Conflicted Modernity: Toleration as a Principle of Justice

David M. Rasmussen

Maison Européenne des Sciences de l'Homme et de la Société
Lille – 16 novembre 2010

"The fiftieth year since the bombing of Hiroshima is a time to reflect what one should think of it. It is really a great wrong, as many now think, and many also thought then, or is it perhaps justified after all? I believe that both the fire-bombing of Japanese cities beginning in the spring of 1945 and the later atomic bombing of Hiroshima on August 6 were very great wrongs, and rightly seen as such." (Rawls 1999, 565).

This essay will begin by clarifying the kind of context that requires toleration. My point of departure is a characterization of modernity that both departs from the classical modern theory of secularization and draws from the current research on multiple modernities. Because of the more or less recent resurgence of religion we can no longer define toleration on the basis of a theory of secularization. This characterization will lead to the definition of conflict and tolerance within the confines of a post-secular society. The philosophical component of the concept of toleration will be taken from both Aristotle and Kant in the sense that toleration is not only a necessary virtue in modern society, it is also a normative notion based on respect for the law. Finally, the paper concludes that toleration must be conceived of as a principle of justice in a society that requires respect not only for the rights of others but for their cultures as well.

The Changing Context for Toleration

I begin this discussion with a consideration of the way John Rawls confronts the issue of toleration in his *Political Liberalism*. The clue to his radical reframing of the issue was signified in the phrase, "philosophy must apply the principle of toleration to itself."[1] This thesis was presented against the backdrop of the development of religion and politics from the time of the Protestant Reformation to the present. Moving from a comprehensive framework in which religion and politics were conceived as a unity, the earliest form of toleration was conceived of as a *modus vivendi,* in which religious groups were willing to lay down their arms in order to reach a political agreement, which avoided war. It was only a matter of time until a plurality of forms of religious belief could find political representation in an emerging culture that began to learn how to tolerate, however hesitantly, plurality. With the acceptance of plurality on the one hand, and a uniform notion of legality on the other, the path was laid

open for forms of constitutionalism which would inaugurate a division of labor between the political and the religious resulting in an ability to accept plurality of religious expression while at the same time finding a uniform notion of politics. Toleration would play an ever stronger role in this process of separation of religious expression and practice from political justification. It is from this historical process that we can distinguish stronger and weaker modalities of toleration.

I think we have to stick with the kind of model that Rawls presents us with, even though it will be necessary to change the mild philosophy of history that it endorses, for three related reasons. *First* it separates the comprehensive from the political. This would detach the strong public commitment that one could make to the political order from any comprehensive belief system be it religious or secular. The accommodation made to pluralism made by the distinction between the comprehensive and the political is not only relevant to domestic society; it is particularly applicable to the international realm where conflict and violence are always imminent possibilities. This distinction on the international level enables potential political reconciliation without necessitating confrontation over comprehensive positions. What is controversial about this distinction is Rawls's willingness to give up the concept of truth that goes with a comprehensive doctrine.[2] I think the rather weak philosophy of history implicit in Rawls's model can be detached from its nation state commitments and reconstructed at the global stage. The significance of this model is that it demotes the place of the *enlightenment* to a more or less empirical level without making it the sole conduit through which politics emerges. This point is not meant to demote the significance of science in modernity. From the point of view of multiple modernities every culture and civilization will have to come to terms with the development of modern science. The point is, however, they will come to terms with it in different ways. In my view, such a perspective makes room for multiple narratives of modernity as opposed to prioritizing one narrative over all the others as was the case with the great Western philosophies of history shared by Hegel, Marx and Weber on the one hand and to a lesser degree Hobbes and Locke on the other.

The separation of the political from the comprehensive envisions the toleration of conflict. The recognition of conflict provides the *second* reason for endorsing the Rawlsian model. Rawls's characterization of modern democratic society not simply by a plurality of comprehensive doctrines "but by a pluralism of incompatible yet reasonable comprehensive doctrines" in my judgment accurately defines contemporary politics on both a national and a global level (Rawls 1996, xviii.). The recognition of conflict undermines in a fairly radical way the idea that consensus is the aim of modern politics. Instead, in some ways conflict overshadows consensus. I take this to be the meaning of Rawls's oft stated question: "How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable religious, philosophical and moral doctrines?" (Rawls 1996, xxvii). I would not argue, as the later Rawls seems to, that this insight undermines a cosmopolitan view of the world. However, I do argue that the recognition of conflict puts an end to the idea that cosmopolitanism can be legitimized by a comprehensive doctrine.

Third, the recognition of conflict between comprehensive doctrines makes the achievement of stability the principle problem of modern national and international politics. If we take the problem of conflict seriously and the idea of stability as necessary we will have to

acknowledge that we have given up on the notion that the political world can be held together by a comprehensive doctrine. Rawls' position on this is that in a pluralistic society the allegiance to any one doctrine would be achieved by force. This is not only true on the domestic realm, it is true for the international one as well. This means that a form of global public reason can be developed which will generate stability. In my view, the key to this construction has been and will be international law. To be sure, this means that conflict and not consensus is at the heart of modern politics. It means that the dire task of modern politics is to avoid a conflict of civilizations.

The Resurgence of Religion[3]

In some ways Rawls anticipated what would be central to any discussion of toleration and conflict, namely, how to accommodate the resurgence of religion. The resurgence of religion was on the horizon in the eighties and early nineties when Rawls was differentiating his position from the one he had taken in *Theory of Justice.* At the same time he presupposed a scheme which was from an historical point of view, Western, and from a cultural point of view, American. This was implicit in his weak philosophy of history that was mentioned a moment ago. On the positive side, he did not construe public reason in purely secular terms. Given his distinction between the comprehensive and the political, a secular position could be and was as comprehensive as any religious position and was characterized by him as comprehensive. Hence, the secular point of view would *not* be spared the burden of having to translate its own views into terms that could be comprehended by the religious citizen. This necessity of translation comes under the category of the ethics of citizenship under the deliberative democracy. There are various ways in which one can account for this. Rawls calls it the "duty of civility" a moral to be distinguished from a legal duty which involves being "able to explain to one another on those fundamental questions how the principles and policies they advocate and vote for can be supported by the political values of public reason" (Rawls 1996, 217). The question is do the duties of citizenship on the domestic level carry over to the international level? I think that they do to the extent that citizens share the benefits and the obligations of international law. At the same time, Rawls's view would depart from positions popular among sociologists and philosophers in the West by not conceiving secularization as the counterpart of modernization. He did not view the task of the political philosopher to be on the side of the secularist. Rather, in the fashion of Wittgenstein he preferred to leave things as they are.

In my judgment what is distinctive about Rawls notion of public reason is that while it allows for a theory of modernization it is not based on a theory of secularization.[4] In other words, the idea of public reason allows for a kind of wedge between modernization and secularization. Secularization can have several meanings. The positive meaning refers to the differentiation that citizens learn when they adapt to pluralism under pubic law. That happens and is happening in various ways in various cultures and civilizations over time. But the idea of secularization is dangerous when it sustains the thesis that all other forms of expression must be reduced to a secular form. It is in this sense that the idea of public reason allows for the resurgence of religion in the sense that it does not see itself (public reason) in opposition

to religion. Public reason does place the obligation of citizenship on the citizen to be able to perform what is essentially a public justification of her or his ideas in terms of public reason. The idea of public reason emerges from the idea that all law in the modern world should be public. Kant states: "All actions relating to the right of other men are unjust if their maxim is not consistent with publicity" (Kant 1983a, 72).

Modernity and Secularization

Although the work of Rawls may be an exception, the concept of toleration within Western thought has generally been linked to a scheme that associates modernization with secularization. Certainly, a strong case can be made for that connection. The great developments in the natural and social sciences made possible disenchantment with the world and the emergence of a human-centered perspective that replaces a more divinely oriented worldview. One might observe that from the writing of Locke's, *A Letter Concerning Toleration,* religious institutions began to loose control over the domains of law, politics, education, culture and science. Locke's argument, skillfully adapted to modernity, presented an epistemological claim that located the ground of pluralism within early Christianity itself. To paraphrase Locke: what could be so natural within Christian sectarianism as its pluralistic intent? Christianity itself then would be willing not only to tolerate other forms of religious expression but also to consign its political obligations to the secular magistrate. Marx's argument compared to Locke's simply accepts inevitable secularization as a kind of fact of modernity assuming at the same time that the state would take up the obligations heretofore assumed by religion. As Marx's *On the Jewish Question* so brilliantly illustrated, as the secular state emerged religion began to be relegated to the private sphere. In this scenario, the secular point of view triumphs over religion and toleration exists as a kind of acknowledgement of the limits of religious belief, on the one hand, and the predominance of secular discourses, on the other. However, the resurgence of religion has changed all that. Neither the seemingly benign argument of Locke nor the more aggressive argument of Marx can remain supreme in a world where the relationship of religion to politics has changed. While one could apply the model of progressive secularization to Western Europe, Australia and New Zealand, religion has been on the advance in the rest of the world. Missionary expansion, fundamentalist radicalization and the new use of religion as a force for conflict and violence in the world constitute the distinctive mark of religion on the rise in the world today. Although there is much to be said for the link between secularization and modernization the secular can no longer sustain the triumphal position that it had in the recent past.

From Modernity to Multiple Modernities: Post-Secular Society

For those of us whose experience has included being part of a secular state, the situation can be characterized as essentially *post-secular*. This term, post-secular, which I take from Jürgen Habermas, not only pertains to the descriptive account of the recent past, it also suggests the kind of normative attitude that must be taken toward one another in this current

context if stability is to be achieved not only on the level of domestic society but in the international arena as well.

I take this to be the project Rawls was working on in his latest writings. As he writes, "Central to the idea of public reason is that it neither criticizes nor attacks any comprehensive doctrine, religious or nonreligious, except insofar as that doctrine is incompatible with the essentials of public reason and a democratic polity" (Rawls 1999a, 574). Beyond that, in the same essay Rawls refers to the proviso and conjecture as ways of addressing the "wide view of public political culture". The proviso means that one can introduce comprehensive doctrines into political discussion with the proviso that they can "support basic political values". The conjecture means that we can "declare to others who affirm different comprehensive doctrines that we also each endorse a reasonable political conception belonging to the family of reasonable such conceptions". The conjecture expressed above as a declaration can take a "second form" in which "we argue from what we believe or conjecture, are other people's basic doctrines, religious or secular, and try to show them that, despite what they may think, they can still endorse a reasonable political conception that can provide a basis for public reasons" (Rawls 1999a, 594). In my view, Rawls was working toward an ever more inclusive notion of public reason.

The idea that philosophy must apply the concept of toleration to itself resulted in a reconfiguration of the project of political philosophy. At the center of Rawls's later work one finds the problem of reconciling pluralism with global justice. The issue fundamental to the development of a post-secular society is not simply developing different principles of justice for a national and an international scene, but rather one of trying to be open to the legitimacy of other societies and their respective claims to justice while at the same time trying to find norms that will work on the international level.[5]

In a post-secular society one cannot count on every society, every civilization, having shared the same historical experience as the modernization/secularization thesis does. This assumption does not necessarily lead to the idea of a clash of civilizations, but it does create significant space for difference. Instead, I take the perspective developed by Eisenstadt and Arnason among others, namely, that although modernity is a more or less a shared phenomenon there are various ways in which societies, cultures and civilizations have adapted to it (Eisenstadt 2007). According to Arnason "there can only be multiple modernities if there are multiple *components* of modernity – economic, political, cultural, etc. – unfolding according to their own logics and capable of different combinations in different settings."[6]

The variations can be significant, not only on a national level but on a regional one as well. In this view, modernity would be the common area in which different civilizations encounter one another, namely, in the realm of economics, politics and culture. . This would mean that civilizations and cultures have to contend with differing self-interpretations of modernity. And these differing self-interpretations of modernity will in some cases clash leading to conflict and violence. However, global justice, the code word for international stability, would somehow come to terms with this *conflicted modernity*. At this point, it is toleration itself that must be conceived as a principle of global justice.

The emergence of multiple modernities in light of the resurgence of religion raises the question of toleration and conflict in new ways. Although much is different and the

acknowledgement of difference is fundamental to this way of looking at politics and culture the issue of multiple modernities presents us with a new question, namely, how do we appropriate what is *shared*? Liberal philosophers like John Rawls conceived the problem of international justice from the point of view of a liberal vs. non-liberal perspective. If the task of political philosophy was to apply the principle of toleration to itself than it would be necessary to take toleration all the way down avoiding the superimposition of liberal values on non-liberal, "decent" societies. With the concept of multiple modernities the idea that each culture and society will make or has made its own adaptation to modernity the picture becomes more complex and the liberal vs. non-liberal will have to be replaced by a more complex model.

In his brilliant but controversial *Law of Peoples* Rawls presents us with a model which juxtaposes liberal vs. decent peoples and more or less argues on the basis of the principle of toleration that liberal peoples are to respect non-liberal descent peoples and not to superimpose their values on them. Rawls states: "I think of decency as a normative idea of the same kind as reasonableness, though weaker (that is, it covers less than reasonableness does). We give it meaning by how we use it. Thus, a decent people must honor the laws of peace; its system of law must be such as to respect human rights and to impose duties and obligations on all persons in its territory" (Rawls 1999, 67). I think this model from the point of view of multiple modernities is not sufficiently complex to account for the various ways in which various cultures and civilizations adapt to modernity. However, what is apparent is that as international law becomes the norm peoples must relate to one another on the basis of principles that are related to a form of public justification. The interesting thing is that in Rawls's view decency like reasonableness is linked to law but Rawls does not see that that linkage will make the relationship between national and international justice much closer that he thinks. If we consider this relationship between law and a normative idea in the context of the post-1948 developments on the international scene it will become apparent that documents like the I948 International Declaration of Human Rights began to bridge the gap between the national and the international setting.

Now we witness that the world is going through an economic crisis of major proportions for which there is no simple one-state solution. The norms which come into play as the world digs itself out of this international crisis will somehow define the economic conditions of world –justice in the future. I presume there will be a certain overlapping consensus that will emerge based not simply on norms that are currently extant but on norms that have been in place for some time.

Defining Toleration

My account of modernity separates the concept of secularization from modernization opening the way for a concept of toleration that does not require merely the accommodation of the practicing religious citizen to secularism.[7] One can be much more precise about the notion of toleration. First, as I suggested a moment ago, toleration, at the most elemental level can be conceived as a *modus vivendi* which I can define negatively as toleration without respect. This, of course, is a pure conceptual definition which in reality would do little to

assure political stability. The examples of a *modus vivendi* are generally taken to be treaties arrived at when long conflicts have been terminated in which the interest of the parties is more or less instrumental in the sense that the parties enter into the agreement in their own self-interest. However, even the most elemental *modus vivendi* presupposes a rule or norm which has to be respected. However, in this case the notion of respect is based on self-interest alone.

Second, the notion of toleration can include a much more nuanced notion of respect which "allows" for the existence of the other without giving that other equal rights. The example is the toleration of a minority by a majority as in 16th century France with the Edict of Nantes or the complex arrangement worked out by the Ottoman Empire with its millet system where Greek Orthodox and Armenian Orthodox Christians and Jews were tolerated and given representation in the legal system without being given full equal rights. This model, as interpreted by Walzer and then Rawls,[8] gave rise to the ideal state of Kazinistan, in which there is a system of law, legal representation for all groups, and a respect for basic human rights.

A third model of toleration exists within the Kantian definition of right, which includes at its foundation a notion of respect that is grounded in a specific conception of law. Kant's idea of the self-legislating subject contains a notion of equality within it, in the sense that the notion of freedom entails the idea that everyone has the equal right to exercise political coercion on others in accord with the law that the body politic has created. His famous formulation was the following:

> *Right* is the limitation of each person's freedom so that it is compatible with the freedom of everyone, insofar as this is possible in accord with a universal law; and *public right* is the totality of *external laws* that makes such a thoroughgoing compatibility possible (Kant 1983, 72).

This would lead to the idea of toleration as mutual recognition in which a certain moral assumption regarding the incomparable dignity or worth of every individual is combined with a basic political acknowledgement of the mutual power to coerce.

A forth notion of toleration is implicit in the notion of reasonability or reasonableness. I see this notion embodying the fundamental principles involved in mutual recognition without the implicit claims of either metaphysics or a philosophy of history. This is the notion that underlies Rawls' later philosophy.

Toleration as a Principle of Global Justice

The kind of notion of toleration which is appropriate to a world shaped by multiple modernities has to be defined politically. Here, I make the distinction between the comprehensive and the political first made by Rawls. Although such a notion requires mutual recognition, it need not be based on a comprehensive notion of reason. It is enough to conceive persons as having the capacity to be reasonable. Reasonableness simply means that a citizen has the capacity to make the distinction between the comprehensive and the political, and to be able to conceive other comprehensive positions as reasonable without sharing belief

in their respective positions. In this context toleration can be conceived of as a *virtue* (Aristotle) practiced by those who participate in the political process. Equally, such a view of toleration requires that this virtue be practiced on the basis of *respec*t (Kant) for the other person and the other's reasonable comprehensive position. In this sense, toleration is a principle of global justice because it grants certain validity to the views of others without having to measure that belief on the basis of certain assumptions regarding secularization.

The background idea for this notion of toleration is Rawls' notion of the "duty of civility"(Rawls 1996, 217). The idea is that individuals take on the responsibility of being able to translate their comprehensive religions and secular ideas into discourses that can be understood by others who do not share a particular comprehensive view. This more or less presupposes that within each comprehensive position there is a corresponding political discourse that has been integrated into that position over time. The language for the practice of the duty of civility on a global scale could be modeled on public reason. Whether it has to be identical to what goes for public reason in democratic societies is another question. Communication on the international level must be something like a public discourse which serves as third kind of discourse, alongside religious discourses, on the one hand, and secular discourses, on the other. It presumably mediates the potential conflict that the various alternative appropriations of modernity manifest. Whether or not we can call this public reason, or perhaps to use a term recently introduced by An-Na'im[9], civic *reason,* on an international scale depends on whether it is possible to build an overlapping consensus on matters of international political concern. The achievement of some kind of overlapping consensus is our last best hope. The alternative is to conceive of politics as a continuing battle between them and us, which would lead, indeed, to a clash of civilizations.

My contention is that this view creates a better possibility for international politics than the one informed by agonistic view. The agonistic view claims that the "liberal" view does not take power seriously affirming the view that politics is about an "us" verses a "them". The task of such a view of politics is to reduce antagonism to agonism. My reply is that the public reason view of politics takes with utmost seriousness the idea that conflict is at the center of the modern international political arena. However, the expression of that conflict is possible through the creation of a political discourse that has mutual understanding at its center. The result is not the elimination of difference but the expression of difference.[10] In this context, toleration must function as a principle of global justice.

Conclusion

I began by stating that the context for consideration of toleration as a way of meeting the challenge of political conflict has changed. Given the recent rise of religion we can no longer conceive of toleration as the end of a long process that began with a religious consciousness and ends with a secular one. Hence, we can no longer think of modernization as the correlative with secularization. Modernity itself is a plural term. Hence, the scope of toleration has changed. One must concede that there is no one correct way in which to conceive modernity. And it is in this context that we are challenged to expand our notion of toleration to include all reasonable religious and secular positions. To be sure, in a world of

violent conflict this is an optimistic position. However, it remains to be concretized through the developing discourses of international law.

Interpreters of Rawls have argued that there is a fundamental difference between domestic and international justice on the basis of a distinction between involuntary and voluntary compliance (Nagel 2005). Following principles laid out in *Theory of Justice* and *Political Liberalism* the argument is that in the domestic context subjects have no choice regarding their participation in the realm of politics. We enter into the domestic political realm by birth and we leave it by death. The contrasting claim is that our relation to the international realm is essentially voluntary because there we can choose which obligations we want to undertake. Given that distinction it is claimed that the international realm does not meet the standards of justice. This argument presupposes a distinction between the domestic and international justice that is as old as the one introduced in Hobbes's *Leviathan* where international politics was conceived on the basis of an analogy to the state of nature. The thesis of this argument, which has been the classic argument among political realists, is that justice requires sovereignty as an enabling condition with the consequence that justice can only meet the conditions of the domestic scene. Since we have no choice about the system of laws and obligations we enter into on the domestic scene the only way we can meet the demands of justice is through a system of principles which establish a framework of fairness. Rawls famous formula for this framework is *Justice as Fairness*.

I disagree not with the formula, justice as fairness, but with the idea that our obligations on the international scene are purely voluntary. It is true that we are born into a domestic scene in which our obligations have in many ways already been determined. But that is increasingly true of the international scene as well. We are as much born into a world in which a set of problems and obligations has already been established. Examples of these institutions are the United Nations, the International Criminal Court, the International Monetary System, the World Bank, numerous international NGOs, etc. Further, it is increasingly the case that a set of international institutions exists which more or less, to be sure sometimes less than more, meets the standards to which we attribute the term, justice. Beyond this simple observation about the relationship of justice, birth and death is the question of what it means to engage in international relations determined by law. I agree with the observation made by Kant regarding the elemental character of private right, namely that "it is possible to have something external as one's own only in a rightful condition, under the authority of giving laws publicly, that is, in a civil condition."[11] I am not suggesting that on the international level that we have standards that amount to what might be called a world constitution.[12] However, simply to submit to the rule of law on the international level presupposes what Kant called the "civil condition."

In accord with the idea of multiple modernities each culture and civilization, each nation, may appropriate the international situation in its own way independent of a Western philosophy of history with its claims regarding secularization. However, every society must come to terms in one way or another with political modernity be it positively or negatively. To the extent that they do, and to the extent that conflict is to be resolved on the international scene, something like global public reason will hopefully prevail. Here I depart from Rawls. Legal conditions that operate on the international level are in some sense analogous to the

domestic level. In my view, it is enough to assume that as the rule of law becomes the foundation of international justice a certain *common reason* will develop which will on the one hand be able to distinguish between the comprehensive and the political and on the other grant conditions of equality appropriate to what Kant called the civil condition. This will mean that the granting of human rights, in brief, the conditions implicit in justice as fairness will follow. It is enough to grant on the international scene the idea that the various comprehensive positions within it meet the standard of reasonableness. In the end, the world standard would be associated with an ethics of world-citizenship where it will be enough to sustain the idea of a reasonable subject who can take the orientation of others into account. This learning-process has already being foraged by the growing development of international law which should lead us to new prospects for international peace taking us beyond the limitations of the past.

Notes

[1] Rawls goes on to state: "The religious doctrines that in previous centuries were the professed basis of society have gradually given way to principles of constitutional government that all citizens, whatever their religious view, can endorse. Comprehensive philosophical and moral doctrines likewise cannot be endorsed by citizens generally, and they also no longer can, if they ever could serve as the professed basis of society." Rawls, John. 1996. *Political Liberalism.* Columbia University Press. p. 10

[2] For a recent Rawls and the notion of truth see Cohen (2009, 2-42).

[3] On the analysis of the resurgence of religion and the idea of a post-secular society I am particularly indebted to two recent unpublished papers by Jürgen Habermas. They are entitled: "The Resurgence of Religion – a Challenge for a Secular Self-Interpretation of Modernity?" and "A 'post-secular' society – what does that mean?"

[4] One aspect of the theory of modernization would be the differentiation of the political from the comprehensive. That process is apparent with the development of the modern nation state which would know how to separate out political interests

[5] This is the basic purpose of Rawls's *Law of Peoples.* Harvard University Press: 1999. This is a highly original and at the same time controversial book. Contrary to some I interpret this book as an attempt to develop the idea of toleration as a principle of global justice.

[6] Arnason, Johann. "East Asian Modernity Revisited." Unpublished paper. P.1.

[7] For one of the best discussions of toleration see Forst (2003). A second excellent discussion that highlights Frost's book is that of Jürgen Habermas in the essay, "Religious Tolerance as Pacemaker for Cultural Rights" in *Between Naturalism and Religion.* (Habermas 2008, 251-270). Even though Habermas has become very similar to Rawls in his approach to religion and the public sphere he still retains some difference. See the discussion of Rawls (Habermas 2008, 261-262).

[8] See Walzer, Michael. *On Toleration.* Yale University Press. 1997. Rawls, John. *The Law of Peoples.*1999.

[9] An-Na'im, Abdullahi Ahmed. *Islam and the Secular State.* Harvard University Press. 2008. On the question of tolerance and civic reason he writes: "Does this model of founding public policy and legislation on civic reason unfairly deny those Muslims who believe in the unity of Islam and the state (the Islamic state model) the right to live by their convictions? …. The basic answer is that since no person or group has the right to violate the rights of others, the issue is one of balancing competing claims. In my view, a successful mediation of this basic paradox of all social life would seek to create a process of negotiation, whereby each side to an issue would find the process sufficiently beneficial to want to work with others in protecting and implementing it" (An-Na'im 2008, 94).

[10] For the agonistic alternative see: Mouffe, Chantal. 2000. *The Democratic Paradox.* London: Verso.

[11] Kant (1999 [1797] #8, 409). It should be noted that Kant's argument here is about private not public law. However, even for private law the civil condition is implied since the obligations of ownership entail obligations

of constraint on others. Kant went on to argue that this implied that the idea of the state of nature was either illusory or pointed beyond itself to a social condition. And that social condition would imply that mutual recognition would be implied in any situation regulated by law.

[12] I am impressed by Habermas's argument in his essay, "A Political Constitution for a Pluralist World Society" from *Between Naturalism and Religion* (2008, 312-322). There he argues that the nation-state is nearing economic collapse because of global capitalism conceived under a neo-liberal paradigm. Hence, it is necessary to act now in order to constitutionalize the world order and to retain established democratic institutions which are being undermined by unregulated global capitalism. His solution is given through a notion of divided sovereignty where there is a division between international, regional and national obligations.

Works Cited

An-Na'im, Abdullahi Ahmed. 2008. *Islam and the Secular State.* Cambridge: Harvard University Press.

Arnason, Johann. "East Asian Modernity Revisited." Unpublished paper.

Cohen, Joshua. 2009. "Truth and Public reason." *Philosophy and Public Affairs*. Vol. 37, no.1: 2-42.

Eisenstadt, Shmuel. 2007. "Multiple Modernities: A Paradigma of Cultural and Social Evolution". *ProtoSociology* vol. 24.

Forst, Rainer. 2003. *Toleranz im Konflict. Geschichte, Gehalt und Gegenwart eines Umstrittenen Begriffs.* Frankfurt/Main.

Habermas, Jürgen. 2008. *Between Naturalism and Religion: Philosophical Essays*. Trans. Ciaran Cronin. Cambridge: Polity Press..

-----. Recent unpublished papers entitled: "The Resurgence of Religion – a Challenge for a Secular Self-Interpretation of Modernity?" and "A 'post-secular' society – what does that mean?"

Kant, Immanuel. 1999. *Metaphysics of Morals.* (1797). In *Practical Philosophy.* (The Cambridge Edition of the Works of Immanuel Kant) Trans. Mary J. Gregor. Cambridge: Cambridge University Press.

-----. 1983. "On the Proverb: That may be True in Theory, But it is of no Practical Use." In *Perpetual Peace and Other Essays.* Indianapolis: Hackett.

-----. 1983a. "Perpetual Peace: A Philosophical Sketch." In *Perpetual Peace and Other Essays.* Indianapolis: Hackett.

Nagel, Thomas. 2005. "The Problem of Global Justice" in *Philosophy and Public Affairs.* 2005. 33, no. 2: 113-147.

Rawls, John. 1999. *The Law of Peoples*. Cambridge: Harvard University Press.

-----. 1999a. "The Idea of Public Reason Revisited". In John Rawls. *Collected Papers.* Ed. Sammuel Freeman. Cambridge: Harvard University Press.

-----. 1996. *Political Liberalism.* Columbia University Press.

Walzer, Michael. 1977. *On Toleration.* New Haven, CT: Yale University Press.