from envy", for example (Katzner, 1980: 56). Through the use of rationality argument that has as universal claims as Kant's "rationality as morality" formula, Rawls in fact tries to justify his attempt, overlapping consensus as a partial agreement, or the claim that individuals can agree on disagreeing. This claim however is subject to criticism because it tries to easily get rid of any possibility of clash of moral positions in modern society and thus distorts the reality. Because, almost all moral discourses including many religious positions today utilize the same icon of instrumental and calculative rationality in defending their own positions. Therefore, the theory once again falls down as it fails to acknowledge the diversity not only within moral positions but also within their respective conceptions of rationality.

Reasonableness as the only element for cooperation is contentious, because each conception of reasonableness is hidden within a certain epistemological set of principles, and it would never be easy for individuals just to drop these backgrounds which are at the same time ontological trajectories for them, and subscribe to a completely different conception of the life, world, the good and the final political solution. Rawls acknowledges social construction of individual, but his claim for rationality negates it as he argues that the parties in the original position are "mutually disinterested calculators whose sole interest is to secure the greatest amount of primary goods possible for themselves" (Baynes, 1992: 52). Hence, his conception of the self with a rationalist color is not poised to cooperate and prove solidarity, does not nurture care and compassion, but depend on the primacy of material interests in the way of participating in a just society.

Some critics also charge Rawls's political liberalism by suggesting that if the persons are so divided about their first-order moral convictions, they would hardly agree upon two principles of justice that Rawls talks about, and that it may not be reasonable for them to put aside their religious and philosophical convictions when they are discussing how to apply those principles to real issues.

This argument of reasonableness also carries the risk of excluding those convictions and moral positions which prove to be in contrast or outside the liberal certification process. Hence, the argument is not only theoretically implausible, but may become totalizing and hegemonizing at the same time. Rawls exhibits the common perils of the Enlightenment conception of a unitary self, and a universal rationality which would be justified in reference to a homogenous normative framework by which diverse and communal values are ignored or negated. In this

sense, he seems to fail to reclaim liberal ethics from the weaknesses that I have discussed in Chapter III. Moreover, we can still see the common liberal notion of rationality as equivalent of calculation of and advancement of "interests" although Rawls calls them "aims". When rationality is confined to this sense of bargaining, the solidarity and cooperation that is expected to issue from any arrangement designed with the ideal of justice or any other moral ideal tends to bend towards injustice since any such bargaining could function in favor of the more powerful, not more just. Even more, as Bellamy (1996: 81) explains, it is also possible for persons to rationally decide that "the advantages of the exercise of a given liberty are outweighed by its destructive effects on other valuable aspects of social life."

4.1.4.3 The Conception of Universality in Rawls

While Rawls presented his *A Theory of Justice* in a rather universalist interpretation, his later work, *Political Liberalism* manifested that his main focus was the contemporary western liberal society. In some sense, this is related to his mentioning of certain "our" public political culture which signifies the embodied moral principles in contemporary western political institutions and social practices as well as the tradition of their interpretation. Schwarzenbach (1991: 541) explains this further in relation to Rawls's conception of the self and rationality: "[*A Theory of Justice*] furthers the illusion that mankind itself is to be conceived on the model of modern Western bourgeois individualism and its instrumental, market rationality." Hence, it is not surprising to conclude, just as Barry (1989:185) does, that the principles that would be acquired by the participants behind the veil of ignorance in the original position would be "those of liberal nationalism."

Not only the state retains its center in Rawls's theory, by only changing its locus, it also enables the submission of the selves to it even more by the virtue of its justificatory power. In other words, the selves in the Rawlsian perspective are encouraged to become "relatively passive consumers" of the state's goods and services (Honig,1993: 129).

Communitarians, and especially Walzer, argue that Rawls's theory is designed to apply universally and cross-culturally. In replying this charge, Rawls asserts that his notion of the self is derived from the western political culture and hence culture-specific. This may be taxed as his "being ethnocentric" (see Taylor, 1989: 165). He seems to strengthen this charge since he continues to argue that "a society arranged in accord with his theory is the best sort of society for human beings to inhabit" (cited in Mulhall and Swift, 1992: 212-213). Rawls does not take his principles of justice to be rational, but instead claims that they would be rationally chosen (Katzner, 1980: 69). For him, liberalism is the universal morality (Brown, 1988: 69).

Rawls regards the basic structure of "our society" referring to the western liberal society as a coherent pattern of shared ideas (Mulhall and Swift, 1992: 172-173), thus uploading the universal ideal with a color that serves only to legitimize the existing power structure in that society which also has dominating and encircling effects outside its historical tradition and geographic boundaries.

With his recent approach to political liberalism, Rawls comes closer to the particularist approach of the communitarian thinking. Indeed some scholars now

tend to call him a "communitarian liberal" (Doppelt, 1990: 49).[10] This does not indicate that all those quasi-universalist arguments found in *A Theory of Justice* are abandoned. Just to the contrary, Rawls points to the Anglo-American liberal democratic model as the intuition behind his notion of a political morality of liberalism. In other words, his metaphysical universalism in the former work is replaced by a particularist and explicitly West-centered universalism. This new universalism calls for a new modeling of the liberal political creed not only by reinvigorating its universalized elements such as freedom, respect, individual autonomy, etc., but also by recentering its universalist neutralist claim that is peculiarly and inevitably defeated by its particularistic, i.e. Eurocentric orientation. We can see clearly how the claims for universality and conformism support each other in his theory as well as in liberal theory as we have tried to show in the previous chapter. This is a symbiosis that elevates power as a moral ideal and value over any other conception of political morality. And it is for this reason that empowerment as well as disempowerment takes place in the same terrain as the tactics and maneuvers are introduced for moralization and remoralization of the same power structure. In parallel to this process, the political changes its nature from being a constitutive, dynamic and resistant feature of the human agency and social life, to a passive, conformist, and proceduralist game whose only vibrant feature remains legitimization of the existing political order.

Walzer's critique highlights well this finding: "since justice as fairness is intended as a political conception of justice for a democratic society, it tries to draw solely upon basic intuitive ideas that are embedded in the political institutions of a constitutional democratic regime and the public traditions of their interpretation"

[10] Rengger (1995: 216) says, "Liberals like Rawls have stolen some of their communitarian critics' clothes."

(Mulhall and Swift, 1992: 180). So, although Rawls rejects Walzer's charge that he does not attend to particularity, because he does exactly what the above sentence explains, his conception of the constitutional democratic tradition is itself universalist.

The ramification of this confusion between the local and the universal in the liberal thinking is another factor that negates the limits of the political as well as the ethical. Because, as communities or individuals are defined with reference to a certain tradition and existing framework of social and political organization, those shared meanings and traditions themselves become the essential –though perhaps the most fragile-- elements for the universalist claim, and therefore constitute a model, a normative ideal that in return supports the relevance and legitimacy of that particular tradition. In other words, the Eurocentric emphasis on particularity both substantiates its privilege as a distinct and the most complex form of the human organization in moral as well as political senses, and at the same time it makes it the only deserving model in the service of the humankind.

Hence this distinctiveness as well as the emulative ideal based on the modern western liberal society limits the options left to other societies whose principles, norms and behavior of human organization may differ slightly or radically from the western one. This means a limitation of the political sphere not only in those societies which are encouraged to follow the example of "the city on the hill", but also in the very societies where those particularistic idealist, i.e. Rawlsian or communitarian views are rooted since the universalized interpretation of their traditions and institutions would also restrict alternative political and ethical

formations and configurations which are most possibly to be acquired from the "outside".

In this sense, the universalist accent on particularity becomes an anachronism, something that both suppresses it and at the same time glorifies it. It also has a direct impact on the othering process, as any universalist aspiration leads to a narrow notion of the ethical responsibility and the care for the Other. It is therefore not surprising to observe that the Rawlsian universalism in the form of his "justice as fairness" argument on the one hand, and the Rawlsian particularism in the form of his endorsement of the western "liberal society" as a model on the other, perpetuate the same liberal practice of Othering and negligence of commonality with the Other in favor of a homogeneity at home. However difference lies at home too. And this fact is the very reason why political and normative resistance to the universalist modeling that we have mentioned emerges in the forms which liberalism cannot grasp and eventually become a victim of its own strategy of disempowerment via false promises.

It is an interesting coincidence that this remodeling took place as the supremacy of the American brand of the liberal world order started to ascend after the late 1980s. Thus this new universalism based on the liberal tradition has a new element to offer to the rest of the world: a model which is tested and proved successful *prima facie*. However, with the advent of new social movements, new claims for collective identity and other effects of a globalizing world, along with the disrupting postmodern thinking, Rawls's correction of this own theory seems to be defeated once again at the very juncture it seems to claim a victory: that the political liberalism can no longer burden the heavy load of universalistic claims in

the face of decentering and displacing phenomena that I have defined as the "change" in Chapter II.

In this section I have provided a critical overview of the elements of the Rawlsian theory and his position regarding the liberal conception of identity, rationality and universality. I concluded that the "justice as fairness" approach of Rawls, although endowing the liberal theory with a very significant theoretical and normative extension, however suffers from similar misconceptions and problems on the part of its consideration of the relationship between ethics and politics. Let me now present a similar analysis for the communitarian school which challenges the Rawlsian extension and the liberal theory with its reliance on a neo-Hegelian conception of politics based on virtue, community and communal responsibility.

4.2. Communitarians: Any Better Remedy?

In the previous section I have critically presented Rawls's theory and indicated its shortcomings. In this section I will attempt to discuss the elements of the communitarian theory and how it relates to our question of the legitimacy crisis of liberalism. This will give us a balanced view by which we can determine whether and to what extent the non-liberal approaches to the problems manifested by the legitimacy crisis of liberalism can provide a satisfactory response by which the corroding and depoliticizing effects of the crisis perpetuated by the liberal conceptions of identity, rationality and universality may be overcome.

4.2.1 The Communitarian Position

Since 1980s, a circle of thinkers especially of the Anglo-American affiliation has been involved in a debate on the limits of political liberalism. They advocate social

responsibility alongside with individual rights, and that individuals are situated within communities. This circle is generally tagged as "communitarians".

Communitarians like Etzioni (1998a: xiii) conceive community as the expression of shared meanings and values. They reject the Rawlsian priority of the right over the good. Instead, they think the good comes prior to the right which indicates that they attribute more importance to the moral self-realization of the selves. The communitarians object both authoritarianism and libertarianism (for example, see Tam, 1998). We will analyze in subsequent paragraphs whether this understanding is coherent in the face of plurality of values and meanings in the modern liberal societies.

Communitarians defend a common good and its relevance for the communities in their political, moral, economic and social relations. They defend social virtues and argue that civil society, not the liberal state, is the best guarantor for fulfillment of the common good (Etzioni, 1996: 157). They also claim to replace the Kantian *Moralität* with the Hegelian *Sittlichkeit* in that they argue that a political morality can only be defended with reference to the shared traditions of a certain community (see Kymlicka, 1989: 54-55).

Communitarians believe that the quest for ever greater liberty does not make for a good society. What is needed for them, is "a profound commitment to moral order that is basically voluntary, and to a social order that is well-balanced with socially secured autonomy" (quoted in Lloyd, 1997: 28). They generally emphasize communal values such as solidarity, reciprocity, fraternity, and community itself

(see Frazer and Lacey, 1993: 110). They, like Etzioni (1996: 157), see individual rights and responsibilities as complementary.

Communitarianism relies on diverse sources and thinkers.[11] Especially in its political manifestation, it can be understood as the effort to find an optimal balance between individual freedom, equality, and social solidarity. Yet it often remains a vague project. Amitai Etzioni, the champion of its popular version, calls it not an idea, theory or doctrine, but a perspective. For him, communitarianism is "liberalism properly conceived" and he calls for a "moral awakening without puritanism" (Lukes, 1998: 87-89). This is the reason why some even call them "liberals in disguise". In this sense, there are cleavages between different sorts of communitarians. While some like Etzioni may be considered as conservative, Alasdair MacIntyre, and Sandel for example, refuse to be called a communitarian (see Dagger, 1999: 182; and Lukes, 1998: 89). Walzer, on the other hand, takes welfare state as the very symbol of community whereas Taylor relies on a linguistic analysis of the communal bonds we have.[12] Just as there are many differing positions within liberalism, communitarians too lack coherence from the neo-classical MacIntyre to the socialist-minded Walzer.

The projects sponsored by various communitarians are also different. For instance, Sandel (1999: 209) is for a republican democracy that favors the cultivation of civic virtues. While Walzer, Benjamin Barber, and Sheldon Wolin argue for the civic importance of maintaining strong and direct democratic processes, MacIntyre, Taylor and Sandel emphasize the importance of allowing democratic

[11] Aristotle, Cicero, Aquinas, Machiavelli, Montesquieu, Rousseau, Jefferson, Tocqueville, Hegel, Arendt are some of the thinkers presumed to be on the communitarian lineage (see Fox, 1997: 562).

[12] Some scholars like Mulhall and Swift (1992: 162) characterize MacIntyre and Taylor as "the most fully-fledged communitarians" than Sandel and Walzer, for example.

politics to operate in light of authoritative and constitutive traditions (Fox, 1997: 563). In general, the movement may be said to embody a marriage between the republican virtue with democratic equality (Kautz, 1995: 2).[13]

The communitarian rhetoric often relies on a critique of the Rawlsian interpretation of liberal democracy. In its essence, the neo-Aristotelian communitarian critique of liberalism is largely a critique directed against Rawls's neo-Kantian account of distributive justice. What characterizes the debate between the liberals and the communitarians is this fact rather than the general discrepancy between liberalism and other types of critique.

Communitarians have focused on the critique of Rawls for variety of reasons: First, Rawls has reinvigorated political theory and the communitarians are motivated by his new emphasis on moral basis of liberal democracy. Hence, Rawls's theory represented a fertile ground for debate on the question of the political and the moral. Secondly, Rawls has fast become *the* liberal thinker of our time, one who most powerfully echoes the efforts of the classical liberalism to cope with today's facts, such as pluralism and multiculturalism. Thirdly, Rawls touches upon the social nature of the liberal self which is by itself a novelty for the liberal theory and thus benefits any critique of the theory from the vantage point of the primacy of society versus the individual. Fourth, with his proposal of a deontological approach, Rawls has triggered the attack by the neo-Aristotelian and the teleological perspectives which in this case are best represented by communitarians such as MacIntyre, Taylor and Sandel (see Thigpen and Downing, 1991).

[13] In this sense, communitarians have certain affinities with the republican, hermeneutic, Habermasian, pragmatist, socialist and feminist lines of thinking (see Frazer and Lacey, 1993: 102).

The communitarian critique of Rawls may be grouped in five phrases, following Mulhall and Swift (1992: 10-33): 1. the conception of the person is problematic, 2. it propounds an asocial individualism, 3. it is universalist, 4. it is subjectivist and moral skepticist, 5. it is anti-perfectionist and has a false neutrality claim.

My purpose in this part which analyzes the communitarian response to the Rawlsian political morality is twofold: On the one hand, we will try to see to what extent and how a neo-Aristotelian alternative to the liberal conundrum fares, and on the other hand, how the versatile and multifaceted communitarian critique of Rawls provides us means which we can use in finding out to what extent Rawls' theory can be an amelioration of the liberal thought in repairing the liberal legitimacy and the faults of the liberal political morality.

I will try to analyze the communitarian response to Rawls in the same way as I have done in the previous chapters, i.e. by relying on our distinction between three sites of the legitimacy crisis of liberalism: the conception of the self, the claim for rationality and the appeal of universality. In my discussion below I will try to cover main figures of the communitarian thinking as we consider their critique regarding Rawlsian liberalism under each of these headings.

4.2.2 The Implications of the Communitarian Thought for the Liberal Political-Normative Crisis

4.2.2.1 The Communitarian Conception of Self

Taylor suggests what may be one of the best phrases to characterize the communitarian notion of the self: "community is a structural precondition of

human agency and selfhood" (Mulhall and Swift, 1992: 121). Indeed, the main difference between the Rawlsian liberalism and the communitarian thought is that the latter emphasizes the primacy of community in shaping the self while the former grants it an *a priori* existence.

The major assault on the Rawlsian liberal self comes from Michael Sandel. Sandel is the communitarian thinker who exhibits the flaws in the distributive justice theory basically stemming from the conception of the person. Sandel launches five major arguments criticizing the Rawlsian notion of the self. First, Rawls is committed to a conception of the self that is metaphysically rather than substantively flawed, in other words, the self in Rawlsian account is attributed a certain unchanging essence. Second, he accuses Rawls of defending an asocial individualism and the lack of community in his theory. Third, he thinks Rawls reduces moral choices to arbitrary expressions of preferences, and thus becomes a moral subjectivist. Fourth, Rawls's supposed neutrality between competing conceptions of the good is false given his endorsement of a liberal good in the form of individualistic values. Fifth, Rawls is inconsistent in his portrayal of the self since sometimes he uses the intersubjective notion of the self against his own conception of the antecedently individuated self (see Mulhall and Swift, 1992: 40-69).

For Sandel, Rawls subscribes to a very specific nature of the human subject. His accent on human being as the autonomous chooser of his own ends leads him to emphasize the priority of self over his ends. The self is unitary and constructed before his ends, i.e. he/she is antecedently individuated, so the autonomy of the self becomes easily asocial and carries a normative value in itself. Hence the Rawlsian

self is metaphysical and disembodied. It is not liberated, but dispossessed (Gill, 1986: 112). Plurality and separateness are two essential features of the human beings for Rawls (Mulhall and Swift, 1992: 48). This, in turn, defies Rawls's claim for a well-structured society that is established over consensus of the selves.

Sandel focuses on the flaws of the Rawlsian self as follows: First, the person always decides alone on which ends to pursue, no other external factor has a role in play in this determining. Secondly, the self is not permitted any intra-subjective understanding of the self. Thus it risks the way Rawls thinks how the self is positioned towards social cooperation, and distinguishes between his own end and the social ends. Third, Rawlsian self commits him to an impoverished understanding of political community. The good of the political community is participation in a well-ordered system of cooperation for mutual advantage, hence both the identity and the interests of the participants are ruled out, making the political dissipate in this formalist and proceduralist scheme.

I think Sandel is right in pointing out this fact of depoliticization and disempowerment in the Rawlsian theory (see Gill, 1986: 112). It is of course based on how he defines the political subject and relates him to the larger social domain. What is striking in the Rawlsian theory is the imbalance between the construction of the individual and the well-ordered society: while the persons are considered as rational and thus self-interested, Rawls tries to balance this centrifugal force by introducing his principles of justice under the very dubious assumption of people giving up their first-order moral conceptions for the sake of the political agreement. Thus two ends of the formula, namely the self and the society tend to pull apart, rather than pull closer as he intends to do. So the bridge he tries to

construct between an autonomous and indifferent self and the contractual social order and the political domain collapses since it lacks sound and consistent foundations.

Sandel is also right in revealing that Rawls suffers from the common liberal fallacy of moral neutrality since an autonomous and rational self is necessarily a self which is situated in a certain conception of the good As MacIntyre argues, in addition to the fact that political liberalism has its own good, it tends to eliminate other goods in the society. (Mulhall and Swift, 1992: 53). Rawls with his moral skepticism actually enhances the false neutrality argument of the liberal thought since no particular good may be sponsored by the state, according to Rawls.

In other words, Sandel is worried that such an autonomy would lead to undermining of social ends and bonds that he wants to stress. The alternative which Sandel proposes is a constitutive attachment to the community and the communal values. However, he does not approach the problem of the self in his case from a similar vantage point as he does in critiquing Rawls. Because for him, human beings being socially constructed and following social ends would become a better political society. This normative view, however, merits further discussion since the question then becomes which community, which constitution and which common values and ends? I will try to answer this in following paragraphs.

Sandel characterizes the Rawlsian conception of the self suffering from a liberal "metaphysical myopia". He argues that the Rawlsian liberal conception of an autonomous self actually conceals "the imposition of strong and implausible restrictions upon the range of values, projects and conceptions of the good from

which that person is permitted to choose" (Mulhall and Swift, 1992: 55). I agree with this critique, however I also wonder how Sandel would reply the same charge when it was turned around by changing the "liberal self" into the "communitarian self" and posed against his own profession of communitarian values. In that case, I believe Sandel's own project could too be easily labeled "metaphysical hypermetropy" since such a vision that is based on the priority of the social ends and projects could endanger the individual will and autonomy.

In the same light, Sandel's critique of Rawls for his ignorance of the social or communal human goods, in short, sponsoring an asocial individualism clearly makes an important point. However, what communitarian conception of the self offers us in return is not much more promising since it risks imprisoning the individual will within the larger and more powerful will of the community.

A further critique by Sandel revolves around the subject of desert. He argues that if the person is defined as the being whose talents, natural assets, character and abilities are not deserved as Rawls claims, then those attributes cannot be integral to the identity of the self. Hence the lack of the principle of desert in fact pushes the whole theory towards a sharp distinction between the self and his possessions or attributes, thus giving way to the Kantian notion of a disembodied self (Mulhall and Swift, 1992: 62). According to Sandel (1987: 14), the self as defined by Rawls is "essentially unencumbered subject of possession" and is both morally objectionable and internally incoherent. This makes the self separated from his ends and thus undermines the very notion of moral agency since a self that exists prior to his ends must be a self "wholly without character, without moral

depth"(Sandel, 1987: 180). In the words of MacIntyre (1982), such a self is nothing but a "ghost".

Consequently, Sandel argues that Rawls's general commitment to a self that is antecedently individuated necessitates a political community "as a system of cooperation between mutually disinterested persons", thus disturbing the very promise of a well-ordered society. The political in this sense is weakened and instead the primacy of proceduralism and order comes in. On the other hand, his "conception of moral judgments as arbitrary expressions of preference" reduces moral positions and differences to mere rational choices, and eliminates the relevance of particular moral positions except that of the liberal state in political configurations. It also implies a moral skepticism and subjectivism that are presented behind the liberal motto of "moral neutrality" (see Mulhall and Swift, 1992: 66).

Michael Walzer favors moral plurality and is against conservative agenda of imposing family values. He is closer to the liberal creed in sponsoring the equivalence between autonomy and toleration. He suggests that toleration makes difference possible; difference makes toleration necessary. He is as well suspicious about religious majorities. For him, diversity and difference are important concepts. He perceives the postmodern ethics as something dangerous since it tends to lead people to think of life without clear boundaries and secure identities. He is worried about the effects of this postmodern project especially those effects like high divorce and illegitimacy rates that produce dissociation (Wolfson, 1999: 37-51).

Alasdair MacIntyre launches a critique of liberalism based on his general critique of modernism and remarks that it is just a reflection of the general modern inability to perceive that every human good or end has its origin in social matrices, i.e. communal values and traditions. MacIntyre thinks that the liberal conception of the self is emotivist and hence unencumbered, and as a result, moral judgments made by such a self become arbitrary and subjective rather than rational. He also thinks that Rawls's theory is doomed to fail because his unencumbered self cannot deliver the rational grounding the theory requires and thus the theory will not be able to form the substance of a political consensus in his society (Mulhall and Swift, 1992: 93-96).

As Charles Taylor explains, the communitarian conception of the self presents itself in a hermeneutic way: moral thought is inseparable from our own social life. The communitarian rhetoric draws upon hermeneutics and social constructionism. (Haste, 1996: 47). The selves are related to the community not only in ontological way, but also in his self-interpretation. Thus it is always situated in the community. Taylor says freedom without social bonds is a void (quoted in Kymlicka, 1989: 47). Sandel adds that moral thought is itself embedded in families, political communities, and groups.

For communitarians, the men are self-interpreting animals, therefore they can only exist in their individual and collective self-interpretations. Such a view makes the communitarian notion of self theoretically more meaningful. While it is true that individual autonomy does not exist in a vacuum, but is situated in various aspects of social life, their proposal for a community-wide sphere for action and its motifs

is rather restrictive. Here the mistake of liberalism seems to be balanced with yet another mistake by putting more weight against it.

There is a further problem with the communitarian conception of the self. They offer a socially embedded self as an alternative to the liberal conception of an "autonomous, ahistorical, self-distancing individual." (Selznick, 1995: 34) Nevertheless the communitarians do not take into consideration the fact that those "socially situated selves" have already gone through the isolating and separating experience of the liberal culture. In other words, even if the communitarian project wins over the liberal one which it actually does not really aim at, the persons out there will not be any more the Aristotelian or the Rousseaudian members of a *polis* or a city who would be inclined to share, deliver and burden responsibilities out of nowhere. In other words, a plausible communitarianism could assume not only fragmentation of the human self, but also the fragmentation of political and moral value (Frazer and Lacy, 1993: 152).

In this sense communitarianism seems a rather limited attempt in practical terms and remains an abstract ideal. Because the liberal experience has already colored those "communal values" and virtues that the communitarians talk about. One example is the racial segregation and discrimination that has been at the root of a long period of history in Europe and America which was nevertheless made possible under liberal governments. Hence, some of the communal values may indeed be the worst nightmare of any communitarian who genuinely wants a real democratic framework. This takes us to the conclusion that the communitarian self is a compromise between the liberal individualism on the one hand, and nationalism and paternalism on the other (see Frazer and Lacey, 1993).

Communitarians equate political action with identity. As the MacIntyre's neo-Aristotelian conception of the political community signifies, the political becomes the arena for developing the understanding and the good life and hence pulls politics closer to the shared ideals and hence may be seen as more friendly to participation than liberalism (Mulhall and Swift, 1992: 99-100). However it is rather unclear how the priority of the communal action would require a purely communitarian politics. In other words, the communitarian definition of the encumbered self is not sufficient to devise a specific type of politics which could be called purely "communitarian". Because the communal aspect of the individual is but one attribute of his political figure. The selves may well be inclined not to cooperate and make solidarity, but instead to imperialize the relations they have. Then, it is the content more than the form of the communitarian definition of the political self-rule that matters in practical terms. There is no guarantee of elimination of antagonism as the selves are defined having common attributes, because even larger and stronger commonalities have already been designed and imposed by the liberal nation state, yet these commonalities are now often the cause of estrangement, indifference and annihilation of the other.

Some initial signs of this dangerous turn can be observed in the communitarian dismissal of difference and "radical multiculturalism." Selznick (1998a: 5-6) suggests that "in contemporary popular liberalism, equality as difference threatens to swallow equality as humanity." He also reiterates the objection to radical difference for it is a prescription for fragmentation and that it prevents the unity required for ideal of community.[14] In the light of these observations, we may even

[14] To highlight that communitarianism is not an alternative to liberalism in the context of the conception of the self, it is useful to recall how Sandel defines their own thinking: "an attempt to

conclude that under such a shaky theoretical endeavor of communitarianism, the risk of creating antagonisms and turning difference into annihilation seems even more likely than the liberal theory.

4.2.2.2 The Communitarian Conception of Rationality

Teleology is the moral theory of communitarians. For them, the individual moral conduct needs to be following a certain end, which would provide him with its own purpose of being. There are also variations in sponsoring this approach within the communitarian school though. For example, MacIntyre argues that in the absence of any moral tradition that could have survived the modernity's ordeal, the only option left is teleology.[15]

MacIntyre believes that the current moral deprivation from a consistent meaning of truth and reality dates back to the Enlightenment's rejection of the Aristotelian teleology. The outcome is free-floating concepts of truth and reality. The teleological concept describes a goal, a *telos* for the individual which is fulfillment of one's own essential nature. The modern and liberal conception of morality though takes the man as he happens to be. This amounts to the amoralization of civic life as well as politics and creates a sense of disruption. It also plays into the hands of justification of the power even in its most evil appearances.

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identify the limits of the attractiveness and worrth of autonomy; not an attempt to deny that attractiveness and worth altogether" (quoted in Mulhall and Swift, 1992: 164).

[15] He is as well pessimistic about the moral state of the mankind and wants a remoralization in the line of Thomas Aquinas because "the barbarians are not waiting beyond the frontiers, they have already been governing us for quite some time" (quoted in Oakes, 1996).

Communitarian thinking seems to be more concrete and tradition-based than the liberal tradition. Liberal thinkers, as Selznick argues and as I have demonstrated in the previous chapter, tend to be unrealistic about their assumptions on man and his political and moral behavior because of their reliance of rationalistic schemes. However, communitarian thinking claims that reason and reflection are empirical as well as theoretical. They accept critical morality which they warn should not be confused with a universalistic ethic (Selznick, 1995: 35). Yet it seems that communitarians like Selznick (1998a: 9) accept the Enlightenment and the liberal contribution of rationality in the "moral order" without any significant analysis of what that rationality implies for their very ideal of community.

Considering the virtue-based and teleological approach they adopt, the communitarians too load rationality with the claim that the individuals can hardly burden. Their understanding of common good and values indicate that the individual moral reasoning will have limits. This leads to an inevitable division between the personal and the social use of reason. Suppressing the personal interest and reasoning for the benefit of the others will not enable the political to become the arena where people participate in order to understand each other. Hence, that type of teleological rationality will inevitably lead to imposition of a certain code of meaning-making by which the selves will be exempted from relating themselves in their own reasoning.

Moreover, the communitarians do not directly talk about an alternative rationality against the instrumental rationality as they conceive the self socially situated and embodied, their emphasis on individual moral reasoning remains rather limited to the liberal understanding of the content of that process of reasoning. In other

words, the communitarian self has no more room in his rational behavior apart from the enhanced concern for the Other than the liberal self. Communitarianism seems complementary to liberalism, not its alternative in this respect too.

4.2.2.3 The Communitarian Conception of Universality

Communitarians like MacIntyre and Walzer tend to argue that the inadequacy of liberal morality stems from its universalism. They sometimes present the particularistic morality as its remedy (Beiner, 1995:18). Yet, without recalling the implications of the liberal ethics for the political as well as for the legitimacy crisis of liberalism, we cannot really grasp the significance of this negation of universalism by some of the communitarians.

The communitarian criticism of the liberal ethics centers around the observation that "the proper focus of the new morality, and what it censors or affirms, is behavior, not thoughts and attitudes." (Etzioni, 1998b: 42-43) Therefore the society has become a "punitive society" which emphasizes issuing laws to prevent negative behavior instead of strengthening the moral values and virtues, and in the absence of moral guidelines and a moral order. They think that too much intervention is going on for undermining the communal morality and communal principles.

Community is defined as a particular gathering of persons sharing common goals and understanding of life. However, what we see in most of the communitarian literature is a tendency to equate the term "community" with the modern western liberal society into which is added a bit of solidarity and common understanding. They point to the Western liberal society as the model when they face any critique

against their universalism. Indeed it is also this limited notion of community that prevents the communitarians to advocate larger issues than those already debated in those societies. In other words, communitarianism shares the ideal of universalism of liberalism, but this time taking it to mean the predominance of communal bonds worldwide. Walzer "sees the universal principally in what we find to be the same as ourselves within different moral political cultures" (cited in Orlie, 1999: 148). This is thought of preventing otherness to contaminate similarity. However, the homogeneity of communities when conceived as a "fact" indeed leads to conceiving it as the normative example thanks to the singularist and rationalist elements present in the communitarian thinking. Hence, the communitarian proposal is no more hospitable to the idea of otherness than the liberal alternative.

Selznick (1995: 35) argues that liberalism advocates universalism while communitarianism advocates localism. Conversely, I think both theories have their own qualifications in their universalistic arguments. Because both the liberal and the communitarian universalism relies on the model of the modern western liberal society and its constituent values and so-called virtues. For this reason, what Sandel (1992: 24) claims for the liberal notion of community shows us how much both perspectives share in relation to their respective universalist claims: "the liberal vision ... is not morally self-sufficient but parasitic on a notion of community it officially rejects." Neither the moral skepticism of liberalism, nor the moral constructionism of communitarianism can become automatic models for the rest of the world which may possess different historical, ethical, political and cultural traits.

The notion of community, used by communitarians is the very source of confusion (see Frazer and Lacey, 1993: 148). Some of them subscribe to a notion of "community of communities", conceiving each community "as nested, each within a more encompassing one" (see Etzioni, 1998a: xiv). However, such a conception of community is hard to be found in real life situations in the modern western societies because, as Boler (1995: 130) rightly points out, "it is often an ethereal feature of our lives constituted by imagination more than by neighborly conversation." This sense which communitarians attribute to the term "community" is a past station for the western society and was relevant long before the advent of the separation between State and Church, ethics and politics, individual and society. As Mouffe (1990: 222) suggests, "moral and religious beliefs are now a private matter on which the state cannot legislate and pluralism is a crucial feature of modern democracy."

Some critics charge that the term "community" as used by the communitarians refer to either past communal structures or an exclusionary self-contained units. Amy Gutmann suggests that the communitarians want us to live in Salem. Phillips accuses them of wanting to turn back to the past. Although these charges may be justified to some extent, not all communitarians share these views. Those democratic communitarians for example ask for communities that are the seats of democratic participation and decision-making away from the intervention by the non-democratic processes such as bureaucracy and some government regulations. They also defend a notion of community which is open, tolerant and permissive (see Etzioni, 1996: 156).

Communitarians are non-universalist when discussing liberal individual rights, but overtly universal in expounding "human virtues" and social cohesion. For example MacIntyre defends three universal virtues: justice, truthfulness, and courage. He fails, however, why these three virtues are the only ones of universal appeal and how they are diffused universally (see Ferrara, 1990: 33).

It is clear that the greatest difficulty for the communitarians is to define what they mean by community under this hidden universalist and liberal conception. This confusion and ambiguity of the term "community" together with the lack of a thorough analysis of political power results in the communitarian failure to design a consistent political model for the communal values and framework they try to sketch. In other words, in the face of the plurality of communities, such as linguistic, religious, professional, etc. their vision of a unitary community seems rather implausible. It may even exacerbate the effects of the moral and ontological fragmentation of the self by the liberal modern system. In this context, it is usefull to recall what Walzer suggests, namely that both liberalism and communitarianism stand in parallel position with regards to universality because "as liberalism tends towards instability and dissociation, it requires periodic communitarian correction." (Walzer, 1990:21).

4.2.3 Communitarian Ethics: A Serious Alternative?

The communitarian ethics as defined by Selznick (1998b: 61-71) may be said to be composed of the principles and values of equality, mutuality, stewardship and inclusion. In the light of the communitarian claim for the unity of politics and morality, and their often moralized agenda of modern issues and conflicts, such an ethics seems at least implausible in the theoretical sense against a liberal ethics

which seemingly guarantees the moral autonomy of the individual hence establishes itself as the guardian of the tolerance. Communitarian ethics cannot succeed in implementing its agenda in the absence of a genuine communal experience that they can show how it is possible and observable in the very liberal societies they inhabit.

The communitarian proposal with its ultimately failing theoretical assumptions fits well what MacIntyre says about the critiques of liberalism: "Liberalism is often successful in preempting the debate .... so that [objections to it] appear to have become debates within liberalism" (quoted in Oakes, 1996). Despite the hot debate the communitarians have created over the Rawlsian liberal ethics, some critics find the communitarian attack "fundamentally vague and misguided" (for example, see Schwarzenbach, 1991). Some others criticize communitarians for their enforcement of homogeneity (see Elliott, 1994). George Kateb goes further to accuse communitarianism for risking to become docile and even fascistic, while Kymlicka contends that the development of any common good or language leads to exclusion of historically marginalized groups (Fox, 1997). Feminists such as Frazer and Lacey (1993: 130, 141) too negate communitarianism as being potentially conservative and that it appeals to "a romantic and unrealistic vision of the past" while offering "no critical basis for assessing or trying to modify the status quo." Moreover, it may be said that the communitarian thought confuses community as a term with community as an ideal.

Indeed communitarianism in many respects actually complements the liberal creed of individualism and the moral value of separateness of the self. It actually tries to answer the question "what's missing in liberal society?" The answer is often

communal solidarity, and rootedness in a local community (see Beiner, 1995: 22). Eurocentricism is one of these views: For instance, Etzioni believes that some societies have "too much rights" and some others "too little" and the communitarians need to fight for greater rights in countries like China where those rights are few and vice versa in some other countries like the United States for the less (quoted in Lloyd, 1997: 29).

Here emerges the critical test for the communitarians: whether the liberal state with its load of rights and responsibilities can continue facing those challenges on the part of its claims for equality, freedom and welfare for all. Etzioni thinks that the rights discourse of liberalism tends to overshadow the responsibilities that the individuals have. Instead responsibilities are loaded on the government.

"Back to the community" may be the motto the communitarians may use against the all-pervasive liberal government, however, all types of inequalities and injustices such as racial discrimination that is still plausible in these democracies, economic distress and the cultural undermining, are inflicted not only by the government, but also by those communal standards that are expected to instruct responsibilities to its members. Hence communitarianism tends to ignore that those negative communal values and virtues which stand for intolerance and separation are not created in vacuum and for most part are either "trained" or "tolerated" by the liberal government. Then the question "how much government?" turns into "whose government?"

Communitarians ask for cohesive communities more than the liberal conception would permit. However whether their concept of community is an alternative to the

liberal society remains a difficult question. As I have argued, the connotation of "community" in the sense the communitarians understand is either historically irrelevant, a past station, or rather implausible to take root in the social and cultural milieu of the modern liberal societies. This may be the reason why some of significant contributions of this thought including its stress on social constitution of the self, and the importance of normative construction of democracy are easily dismissed as being counter-productive, even misconceived.

Consequently, I think the communitarian attempt remains as a corrective measure[16], a measure that would mitigate the negative effects of the individualistic and rights-based understanding of liberalism which I have tried to explore in Chapter III. In essence communitarianism does not constitute a real alternative to liberalism although it may claim that their aim is to extend the sphere of politics against a liberalism that tries to limit it (Avineri and De-Shalit, 1992: 7).

Their argument is less an alternative than a balancing act for liberalism and this fact has important repercussions for the attempts they make in relation to the legitimacy crisis and three normative political sites of that crisis which liberal democracy faces. In this sense, communitarians rather than overcoming the politico-ethical crisis of liberalism that we focus on, seem to be a part of it.[17] This

[16] "It is clear that the debate [between liberals and communitarians] was carried out ... under the auspices of liberal universalism, with communitarianism playing at best a subsidiary or remedial role" (see Dallmayr, 1996: 281). Honig (1993: 164, 199) too underlines the same fact in suggesting that Sandel's insights are "important correctives to Rawls's liberal assumptions" and elsewhere as "the opposition between Rawls and Sandel begins to look more like an alliance one whose success has been the exclusion and marginalization of destabilizing perspectives and characters."

[17] Indeed some communitarians like Taylor think that liberalism is not irrelevant, but needs to be detached from certain erroneous or incoherent ways which overshadow its central claims (see Mulhall and Swift, 1992: 101). Perhaps, it is for this affinity that Gutmann (1992: 133, 136) proposes communitarian politics may be combined with a commitment to basic liberal values. She also concludes that: "the worthy challenge posed by the communitarian critics ... is not to replace liberal justice, but to improve it.

explains why several writers associated with communitarianism have recently asserted their commitment to liberalism (see Frazer and Lacey, 1993: 146).

There is a common ground between the liberal and the communitarian understanding of universalism. They share the idea that the particular conception of the specific ideals and traditions of the western society is something that has universal appeal and they do this by refusing the universalist charges. It is perhaps for this reason that Mulhall and Swift (1992: 199) tend to consider Rawls as a "distinctively communitarian" thinker.[18]

Communitarianism promises to correct what is mistaken by liberalism. However, in most part, they tend to lean towards conservatism because they lack a comprehensive view about the political power, and the roots of the indifference and resistance of individuals to "calls of moral reawakening and mutual concern" (see Lukes, 1998: 89; and Frazer and Lacey, 1993: 148). As Kymlicka (1992: 185) explains, the notion of a state bringing all members of the community to a shared understanding is the faulty notion of politics of the communitarian school. They tend to think that otherwise "individuals will drift into anemic and detached isolation." It is in the same vein that they tend to ignore the inequalities created by the market processes which they often defend against the libertarian and the authoritarian alternatives.

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[18] Mulhall and Swift (1992: 401) also assert that "if the communitarian claim is methodological – that justice consists in fidelity to a community's shared meanings—then Rawls's justice as fairness is a better communitarian theory than is Walzer's." Similarly, Mouffe (1990: 219) argues that "Rawls has been moving away from a universalistic framework and is now stressing the 'situated' character of his theory of justice."

As I have tried to demonstrate in this chapter, the Rawlsian and the communitarian theories have their own respective weaknesses which prevent them to become formidable projects for a reconstruction of the liberal political ethics. As Dallmayr (1996a: 281) explains, both movements are ahistorical and abstract: both tend to treat their own version as "invariant essences or ideal types that can be instantiated at any time or place." While the liberal approach has not sufficiently consider the social origins and justification of basic rights, the communitarians have not adequately addressed the nature and conditions of democratic citizenship (Baynes, 1990: 61).

Finally I agree with Doppelt (1990: 59) that both approaches share the failure "to rethink and transform the moral identity they posit .... in the light of a more complex and less coherent normative reality then either is aware of."

In this chapter I have concluded that both the Rawlsian extension of the liberal theory and its communitarian rival suffer from similar theoretical problems which do not remedy, but are identical with the legitimacy crisis of liberal democracy especially in terms of their arguments regarding the constitution of the self which is problematic, the relationship between morality and rationality which tends to contribute to formalism and conformism, and the universalist discourse which reveals at its roots a Eurocentric tendency.

In the next chapter, I will consider another neo-Kantian venture, the Habermasian theory of deliberative ethics which aims at constructing a new theoretical realm where democratic participation and equality based on the communicative processes

are emphasized. I will also elaborate on radical democracy approach in general and agonistic democracy in particular as other significant responses to the legitimacy crisis of liberal democracy. My attempt will be to determine how these theories may respond to the current legitimacy crisis of the liberal democratic framework and how they perceive the relationship between ethics and politics in general which also lies at the heart of our inquiry.

CHAPTER V

THE SEARCH FOR A PARTICIPATORY SOLUTION: DELIBERATIVE DEMOCRACY AND RADICAL DEMOCRACY

My analyses in the two preceding chapters indicated the theoretical problems and inconsistencies of the contractarian and utilitarian brands of liberalism as well as the Rawlsian and the communitarian approaches in the realms of identity, rationality and universality. In the previous chapter where I have discussed the "justice as fairness" approach and the communitarian critics of Rawls I concluded that both approaches suffer from identical biases and misconceptions or misplacements of these three sites of the legitimacy crisis of liberalism. Therefore they offer little in emphasizing and reconstructing the democratic legitimacy beyond what the liberal thought would permit.

However this analysis would be incomplete if I did not consider two other major approaches to the liberal democratic legitimacy or the normative-political configuration: the Habermasian deliberative ethics and radical democracy. In this chapter I will critically analyze both theoretical models and endeavor to draw some conclusions for my study which seeks to answer the question whether the liberal ideology and liberal ethics can reformulate itself so that it might overcome its current legitimacy crisis. Again, in this chapter too, I will be focusing on the implications of both approaches for the legitimacy crisis of liberalism, and within it the conceptions of identity, rationality and universality.

5.1 Habermas and Deliberative Democracy

5.1.1 Habermas and The Discourse Theory

The legitimacy crisis of liberal democracy not only led to a reconsideration of the basic tenets of political liberalism as we have seen in the previous chapter, but also gave rise to a strong reformulation of the modern ethical and political question. While Rawls tried to overcome the "liberal conundrum" of legitimacy and ethics through his formulation of "justice as fairness", the attempt by German philosopher Jürgen Habermas represented a revival of the modernist paradigms of universalism, rationalism but also the concern for democratic participation. For him, "the project of modernity, the hope of the Enlightenment thinkers, is not a bitter illusion, not a naive ideology that turns into violence and terror, but a practical task which has *not yet* been realized" (Bernstein, 1991: 3).[1] He guards "the modern philosophy's goal of formulating and defending universal standards of rationality" (d'Entrèves and Benhabib, 1996: 13).[2] Despite his observation that "modernism finds almost no resonance today", Habermas (1996a: 41) is the guardian of the modernity project.[3]

Habermas is aware that the postmodern critique against the very tenets of the modern project is not just a facile opposition, but needs to be countered by

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[1] Habermas continues the critical theory tradition and synthesizes it with the American pragmatists, especially Mead, Peirce, and Dewey. "Like the participants in the great eighteenth-century Encyclopédie, Habermas seeks to bring all human activity under one project" (see Strong and Sposito, 1995: 263-4).

[2] Strong and Sposito (1995: 284) criticize this self-appointed guardianship: "*No one can be the guardian of rationality* – which means that the role Habermas reserves to the philosopher needs to be approached with great caution."

[3] Habermas (1996a: 41) criticizes Nietzsche for his "radical antidiscourse that rejected the entire framework of the Enlightenment" and his antihumanism; Heidegger for his "blind devotion to Being"; and postmoderns in general, for rejecting all procedures and canons of the post-Kantian enlightened reason.

furnishing a new reading of and reconstructing the basic idea of the Enlightenment (d'Entrèves and Benhabib, 1996: 7-13).[4] In this sense, he tries to balance the normative preponderance of the modern thinking with a new core that could remedy the shortcomings, difficulties as well as those dangers like foundationalism, reductionism and essentialism that the postmodern and poststructuralist thinkers similarly indicate. Habermas's venture can be seen as a comprehensive response to the growing postmodernist inclination to radically criticize and condemn the modernist project.[5] In ethical terms, he categorically dismisses the poststructuralist tendency to undermine the normative ideals of the Enlightenment (Schubert, 1995:432). "Habermas privileges *the responsibility to act* in the world in a normatively justified way", whereas the postmodernists celebrate *the responsibility to otherness*, namely, the openness to difference, dissonance and ambiguity.

The modernism that Habermas tries to reconstruct connotes a set of ethical, political and metaphysical presuppositions derived from the European Enlightenment. It refers to cognitive rationality, moral autonomy and social-political self-determination (Dallmayr, 1996: 59). He tries "to bring the project of emancipation into the light of public by going back to the Enlightenment legacy of practical reason" (Benhabib, 1986: 329). He agrees that the modern rationality has flawed, but iterates that it can be remedied and not altogether dumped. He also stresses the achievement of the modernist project in terms of human freedom.

[4] Strong and Sposito (1995: 279) argue that "there is a touch of disdain, an intimation of naiveté, as if his subjects did not know that they were playing with something dangerous."

[5] He sees postmodern and poststructuralist thinkers as neoconservatives who do not have "adequate" theorization and will harm eventually the modern achievement of freedom. See Fleming (1998: 432).

Therefore he prefers to reform, reconstruct and "complete" the unfinished project of modernity.

The theoretical venture Habermas is involved includes the immense and contentious task of establishing bridges. One of these bridges relates to covering both norms and facts within the same explanatory framework. He similarly tries to gap between rationality and legitimacy through introduction of his concept of communicative rationality. Moreover, the particular and the universal are defined in relation to each other as the self and the society are interrelated in intersubjective definition of moral dispositions. Similarly, the good and the just are also involved in an entwining activity in his thinking. All these bridging refer to his critical theory background that tries to unite the theory with praxis which can be seen in his attempt to develop a theory of deliberative democracy.

Habermas's interests and the intellectual contributions to political theory are so vast that I will be limiting my discussion to his ideas on the normative construction of democracy. In this Let me now elaborate on principal elements characterizing Habermas's formulation of deliberative democracy, and deliberative or discourse ethics.

i. Deliberative Democracy

For Habermas, the ideal of democracy needs to be reconceptualized without recourse to mistaken illusions of a homogenous and united people, possessing one united will, but on the basis of communicatively shaped norms and institutions that imply diversity contained around the principle of rationality and universality

(Benhabib, 1997).[6] Discourse theory is an answer to the perennial question of change. Habermas tries to incorporate social change and social interaction into the democratic theory with his stress on sociation, intersubjectivity and social and communicative construction of the moral-political choices.

Democracy carries two distinct opportunities for Habermas: it is the only viable system of public negotiation and problem solving, and it alone can provide a legitimate system of governance. With these reasons, he advances his arguments for the principle of universality derived from the Kantian model, rational and autonomous self, communicative action and a public sphere founded around the principle of discourse, the emphasis on consent and its identification with communicative public sovereignty and the institutional representation of this consent through legal frameworks such as constitutional rights. We will be analyzing major elements of the theory in coming paragraphs.

Habermas's is a normative democratic theory based on rational consensus (Bohman, 1994: 897).[7] It is a participatory democracy by which Habermas embeds the radical democratic principles into his theory. Deliberation for him is the medium that will mediate and transform the conflict by issuing in consensus

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[6] Habermas may be considered as the rescuer of the critical theory from the risk of nihilism, as argued by Bowring (1996: 77). For a critical evaluation of Habermas's roots, see (Outhwaite, 1994).

[7] What Axel Honneth (1995) reminds us while discussing the postmodern turn to ethics is very important for any critique of metaphysics: "whoever attempts to uncover the separated and the excluded in the thought systems of the philosophical tradition is driven finally with a certain necessity to ethical conclusions, at least when, with regard to these 'others' , it is a matter not of cognitive alternatives but of human subjects." This, however, does not exclude the critique of the totalist, universalist and Eurocentric ethics that is based on the Enlightenment Project which is also the source of modern political liberties and liberal democracy, but imperialism, interest-based politics and inequality as well.

(Knight and Johnson: 1994: 280). Hence the Habermasian principle of democracy is defined in his *Facts and Norms* as: "Only those juridical statutes may claim legitimate validity that can meet with the agreement of all legal consociates in a discursive law-making process that in turn has been legally constituted" (quoted in Baynes, 1995: 208).

ii. Discourse Ethics (*Diskursethik*)

Unlike Kant, Habermas thinks that morality is created not by individual intentional acts alone, but their communicative, hence social interaction. In other words, the individual moral judgment is a result of sociation which involves the resistance of the moral choice by others. Similarly, it follows that individual choice does not precede the public discourse (Ingram, 1993: 301). Habermas defends a post-conventional level of morality, one that indicates a capacity to criticize and evaluate norms on the basis of higher or hypothetical principles (Bowring, 1996: 82).

Discourse ethics means that "one must be able to test whether a norm or a mode of action could be generally accepted by those affected by it, such that their acceptance would be rationally motivated and hence uncoerced" (Habermas, 1989-90: 36). Here, there are important theoretical extensions: the assertion of consensus as the sign of democratic agreement, both as the outcome of the deliberation as well as the comprehensiveness and scope of the participants including those who are affected; the primacy of rationality of discourse, and the fact that this deliberative process omits any plausible coercion, thus the lack of regulative authority, or assertion of the principle of autonomy.

Habermas's normative theory is an answer to pluralized moral positions in modern societies. He argues that in traditional societies facts and norms were fused by sacred and metaphysical codes and texts. In modern societies this unity is eroded and dissolved by disenchantment, pluralism and complexity (Habermas, 1996b: 23-24).[8] Deliberative democracy envisages a society that is necessarily and inevitably composed of pluralized, contending and often contradicting identities.[9] What is needed is to develop an ethic that could sustain the democratic ideal by recognizing the participation of all identities in political decision making through the medium of deliberation.

Complex modern societies experience an identity fragmentation that is a direct challenge to liberal democracy, as we have seen in previous chapters, that claims legitimacy across differences within its populace. As traditional lifeworlds disintegrate, individuals find themselves burdened with new demands, choices, and freedoms. That leads to the fact that new identities must be generated by individuals themselves. The Habermasian response is to provide open spaces in the public sphere, institutions that are designed to meet these demands that would secure solidarity, authority and collective action.[10] And as civil society is

[8] Habermas (1996b: 23-24) asserts that now that the old transcendental justificaiton and setting of meanings have lost their power and relevance thanks to the secularizaiton process of the West, we cannot go back. The sacred meaning and the transcendental moral positions cannot be justified anymore. This is also clear in the title of one of his essays: "To Seek To Salvage Unconditional Meaning Without God is a Futile Undertaking."

[9] Joshua Cohen (1996: 96-97) calls this type of difference as "fact of reasonable pluralism", implying that all moral positions consider themselves as reasonable. He thinks that defined as the absence of a comprehensive consensus on values, deliberative democracy cannot be accused of being "procedural".

[10] Warren (1995) suggests that Habermas sees dmeocracy as a means of conflict settlement and collective action rather than a process with certain institutional aspects.

politicized in this way, the legitimation power of institutions, such as traditions, and market dissipate. Therefore democracy emerges as the only element of legitimation, because other sources of legitimation as above cannot provide authority on political issues anymore.[11]

Discourse ethics is a meta-ethical theory that distinguishes moral, practical and ethical-political questions. Moral discourse aims at impartial regulation of interpersonal conflicts, law and legal institutions respond to bridge the gap between moral judgments and practical implementation and ethical-political concerns the realization of self and collective identity. Here political power is understood as communicative capacity for common will (see Murphy, 1994: 112). Habermas has three worlds in which three different claims for moral validity can be differentiated: "the subjective world (the validity claim of subjective truthfulness), the objective world (the validity claim of prepositional truth), and the social world (the validity claim of normative rightness)" (Chriss, 1996: 39).

Habermas wants to structure morality around the concept of dialogue or deliberation (Habermas, 1990b: 203; Cohen, 1994: 137-138). Discourse ethics presumes certain conditions for universally valid moral claims to emerge. One such is the original freedom of all members of a community. Moreover, the arguments for a norm must be rationally motivated, in other words, must be free and uncoerced (Habermas, 1989-90: 6). This may be called the consent element of

[11] Gregg (1997) suggests that Habermas tries to respond this fragmentation by not rejecting trsanscendentalism, but attempting "to fashion one appropriate to contemporary democracies." For Gregg, he tries to achieve this by considering democratic polity's self-justification and hence ensuing proceduralism. Hence he comes up with a certain theory that can be called "normative pluralism."

the theory. Similarly, all participants must be equal, meaning that they must have the equal chance in voicing their positions regarding proposed norms and procedures.[12]

There are three basic principles of discourse ethics: The Principle of Universalizability ("U") states that "a norm is valid if all accepted can accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction for everyone's interests." The principle of Deliberation ("D") is that "only those [moral] norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse" (Habermas, 1990a: 66). These principles delineate the participatory nature of deliberative ethics and are conclusive to the grounding of participatory democracy. The third principle is related to freedom of the participants: consensus can be achieved only if and as long as all participants participate freely. For Habermas, the truth can be understood as the combination of freedom and justice. This he tries to achieve by his communicative ethics theory (Benhabib, 1986: 286).

Habermas contends that discourse ethics contains or leads to a theory of democratic legitimation. He asserts that it is more descriptive than normative (Chambers, 1995: 233). It is an antipositivist or postempiricist theory that counters all forms of emotivism as well as moral relativism and moral skepticism that is characterized by the postmodernist position.[13] Communicative ethics aims at

[12] To consider the participants in a discourse as equal means that each participant is respected in the Kantian sense, not for being a means, but as ends in themselves. Impartiality, that is the whole objective of the theory is achieved by putting oneself in the position of the other and trying to see from his perspective (see Chambers, 1995: 239).

providing yardsticks for an increased need for ethics, along with scientific-technological change that may otherwise be seen as diminishing the need for the ethics in general.

Discourse ethics shows affinity to the Anglo-American "good reasons" approach of Toulmin and Baier, and demarcates itself from the neo-Aristotelian approach such as MacIntyre's that stresses the practical judgment. It also stands opposite to ethical skepticism that is currently propounded by Rorty. Deliberative ethics is cognitivist. It argues that moral questions can be solved through rational and cognitive processes. This requires the elimination of moral skepticism that argues for inability of rational thinking over moral issues. Habermas pursues the cognitivist track rather pragmatically for, in his view, any emotivist argument may lead to particularism that would mean inability to form a universal framework (see Honneth, 1995: 303-304).

Habermas aims at amending the Kantian ethics. Kant had similarly tried to bridge the position of natural rights that was the hallmark of his period with the position of individualistic liberalism. Kant's formulation of categorical imperative can be regarded as an attempt to establish an ethical link between the individual and his facticity with the society and humanity and their norms. In his case, the medium for this linkage is rationality, for Habermas, it is the communicative rationality. Habermas similarly tries to bridge what he calls "Republicanism" or communitarian position that underscores the priority of the community in normative system vis-à-vis the individual, with the liberal position that sees the

[13] Dallmayr (1990: 2) characterizes the theory as a "cognitive ethics of linguistics" that relies on "insights garnered through participation in communicaitve or discursive exchanges" instead of stressing factual or intuitied data.

individual as the agent capable of generating political values and positions independent from the society. He has a similar place for informal public sphere and formal administrative institutions.

As Benhabib puts it, communicative ethics is intimately linked to "the viability and desirability of a *democratic public ethos*" and is concerned with institutional justice (italics original. See Benhabib, 1986: 283). Discourse ethics refers to an ideal of "democratic procedural justice that provides a universal basis for civil, political, and social rights" (Ingram, 1993: 294). The ethics of deliberative democracy tries to achieve this by agreement among individuals not through common historical interests that is often the characteristic of the contract theories, but on social interaction and unfettered communication that results in a general agreement of universal scope. Hence democracy is defined in relation to an ethic that favors participation, intersubjective contacts, and justification of decisions through communication channels open to all. This stands in contrast to the representative democracy that stresses institutional mechanisms and symbolic agreements on the part of those institutions like political parties.

Discourse ethics calls for a "real" and "concrete" decision making at all levels of society, the Habermasian lifeworlds and within the public sphere. Hence, it offers something new: democracy is universalized along a rational deliberative process at the same time institutionalized along the constitutional lines, and can only be legitimate as long as the opportunities exist for all parties to participate, negotiate and reach a common understanding. It takes the democratic ideal beyond the historical clichés such as elections and party mechanisms and reconstitutes it in every day social relations. This also means that the political question could be

redefined in terms of sociability, rather than as an abstract relationship between the individual and the state.

In deliberative democracy, the participation of citizenry is provided by their discursive link with institutional decision-making. This requires that while on the macro level, the Congress or the Parliament functions in a broader and "anonymous" communication, the public sphere is equipped with concrete and direct communicative interaction.[14] There is the need for an institutional arena for public discourse and civic participation to counterbalance the pressures of both state and market (London, 1995: 38). Ingram suggests that a political system in line with discourse ethics has two levels. The first is the participatory democratic potential materialized through informal, public spheres and economic units, and the second is formally organized mass parties and state bureaucracies (Ingram, 1993: 320).[15] However, Habermas discusses neither hegemony nor the cultural and structural barriers to participation.

The aim of discourse ethics is not only to enable the democratic procedure to function by participation and mutual understanding, but also to bring about *Bildung* or education of the citizenry. This falls parallel to the radical democratic position that emphasizes constant transformation and sensitization of the populace in terms of freedoms. It also bridges the normative span between the theory and the praxis. Democracy is thus conceived as a polity that reveals, mobilizes and utilizes

[14] Habermas thus ties together metaethics and democratic theory, rights discourse and a "reinterpretation of popular sovereignty in a new and provocative way" (Benhabib, 1997).

[15] Social rationality varies according to these levels. While it is more leaning to consensus and procedural equality at the local context, at the level of party politics and administrative machinery, more compromises and inequality become the case.

the potentials of individuals. Of course a direct critique of such "development explanations of democracy is that they tend to describe and, through theoretical models, try to impose certain goods that may endanger the very nature of democratic framework. Hence Habermas's reliance on a democracy for self-development risks to alter his theory from a meta-ethical one into a metaphysical theory.

Habermas also underlines the "evolutionary" notion of deliberative morality. This is yet another problematic area of his theory. For such a framework to be evolutionary, it means that the guidelines and the trajectory of the deliberative process is not only self-transformatory, but also system-wise self-reflexive and possesses an autonomous logic, the deliberative *Geist*.

Let me now discuss various aspects of the Habermasian theory which relate directly to my study.

5.1.2 A Critical Overview of the Elements of Deliberative Democracy and Discourse Ethics

5.1.2.1 Normative and Institutional Framework

Discourse ethics tries to bridge democratic norms on the one hand, while addressing the facts of social complexity, on the other.[16] In other words, Habermas tries to escape both idealistic theories without social relevance such as that of Rawls, and those descriptive theories that lack normativity, like that of Luhmann's systems theory. But, Habermas does not undermine the liberal position

[16] This is why Habermas finds liberal thinkers such as Rawls naive for their ignorance of social complexities (see Bohman, 1994: 910).

altogether.[17] Instead, his attempt can be seen as something that tries to correct the liberal shortcomings, and liberal myths such as neutral state, homogenous and rational self, natural or contracted rights, and the sharp division between the public and private. There is no doubt that Habermas tries to level arguments to balance the criticisms made by especially postmodern thinkers that underline the muting of differences by the liberal political thinking. But he does this by following two tracks of historical liberalism: consent theory of Rousseau that ultimately finds its expression in present day's communitarianism and the universal moral choice approach of Kant that underscores almost all conventional liberal theories. Hence, Habermas can be called both a liberal and a radical democrat, both a Roussaudian and a Kantian (see Bohman, 1994: 899).

In his essay, "Three Normative Models of Democracy" , Habermas (1996c) criticizes the ethical understanding of both liberal and republican positions. For him, republicans overvalue the virtues of the citizens, hence become too idealistic. In deliberative democracy civic autonomy is not determined solely by ethics, but also by procedures. Deliberative democracy provides both ethical validity of norms, at the same time it calls for justice. It does not rely on just one set of communicative procedures, it includes the network of a "fairly regulated bargaining processes" including pragmatic, ethical, and moral discourses each with different procedural characteristics (Habermas, 1996c: 25).

While both the liberal and the republican models see a society centered around the state, deliberative democracy argues for a decentered society. It agrees with the

[17] He says: "The liberal interpretation is not wrong. It just does not see the beam in its own eye. With the bankruptcy of state socialism, [welfare state liberalism] is the eye of the needle through which everything must pass" (cited in Love, 1995: 46).

republican view of the process of political opinion and will-formation, but contrary to that, it upholds constitutionalism. This is provided by the institutionalized communication in the public sphere. It also tries to escape the reductionism of the liberal political process to the representative bodies or of the republican view that views individuals following the system requirements blindly. Deliberative democracy upholds both the proceduralist and institutional elements at the same time fostering the informal networks of the public sphere. Informal public opinion-formation leads to "influence" which then is converted into "communicative power" through the channel of political elections, and then it is turned into "administrative power" through legislation. In this sense, solidarity is seen as a counterbalance for two existing poles of political power in liberal democracies: money and administrative power. Deliberative democracy thus legitimizes democracy through the people who not only monitor it, but also participate in it.

In terms of popular sovereignty, republican model talks about a fusion between the self-rule and the state, so people cannot delegate sovereignty. In the liberal model, representation is the means for popular sovereignty to manifest itself. In deliberative democracy, on the other hand, state and society are not considered as "the whole and the part", hence popular sovereignty is dissolved in the "subjectless forms of communication". Habermas concludes by saying that, political system is just one of the many social action systems, hence deliberative politics remains a component of a complex society. The role of law here is to be the medium of political communication with all other action spheres.

5.1.2.2 Legitimacy and Democratic Legitimation

Discourse ethics is defined as a moral theory, yet it is focused on legitimation of democracy and democratic rights. Hence, it may be considered as a political ethic rather than a moral theory. He situates democratic legitimacy around unfettered public deliberation. Discourse ethics envisages a complementary relationship between morality and legality. This rather interesting turn is enabled by Habermas's emphasis on the communicative rationality as *Moralität*. Hence law serves as a medium for social integration (Bohman, 1994: 904). Discourse ethics is meant to be the framework that implies democracy creates its own legitimacy for its unique characteristic of publicly debated and adopted norms and values: "the democratic process bears on its own entire burden of legitimation" (Cohen, 1994: 141).

Habermas reverses the Weberian query about how political legitimacy can be derived from legality, asks instead, how we can justify the legitimacy of legality (Benhabib, 1997: 91). Democratic legitimacy is thus tied not to some abstract and proto-historical contract or transcendental rights and entitlements regimes, but to the actual and concrete intersubjective and rational communication, deliberation and agreement among human subjects. For him, law is the medium through which communicative power can be channeled to the administrative power. This surely provides legitimacy of the polity, it also defines law as an element of public discourse and hence grants it a democratic meaning very much in parallel with constitution or social contract.[18] This is practiced in a diffuse public sphere and through deliberation.

[18] As Baynes (1995: 205) says : "In highly differentiated and pluralist societies the task of social coordination and integration falls to institutionalized procedures of legitimate lawmaking that transform into binding decisions."

Habermas introduces a set of principles of the constitutional state: popular sovereignty, the guarantee of legal protection, the legality of administration, and the separation of the state and the society. The communicative power that is derived from the public deliberation should not be confused with some sort of general will but rather "as the product of an overlapping and intermeshing of a variety of pragmatic, ethical-political, and moral discourses." [19] Hence the liberal rule of law can become the rule of the people.

In this conjunction we see that Habermas offers us the relationship between democracy and the rule of law. In other words, private and public autonomy reinforce each other, so they are equiprimordial. This suggests that democracy needs legality and laws not only as mechanisms for materialization of the political power and as certificates of the public and private rights and entitlements, but rather as the essential content and product of democratic decision-making, in other words, as its strategy of legitimation. In the Habermasian account, deliberative consensus making necessitates and at the same time supports the legal process, so that political and social rights can be meaningful. Discourse ethics calls for social institutions in which norms and practices are legitimated by dialogue. This provides a legality based on dialogic consensus. As Murphy suggests, for Habermas, "law and morality are two complementary systems of norms which work together to preserve the social integration of the lifeworld" (Murphy, 1994: 111). Law bridges the gap between the facts and norms through legal procedures

[19] Political institutions are geared towards making of laws. However, as Bohman (1994: 213) indicates, what Habermas understands from legality is different from the Weberian sense of rules enacted according to formally correct procedures. Here too he subscribes to legitimacy of legality. Because for him, law must be coercible, but at the same time legitimate in order to be valid.

which translate moral insight into a legitimately enforceable regulation of the sphere of action.

However moral judgments may prove to be fallible. For this, Habermas proposes the remedy of coercive law. The law in this case is the "rational" means of securing an "ethical" process. There are clearly problems with this notion. Especially when we recall that at the initial setting of deliberative democracy is an autonomous self, and the emergence of a public sphere centered around the concept of free communication and the subsequent issuing of understanding. Putting law into the picture, Habermas tries to eschew the ambiguity of the moral outcomes through his deliberative process. In a certain sense, he aims at eradicating the risks through solidifying the proceduralist and legalist measures.

The problem here is that once a deliberatively arrived consensus is made into law, or governed by one that is already legally coercive, then much of the accent on participatory democracy is lost. For the modern conception of law stems from the abstract and distinctive sense of norms that can sustain its legitimacy and effectiveness through its claim of universality and rationality. For such a participatory and "real" project like the Habermasian, law therefore becomes the theoretical "panopticon" that supervises the interactive process that is the cause and effect of it at the same time. In this sense, the paradox of Rousseau is back: the state needs a citizenry that sustains the democratic governance but at the same needs to be educated, transformed and informed so that the state can reflect its position.

Habermas attempts to follow a two-track strategy with regards to rationality and legitimacy. The liberal position signifies the rational political system that lacks legitimacy, so Habermas proposes two solutions for this. First, decision making processes must be open to inputs from informal, vibrant public sphere, and second, they must support rationality of the various types of discourses (Bohman, 1994: 913).[20] While the first is intended to ensure participation, the latter tries to provide effectiveness, both concepts that contribute to democratic legitimacy.

John Bohman finds several difficulties with Habermas's two-track model, i.e., the formal institutional set-up and the supporting public spheres in deliberative democracy (see also Benhabib, 1997; and Gregg, 1997). First, the theory emphasizes participation, however retains the strong notion of unanimity or the agreement of all citizens as the goal of democratic practice. For him, this runs the risk of creating problem because pluralized western societies can hardly produce such strong consensus in issues especially of those having an ethical nature. Secondly, if, as Habermas asserts, democratic political power has to depend on popular will, the "anonymous" public cannot match the deliberative majority (Bohman, 1994: 927).

Jean Cohen (1994: 146) considers Habermas's moral theory as a misguided attempt at blurring the proper boundaries which should exist between public and legally binding norms and private moral concerns. This confusion may result in undermining of individual moral autonomy. For her, there is no way to know which issues can be classified as "existential" and hence given to individual's

[20] As Mansbridge (1990: 21) remarks, deliberative democracy "assumes common interests among the citizens . . . [and] derives its legitimacy from reasoning."

discretion while some others are considered as "political" that means to be regulated by the state.[21]

Legitimacy in the Habermasian project implies the moral justification and practical embodiment of the norm by the people. Therefore the option of not abiding by the norm or civil disobedience has not much room in such a position. Furthermore, Habermas's emphasis on norms as universal rational agreements falls short of such contradictory cases where it would have been the disagreement rather that agreement that could be called universal.

The Habermasian reply to this type of dissent is that, "the core intuition behind modern universalizability procedures is not that everybody could or would agree to the same set of principles, but that these principles have been adopted as a result of a procedure, whether or moral reasoning or public debate, that we are ready to deem reasonable and fair" (Benhabib, 1989-90: 12). In any case, any discussion on procedures of "bargaining" of this sort that is defended by Benhabib cannot separate the procedures from the implications of the content of the bargaining nor the constitution and perception of the parties to it. It is critical for deliberative ethical approach to take into account not only the criteria of truth for the moral propositions and the procedures to arrive at a certain consensus, but also to include the contextual configurations and "the moral contingencies" that could be so powerful as to modify, question and at times even nullify the "universal"

[21] Cohen (1996) understands discourse ethics as a political ethic, a theory of legitimacy and basic rights to communicaiton that has been unnecessarily burdened with further objectives. She thinks that blurring the distinction between the private and the public would result in the fact that legal or political decisions were determined by a single viewpoint, then plurality of values and modes of life would be endangered. Secondly, she thinks that moral reasoning is monological, not discursive. Furthermore, the expansion of discourse ethics into the private realm threatens the individual moral autonomy.

procedures and principles, especially when the other is not present in deliberation emphatically, but only nominally.

5.1.2.3 Morality as Consent and Moral Consensus

Habermas is against any sort of abstract definition of consent such as the Rousseau's general will. His understanding of consent is also different than what Kant envisaged: "citizens must be 'convinced by reason' that the institutions and norms of their community are in the general interest" (Chambers, 1995: 236). His is a "sophisticated version of consent theory, . . . one in which the legal-political order retains roots in the processes of communicative sociation" (Baynes, 1995: 206). This is the reason why he proposes a communicative procedural democracy that is shaped and sustained through constant public deliberations. This leads him to denounce the important liberal concept of popular sovereignty since such sovereignty cannot respond to the social complexities, and leaves "people" as a fiction because decisions in nation states are taken in a political center that is distant from consensual decision making (Bohman, 1994: 903).

Discourse ethics adds deliberation and democratic procedures to the Kantian moral validity framework. For Habermas radical democracy needs "realistic" measures, those that rely on abstract, yet critical concept of "discourses" and their validation in the public sphere. Discourse for Habermas means "intersubjective structure of communication exhibited in the form of reflective and reciprocal communication" (Bohman, 1994: 902). The aim of discourse as an idealized version of communication is to bring about understanding among participants (Chambers, 1995: 237). Understanding and the ensuing consensus can only be made through rational argumentation. In order to enjoy the full potential of communicative

power, the discourse is endowed with certain principles. These rules are associated with practical, moral, pragmatic and ethical discourses. Democratic deliberation entails all of these discourses. Deliberative democracy envisages a legal process by which all laws must meet the agreement of all citizens, and that they must be made along the discursive process, in other words through mutual recognition.[22]

However, as a result of the strict formalism of the theory, and the strong emphasis put on the principle of consent as the basis of normative validity, there emerges the risk that a consensual violation of the very same principle. It is sufficient to remember Rousseau's famous dictum – "*On les forcera d'être libre*". The solution to this paradox can be found in adopting discursively principles that would restrict such an outcome. However, this time such a principle would contradict the very principles of discourse itself (Benhabib, 1986: 303). Moreover, as Murphy (1994: 134) puts it, "the depiction of consensus as the proper telos of discourse would not do justice to the activity of politics, reducing it to a mere means for the production of consensus."[23]

5.1.2.4 Rights as Discursively Constituted Norms

Habermas disagrees with earlier liberal thinkers who assert a precedence of abstract, transcendental or hypothetically constructed political rights before human

[22] Habermas believes that practical discourse enhanced by dmeocratic procedures as in the parliament and public spheres provides the best means to strengthen the moral element of law. However he is aware that it is often the case that the debates in parliamentary bodies work against formation of a moral consensus (see Murphy, 1994: 116). Because while deliberation is open ended, decision-making is not (Chambers, 1995: 255).

[23] Murphy criticizes Habermas's juxtaposition of justice on agreement, since in life there are certain cases where justice needs to be done without agreement. Discourse ethics works against a political solution, because first, a strict delineation between the good and the just would remove most practical issues from the arena of debate.

association, and instead argues for the perspective of consociates who are embedded in structures of communicative action, meaning the ability of the speaker or the hearer to accept or reject the validity claims of mutual speech acts (Benhabib, 1997: 91). Rights in the theory are very general norms that regulate the interaction of participants in the practice of their communicative freedoms.

Habermas's objective is to find a place in liberal constitutional theory for the positive aspect of freedom, the fact that the people author their own laws which they are going to abide by. Habermas underlines that the system of rights is the "reverse side" of the principle of democracy and essentially intersubjective (Baynes, 1995: 209). The intersubjective process of defining of rights is assumed to permit him to preserve the moral autonomy of the individual. Hence, the system of rights are universal not because they are given as natural rights, but because they are subject to the universal and communicatively rational procedures. It is this notion of system of rights that results in legitimacy of legality.

5.1.2.5 Moral Proceduralism

In Habermas's account, moral obligations arise from individually initiated, intersubjective and rational debates that make individual rights more meaningful and concrete. In this sense, Habermas claims that rights in his theory are much better grounded than the social contractarian alternative. Moreover, he thinks that by deliberative process he could link individual autonomy with the democratic solidarity hence remedying not only liberalism but also communitarianism.

Deliberative democracy is not only an ideal that is established over the idea of communicative rationality and discourse ethics, but a procedure at the same time.

Hence the Habermasian response to the liberal legitimacy addresses a radical change in the conception of the ways and means of articulation and arriving at the decisions by the public, together with its accent on linking action with intention, as well as the objective of having the good as well as the right.

The weakness of the discourse ethics in this regard is that it tends to support deliberative procedures as the critical element for arriving at the ideal of a democratic governance based on consensus that is hospitable to change, social interaction, self-transformation, differing interests and lifeworlds and open to participation for any socially possible decision. Hence, the introduction of procedures tend to overshadow the initial aim.[24] Because while at the root of discourse ethics lies the stress on individual, the choice and its moral and rational justification, at its practical implications there is a tendency to overload legality and proceduralism with the task of steering the whole large social process of decision making. There is no doubt that this important contribution can ameliorate the representative liberal democracy. However it cannot supplant it. When combined with the principles of universalizability and rationality this approach may become yet another formalism and pose dangers for the revival of the democratic ideal since it presents yet another set of monologically crafted,

[24] As Lyotard says, "the cause is good, but the argument is not" (quoted in Ingram, 1996: 288). "Such ethical formalism is considered a part of the Enlightenment project of rationalism and of the political project of liberalism" (Benhabib, 1990: 331). What comes out of the discussion of the Habermasian theory is, as Ingram puts it, that "one could hardly justify democracy as a universal and pure type of political rationality." Charles Taylor (1991: 30) thinks that a purely procedural ethics is inconsistent. He also asserts that even Kant had to return to substantialist, i.e. Aristotelian ethics.

Eurocentric and monolithic principles that is considered as the very threats before the perpetuation of democracy in face of the liberal crisis.[25]

5.1.2.6 Solidarity for Social Integration

For Habermas, the rules of speech are not enough, we need solidarity between the participants too. Everyone is required to take the perspective of the others and thus emerges an understanding of the self in conjunction of the world. Hence the discourse ethics envisages a transformation of the political question from the "I" position to "the other" and finally to "we". Whether it is capable of generating this transformation, though, is questionable. The stress on justice prevents Habermas to root his theory firmly on the ground of social solidarity, a concept that could mitigate the destructive effects of othering. Rather he contends that there is an interdependence between justice and care for the identities formed through a complex network of communicative interactions. He (1989-90: 47) says, "justice required deontologically requires solidarity as its reverse side."

This approach that is similar to the liberal version of rights and entitlements does not tell us which subject is the intended locus for care. Habermas intends solidarity to be a factor that only engages through the communicative integration of the society, and as a necessary outcome of the communicative process that would

[25] Baynes (1995: 225) thinks that, the abstract and proceduralist project of radical dmeocracy of Habermas has the strength of deriving democratic legitimation from the intersubjective and discursive processes, a view of democracy with basic rights discursively formulated. However, due to its weakness of its being highly abstract, he thinks that Habermasin project may fail in face of the dilemmas of difference and more specific debates about basic rights. As Brooke (1998) indicates on the subject of abstraction from history and his attention to law making Habermas faces with a paradox: On the one hand, Habermas avoids the historically specific; on the other, he grounds his analyisis on the results of history. Same paradox can be projected to his discussion of rationality and proceduralism.

require individuals to take into account the welfare of the others just because of the one's identity is embedded in his deliberative relationship with others.[26] I think that deliberative democracy lacks the moral resources necessary to sustain solidarity. Because by situating the society composed of anonymous and symmetrical individuals, it actually benefits those who can or are in an asymmetrical power level to make a difference, not only in terms of their bargaining power, but also in terms of dictating the interest-based facticity as the normativity. Hence what is produced may come out to be false moralism.

In short, the element of ethics of care is missing in the theory.[27] This proceduralist construction of solidarity easily slides away, because discourse ethics ignores those moral attitudes in which, without considering reciprocity we approach the concrete other and provide help and support.

5.1.2.7 Right vs. Good: The Deontological Emphasis

Discourse ethics is primarily an ethic of deontology since it propounds objective and universal forms of rationality for the right and that the good is considered to be outside this context. In this sense, discourse ethics stresses that the moral life is associated with *Moralität*, more than *Sittlichkeit.* This occurs by virtue of its emphasis on justice and rational proceduralism. Habermas leans towards an understanding of morality that is directed towards justifying norms. Hence he links

[26] As Hendley (1996: 512) argues, the problem with this approach is that Habermas tries to construct sıolidarity through the communicative action whereas, care is a substantive response to the other's vulnerability.

[27] Habermas replies to this position by stating that solidarity is built-in any social relation because participants must recognize one another not only as equal persons, but also as unrepresentable individuals (see Honneth, 1995: 317).

the moral stance to both deliberative, interpersonal, intersubjective sphere, as well as he underlines the primary function of deliberation is not a search for a norm, but for justifying any claim for normative validity.

In Habermas, there is a sharp distinction between the "questions of the good life" and "questions of justice", similarly between norms and values. However, unlike many within moral philosophy, he does not eliminate one for the other. His construction of the discourse ethics as part and parcel of a universal agreement, and his insistence on the centrality of rationality leads him to assign each of these roles for his explanation. So, while for questions of justice he utilizes the function of legitimation of norms, for the good of the society he envisages prudent choice of norms. Hence he tries to bridge not only the particular with the universal as we have seen, but also the deontological elements with teleological concerns.

Following the Kantian tradition, Habermas contends that by situating the individual imperative in the "universal right" of deliberative competence, and by enabling the subject to accept through dialogue other "points of view", the individual understanding of the good will be conditioned and adjusted to accepting the right as the good eventually.[28]

However, this view lacks a very important dimension: the definition of the individual good often coincides or at least interacts with the definition of the right. In the modern world where values diverge rather than converge and where cosmological values have lost their relevance as Habermas emphasizes, the right

[28] Kant tried to balance the individual good with the universal right by formulating the categorical imperative which reads: "act according to that maxim which we can at the same time will should become a universal law" (see Reiss, 1985: 18).

often conceals and even suppresses the good. This binary definition of the modern morality also contributes to double standards, antagonisms, and annihilation of the Other. Regardless of the justice it may serve, it is also this perception of the individual or the collective good that the identities legitimize their antagonism towards the Other.

In order to escape the determinism of the moral stance of good life, and to respond to value pluralism, Habermas suggests the need for a moral theory such as his, that could provide the free space for pluralism of many different "good lives". At this conjunction, Heller (1984-85: 14) says that Habermas faces with a dilemma, a vicious circle by making a strict separation of the good and the just: "on the one hand, needs and interests are informed by values and norms, on the other hand sociopolitical norms are to be legitimized directly by an agreement resulting from interests."[29] This dilemma is the natural effect of almost all proceduralist theories that claim to yield a moral outcome.

I think this observation is important, since the theory tries to achieve its objective by eliminating theoretical tools such as a balanced evaluation of the good and the right which Habermas avoids by self-imposing the primacy of democratic procedures and legality prior to any moral agreement. Hence, the effort to "inject" some morality into the liberal democracy meets with the difficulty of a mechanical, and procedural polity to produce universal and binding moral coherence, since in

[29] Benhabib, like Heller, point to the difficulty stemming from Habermas's to make a sharp distinction between the just and the good which prevents his theory to fully deal with moral issues (see Murphy, 1994) for an evaluation of Benhabib and Heller's critique. Taylor (1991: 32) also finds this distinction as "falsely construed . . . the unhappy consequence of the underlying decision to opt for a procedural ethics.

my view, democracy is the last polity to rely on a transcendental, overarching conception of the good.

The Habermasian theory by emphasizing the question of justice over the good, runs the risk of giving way to harmful selfish actions that do not only endanger the democratic process in general, but also weaken social interaction and cohesion. Because justice in modern sense is intimately associated with the institutional legality and legitimacy. It is harder to impose justice in the absence of such normative institutional frameworks. Hence the objective of justice alone cannot be sufficient to yield a socially produced and adhered norm. It requires a larger vision, that of good life, just as it requires more empathy than rationality of the participants in the dialogue.

I think it is not only the just, but the good that all the political debate and moral reasoning often focus on. Moreover, it is in the conceptions of the socially good more than the legally just that the people find their similarities and differences. It is on the side of the conceptions of the good that injustices can be created that can be legitimized using self-interested and self-justified arguments. Therefore, if we are to seek a balance, it is not that we have to stress the primacy of the deontological tradition that the western philosophy has produced since Kant including the liberal rights, entitlements, and liberties, but we have to revitalize and reconsider the eudaimonistic aspect that has been downplayed as a result of the alienation, fragmentation and secularization of the selves.

5.1.3 Implications of the Habermasian Theory for the Liberal Political-Normative Crisis

So far I have presented the tenets, conceptions and mechanisms which constitute the Habermasian theory to re-construct democratic legitimacy by emphasizing participation based on dialogue and consent. Now, let me elaborate on his position with regards to the three sites of the legitimacy crisis of liberalism, namely, identity, rationality and universality.

5.1.3.1 The Conception of Self in Habermas

Habermas thinks that the post-Kantian tradition from Hegel and Marx, to Nietzsche and Heidegger, to Foucault and Derrida grappled unsuccessfully with the principle of subjectivity, and reproduced dilemmas of subject-centered reason. His communicative rationality is an answer to the ambiguity and tension of these thinkers (Fleming,1998: 432). The accent in Habermas's account of the self is that the individuals are capable of rational agency, of taking some substantial degree of conscious charge of their own minds and lives, and making and pursuing their own judgments about what is good and what is right.

Habermasian definition of the autonomy of the self is a pedagogical and ethical one at the same time: the self must be autonomous so that it can transform himself into a person who has the ability to make projects, create ideas. In such a context, autonomy becomes a normative ideal (Warren, 1995: 172-173). Habermas sees the autonomous self as reflexive, developing within a social fabric, thus participating in an intersubjective process of reasoning and reason giving, reciprocal recognition of identities in a dialogue, and responsible. By assuming a democratic ideal based on moral autonomy, Habermas fills in the blank that Kant has left behind: namely,

that the ethical position of the self is dialogical, not monological. The stress on the communicative reason as opposed to convention or a transcendental reason provides us with a democratic ethic that is open both to social construction of truth as well as moral learning. Nonetheless, as with any other grand project, the question is how comprehensively and significantly discourse ethics can explain the perceived factity and further be used to transform it in the way of radical democratic ideals of equality and solidarity.

The centrality of communication does not grant any automatic theoretical consistence nor practical feasibility to the project. For instance, we know that the lacking element of communication today is not so much simply the occurrence of it, since with increasing channels of interaction in concrete as well as virtual terms, more and more people have access to this sort of deliberation. What matters for the question of democracy and the democratic decision making yet is rather a more complex issue. The parties to any possible deliberation are not homogenous, naive, monolithic, transparent subjects. The "speech community" is no paradise. It has its own hells and heavens within its varying and shifting borders. The powerful speech partners in terms of influencing the decision are often the ones that are equally powerful in terms of their socially and politically structured positions. The hierarchical structuring of any deliberation, thus the exclusion and ignorance of the Other in any deliberation seems inevitable for the same reason that Habermas advances his communicative ethics project: that the public sphere cannot provide us with the whole array of clearly positioned and defined entities. Instead, many of the identities even if seen as concrete other, hide within themselves further sub-identities that remain silent or passive (for a critique of Habermas's understanding of alterity, see Coole, 1996).

As Lyotard argues, infinite diversity of human communication and its forms, motives, styles, differing varieties of rationality and the effects cannot be reduced to universal pragmatic rules of conduct (cited in Rojek, 1998: 10). The aims of human life are not exhausted in communication either. Communication may even reduce all those aims to silence or mere speech. The aims involving the other may be hindered by the rational and procedural communicative action, rather than strengthened by it. And it is even more plausible that individuals possess those aims as a part of their self-reflection that is embedded in inner dialogue rather than speech, and that that self-reflection is the general framework in which dialogue occurs. By reducing the aim of the self to plain talk, Habermas risks the richness and diversity in oneself to be given away to the requirements of the external world. Meanwhile, care and the sense of solidarity may be lost in the enumeration of the rational principles of communication. What matters, though, is the positive and constructive side of the inner talk that supports solidarity with the other through not only language, but also "regarding" the other, similar to what Levinas has put as the "face of the other".

There is a danger that the rationalistic overloading of discourse may give rise to a tyranny of discourse over "the necessary and desirable ambiguity of inner experience." As Warren (1995: 194) says, "because the body's nonlinguistic 'talk' cannot be conveyed in linguistic form, it will come to seem illegitimate." This may marginalize those political groups such as women, ethnic minorities, etc. whose styles of discourse may differ from this rational pattern.[30] And, as Benhabib

[30] We may legitimately ask: Who are the participants in practical discourse? And "whether 'all' refers to all human beings or all beings capable of speech or 'all concerned' (Benhabib, 1986: 315).

asserts, discourse ethics' reduction of all human potential to speech and at best to consensus "disregards all existing natural and social differences as irrelevant in defining the moral core of one's humanity" (Benhabib, 1986: 291). The Habermasian public sphere lacks any significant consideration of difference and excludes difference's creativity stemming form critique and subversion of established norms (Gould, 1996: 173).[31]

The dimension of the affective silence is also absent which may give the impression that *prima facie* a smooth external speech is taking place. Neither Habermas nor his intersubjectivity do not account for a tension with this type of silence (see Strong and Sposito, 1995: 280). What is involved here is "talking" rather than "telling" which would concentrate not only the linguistic contact, but would also require the dialogue over meanings to be shared. Habermas thinks that the procedures inherent in discourse oblige participants in a dialogue to take the moral point of view of the other. Here, the other is reduced to merely the other side of the interlocution and he cannot explain the estrangement or exclusion that comes along by the implicit or explicit manifestation of the intentions, biases, meanings and suggestions that actually lead to apparent moral agreement, or disagreement, for that matter.

Benhabib dismisses Habermas's attempt to restrict moral discourse to universalizable questions of what is right or just for everyone.[32] Benhabib is also

[31] Bowring (1996: 78) argues that the Habermasian formulation of lifeworlds is not sufficient to explore the whole array of complexities and the interchanges among the social subjects. He suggests that by rationalizing the lifeworld, Habermas actually hinders the individual potential of freedom and responsibility. This is further accentuated by his separation of rationality from intentionality, and validity from meaning that results in reduction of emancipation to normative discursive validity claims.

critical of the "generalized other" in Habermasian theory since it is based on the liberal notion of rights and entitlements and excludes and silences "the concrete other" (Benhabib, 1986: 341). Instead, she suggests that discourse ethics must grant a central place for the concerns of the concrete other in its understanding of the justification of moral principles. The liberalisms like that of Rawls based on universal citizenship models ignore the moral point of view of the generalized concrete other (Benhabib, 1994: 179). While for Habermas impartiality aimed at being provided by his proceduralism and universalism would serve to creation of respect for the other, Benhabib insists on putting oneself in the other's place (Young, 1994: 165). She thinks that generalized other abstracts from individuality and concrete identity of the other. This symmetry is harmful for the universalist and utopian dimensions of discourse ethics (Benhabib, 1985: 93). Because it supports the liberal view that what can be the best morally possible approach is the rights and entitlements to a symmetrically defined domain of individuals, hence ignores the question of the good.

The modern moral theory sees the generalized and the concrete self as opposite, the other's moral dignity is recognized in terms of the commonality, rather than that distinguishes the self from the other. This commonality is determined by "norms of interactions" which are "primarily public and institutional ones" (Benhabib, 1992: 157). Therefore, the discourse on rights, obligations, entitlements and the corresponding moral feelings of respect, duty, worthiness and dignity emerges from this definition. For Benhabib (1992: 159), the selves are concrete: "each and every human being [is] an individual with a concrete history, identity

[32] Benhabib (1992: 9) is right and here we can see once more how legalistic and entitlement-based understanding of justice without a sufficient moral content regarding the definition, sustenance and materialization of the good can plunge us into the very same abyss of moral relativism and the lack of legitimacy that Habermas warns us to stay away from.

and affective-emotional constitution." Therefore, moral and universal assumptions can be made only on this concrete formation of identities, not in their "generalized" or "abstract" representations such as those of Habermas.[33] What is needed today is both a new definition of rationality, that is discursive rationality and recognition of the fact that "subjects are finite, embodied, and fragile creatures, not disembodied cogitos or abstract 'unities of transcendental apperception'" (Benhabib, 1994: 174).

This explication of the "concrete self" is a significant extension of the Habermasian project, since it takes the abstract theory closer to the reality. However, there is a paradox here: while Benhabib tries to establish the concrete lives, everyday practices and social relations within her definition of the self in an attempt to better ground the dialogical self, she nevertheless cannot escape the opposite outcome, for by making the self more concrete, defining him/her on the basis of the social interactions we may make the self a prey to the "generalized self" once again. Because by considering the self socially constructed --while beneficial for our conception of his potential for dialogue and open-ended entity-- we however lead the way for "abjecting" him beyond his self, beyond his inner self-perception, thus ending up in an another type of "generalization" or abstraction which is certainly not the initial intention of Benhabib. Here the paradox is the same as what Habermas faces: attaching any universalist or rationalist string to the pragmatic conception of the constitution of the self and his sociation or individuation does not make the self more concrete eventually, rather it tends to pull him away from

[33] Benhabib (1999) refers to fascism and all authoritarian movements as the manifestations of the "abjected" or projected other that is excised from oneself, placing it outside and hence drawing secure boundaries around the self. Benhabib talks about a moral dialogue, open and reflexive, of the self with otherness.

everyday life and put him in a surreal picture. Hence, the probable outcome of the theory could defy its own purpose.

In the Habermasian theory, since the self is socially constructed, the relation of the self with the other also becomes complex. Because, as Young (1994: 171) indicates when discussing the reversibility of the perspectives, we cannot know which perspective that is supposed to take into consideration of the other and reverse his position with the other is the "concrete" one. In other words, as the self is defined by his relations with the others and as the self is linked to the other by reversing his role as the self, "putting himself in the other's shoes", perspectives of the others cannot be adopted because "the others" are anyway our very "perspectives", the entities that we project a certain identity. As a result, the political equality and participation of the moral agents cannot be secured since the perspective of the other cannot be easily adopted especially in situations involving political conflict.[34]

Discussing the notion of the self within Habermasian model, Stella Gaon (1998) finds out that it fails to "detranscendentalize" the Enlightenment subject. On the contrary, Habermas defends a transcendental conception of reason and a teleological subject that seeks its rightful end with his assumption of the rationality

[34] For Bowring (1996: 88), it is the absence of the subject that is devoid of intersubjectivity, communication and self-production that de-radicalizes Habermas's theory. Because "the result of the effort to see others as symmetrical with myself may sometimes be that I project onto them a perspective that complements my own." She thinks that such a symmetry is not possible or desirable because it denies difference, not possible and politically dubious. For her, "the idea of reversing perspectives assumes that all the perspectives .... are equally legitimate. Where structures social injustice exists, this may not be true." Moreover, the claim that communication could be facilitated by the same idea may not hold true, since any sel-construction of the other's perspective constitutes a fixed representation of the other, hence the unwillingness to contact with them. She concludes that "neither the concreteness nor the otherness of the 'concrete other' can be known in the absence of the voice of the other" (see Young, 1994: 167-173).

of the moral principle. Moreover, as Habermas discusses the proper end of individual and collective transformation, his claim, namely that discourse ethics includes emphatic dimension remains unfulfilled. Hence, Gaon concludes that Habermas's discourse ethics perpetuates, not remedies the Enlightenment metaphysics. The problem at this point is whether the self we are talking about is a black box or an unknowable ontological entity, or a transparent and open one. Here the modernist conception of the self as defined by his actions or transcendentally free being comes into the picture.

I believe that this problem will continue perpetuating and creating other theoretical problems unless we situate the self not in his environment, not in his social appearance and social role alone, but in himself and in the other. Because I think that the self is constituted both by his social orientation and interaction and by an emphatic dimension that provides him to utilize these relations for some explicit or implicit intentions, motives, goals, and interests. To state this fact means to admit that the self too is ambivalent and open to change. Conceiving the self in this way does not harm the fulfillment of the dialogic promise as Habermas and Benhabib rightly try to deliver, since the self so constituted is open to social as well as inner change and talk and interaction and is freed from the chains of cold and formalist responsibilities that any socially-constructed self would inevitably face.

Discourse ethics may be said to be failing in terms of its egalitarian assumption. Because being equal in deliberation and dialogue does not mean equality as political subjects. Politics functions over the social processes that constantly takes in and out the energies of involved parties, and thus presents no stable ground on which the equal status of interlocutors to deliberate could be secured once the

issues of contention and conflict arise. In such cases, it is more probable that the participants would go back to their cognitive jungle and take out their emotive weapons to bring to the rational democratic battleground. Hence, the principles of equality and rationality in dialogue can immediately turn out to be the tools for advancing dominating and exclusionary rational arguments.[35]

I can suggest that the self is problematically constructed in Habermas's analysis. The implication that the post-conventional morality requires an "advanced" understanding and procedural perfection is problematic too. This falls in sharp contradiction to the theory's emancipatory mission since the selves thus constituted and "processed" to be eligible for the post-conventional level would probably become something different than their initial definition as "autonomous" and rational. In other words, like in other levels of explanation within the theory, this aspect of the situating the self within the larger deliberative norm-making and political decision-making proves to be rather complex and contentious.[36]

5.1.3.2 The Conception of Rationality in Habermas

Habermas defends rationality through not philosophy of consciousness, but in favor of a philosophy of communication. This is a precaution against the

[35] Young (1996) says that deliberative democracy's tendency "to restrict democratic discussion to argument carries implicit cultural biases" and its assumption that unity is the goal of democratic discourse both can lead to exclusion in practice.

[36] Benhabib (1992: 153) tries to respond this by asserting that the self is not a fictitiously established entity, the universal process is "the concrete process in politics and morals of the struggle of concrete, embodied selves, striving for autonomy." See also Touraine (1995: 272, 275) who suggests "two faces of the subject", in other words, mind and body, reminding the Augustinian definition. He rejects the Habermasian use of developmental psychology and the suggestion that the Self and Ego is one and the same. He argues, instead, that "only the destruction of the Ego permits the emergence of the I".

totalitarian drives that rely on a self-contained Subject (*Geist*). Ingram (1993: 296) suggests that this fight against totalitarianism is fought on multiple fronts, implying both Habermas and Lyotard share the same objective. Rationality of deliberative process indicates the need for a conception of the self that is constituted by communicative rationality.[37] By relying on a strategic medium of action, that is communication, Habermas intends to foster the individual action in the public and private life which is intended to enhance democratic participation and solidarity.

Communicative action is a type of social interaction that is oriented to mutual understanding (Bernstein, 1991: 18).[38] It is dialogical, linguistically-oriented and rational. All communicative action is performed towards consensus. Habermas argues that, any communicative interaction must perform a speech action that raise universal validity claims and suppose that each claim may be accepted or rejected. The prevailing agreement is based on "better argument" (Bernstein, 1991: 19).[39] For Habermas, public reason includes the unofficial arenas of the political public sphere. These may be independent public forums independent from both state and market, such as voluntary associations, social movements, and other processes of communication in civil society. Moral questions should be understood as practical questions that can be debated rationally. Because pluralistic modern societies reduce the moral questions to questions of justice, in other words, to questions

[37] However, as Cohen (1994: 138) indicates, it is rather difficult to theoretically justify that "one overarching principle of practical reasoning" can be provided for the whole moral domain.

[38] "The theory of communicative action is envisioned as a platform upon which the project of critical theory, . . . can be rebuilt" (see Parkin, 1996: 422).

[39] As Bersntein (1991) indicates, this position is taken from the example of scientific discourse. For him, the novel side of the communicative action theory is that Habermas argues that there is the same appeal to redeeming validity claims through appropriate types of argumentation is implicit in practical (moral and legal) disputes as well as in disputes about aesthetic judgements.

"which have the potential of yielding a consensus – a legitimate and hence publicly binding solution" (Murphy, 1994: 114). Here too, we can see the influence of the Kantian deontological approach and the Habermasian stress on legality.

Habermas claims that there are different rationalization processes by which a certain action become reasonable. But he selects the communicative type of rationality to save the destruction of the lifeworlds from the assaults of the type of rationalization that Weber has referred to. This links the argument to what Passerin d'Entrèves claims, namely that the theory of communicative action offers "a systematic theory of societal and cultural modernization capable of explaining both the achievements and pathologies of modernity" (d'Entrèves and Benhabib, 1996: 1).[40] By aligning the rational political preferences to the communicative competence of the individuals, Habermas both strengthens the modernist ideal of universability and rationality and at the same time remedies its shortcomings by launching a redefinition of rationality not on the basis of rational decision-making and instrumental reasoning, but by focusing on the interpersonal relations through the medium of everyday communication. Hence the profane speech becomes the ultimate legitimation instrument, the social and affective medium that necessitates a regrounding of democratic theory in new moral, institutional and conceptual foundations.[41]

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[40] As White (1995: 8) argues, Habermas presents the instrumental rationality of modernity as a pathology, since it leads to "colonizaiton of the lifeworld" that is the cause of meaninglessness and dwindling freedom. In this regard, the theory's stress on universalism and rationality as reasnoableness may be seen as a general achievement. He, however, loads communicaitve rationality with even more emancipatory mission, since the power of communicaitve rationality is renewed with each understanding and living together in solidarity in our everday life. Thus he claims that communicaitve reason operates in history as an avenging force.

[41] In this sense, Habermas is not offering anything that is familiar to the liberal understanding of the political question. In his discussion of the moral communication, Charles Elliott (1994) argues that Habermas has several difficulties in his theory: First is that the conditions under which a

Therefore communicative rationality emerges as the alternative *leitmotiv* of modernity as intended by Habermas. This introduction facilitates his quest for redefining the modern political process that is more or less described as a liberal state --majoritarian, constitutional and based on sovereignty of nation-state. The political question in deliberative democracy is tied to the social question in a rather innovative way. Despite the classical approach to the social as constituting the framework of the political structure, and the basis upon which democratic participation, organization and civil society elements are built, Habermas offers us a social process based on communicative action that redefines the political and provides it with legitimacy.

Discourse ethics focuses on our everyday actions and tries to create a framework in which the society's institutions and norms are being formed by deliberation between the citizens. Rationality in this process is not an end in itself, but the element which makes the discursive practice to take root and be legitimate. Habermas wants to achieve both rationalizing and democratizing of our debates (Chambers, 1995: 244). Democracy is presented as the general ideal in which all social diversity of opinion and interest could be "managed" through not imposition of an explicit and overarching truth, but a "consented" moral truth that is achieved through the equal participation of all those who are concerned. Discourse ethics

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community can discover moral agreement are extremely demanding, in other words, all parties must be committed to the deliberative process. Secondly, Habermas holds that in ideal speech situation all participants have equal power that is intended as a measure against dictation, however this is not attainable even in theoretical terms. Thirdly, Habermas proposes abandonment of ideologies in discourse whereas this is hard to realize since all moral positions need a certain reference. Communication, thus is open to radical change as it is open to failure. Elliott further indicates the relativizaiton of moral positions as a result of the Habermasian communicative action, that is inevitable as Habermas admits, but may turn out to be working against the universalist claim of the theory at the end.

therefore also aims at shifting the participants in formation of a public opinion from the inner debate between elites to the general public.

Habermas's communicative rationality has a universal core: it is the "procedural unity of reason" that "enables him to rebut both the Weberian-inspired value relativism of contemporary ethics and the postmodern skepticism of 'grand narratives'" (d'Entrèves and Benhabib, 1996: 32). In other words, rationality belongs not to a natural source, a monolithically defined human being, but to the reasonableness of the deliberative procedure (see Benhabib, 1986: 291). Here we can see the formalism of Habermas at work. How much such a formalism could prove to be the solution for the legitimacy crisis of liberalism is open to question. Because if one of the reasons for this crisis is the lack of appropriate participatory channels for decision-making, the other and perhaps more important one, is that participation itself is curbed by the notions of alterity and exclusion, hatred and indifference. Unfortunately Habermas's theory does not attack this essential element, but rather turns its head to the explicit and procedural side that leads him to offer not a radically emancipatory theory, but a reformative one for the liberal democracy.

Seen in this light, the theory could even come to justify the shortages and the very legitimacy crisis of liberal democracy as long as it relies on formulating the "strategic" solutions, and not the primary task of rejuvenating the ideal of a democracy that is not a polity defined in terms of atomized individuals all self-interested and rational, but a democracy that can generate solidarity and care. This formalism stands opposite to the Habermasian effort to bring about "real" and "concrete" solutions to the legitimacy crisis by the way of suggesting a "concrete"

medium of communication, that is at the same time the milieu for opinion-formation and opinion-exchange, as well as the chief element in constructing public morality.

The assumption of reasonableness of deliberation is not free from risks. One danger is that "the requirement of deliberation can be an invitation to hypocrisy and deceit" (Sunstein, 1988: 1545). Secondly, knowing that there will be losers and winners participants will be likely abstain from adhering to the standard of reasonableness because of their interests that are also constructed on the premise of rationality. Moreover, as Martin Seel (1991: 48) warns us: "The fact that reason is situated in communication does not justify labeling reason as itself communicative."

This Kantian definition of the communicative reason also faces the question whether it is capable of producing the social morality, and that whether it can provide us with a reason to do one thing than another. It seems that Habermas collapses both individual and social agreements and political consensus to one set of homogenous and self-affirming reasonableness found within the deliberative process that becomes manifest through action. Therefore, the moral resources utilized by each individual are incorporated into same set of "social logic" though it is argued to be reflexive and responsive by its communicative nature, however at the end the moral choices made by individuals are subject to the socially determined consensus which in turn are expressed in legal norms. I think that the "social" and the "individual" elements present in deliberation process risk to be lost when faced with this level of "political" choice-making. Therefore, although Habermas defends a normativity that is born out of social interactions, the

discussion towards and taking position with regard to the political decisions, the inevitable consequence is imposition of a certain kind of morality that cannot support this emancipatory process.

5.1.3.3 The Conception of Universality in Habermas

The underlying principle of the reformulation of the political question in Habermas is intersubjectivity. The intersubjective determination of the good as well as the just in Habermasian ethics creates a paradigm centered around communication, rather than other forms that reduce interpersonal relationships to such institutional rubrics as state, firm, family or group.

The theory's claim to universalizability which is derived from the Kantian categorical imperative by adding intersubjectivity into it stresses the link between the particular and the universal. It also underlines the need to connect the morality that emerges in interaction, with the facts, and to establish a nexus between the morality of the particular or of the moment, and the morality that guides and informs the human action regardless of the particular hence the universal norms. Like Kant, Habermas understands this principle to yield immediately a requirement of impartiality that would secure existence of different moral and actional choices (Dallmayr, 1990: 8).

The stress on universalism is a defense of the modernity project against various forms of relativism. Because its absence may lead to the weakening of the emancipatory dimension of the Enlightenment and the risk of emergence of authoritarian politics. Habermas thinks that the U is not only for argumentation, but applicable in everyday conflicts involving moral choices. The U is justified as

a pragmatic and at the same transcendental principle that both meets the practical needs of everyday politics and provides the applicability and relevance for the consensual formation of general will. The "U" is intended to provide reciprocity as a measure against othering by "requiring of everyone a willingness to take the concerns of others" (Hendley, 1996a: 505). In other words, a morally justified principle is one that is fair to the interests of all that are directly or indirectly affected by the decision adopted. The U principle is linked to the principle of deliberation, "D" at this junction.

However, the universalist assumption inevitably implies the question of exclusion of the Other. Benhabib tries to remedy this weakness of the theory by trying to find a middle ground between Habermas's "strict consensual model" and his "prioristic universalism" on the one hand, and other more radical forms of contextualism on the other.[42] She understands universalism as "the principle that all human beings, by virtue of their humanity, are entitled to moral respect from others, and that such universal moral respect minimally entails the entitlement of individuals to basic human, civil, and political rights" (Benhabib, 1994: 173).[43] Benhabib tries to erect a democracy that is universal not only in its appeal, but in its recognition of the individual differences that nevertheless nurtures committed care and responsibility

[42] For this, Benhabib (1994: 176) aims at explaining why the spread of ideals of equality has coincided with the drive towards prejudice towards others. The reason for her is that modernity destroys otnological or theological bases of justification, thus giving rise to a "need for the repression in order to reestablish difference and discrimination."

[43] Benhabib (1992: 2) claims that the critics of this version of universalism are not particularly against universalism *per se*, but its rational defense. Thus her attempt is to reconstruct, rather than dismantle the "achievements and ideals" of the Enlightenment project: "moral and political universalism, ..; the moral autonomy of the individual; economic and social justice and equality; democratic participation; the most extensive civil and political liberties compatible with the principles of justice; and the formation of solidaristic human associations."

to others. In this respect, she accuses modern universalism to be devoid of moral emotions and everyday moral interactions with the other.

On the other hand, Agnes Heller finds discourse ethics offering very little in finding ways to practical difficulties (Murphy, 1994: 118). Habermas uses "U" to separate the good from the right, and thus becomes entangled in a vicious circle that while needs and interests are informed by values and norms, the same norms must be legitimated directly by a consensus that is based on interests.[44] Here we come back to the basic flaw of the theory, the confusion and inconsistency between the ends and the means. A direct outcome is that discourse focuses on procedures and the modality for bargaining, rather than a means for achieving that the norm thus achieved is good or just. As Habermas says, bargaining has a place in politics, but "how to keep it in its place is the real issue" (Chambers: 1995, 255).

5.1.4 A General Critique of the Theory of Deliberative Democracy

In the preceding section, I put forward a detailed analysis of the Habermas's theory of deliberative democracy and exhibited its weaknesses and problems as well as promises in reconstructing not only the legitimacy of the democratic element of the liberal democratic framework, but also the general relationship between ethics and politics. Let me now attempt a general critique of the deliberative democracy model.[45]

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[44] However, as Chambers (1995: 253) indicates, democratic decisions are not made by assessing the rationality of the deliberation and argumentation but by counting the votes.

[45] In his study on deliberative democracy, London (1995: 53) specifies nine distinct areas of contention and critique of deliberative democracy. The first is that deliberative model fails to provide a secure foundation for fundamental liberties; second, deliberation is politically ineffective; third, that it does not incorporate the empathy and the irrational elements such as feelings and intuitions present in deliberations; fourth, group decisions are based more on conformity than unanimity; fifth, groups often follow a closed circle of deliberation where the alternatives are

i. *Discourse theory does not realistically define democracy.* The first element that is missing in the Habermasian theory is the recognition of democracy's discontent. This point made by Benhabib is especially significant since Habermas avoids responding to the anomalies of democracy that may not necessarily because of the structural deficiencies inherent in democratic theory that Habermas tries to address, but because a more radical evaluation is needed in order to the basic logic of democracy as "a bargaining process" as I call it, actually works to produce them. Moreover, the theory cannot particularly explain and devise ways against the neofascistic and xenophobic movements prevalent in today's "mature" democracies. It is clear that Habermas aims at social transformation. However, many observers think that this does not hold true because his theory is seen highly utopian, and of little practical relevance for the emancipatory struggles. Moreover I may suggest that the theory may divert attention away from the analysis of concrete social and political situations.

ii. *Discourse theory paradoxically tends to favor the liberal conundrum*. Habermas (1990a: 95) insists on the primacy of mass political parties which, he thinks, transcend narrow differences of ethnicity, regionality and economic opportunities. It is known that the communicative potential of individuals within mass parties are reduced to minimum and what is at play most of the time is not what Habermas seeks with his theory, but money and material power that is generated by dominant

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excluded; sixth, the group psychology creates certain illusions and biases that interfere with rational decision making; seventh, since genuine consensus is practically impossible to achieve among individuals who deliberate, some mechanism for aggregating group ideas is inevitable, this however weakens the function of deliberation; eighth, deliberative democracy supposes that people would be willing to participate in public debates while this may not be true for a considerable number of people; and lastly, deliberative democracy is utopian since it has no applicability for the modern mass societies.

elites. This concession to status quo signifies clearly the conflict Habermas has in between his theoretical framework and the practical realities. To offset the disadvantages of this, Habermas comes up with a compromise to the radical tradition by underlining the spontaneous proliferation of grassroots and informal organizations.

iii. *Discourse theory is inconsistent in terms of its objectives and means*. Habermas's formulation of the political question not only dangles between facts and norms, but between two types of normativity: the rationale of the present and the future democracy, the fact that the fact of the social rationality runs counter to the rationality he proposes.

Habermas comes up with an ethics that "cannot normatively recommend particular values anymore, but can only provide a specific procedure of conflict resolution." This understanding of democratic ethics as "conflict management" constitutes indeed a significant barrier before any attempt to ground ethical norms that prevent violence, othering, exclusion and isolation. While Habermas, like Rawls, tries to erect a "democratic ethics" that is based on positive values such as justice, trust, solidarity and care, he nevertheless cannot escape this basic premise that implies clearly a negative understanding of human relations that is reflected in terms of conflicts. On the other hand, it is implausible how a theory that is oriented towards finding strategic solutions to the crisis of liberal legitimacy can, at the same time, provide a framework for truth. Any conception of a minimalist ethic will fall short of explaining and as in the case of Habermas, transforming the moral behavior through its claim for universal truth. Habermas himself admits that the hypothetical moral capacity tested by the theory does not translate into a corresponding capacity

to form "the right, correct, appropriate judgment in *real* life contexts" (quoted in Benhabib, 1986: 322).

Benhabib talks of a vacillation between two models of public life in the theory, the first a juridical, legalistic model, and the second a more participatory-democratic model in communicative ethics. However, "it runs the risk of falling into a certain rationalistic fallacy of the Kantian sort, in that it ignores the contingent, historical, and affective circumstances which made individuals adopt a universal-ethical standpoint in the first place" (Benhabib, 1986: 322). It also follows that the juridical side of the theory delineates a "generalized other" that is in so much similarity with the liberal definition of the self subject to rights and entitlements, while the objective of the theory, or its content implicitly calls for a "concrete other" that would actually nourish its participatory side with its definition as based on solidarity and needs. Benhabib is right when she criticizes the lack of emphasis on the latter.

I believe that this vacillation becomes a tension with the introduction of a universal, rationalistic, Eurocentric, reductionist and reformative theory. Habermas relies on the juridical domain to produce the more radical and essential domain of the participatory domain that creates in itself a conflict. Benhabib (1986: 300) calls this as "a dialectic of form and content." Communication alone cannot solve this problem that ignores all human dimensions that involve complex non-linguistic and non-rational elements such as feelings, biases, hatred and drive to annihilation of the other as well as solidaristic mood and care for the other.

In conclusion, although offering substantial tools to realize a participatory and democratic project and a political morality based on dialogue, the theory becomes yet another "universalizability theorem in the tradition of neo-Kantian ethics operating with the myth of a general interest transparent to all rational minds" with its Eurocentric, abstract, proceduralist and strictly formalist character. (Benhabib, 1986: 315) One may ask: how much value one can grant to the Habermasian framework that tries to inject morality into a project that already has exhausted its moral resources by mechanizing the human will and human dignity.

As I have tried to demonstrate, the theory of deliberative democracy is not sufficient to provide the necessary theoretical input that could transform the way the modern man looks at the problem of the relationship between self and the other, and the interests and the justice. This confession sounds rather apologetic in face of the inability of the theory of discourse ethics to remedy the immense moral injustices the elements of rationality and universality has created in the name of human development.

In this section, I have provided a critical reading of the Habermasian approach and concluded that this approach, although providing very strong inputs to the rejuvenation of the political with its accent on the social and the ethical and to the reconstruction of the political ideal of democracy, yet suffers from certain theoretical weaknesses and hence falls far from fulfilling the mission to reclaim the democratic element which faces a profound legitimacy crisis in its association with liberalism as demonstrated by the disruptions in its conceptions of identity, rationality and universality. Let me now consider radical democracy and the

agonistic democracy approach in order to assess their contributions, promises and problems as well.

5.2 Radical Democracy and Agonistic Democracy

My interest in this thesis is to find out whether present prominent theoretical models both in the liberal as well as non-liberal thought can provide a consistent and satisfactory response to the legitimacy crisis of liberalism and whether and how they may contribute in terms of re-establishing the intrinsic and perennial relationship between politics and ethics. My concern in the preceding section of this chapter has been evaluating the deliberative democracy approach of Habermas, a major non-liberal alternative to the legitimacy crisis of liberal democracy.

However, there is a further approach, i.e. radical democracy and the agonistic democratic model, that also may merit a separate discussion for our concern. Let me now attempt to broadly delineate the tenets of this approach and gain an insight into its potential in achieving the task of re-legitimizing the democratic element and regenerating the normative-political nexus in political theory in order to overcome the destructive tendencies fueled by the collective claims shaking the conventional liberal notions of self, reason and the universal validity.

5.2.1 Radical and Agonistic Democracy: An Introduction

The radical democratic thought shows different lineages in America and in Europe. While it is influenced by a socialist or social democratic tradition in Europe which emphasizes the economic and social equality, it often relies on the republican tradition that aims at enhancing democratic participation in the USA. (Phillips, 1993: 3) Hence radical democracy may be traced as back as to such figures as

Jefferson, Marx and Gramsci, John Stuart Mill and Dewey. The radical view of democracy that unites these diverse thinkers is that "democratic participation is an important means of self-development and self-realization" (Warren, 1995: 167). This means that participation will produce individuals who are open to difference, reciprocity, and tolerance. For radical democrats, democracy produces its own ethics and values.

The agonistic critique of liberal democracy focuses on the discussion of formation and sustenance of identities. Judith Butler argues that the main flaw of liberal democracy is its compelling of individuals to forge collective identities that ultimately undermine democratic values such as liberty and equality. She, like Habermas, thinks that democracy is more than the ideals of equality and liberty, it calls for appropriate ways and means to achieve that (Grisat, 1998).

5.2.2 The Democratic Ideal

The radical model of democratic politics relies on considering democracy as an ideal, a system that does not close itself to change, uncertainty, transgression and contestation by sticking to certain "foundations". For radical democrats, democracy is not only a form of government, but a mode of being. Hence, all the liberal attributes to democracy should be critically analyzed.

Agonistic democracy is an offspring of radical democracy. It argues that all identity/difference need to be perceived as inevitable and certain and that the contestation and the conflict between these identities are not "challenges", but do constitute the basis of the democratic ideal. In this respect, democracy is the political moment. Agonistic democracy is against the boundary-drawing of the

modern liberal state that centers some identities and situates others as mere "anomalies" or points of alterity to be domesticated, contained and hegemonized.

5.2.3 The Radical Democratic Critique of Liberal Democracy

In evaluating the characteristics of late modern democracy, William Connolly (1995: 88-90) argues for a three-tiered structure: "normalization", meaning justification of unequal identity\difference configurations in the social order, not only as defined within a norm, but also as seen as a natural or true standard; "depoliticization" referring to the fact that political conflicts that incur risks for certain identities are left outside the scope of the political; and "pluralization" that relieves the society from these risks by fostering cultural diversity. A normalizing society is the one in which difference is seen as perversion and is converted into otherness or neediness.

The modern state is a "guardian of boundaries" both in territorial as well as on its role in fixation of identities. Democracy is not where the political is located, but how it is experienced. Wolin thinks that constitutionalism has drawn a similar boundary to democracy by stressing homogeneity and stability. She suggests: "democracy needs to be reconceived as something other than a form of government: as a mode of being that is conditioned by bitter experience, doomed to succeed only temporarily, but is a recurrent possibility as long as the memory of the political survives." (Wolin, 1996: 43) Hence democracy is defined as a project that is constantly in making and has no moral, political or social fixture, it appears and disappears as the political in identity/difference relations reveals itself.[46] For her, the renewal of democracy cannot be assigned to the modern state, because the

[46] Keyman (1996: 106) emphasizes this by indicating democracy's simultaneous existence and nonexistence.

citizens are able to find commonality between themselves through their contestation of unequal power that means solidarity.

Chantal Mouffe (1996) focuses on the "ineradicability" of power and antagonism. She thinks that liberal pluralism tends to miss the dimension of the political by defining plurality in terms of fixed and essential identities. Democratic theory needs to be rethought along the lines of disharmony, ambivalence and antagonism, and that democratic society cannot be though as an entity that has already fulfilled harmony. There is a constant rupture, contestation and conflict that is at the same time what makes democracy *political*.

Liberal claims of rationality and neutrality only hides violence and exclusion. Rationalistic defense of liberal democracy falls into same trap as totalitarianism that it criticizes: "the rejection of democratic indeterminacy and the identification of the universal with a given particular." Agonistic pluralism, on the other hand, recognizes permanence of conflict and antagonism, and tries to underline the opportunities of exploring the commonality between identity/difference. Mouffe stresses that the liberal notion of absorbing otherness in unity is unacceptable and that alterity cannot be domesticated. Radical democracy rejects the possibility of a coercive consensus by rational argument as Habermasian theory advocates and instead "protects pluralist democracy against any attempts of closure." This is the factor that secures the functioning of democracy in a dynamic way (Mouffe, 1996: 245-256).

5.2.4 The Self and Identity/Difference

What matters beyond identity is difference and the democratic project is constituted by the interaction, contestation and the constant transfiguration between these differences. The answer of the agonistic democracy to the crisis of fragmentation of identities and the anti-democratic movements characterized as micro- or ethnic nationalisms, fundamentalisms and other exclusionary tendencies is to stress the significance of pluralization as of identities. Agonistic model of democracy underlines the element of change and contingency in construction of the political. It assumes the politicization of difference as a social reality and attempts "to restructure this process to produce a politics of difference in a democratic way" (Keyman, 1998: 207).

The problem of difference is a significant element for the agonistic model of democracy. Bonnie Honig (1996: 257), for example, argues that difference is not simply a different identity, "it is also that which resists or exceeds the closure of identity." Difference is an outcome of identity, not its counter-notion. The stress on conflict and resistance comes once again to fore in her argument for agonism, since not only identity but difference should be considered within democratic theory. What characterizes such a political arena is dilemmas that each person faces in daily life. Agonistic democracy takes dilemmas not only as signs of moral pluralism, but also a sign of "the ineradicability of difference from identity."

In this sense, agonistic democracy can be defined as "the democratic governance that enables social identities to recognize the limits of their very demands and interests while voicing them, and hence prevents the process of politicization of difference to become a process of 'annihilation of the other'" (Keyman, 1998: 209).

For Keyman, this requires two enterprises: First, the assumption that politics is essentially an ethical practice, and second, that the social consensus on the principles and values constituting the normative basis of democracy should be considered as the constitutive element of democratic legitimacy. Hence the basis of democracy becomes agonistic conflict, rather than consensus, and this constitutes, at the same time, a major critique to the theory of discourse ethics (see Keyman, 1996: 101). In short, the main attributes of agonistic democracy is its openness to change and to the ambivalence of the relationship between identity and difference.

5.2.5 Connolly and The Ethos of Pluralization

Connolly (1995: xii) devises the ethos of pluralization which refers to the effort to ground democracy once again in the identity\differences and their ambivalence and contingency. It is an attempt that tries to situate the political back in its participatory and ethical dimension. It argues against conventional democratic pluralism that is centered around the nation state and basic rights and entitlements that remain "sting, cramped and defensive." This is the reason why real pluralization of identities and ethical-moral stances are often seen as perils by the liberal pluralist imagination.

The effort of Connolly (1995: xv) is to refashion "the pluralist imagination" to cultivate "an ethos of critical responsiveness to political movements that challenge the self-confidence and congealed judgments of dominant constituencies." Critical responsiveness stands opposite to fundamentalism in its relation to the existing pluralization drives. In other words, it is an attempt to inject generosity and morality into the existing liberal pluralism. However, it requires more than a reformative endeavor. It necessitates a double action on the part of the pluralization

ethos: first, to acknowledge and cultivate the critical responsiveness to new movements of pluralization, and second, to provide a milieu in which new identities can live in peaceful coexistence.

For Connolly, identities are both relationally and collectively constructed. Critical responsiveness in this regard is a political response to the politics of identity\difference. This is not a moral code in itself, because it is only a modality that is used to cultivate respect for a politics of pluralization that is over any conception of political morality. The reason is that violence may often become transcendentalized and converged with morality.

Connolly's ethical suggestion is, however, to connect the intrasubjective and intersubjective differences and open "relational possibilities of agonistic respect, studied indifference, critical responsiveness, and selective collaboration between interdependent, contending identities" (Connolly, 1995: xix). In other words, this is an effort that tries to establish an ethical framework that is not foundationalist, universalist, transcendentalist and overly rationalistic. This makes the ethos of pluralization different than the liberal, communitarian and the Habermasian responses to the legitimacy crisis of liberal democracy that I have described in Chapter II.

The ethos of pluralization is a project to revive the democratic ideal and to unburden it from the Eurocentric, rationalist, discursive and totalizing associations. Hence Connolly proposes "governing assemblages" that would actually constitute "micro-democracies" across different identities. It does not, however, mean that this is a communitarian response, since Connolly emphasizes "crisscrossing

multifarious lines of identity, difference, connection, indifference, and opposition" and not a single "we". Connolly is cautious towards the efforts to perceive a unified nation or community since it necessarily leads to a conversion of difference to otherness. This process of othering poses significant barriers before building majority assemblages of democratic governance. His approach, thus, is not to disregard difference, but to productively and constructively utilize it in a participatory democratic framework. Because, each identity creates its own difference. Connolly (1995: 93) argues that there is a common misconception of diversity as "limbs branching out from a common trunk . . . [that] might be Christianity or Kantian morality, or the history of a unified nation or secular reason." He negates this notion calling it "arboreal pluralism" and instead proposes majority assemblages. These are mobile constellations involving different identities to find common themes that are of interest to at least some of them, and refer to neither national will nor general consensus. Democracy becomes the mode in which all these identity\difference claims are responded with a moral and solidaristic manner. The greatest danger in all those liberal, communitarian or discursive attempts is that they try not to consider, but repress difference.

Reviving of the background of the political action and relation in terms of this pluralization, then, means also reviving the political along all possible sites and types of action. Because a pluralizing culture embodies "a micropolitics of action" by the self on itself, "a politics of disturbance" that identities continually remain alerted to normalization of difference, "a politics of representational assemblages" through which general policies are adopted, and at the international level, "a politics of interstate relations" as well as "a politics of nonstatist, cross-national movements" (Connolly, 1995: xxi).

This reactivation and expansion of the political is made possible by recognizing that the ethics is not limited to contractual morality as liberals would argue, command morality as communitarians defend, or teleological morality as neo-Aristotelians subscribe to. It is also designed to respond globalization and its effects on state actors, its implications for the emerging role of non-state actors in world politics and cultural scene.

Connolly's approach to ethics is characterized by something in between the command and teleological versions of ethics: it pursues an ethic of cultivation rather than of contract or command; and it does not pretend to construct a teleological morality, on the contrary, it aims at disturbing traditional virtues of community and the individual. It is not a single universal ethic, therefore it departs from the Habermasian version too. He believes that in a pluralizing culture like the one we witness today, "the sources as well as the mandates of ethics will be marked by plurality" (Connolly, 1995: xxv). In short, it is a position that underlines the necessity of ethics while resisting any singular and hegemonic definition of it. His position with regards to the political question can be called "ontopolitical", in other words, the assertion whether something is fundamental or that nothing is fundamental. For Connolly (1995: 40), "nothing is fundamental ... Therefore, almost everything counts for something". It is because of this ambivalence that an ethic of care should honor both indispensability and fragility of ethics.

What is needed in is selective collaboration and agonistic respect that would provide a relationship between interdependent and intersecting constituencies, in

other words, where identity\difference is recognized without establishing a fixed content of their relationship. Hence, what he proposes is a normative and agonistic positioning of the self vis-à-vis the other based on ethics of care. The democratic ethos, then becomes the political field where an active tension exists between "cultural drives to identity and the persistent ethical need to contest the dogmatization of hegemonic, relational identities" (Connolly, 1995: 92-93). The crux of the matter in this conception is that the need for sustaining democracy as a polity that is open to change, contingency, historicity, relationality and ambivalence.

Connolly (1995: 104) proposes that democratic ethos is pluralistic not only that it incorporates the diversity, but also the types of ethics and identity sites for democratic debates. Therefore, the pluralizing ethos is to be aware that any consensus is subject to contestation and that what is fundamental is nothing but "difference".

The democratic ethos is created when the constant "surpluses, resistances, intransingencies, and protean energies of diversification" are maintained in these constellations of identity\difference (Connolly, 1995: 97). In this "ambi-valent democracy", disturbance and pluralization acquire a positive value. Consent must go along with critique. In this democratic model, state is granted an important function: it is the key political site where majority assemblages can work against the normalization process which otherwise could be producing a suffocating "consensus" under the state (Connolly, 1995: 103).

Connolly argues for a representational democratic politics that enables the citizen to serve both as a participant in procedural democracy and as an activist in social movements. This controversial view, however, needs some clarification with regards to its formal feasibility. Once representation is defined as the "labeling" of diverse and immensely unique individual and group perspectives, it is questionable whether such a generalization and fixation of the identity claims can still be supported by representation itself. No social movement genuinely reflecting identity claims can be considered as part of the representational system of liberal democracy since they generally cannot enlist themselves as distinct actors participating in formal party politics, and hence they need to converge with those "labeled" political entities that are the very "normalizers" of the social movements at the same time.

The paradox here stems from Connolly's own formulation of a tension between the form and content of the agonistic politics, similar to the Habermasian conundrum: while the form of democracy is preserved, what is proposed as dynamizer and the catalyst for greater participation and thus representation works, implicitly, to its disfavor and instability. It is hard to see the practical relevance of such an approach, despite appreciating its strong accent on the very much needed component of care and solidarity between identity\differences.

Wolin, on the other hand, understands politics as the idea that a society composed of diverse identities can still enjoy commonality and that its collective power through deliberation can be used to the well-being of all. In her terms, democracy should be understood as the project that is concerned with the political potentialities of ordinary citizens through "the self-discovery of common concerns

and of modes of action for realizing them" (Wolin, 1996: 31). Barber focuses on the question of foundations of democracy, or whether democracy needs foundations. The foundationalist approaches to democracy emphasize "a construction of democracy that favors natural liberty and absolute rights" (Barber, 1996). This certainty of democratic foundations, however, is itself irrelevant for democracy. Because democracy is not a fixed polity. It is dynamic and shaped and reshaped through its attributes such as a revolutionary spirit that underlines spontaneity, creativity and responsiveness to change; its autonomy that entails engagement, participation and empowerment; and commonality or publicness of democratic judgment that generates a certain sense of communitarianism and common will. Therefore, democracy is a regime that legitimates itself without the help of foundations that can be said to be synonymous with fixtures, closures and certainties.

5.2.6 A General Critique of Agonistic Democracy

Agonistic democracy presents us with a picture that actually Habermas intends to bring about, but fails due to his theory's universalist, Eurocentric, deontological, essentialist and rationalist nature: the ambivalence of the self and its political constitution.

In any case, democracy colored by a certain agonism is a democracy that is capable of transforming itself. And that makes the agonistic model much more relevant to our present world than the liberal or deliberative alternatives.

It also introduces us the important dimensions of ambivalence, disruption and constant change of the definition of the political as well as the social which

underlines much of the turmoil in the world today as exemplified by the inability of the liberal nation state faced with globalizing tendencies, and at the same time indicate the way we must understand politics. It implies a politics of dynamism, reflexivity, openness. It tries to bridge the perennial gap between the normative and the political by situating them in a participatory democracy which upholds the value of participation and stresses the primacy of the socially embedded selves before the rationally conceived representational and bureaucratic mechanisms which are, at the same time, assumed to be universally valid.

It is a contribution that recognizes difference, the major social and political element that shapes the late modern polity, and the challenge before liberal democratic legitimacy, as well as an awareness for the vibrancy and permanence of the ethical possibility that overcomes any type of proceduralist or deontological flaw. Therefore it promises to regenerate a vibrant political in a radical sense. However, it tends to give too much to indeterminacy and uncertainty, so that the ethical notion may become itself an arena for the political difference and its power configurations may tend to corrupt. Hence there is the risk that the absence of the commonness of meaning as opposed to difference in terms of ethical positions may give rise to a democratic breakdown.

In this chapter my analysis showed that both the Habermasian deliberative theory and the agonistic democracy present us certain possibilities, theoretical tools and conceptions which may be productively used to enhance the survival of the democratic ethos and re-founding the relationship between politics and ethics. Both approaches provide us with the objective of democratic participation and equality based on the communicative processes, solidarity, care and social construction of

the political. They also contribute to the essential quest for placing the moral at the center of the political theory without subscribing to some transcendental or metaphysical theory of the good. In this sense, both theories have important insights about the configuration of the political *cum* the ethical to offer for overcoming the legitimacy crisis of liberal democracy however they are prone to some criticism in their conception of the political processes, the universalist arguments and sometimes formalist and foundationalist implications.

In the next chapter which will present my conclusions from this study, I will summarize broadly the findings of my thematic reading of the approaches on the legitimacy crisis of liberalism. This involves a critical analysis of the classical liberal moral theories, the Rawlsian extension and the communitarian thought, the Habermasian theory of deliberative ethics and the radical democrats and, in particular, agonistic democracy. I will also try to suggest the theoretical avenues, trajectories and strategem which are necessary not only to eradicate the negative effects of the legitimacy crisis of liberalism that I have reflected upon by taking globalization as the reference point, but also to devise the inputs, tools and concepts which may contribute to the regeneration of the political theory by emphasizing the ethical element as the part and parcel of any political process, which also stands at the crossroads of the epistemological, ontological and axiological paths for understanding the political behavior of man.

CHAPTER VI

CONCLUSION

In my thesis, I have focused on the effects of globalization on the liberal democratic perspective, and engaged a dialogic reading between the theories of classical liberalism, Rawlsian liberalism, communitarianism, Habermasian deliberative democracy, radical democracy and agonistic democracy in order to assess their possibilities for a reconstruction of the relationship between ethics and politics in a way to be able to answer some of the important questions of our globalizing world. I have argued that there are deficits in the liberal conception of identity, rationality and universality and that the democratic ideal wedded to the liberal theoretical perspective seems to be overshadowed by these weaknesses. I have also critically presented the positions of all these approaches with regards to these three faces of the legitimacy crisis of liberalism and evaluted their ability to respond to the challenge of introducing new concepts and modalities that would effectively respond both to the emerging crises in these three sites of the normative-political discourse, as well as to change in general.

In this chapter, I will first try to exhibit some of the contours of my critical and dialogic reading of the approaches, perspectives, theories and explanations regarding the phenomenon of globalization and its implications for the liberal democratic legitimacy. Secondly, I will suggest certain ways and conceptions which are expected to provide the political theory with a better understanding of the relationship between politics and ethics, in general, and the democratic ideal, in

particular. Let me start by focusing on the question of globalization and its implications for the legitimacy of liberal democracy.

6.1 A Thematic Reading of the Legitimacy Crisis of Liberal Democracy

6.1.1 Legitimacy of Liberal Democracy and the Challenge of Globalization

Globalization is not only the processes, tendencies, discourses and debates that we have come to witness in the recent decade, but also a significant theme for understanding the immense potential of the political change and to grasp the profound challenge before the liberal credo as well as political theory. For this reason in Chapter II, I have offered a *tour d'horizon* regarding the perspectives on globalization. I have indicated that globalization as change reveals the uninhibiting sense of pervasiveness and alarming disruption of liberal democratic understanding as it is conventionally conceived. Its impact on world politics is often characterized as the triumph of democracy as the old division of communist vs. free world has faded away in favor of the latter. The number of "democratic" governments has flourished, the discourse of democratic representation has gained popularity by the demise of dictatorships, the terms "human rights", "pluralism", "multiculturalism", "toleration" and "cooperation" have become commonplace, all giving the sense of the humanity's final victory of the dignity of man against the global evils like totalitarianism and oppression which indeed encouraged some to call it "the end of history".

Besides, the expansion and proliferation of telecommunications technologies helped to catalyze this sense of a humanity of common bonds, as the local cultures and modes of life started to be integrated with a "global" culture by which a single, all pervasive set of values and references of thinking is assumed to be emerging, as

well as an aesthetic "rapprochement" between diverse cultures, beliefs, ideologies and religions. While the local has lost its sense of an immediate cultural and social marker, more and more identities long ignored and undermined under the politics of citizenship and the cage of national identities began to emphasize their alterity as a political demand and a political position by itself. Paradoxically, in this sense, the local, minority and subaltern movements started to call for a universal standard of politics which is based on diversity of identities. Thus emerged the discourse of human rights and the democratic principles. Therefore, globalization, has revitalized the political theory and its nexus with ethics by enabling the political to reassert itself.

However, as noted before, such change also carries not all promising outcomes. It has negative impacts on the constituent elements of national politics in many ways: weakening the territorial and political sovereignty of nation state, undermining the role of national legislatures and political mechanisms, bureaucracies and other expert systems by increasing transnational influence in domestic affairs, emerging global risks with large-scale social and political implications such as environmental pollution, mass migration and ethnic-religious clashes, declining trust in the representative systems and institutions and a general sense of indifference towards political parties and their programs which seem to resemble each other more and more. Globalization is also bearing upon the liberal state as the mechanism which generates unified meaning and action for the political selves; but also upon such liberal theoretical constructs as the definition of the political self, the rhetoric of rights and responsibilities, the intrinsic relationship between liberalism and democracy, the conceptions of power, state, rationality and the making and articulation of political choices. The legitimacy crisis of liberal

democracy is attenuated further by the postmodern attacks on the basic assumptions of liberal democracy about the nature of the political self, mode of behavior, i.e. rationality, and its axiological framework in the form of universalism.

What emerges with globalization then is not only a doubt about the working of liberal democracies, but also a crisis of their relevance and hence theoretical validity. In most of the cases, the liberal element seems to be overshadowing the democratic element with its imposing, static and unicentered understanding of politics as well as the political subjects and processes. In a sense, the democratic value of participation seems to be jeopardized by the liberal insistence on legal and political order. The resulting discontent and the lack of solidarity, care and active involvement in politics on the part of the society signal the profoundness of the inability of the liberal credo to review and reshape its conceptions and tenets. It is at the juncture of globalizing relations in social, cultural and political realms that the governability crisis of liberal nation state meets its legitimacy crisis.

I have suggested that there emerged three very important faces or sites of the legitimacy crisis of liberalism as revealed by globalization: its conception of the self, rationality and universality. The emerging new collective identities, and often antagonistic relations between them characterize the crisis in the liberal conception of the self which is by and large reflected in the concept of citizenship. In addition to that, the doubts about the unitary, homogenous and "national" subjecthood raised especially by postmodernist thought strengthen the emergence of these collective identities resisting the homogenous parameters of identity. The outcome is an instability in the citizenship notion of liberal nation states, and a dangerous

turn towards annihilation of differences which coincides with the late modern celebration of difference.

This crisis in identity in return is exacerbated by the pressures of globalization upon the bureaucracies of the national political apparata of the nation state which have got stronger in manipulating the uncertainty and "expertistic" isolation. Moreover, powerful lobbies and interest groups gain tremendous resources to dominate the political discourse and preferences. Therefore the notion of politics as a rational decision-making starts to attenuate. The faith in a procedural political realm conceived and organized on the positivistic and foundationalist precepts and operating by the principle of instrumental reason begins to recede. The postmodern accent on the hegemonizing and colonialist color of the modern Reason contributes to this development. However, the downside of this tendency is that those agendas questioning instrumental rationality may give rise to irrationalism and anarchism which may again endanger the coherence, consensus and cohabitation among various political views and positions.

In addition to the self and rationality, I have also discussed the third site which contributes to the general crisis in legitimacy of liberalism, that is, the liberal conception of universality. In a way, the late modern loss of faith in a universal model as a grand metanarrative may be said to characterize the other sites of the legitimacy crisis, as the liberal notion of the self as well as rationality are distinct for their claims of universal validity and normative value. The paralyzing postmodernist attack on the Orientalist mindset of social sciences and production of knowledge, and the claims of Eurocentricism imminent in the very universal formulas of the liberal rights and freedoms galvanize the effects of globalization

which both encourages supra-national political positions and movements, but also emphasize the significance of the local further weaken the liberal reliance on universalist explanations.

The political, normative and philosophical approaches which have been trying to resolve these three sites of the legitimacy crisis are the center of my thesis. I consider the context of this crisis as the globalization process, in so far as it is this process that provides different positions on politics and morality with the possibilities and problematics in discussing the relationship between political liberalism and democracy. This relationship necessitates at the same time a discussion on the relationship between politics and ethics. This occurs at the juncture of the history where the promise of an assumingly democratizing world thanks to the euphoric interpretations of globalization encounters the crisis of the liberal democratic governance revealed by the emerging signs of discontent, disruptions, indifference and conformism. In this sense, the globalization discourse and the conflicting perspectives on it are important because they constitute both a litmus test, and a melting pot for the modernist-postmodernist debate that has had much to contribute to the debate on ethical underpinnings of politics, and the debate on the efficiency, flexibility and even validity of the liberal democratic framework.

And thus I have started to analyze the groundwork of the liberal democratic thought in order to evaluate if and how its basic premises shape its political elements which show vulnerability before the encompassing change and its basic assumptions about the human nature, mode of thinking and action, and a normative

configuration of the political as manifested in the conceptions of the self, rationality and universal codes.

6.1.2 The Faultlines in Liberal Thought: A Cause Lost?

Chapter III provides a critical and dialogical reading of two main avenues of the political-normative construction of the liberal democratic thought: the Lockean and Kantian theory of contractarianism, and the utilitarian tradition. In my analysis of these two positions, I conclude that liberalism from the start has difficult and unsecure positions with regards to the conceptions of agency, the rationality of the political system and decision-making, and the universal relevance of its premises. In the light of my discussion in Chapter III, I argue that the current crisis of liberalism is not a conjunctural event. Many of the faultlines of the existing legitimacy crisis actually lead back to the origins of the liberal thought which has been shaped largely by a sense of fear from disorder and clash, and the hope for a salvation under a strong state. I have several observations in order which support this view.

The first conclusion from this discussion is that liberalism is colored by a certain idealism and abstract individualism which makes it difficult for the liberal nation state to foster participation and preserve the democratic element by relying on conceptions of concrete selves, and concrete political relationships among them. In a sense, this abstraction often relying on some sort of the idea of "state of nature" or an ahistorical "covenant" may be considered as the escapism from the hard realities of the social world. Therefore, the abstractness of the liberal ideals eventually leads to impoverishment of the political.

A second conclusion is that liberalism, based on the fear from disorder as manifested by both the contractarian and the utilitarian brands, is generally suspicious towards the disruptions, difference and dissonance which are the constants of the political formula and the democratic ideal. This negative accent on the potential of the selves and the political process itself characterizes the liberal mood which sees politics and all the conflict, dissensus and disruption which are part and parcel of it, as an "inevitable evil."

Therefore, liberalism, going beyond its quasi-messianic claims may be called a "therapeutic polity" which in return values the order, institutions, legality and all those political concepts that promise silence, hence depoliticization, rather than vocalization of the political role of the selves,. This is yet another conclusion I draw from my critical reading of the classical liberalism: formalism and legalism are significant aspects of the liberal thought and, especially the Kantian attempt which equates politics with law. This equation stems from the fear that once the political is unharnessed, it could disrupt the moral life of the individuals.

The liberal definition of politics as a "conflict management" technique or a "bargaining process" has immense implications for the persistence of the political which the democratic theory aims to achieve. Because of this, and the reliance on formalistic and institutionalistic expressions of the democratic process under the rubric of "consensus", the liberal position tends to exclude the Other, because strong positions in any bargaining do not always rely on normatively superior justifications, but on power scale in general. Therefore, the institutionalist stress gives rise to primacy of the state versus an individual who is defined in terms of an abstract, negative and conformist politics. Politics conceived and applied as a

procedural activity becomes stagnant, docile and monopolistic as the law emerges as the only justification of the political claims. The universalist appeals to morality, such as the Kantian categorical imperative, thus endorse a politics based on discipline, rather than constant reshaping and repositioning.

A direct consequence of the emphasis on procedural democracy is the conformism and the resistance to change which leave the nation state as the only effective political actor sponsored and dominated by a limited circle of powerful political and economic actors. As a result, participation which is the most important democratic element and value, gradually fades away. Hence, although liberalism claims to limit the state power, it actually enhances it at the cost of encouraging inequality, resulting in the impoverishment of the political and the ethical.

I also find out from my reading of the liberal discourse that there is also a problem with the understanding that the liberal nation state poses as a neutral referee before the immensely pluralistic notions of the good and moral positions. Pluralism is a relatively recent coinage for the liberal democracy. Apart from this, the liberal nation state preserves a morality of its own by legally sponsoring or discarding identities, modes of life styles and even intellectual projects.

Beside these general observations about the liberal democratic normative position, I also have gathered important insights about the liberal conceptions of self, rationality and universality in my thesis. First, the conception of the other is a replica of the self. By placing emphasis on similarity and homogeneity, the liberal position neglects the plural sites of identity formation, the social context in which the self is shaped, and the various moral trajectories of rational decision making

and thus its notion of citizenship becomes a limiting element for the political potential of the self. The lonely liberal self, motivated only by his rationalistic calculations and interests cannot burden the grand universal claim of an autonomous maker of his own fate.

The self even faces with losing all his political potential which is seen as the remnant of the total power which is defined as being embodied in the procedural and institutional mechanisms, because the configuration of the political necessarily leaves little room for social basis of dialogue as well as contestation and repositioning of political claims. Therefore, the "liberating" sense of liberalism may turn out to be "suffocating" for especially those selves who are not represented in the definition of a particular citizenship, and those who lack resources either to participate in or influence the institutional politics.

A transcendental self is thus inevitably surrounded by the systemic will of the most concrete of all political actors, i.e. the nation state possessing the only justifier of the political legitimation, i.e. law. This outcome is indeed not intended either in Kant, or in Rawls. However, the political theorization with the purpose of establishing an "orderly society" based on an universal and instrumental rationality certainly leads them towards that direction. Therefore, legitimacy of liberalism from the outset has built-in destabilizers in terms of public and private tasks of the selves which are presented as neatly and separable categories of the individual action. The sharp division between private and public aspects of the self contributes to this instability.

An asocial self, a strictly private being is an introvert entity who lacks solidarity, care and dialogue, all qualities of a normatively acceptable democratic framework. The outcome of such a conception is the same: the supremacy of the nation state as the single locus of the political activity, and as the ultimate guardian of rights and freedoms. Moreover, the liberal perspective which considers politics as a negative activity discourages the self to engage in conflict and contestation with other selves and therefore leads to exclusion and asocialization.

In terms of the rationalistic claims of liberalism, I argue that the Kantian equation of *Moralität* with *Rationalität* far from delivering its promise, indeed becomes another obstacle for the democratic moment. Because, by furnishing the universal reason as the only legitimate arbiter for the individuals' political decision-making, it tends to limit the infinitely rich and diverse positions of moral reasoning. Combined with the proceduralist tendency, any universalist definition of rationality within this framework works for depoliticizing the political subject. Thus an "ethic of rational submission" emerges against the initial intent of liberating and empowering the selves. Moreover, the liberal understanding of rationality as economic rationality too narrows the diversity of normative possibilities for consensus and construes reason as a servant to self-interest. Therefore, it again impoverishes the political by ignoring the vast avenues of action and interaction among selves each of whom may carry a distinct motif for participating in political deliberation and decision-making.

Discussing whether current crisis in the universalist claim of the liberal thought may be traced back to classical liberalism, I conclude that the universalist color of the Kantian framework especially, serves to strengthening legitimacy claim of the

most powerful, hence contributing to conformism and inequality. Because the universalizability test is too abstract and needs the legal sponsoring of the nation state which uses that test to pursue the interests of the most powerdul actors. I have also observed the prevalence of a Eurocentric construction of such a universalism as apparent from the Lockean, the Kantian, and the Millean prepositions regarding the centrality of the interests, analytical models and normative tools of the West for not only evaluating the East as the Other, but also disseminating these constructs by the way of colonialist policies which do not conform to the highly humanist tone of the liberal thought itself. The outcome is the inescapable assimilation of the other into a procedure to which it does not accord, or ignoring it simply because it tends to be "unreasonable".

6.1.3 Between Justice and Virtue: Reflections on Rawls and Communitarians

In Chapter IV, I have analyzed the Rawlsian and the communitarian responses to the legitimacy crisis of liberalism. Both these approaches are important because they offer a revitalized political and ethical framework and must be commended for their intent. Especially Rawls's attempt to erect a bridge between equality and liberty, as well as between realism and idealism, deontology and teleology, morality and rationality is worth of praise. However, both perspectives suffer from certain theoretical inconsistencies and misplacements, following a similar line of conception of the political like all those observations about the political-normative aspects of the classical liberalism which I have mentioned above.

The most important contribution of Rawls for our discussion is that he acknowledges the plurality of goods and the need for integrating equality into the liberal democratic framework, thus partially responding to the liberal weakness on

rights and entitlements. He designs his distributive justice theory in order to contain the political positions drawing upon difference and pressurizing the liberal order and to introduce a conciliatory element of politics that would mitigate the clash of those positions. Rawls's "justice as fairness" approach reveals us that, although the framework is, without doubt, a meaningful political theorization and much more consistent than many classical liberal positions, its conceptions of the political and the normative tools and procedures are fraught with similar misconceptions.

First of these relate to the nature of the relationship between the political and the ethical. He, like Kant, tries to devise universal rules which would guide the political decision-making in a moral way. Yet, his attempt remains another attempt in the path of an abstraction of the concrete practice of politics, concrete selves and concrete situations which involve contestation and thus immediately the political. Similarly, his definition of politics as bargaining also reduces it to a "politics of interest" and hence results in impoverishment of the political. He also subscribes to the notion that politics is a conflict management technique following the liberal idea that liberty is freedom from external interference which is the cause for marginalization and negation of the political element.

Again, Rawls's stress on consensus as the primary objective of political disposition risks becoming yet another liberal argument for conformism. The abstract nature of the theory unfortunately enhances this possibility. The self is hence pushed toward unanimity and convergence rather than difference and dissonance. His sense of difference as disorder, quite in line with the classical liberal understanding leads to the limitation of the political potential too. The peculiar liberal instinct to endorse

stability appears in Rawls as well, giving way to a sense of formalism, institutionalism and conformism. It is clear that "conciliatory" liberal approaches let it belong to Rawls, Kant or Habermas trying to establish bridges between the particular with the universal, almost always turn out to be proceduralist, and tend to defy their own premises.

The conceptualization of consensus as the primary objective of the political activity impoverishes the political as difference is left out as the real arena of power contestations and instead the procedures at the behest of the nation state are introduced as the only relevant political justification. As individuals who are conceived much in the same line with classical liberalism move towards consensus, they also move towards unanimity, and moral convergence while the state and powerful lobbies are preserved as the "neutral" referees.

With respect to Rawls's conceptualization of the self, I reach similar conclusions as I did for the classical liberalism. For Rawls too, the self is unitary, lonely, asocial and ahistorical being. He too endorses rights which are dissociated from the social ends, and hence supports the asocialization and thus depoliticization. The liberal self in Rawls too is a generalized other, dispossessed and introvert.

Rawlsian sense of rationality is not much different than that of classical liberalism. Rationality is seen as a guarantee of consensus which is conceived as the main objective of the political activity. The argument for rationality is advanced in order to confront the perils of moral fragmentation. However, what Rawls calls "reasonableness" is not a single, homogenous and universal mode, but includes a vast array of choices and moral justifications. The negative repercussion of the

Enlightenment definition of a universal reason for the political can also be seen in Rawls who limits it to the process of bargaining and self-interested action which actually reduce the moral preponderance of his position. Because it is usually the most powerful, and not necessarily the most just who is the winner in such settings.

Rawls is universalist like all classical liberal thinkers, but this aspect too suffers from certain Eurocentric tendencies. He claims that liberalism of his sort is the universal morality. He argues that his main focus is western liberal society so endorsing the universal values in the name of a particular public culture relevant to that society becomes an anomaly. This confusion between the means and ends, i.e. the local and the universal has significant ramifications for our discussion since it may negate the political as well as the ethical. Because to extrapolate locally shared norms and traditions on a universal scale is either an idealist endeavor that seems to have failed not only in Rawls's case, but also in Kant's, or it is a dominating discourse which would then betray its own claim of equality, respect and justice. The universalist accent on particularity, as relevant for the communitarians in the opposite direction, becomes an anachronism. Because it both suppresses and at the same time glorifies particularity. Thus Othering and the exclusion of the Other becomes possible not only across societies, but also among the selves within the same society as difference lies at home too. Therefore, Rawls too seems to be unable to respond effectively to the theoretical requirements of a normative-political framework which would ensure participation, difference and the constant vibrancy of the political.

In Chapter IV, I have also analyzed the communitarians in order to substantiate my reading of Rawls because Rawls may be considered as the *raison d'être* of the

communitarian line of thinking. While Rawls represents the contractarian, deontological and the egalitarian traditions, communitarians represent somewhat hermeneutic, Aristotelian and the teleological approaches. However, there is a common theme between them: how to reconcile the self with the politics and at what scale?

Communitarianism is largely a refutation of the liberal universalism and abstraction, and can be seen as the other side of the liberal coin. It relies on a critique of Rawls and the liberal individualism. Yet, it is difficult to call this thought a distinct theory because it lacks a theoretical coherence as many of its proponents do otherwise sponsor other agendas and thus it remains largely as an extension of liberalism. However, the communitarian critique is important for my task since it provides us the alternative locations and destinations of the self.

Communitarians perceive Rawls as the voice of the modern liberalism and are especially attracted by his emphasis on justice. Because justice requires a conception of the moral position which must correlate with the conception of agency. The communitarian response to the Rawlsian notion of agency is significant for it balances it with a conception of self which is socially bound, a depository of the common meanings, and shared values. Therefore they dismiss the liberal notion of self as an isolated being, a ghost, an unencumbered person, and instead they stress social construction of the self. This argument makes communitarianism a perspective which could offer a way out of the problematique of the liberal self.

However, the communitarian notion of identity seems to be suffering from similar misconceptions like the liberal tradition, although in a different plane. Because communitarians while defending social construction of agency, easily fall into the trap of reductionism and eradication of difference in the name of common values and norms. Their emphasis on sociation is a useful and indeed necessary contribution, yet to associate the social with the self in a way to make the self an amorphous member of a collectivity is a real risk for this perspective. It is even more alarming on the part of the democratic idea to observe in some of the advocates of the communitarian school, a longing for the "good old community" where the difference and dissonance was nonexistent due to singular and hegemonic codes of political and moral behavior.

The communitarian self, like that of liberalism, is moved away from his political potential and the moral consistence in this way. Because the communal attributes of the self are just one aspect of his political figure. Moreover, the othering may immediately emerge as difference is undermined for an image of unitarian community. After all, the term "community" seems to be failing the expectations of those communitarians who still see it as a valid, relevant and desirable unit of life and as a self-contained collectivity. That kind of community seems to be outmoded in the western liberal societies, moreover the implication of homogeneity connoted by this term is hard to find resonance among the pluralized identities.

Communitarian critique of the universalism of liberalism too is misleading as the concern of the communitarians is to find solutions based on their model of the western liberal society, just like Rawls, and other liberal thinkers whom they criticize. Here as well I observe the same risk as I did in the cases of Kant and

Rawls: the inconsistency between the promises and the theoretical configuration of the political and normative elements cannot support each other. And the ensuing gap is always filled by the already-existing power structures in the society. Therefore, I have argued that communitarianism too fails to provide a satisfactory response to the Balkanization of identities, irrelevance of modern rationality and the universalist arguments utilizing Eurocentric perspectives.

6.1.4 Habermas and Radical Democrats: Avenues for Participatory Democracy

My critical reading of the deliberative democratic position and the radical democratic idea, and within it the agonistic democracy approach in Chapter V showed that these approaches do better respond the legitimacy crisis of liberal democracy by not only providing us with novel theoretical tools and concepts, but also engaging us to rethink the constitution, configuration and the limits of the political. In this sense, many of the criticisms I have launched against the classical liberals like Kant, modern liberals like Rawls and the communitarians are the concerns for these schools as well.

Habermas is another bridge-builder in the path of Kant. He is aware of the inaptitude of the liberal position to tackle the modern problems relating to identity, rationality and universality, and therefore he tries to reconcile the idealist contractarian tradition of Kant with the egalitarian, pluralistic and democratic elements. The deliberative ethics or deliberative democracy thesis of Habermas is therefore a very significant contribution to the liberal conception of politics in particular, and to political theory in general.

His introduction of the principles of deliberative democracy and a dialogic rationality, consensus-based decision-making, and a socially situated self are all very meaningful steps to revitalize the democratic ideal. He offers us the relationship between democracy and law, which is based on discursively obtained consensus through democratic participation. I believe that these are the elements any consistent political theory of democracy should possess.

The weaknesses of the Habermasian theory, however, come from the same root as the liberal position: his defense of the modern "achievements" like individual autonomy, his endorsement of universalism, his unshaken faith in the primacy of procedures and the equation of morality with legality all remind the Kantian project of a universally valid normative code which would combine both the particular and the universal, both the political and the legal, both the rational and the metaphysical. A major difference is that while Kant relied on instrumental rationality to bridge the norms with factity, Habermas devises communicative rationality.

The bridge-building for Habermas stands on the tenets of the Enlightenment ideals such as rationalism and universalism. As I have discussed before, these tenets are the very roots of the instability, and the loss of faith in the relevance of the democratic ideal in face of all the changes that are imposed by globalizing tendencies. He, however, is keen on preserving them in order not to give away to the postmodernist "revolt", but this insistence produces significant problems for the theory.

One of these problems is that Habermas's effort to enable the self to become an active participant in politics fails due to, first, the abstract definition of communication, communicative power and communicative ethics, and secondly, his singling out of communication as a universally monolithic process which conversely carries a real risk for othering, exclusion and domination. The self is not sufficiently situated in the theory, because he is, like the liberal conception, a "generalized other". In other words, the normative theorization using grand channels, once again fail in the face of the factity. The other is defined as the other side of the interlocution and is silenced much in the same way as the liberal theory does, as I have discussed above. Although Habermas does not intend to create a transcendental theory, at the end, he arrives at one because he sticks to the modernist notions reducing politics to law, morality to reason, and the dialogue to "plain speech."

A parallel weakness, reminding us the Kantian and Rawlsian remedies, is observed in Habermas's reliance on procedures, law, institutions and his stress on order. As I have mentioned above, such proceduralist theories often end up diminishing the political potential which is nourished by difference, dissonance and disruption. So, the theory cannot deliver what it originally aims to do. For this reason, I have focused on radical democracy as another discourse alongside Habermas, which attempts to delineate the legitimacy of the liberal nation state. There are strong aspects of radical democracy and the agonistic democracy because they seem to provide one of the most innovative and thought-provoking responses to the legitimacy crisis and its repercussions for the political and normative conceptualization. For example, the emphasis placed upon the political as the activity which is constantly in making is a significant contribution. The conception

of democracy as a mode of being and something more than a form of government is another. Another effective response is the recognition of change, disruption, difference and, antagonism and not consensus as part and parcel of politics.

The stress on difference and the notion of a democratic moment are aspects of the radical democracy thesis which claims the possibility of meeting the challenge of change as globalization poses for the liberal democratic state. It is also important to recall that the democratic element which has been forged in the liberal democratic model is now receiving a special attention which it certainly deserves. In this context, it is meaningful to observe that the agonistic position attempts to open relational possibilities based on respect, to engender critical responsiveness and selective collaboration without ignoring antagonism or difference. The ethics of care is the normative framework for this perspective.

Although radical democracy and agonistic democracy are relatively promising and reinvigorating responses to the legitimacy crisis, they stand as models too abstract. Moreover, the underlining of difference must be carefully distinguished from the glorification of difference since we need to keep the balance between those perspectives which stress order, like the liberal position, and those which emphasize change. Both sacralizations do not work in favor of rooting of a politics in conformity with the factity and sustained by an ethics of responsibility. Again, the focus which might be blurred in sponsoring change and uncertainty is important for a theoretical endeavor to achieve a substantial, well-grounded and living democratic ideal.

6.2 Prospects and Reflections: On the Intrinsic Relationship between Politics and Ethics

In this part, I would like to state my reflections on the legitimacy crisis of liberalism and to suggest certain theoretical efforts and signposts which may be useful for the discussions on liberal political position as well as other variants of democracy and the debates on the normative modeling of the political concepts such as identity, rationality and universality. First of all, I would like to emphasize that the crisis of liberal democratic legitimacy as I have dealt in this thesis cannot be understood if it is not situated within the framework of the liberal normative political understanding that isolates, fragments, imprisons the self and strips the individual off his sociation, responsibility, reflexivity, and constant shaping. Excluded in the liberal ethics is the component of care, solidarity, and agonistic respect. What is encouraged instead is the isolation of the self by building walls of negative freedom, separating the self from the other.

I also conclude that the legitimacy crisis is not a contingency nor an ephemeral phenomenon. This shows us that the problem lies in the liberal conception of the self, and its relation with the other. Therefore, we have to turn our attention to the problem of ethics in order to understand the legitimacy crisis and not limit our focus to the minimalist role attributed to the ethical in the domain of modern politics.

I have argued for three constitutive conceptions of the liberal normative-political order: identity, rationality and universality, three conceptual sites which may as well be relevant for any political theorization for they signify the ontological, epistemological and axiological conceptualizations. On the subject of identity, I

have showed that the liberal ethics and its extreme individualism which lies under its negative perception of sociability eventually leaves the political devoid of its imminent ethical content. It also leads to negation of politics in general, as I have mentioned before. Then, "the political" is strictly separated from the realm of "the social" which is then defined as the free-floating area where the solitary beings, i.e. individuals perform non-essential roles and hence posit no moral significance in their relationship with others. Thus, "the social" is distinguished from "the ethical" too. Therefore I think that we need to emphasize the groundedness of the self in the social in order to sustain and reinvigorate the relationship between ethics and politics.

The institutionalist and state-centered politics of liberalism, as I have explained in my thesis, is the very fact behind all the instability and displacement of the self in his own right. The political expression of the self has no destination but the public role within which he is constrained by the state which is the "guardian of the order." Such a bounded self cannot reveal and realize his social, emotional and political potential and thus remains a passive unit in the exercise of politics. Hence one has to consider the constitution and the role of the state in this whole picture in order to argue for a normatively grounded democracy which will limit the rationalizing and totalizing force of the state on the political potential of the self.

Ethics is the real content of the subjecthood. And a self which performs its course of action by unhindered political participation in decision-making is an "ethical" self. We need to admit that the self is ambivalent and open to change. The self so constituted is open to social as well as inner change, to dialogue and difference and is freed from the chains of formalist responsibilities that are imposed by the liberal

order in return of the extension of rights which, as I have shown, do not directly contribute to the vibrancy of the political. I believe that in order to ensure the constant motion of the political, the intrinsic relationship between the ethical and the political, and to transform the silent self into a political actor, we need to consider the selves as concrete as the other. This requires a conceptualization which is exempted from Eurocentric universalism, and is aimed at sustaining the vitality of the political through constant awareness of difference, disruption, dissonance and disagreement.

For the second constitutive element of the normative-political order of liberal democracy, i.e. rationality, I have tried to highlight the "poverty of the Reason" as defined by the instrumental rationality, and the need for an ethical reconstruction of the political question if democratic ideal is to survive the ordeal of the challenge globalization and the ensuing legitimacy crisis of liberalism. In other words, the ethical question needs to be evaluated as a response to the failure of the modernist notion of rationality as it characterizes the crisis the nation state is undergoing as the container of the political power. Then our task should be to salvage the democratic ideal without running the same risk of foundationalism and by seeking strategies to sponsor a new type of rationality which would be based on dialogue, difference, openness and normative responsibility contributing to viability of the political which is at the core of the democratic ideal at the same time. My work, therefore, implies the need for further theoretical exploration of the very structures of the liberal polity and attempt to examine its hierarchical, inegalitarian and exclusionary character.

Regarding the element of universality, my conclusion is that the claims for universality and conformism support each other in the liberal theory. This is a symbiosis that elevates power as a moral ideal and value over any other conception of political morality. And it is for this reason that empowerment as well as disempowerment take place in the same terrain as the tactics and maneuvers are introduced for moralization and remoralization of the same power structure. In parallel to this process, the political changes its nature from being a constitutive, dynamic and resistant feature of the human agency and social life, to a passive, conformist, and proceduralist game whose only vibrant feature remains legitimization of the existing political order. Therefore the alternative theoretical perspectives stressing the viability of the democratic element need to eschew from universal narratives, not in the sense that their explanatory power would be confined to certain cultural, social, or political "enclaves", but that they have to critically evaluate, synthesize and constantly review the conformity of the theoretical generalizations to the essential change in the social universe, reconfiguring and reshaping the self and thus the social, and thus the political and the ethical.

All these conclusions on identity, rationality and universality also constitute the main conclusion I draw from my discussion on the legitimacy crisis of democracy and the alternatives that I have elaborated demonstrate that ethics cannot be reduced to a functional element of politics. Ethics characterizes, determines and generates the ideas about the political too. So, the legitimacy crisis of liberal democracy and its surrounding crisis of modern ethics also reveals us that the notion of "political morality" as exemplified in liberal political morality is misplaced and underlines all the problematic areas that I have discussed.

Therefore, we need to find new ways and theoretical strategies to transform the liberal democratic perspective with a more radical approach that considers alternative interpretation of identity, universality and rationality as being constitutive of a more egalitarian and ontologically conceived political order in which the ethical shapes the political, then the political exists by the virtue of sociability of the individual, and then the identity is constructed over a positive view of social relations based upon solidarity, care, other-regarding, sympathy and cooperation.

In this context, I would like to add that the categorization of ethics beyond the purposes of classification, into the areas of business, politics, family, culture, etc., actually leads to a direct "enclosurement" and "irrelevancy" that creates different codes of normative behavior for different areas. Once the ethical universe is categorized, fractured, and fragmented, all the ethical/normative domains of the human condition which are assumed to be autonomous, begin to possess their own and often conflicting brand of moral standards. This couples with the fragmentation of the self which underlies the legitimacy crisis of liberalism as I have demonstrated in my thesis.

Fragmentation in identity occurs because the self is faced with behaving rather differently, each time, redefining himself depending on the context in which he is expected to utilize certain moral code. Therefore, all the genuine faces of the self are fragmented into concrete and definable faces that do not resemble each other. It also leads to a de facto fragmentation of the rationality and universality claims since in each of this actional domain, the self utilizes different reasonableness and

conception of the world that most of the times prove to incompatible with each other.

In the face of this categorization, fragmentation, particularization, and isolation of the multiplicity of the individual goods, the state emerges as the only authority which creates and sustains its own good of individualism which results in the primacy of the state and institutionalism discouraging participation, excluding and silencing the political potential of the selves. Hence political morality is equated with morality of the power politics which necessarily means a false moralism. From this dilemma there is no way out unless we seek a different paradigm of contemplating the self and his social universe in a whole, realizing that ethics and politics go together as we see in the problems related to the constitutive elements of the normative-political order, namely, identity, rationality and universality, but also for a reconstruction of the normative democratic model based on the principle of participation. Such an endeavor must avoid any theoretical configuration based on the abstraction of the self from his sociation and dissecting the self's private aspect from his public aspect. Because the definition of the liberal politics based on that dissection is the very element that creates the petrification of the democratic element and thus the eventual non-politics. Thus a need emerges, as a result of globalization, for a definition of political ethics which, without sponsoring the same mistake of a politics devoid of normative consistency and isolated from other pathways of the self by the way of fragmentation of morality into sub-moralities, would mitigate the centrifugal and fragmenting, often antagonistic and Other-annihilating tendencies of globalization process.

The solution I propose is to locate a conception of ethics as the part and parcel of human reality, let it be in his political, social, cultural, economic and personal domains. All these domains are interrelated as they are influenced by the every sphere the individual is situated. As I have demonstrated in my thesis, emphasizing a certain aspect as the only center of explanation regarding this whole results in misconceptions that in turn endanger and hinder the political potential of the self. Ethics cannot be conceived outside and beyond human existence. It cannot be presented only as a theory, an abstract ideal that people may prefer to choose or not. Whether we name it such or not, ethics is in our very being, very existence, not only through our external actions, but also within our feelings, self-perception, and love and hatred. This leads to an understanding of politics as a necessarily ethical practice, and it draws the liberal mistaken view of politics from the procedural and power-politics dimension, back to the existential level where seemingly tranquil everyday life is the home of the political, in line with what Levinas conceives as a hospitality between politics and ethics.

What is needed is an ethics of responsibility based on the notion that we are moral as we *are*, and that the other *is* a moral entity as respectable as I *am*. It is an ethic that is essentially free from reductionism that is caused by "interest *equal* morality" understanding of liberalism. Such a conception of radical ethics and politics, however, requires that all the social, affective and reflexive potential of the self which has been ignored, altered or hidden under the liberal principles of order, negativity, and formalism must be recuperated, again in a radical style. By traveling from the world that promised liberation but imposed us the "chains of the freedom," such an ethics can prepare for us an itinerary that places man in his proper place in the universe, and within himself. But not without the recognition of

the fact that being on the earth means being different, and hence being the other. Therefore the disagreement is part of this perspective as well as consensus, vitalizing the concrete politics which is at the same time the center of the democratic model.

This ethical position requires us to produce modalities, frameworks and ways for action in order to be able to respond the challenge of change. Therefore the ethics of responsibility intertwines with the ethics of action, as politics and ethics are entwined. This is also an important reference in order to achieve the task of preventing the annihilation of the Other as a result of modern identity formation and subsequent othering process. In all these respects, the political theorist or scientist as the observer too needs to carry the same ethic of responsibility. My final conclusion, therefore, is to emphasize the need for a synthetic and dialogic perspective as I have tried to emulate in my thesis in order to better understand and meet the challenge of globalization, and the legitimacy crisis of liberalism. Indeed we need to erect bridges, overreaching our basic positions and conceptualizations, and trying to complement the empty spaces in our thinking with other perspectives which may have something to offer in order to better understand and situate the political and the ethical. I believe that we need to stick to dialogue between approaches, not to let ourselves be amassed in mutual silence.

In this sense, my thesis may indeed be seen as a critical and dialogic reading of all major bridge-building ventures in liberal democracy: Kant, Rawls and Habermas. These are efforts which are to be both welcomed and, at the same time, put into a critical scrutiny. However erecting such comprehensive schemes of convergence requires immense theoretical venture of defining a set of limited number of

variables that would be used in placing and justifying the whole theory. For Kant, it is categorical imperative and rationality, for Rawls it is distributive justice and the original position, for Habermas it is the communicative rationality. We have to be alert against the fact that "conciliatory" approaches, i.e. those theories that try to relate the individual initiative and power with that of the social universe such as Rawls's, Kant's, and, Habermas's turn out to be rather proceduralist and tend to defy the very premise they are constructed over.

Therefore I believe that any bridge-building or synthesizing effort needs to do this without destroying the "environment" of the political theorization: in other words, neither destroying the political for the ethical, nor undermining the ethical for the political. In other words, we have to avoid formulating strategies that would perpetuate the gap I have observed in my thesis, in all these approaches with universal claims and multi-layered ontological ordering. It is the gap between plurality and order, between formalism and dissonance, between rationality and metaphysics, between norms and facts.

Hence, I argue that we have to be aware of a critical risk in the "bridge-building" theories of Kant, Rawls, and Habermas which may also be relevant for other political theories: the inconsistency between two different levels of ontology, i.e. the self and the society or community for that matter, each possessing different levels of normative political requirements, i.e. categorical imperative, or rights and entitlements, or traditions and shared values, almost always results in depoliticization, elimination of difference and the assimilation of those normative statements by the already-existing power structures in the society. So, the ontological ordering and the relationships between the actors have a direct impact

on the normative configuration of values, institutions and processes like representative democracy, respect, toleration, rights and responsibilities which in return shape the understanding of the political and the course the political is permitted to follow.

In other words, any political project necessarily involves an ontological mapping, an epistemological interface, a *modus operandi* to substantiate and operationalize that mapping, and an axiological or normative framework in which the selves are expected to move, interact, follow and sustain by the virtue of their political dispositions. These linkages indicate that politics, whether defined as an activity based on legality and rationality as the liberals do, is radically wedded to the normative/ethical considerations. Then, the task of the political theory, as I perceive it, is to ensure that these linkages sustain a content which is commensurate with the democratic ideal, and that its reflexivity, and readjustment ability are preserved by reinstating politics to its original locus: change. Thus change becomes no more an anomaly, an unpleasant disruption, nor a glorified value *per se*, but a vital ingredient for the political to prevail itself against the domesticating, dominating, petrifying and hegemonizing effects of the drive for order. In other words, the political must be understood as a situation, a moment, a radically changing one which occurs by the virtue of the social.

The social, in return, necessarily involves a notion of being which is liberated from the mechanical, systemic and procedural qualities and stand as naked as it is: a radical existence which draws and reflects upon itself to find its proper meaning. So, as long as the self is defined in relation to itself, by a certain "responsibility to being", and as a depository of value, its ensuing relations with the Other are saved

from the liberal or modern danger of annihilation, and hegemony, thus a sense of "responsibility to otherness" can be engendered.

This is the ultimate position of my thesis with regards to the theoretical prospects and strategies which aim at supporting the self's dialogic and agonistic relationship with the other, and at the same time sustain the persistence of the political in conjunction with an ethic of responsibility based on openness, dissonance and the acknowledgment of change, as the democratic ideal insists on. In brief, I have analyzed in my thesis the question of resurrecting democratic ethics and the theoretical reminders and observations as how to apply it to the problems of the contemporary society. This is an investigation which provided a critical reading of both the liberal position and alternatives to it. However, in my thesis, I did not deal with how my position applies to concrete cases such as identities, ethnic nationalisms, fundamentalisms, and other social movements seeking a change in the political structure of the liberal democratic society. It remains as a task for further study.

I believe that in order to apply this understanding of the political-normative perspective to actual questions, one has to have a theoretical framework which must be based on a certain synthesis of the ideas for participation as well as representation, normativity as well as factity, consensus as well as dissensus, abstraction as well as grounding across the positions around the principle of democracy. This is what I intended to do in my thesis, and also where the originality of my thesis lies in.

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