I. Introduction: the Larger Project concerning a Federation of Democracies

This paper is the fourth in a larger project aimed at building on the work of Habermas and other proponents of universal human rights to show that a large federation of democracies from all continents ought to replace the United Nations as the central institution in our global order. The project began out of severe doubts about the relevance of the UN Security Council during the conflicts in Bosnia and later in Kosovo, and concern that critiques of American plans to invade Iraq in 2002-3, while often well-justified, still tended to assume no discomfort that UN bodies must be the final arbiters in any declaration of just war or humanitarian interventions. I also felt a growing frustration with a wider public debate in the U.S. and Europe that tended to present an absolute dichotomy: either UN-led multilateralism or unilateral American action must determine our response to massive atrocities, war crimes, terrorism directed at civilians and threats to peace involving weapons of mass destruction.

Thus in recent work, starting with a Feb. 2005 article critiquing Jean Elshtain's reliance on this dichotomy,1 I have argued for a global Federation of Democracies, grown out of NATO but expanded to include many Asian, South American, and some African nations, as an alternative worth serious consideration. A second article just published uses the concept of collective action problems in state of nature dynamics both to define public goods that cannot be reached through

---

free markets and the primary purpose of government as coordination through law and common policy to overcome such problems.\textsuperscript{2} As summarized on your handout, within this framework, what I call the Consolidation Argument supports a transnational level of government that is not a mere treaty organization deriving its authority and executive powers entirely from its member nations, but rather a locus of primary sovereign authority over its member states -- just as federal law is supreme over state law within the United States. This deduction has a structure that closely parallels Alexander Hamilton's argument in the Federalist Papers against the US Articles of Confederation and for a stronger central government with primary sovereignty over certain matters, although it still leaves many matters to control by the several states.

However, this Consolidation Argument depends on a list of global public goods that cannot be secured in a stable or reliable way without coordination of most or all nations. Beyond the integrity of state borders and security from terrorism that is threatened by an open market in powerful weapons, it is crucial for my case that global public goods include basic human rights that limit national sovereignty and sometimes justify humanitarian intervention in cases of mass-scale systematic atrocities. As detailed in a third (still unpublished) essay,\textsuperscript{3} this key normative premise can be supported by recent work on human rights in the Kantian tradition, by extensions of just war theory to humanitarian intervention, and by analysis of international legal conventions defining war crimes and crimes against humanity. Finally, the Consolidation Argument depends on a democratic conception of legitimacy according to which primary sovereign power at any level has to be directly answerable to the ethical and political deliberation of individuals.


\textsuperscript{3}"Just War Theory, Humanitarian Intervention, and the Democratic Federation" (under review).
concerned about public goods in their capacity as citizens of each level of government in which they participate as legislator as well as addressee of the laws and collective policy.

II. Habermas, Postnationalism, and the Progressive Agenda for Reforming the UN

Jürgen Habermas comes into this project in at least three ways. (1) First, the formulation of the Democratic Principle of Legitimacy employed in my argument for a global federation of democratic nations is directly indebted to Habermas's *Between Facts and Norms*, and I believe it candidly reflects the most radical implications of his account, though he has not drawn the same conclusions from it. (2) Second, Habermas has defended an account of basic rights as having both a universal moral meaning and an inherent demand for embodiment in law, against political realists like Carl Schmidt and against cultural relativists and postmodern skeptics who argue that such standards are Eurocentric impositions or even forms of colonialism. Habermas's important answers to such "intolerance objections," as I will call them, can be developed to help defend the proposal for a Democratic Federation against similar objections, e.g. that it would be intolerant towards less individualistic or capitalist cultures, unjustly exclusive, or a vehicle for western domination or even for American hegemony. Habermas's defense of human rights against intolerance objections – for example in debates about armed humanitarian interventions – is directly relevant for my project even though Habermas himself has not yet recognized that a Democratic Federation is implied by his own theories. (3) This is the third respect in which my global federalist argument connects with several of Habermas's recent essays: I need to rebut Habermas's reasons for stopping with what Cronin aptly summarizes as "an empowered United Nations responsible for securing peace and promoting human rights at the supranational level with
governance institutions based on cooperation among the major world powers" and a more robust role for internationals NGOs and regional governance organizations.⁴ In papers like "The Constitutionalization of International Law..."⁵ "The Postnational Constellation..."⁶ and "Kant's Idea of Perpetual Peace,"⁷ Habermas is clearly skeptical about prospects for a global government and is looking for other ways to strengthen the rule of international law.

**The Aborted Trajectory towards a Global Democracy.** One might have expected Habermas to move towards a global democracy. For in his 1990 essay on “Citizenship and National Identity,” Habermas makes clear that the deliberative form of democracy is not in any essential way tied to the limits of the nation-state, either in its original form as an organic/prepolitical association through ethnic bonds, or in its legal form. He wrote:

> As the examples of multicultural societies like Switzerland and the United States demonstrate, a political culture in which constitutional principles can take root need by no means depend on all citizens sharing the same language or the same ethnic and cultural origins. A liberal political culture is the only common denominator for a *constitutional patriotism*. In a future Federal Republic of European States, the *same* legal principles would also have to be interpreted from the perspectives of *different* national traditions and histories... A particularist anchoring of *this kind* would not do away with...the universalist meaning of popular sovereignty and human rights. The original thesis stands: democratic citizenship need not be rooted in the national identity of a people.⁸

---


⁵Jürgen Habermas, "Does the Constitutionalization of International Law Still Have a Chance?" in *The Divided West*: 115-93.


Following an analogous logic at the global scale, Habermas argues that the ideal of democratic justice should be the basis for global order transcending national sovereignty: “Only a democratic citizenship that does not close itself off in particularistic fashion can pave the way for a world citizenship, which is already taking place today in worldwide political communications.”9 As the global scale of the debate about terrorism and American military actions illustrates, human beings are evolving one global public sphere with a worldwide communicative process of debate and attempted justification of claims and counterclaims concerning moral and political right.10 Similarly, in his 1994 Postscript, Habermas writes that the universal scope of human rights together with their demand for legal embodiment, "which initially limits them to a nation-state...points beyond the constitutional state in the singular towards the globalization of rights" in a cosmopolitan society. This requires a UN that can "act on and enforce its resolutions."11

Similarly, in 1998, Habermas explained why political progress through the democratic action of citizens cannot address many of the root causes of injustice and suffering in the world unless we construct "forms for the democratic process to take beyond the nation-state;" since the causes transcend national boundaries, so must collective action to change them.12 This is an implicit application of the Coordination Principle coupled with a list of public goods that nations


10On this point, see James Bohman, "Globalization of the Public Sphere: Cosmopolitanism, Publicity, and Cultural Pluralism," The Modern Schoolman 75 (January 1998): 101-18. Bohman points out that such a global public sphere has to accommodate a much more diverse pluralism of worldviews that require new norms of deliberation for intercultural respect. But as imperfect as our emerging global public sphere remains, it transcends national borders and direct control by national governments, as much as do global trade systems and corporations, global financial systems and global environmental problems: it provides a medium equal to the scope of our coordination problems.


alone lack the power to secure because of global collective action problems.\textsuperscript{13} But civic bonds of solidarity necessary for a unified "people" to act together as a democratic electorate may not even exist across Europe yet, let alone across the world.\textsuperscript{14} Habermas recognizes a chicken-and-egg dynamic here, given that a "people" may largely be formed by having to interact communicatively to make law binding on them all.\textsuperscript{15} While not impossible in Europe, though, Habermas seems to conclude that an "ethical-political self-understanding of citizens of a particular democratic life" -- which constitutes a "people" in the postconventional or non-organic sense -- is impossible on the global scale.\textsuperscript{16} This is not only because a moral culture capable of supporting global constitutional rights is not sufficiently shared across the world \textit{as yet}, but because something more than this (perhaps a shared vocabulary of goods?) is needed for "a society of world citizens" to function as a people for the purposes of democratic popular sovereignty.\textsuperscript{17}

Thus Habermas joins Václav Havel,\textsuperscript{18} Michael Walzer, Peter Singer, Robert Johansen and others who think that our present aim should be a reformed and more robust UN finally able to fulfill its purpose, along with strengthening other international treaty organizations. This has been widely seen for some time as \textit{the} progressive alternative within the dichotomy between American unilateralism and the UN multilateralism. Let me briefly review three reasons why this is a great

\textsuperscript{13}Ibid, 68-71, 77-79; Habermas's examples indicate many, though not all, of the global public goods on my list (see handout).

\textsuperscript{14}Ibid, 99-100; though I doubt that the Lisbon Treaty failed in 2008, ten years after Habermas's essay, for simple lack of fellow-feeling among Europeans.

\textsuperscript{15}Ibid, 102-3.

\textsuperscript{16}Ibid, 107.

\textsuperscript{17}Ibid, 108. It looks at this point as if Habermas has accepted a quasi-communitarian condition for a "people" in the postconventional sense, namely a Hegelian requirement that they be willing to sacrifice for their common good.

\textsuperscript{18}See Havel, "Beyond the Nation-State," \textit{The Responsive Community} 9 no.3 (1999): 26-33, see 30-31.

-- 6 --
mistake, and diagnose multiple sources of the error along the way.

**Critique.** First, like other proponents of this alternative, Habermas underestimates by orders of magnitude the collective action problems faced by anything like the current UN Security Council in which supermajorities are required for all important action and the unanimous consent of major powers is necessary for any armed humanitarian intervention to uphold basic rights or deter war crimes such as cross-border aggression. He thinks that treaties can also do much to help "politics catch up with globalized markets," in fact such treaties need unanimity among the parties. This is a risky statement coming from a non-expert, but I doubt that Habermas (or the Critical Theory tradition in general?) has ever fully understood collective action problems in their essential structure. He frequently mentions "steering" problems or insufficient regulative power of government in modern societies, the "disempowerment of the nation-state" within global market dynamics, and economic "systems imperatives;" but the most general implication of such problems is not fully articulated. For a theory of justice, the core insight in Hamilton's writings that I've reconstructed as the "Coordination Principle" must be recognized in its abstract form and having a fundamental status on a par with the Democratic Principle. Only then can its radical implications at the global level be fully appreciated. And when they are, we see that no procedure requiring unanimous consent, as was effectively the case in the old American Congress of Confederation, can ever do the job. Thus Habermas's proposals for a kind of "world domestic policy without a world government" fall far short of what is needed.

Second, in the "Postnational Constellation," Habermas passes from the EU to an inclusive

---

19Ibid, 104.

20All in "The Postnational Constellation," 65, 69, 71, 77, 79. But similar terms appear in much earlier works such as *Legitimation Crisis*.

21Ibid, 110.
global state, *skipping* the key intermediate option that his own theory suggests: namely, a federal union of demonstrate states wider than the EU or NATO, which would share elements of democratic culture – a broader and more democratic version of the British commonwealth. Are we certain that such a group of nations could not in a few decades meet the requirements for civic solidarity, especially given instant global communication? In his famous essay on the Kosovo intervention, Habermas has already recognized the urgent need for humanitarian intervention by democratic nations to stop crimes against humanity whether or not the Security Council agrees; but if NATO can do this with at least transitional legitimacy on the way to a better system, then surely a much broader federation of democracies spanning the world could act with much greater legitimacy in such emergencies? But in this essay too, Habermas assumes that the relevant alternative to a "functioning Security Council" and ICC is "the monopoly on force of a world state," which we do not need for multilateralist enforcement of international law as opposed to "the constructive task of legislation and policy-making..." on a broader set of issues than non-aggression and human rights. While I agree with his focus on the three most vital global public goods in my own list (see handout), enforcement through a rapid deployment force and international courts both require a decisive executive branch with continuous legislative approval of their key officers and material appropriations for their support – which are all impossible if they have to operate *through* the ongoing actions of national governments, as again the history of the early American Confederation and the later southern Confederacy illustrate by analogy. Thus the

---

22Jürgen Habermas, "Bestiality and Humanity: A War on the Border between Legality and Morality," *Constellations* 6 no.3 (1999): 263-72 [originally appeared as "Bestalität und Humanität," *Der Zeit* 29 (April 1999) 1, 6-7; tr. Stephen Meyer and William Scheuerman], 265, 269, 271. It is strange that this essay does not seem to be reprinted in any of the English-language collections of Habermas's papers published since 1999.

23Ibid, 268.

24Habermas, "Does the Constitutionalization of International Law Still Have a Chance?" 174.
ambitious and well-meaning "reform agenda" for the UN that Habermas offers\textsuperscript{25} remains inadequate because it does not reach the necessary \textit{consolidation} of sovereign legislative and executive power, to say nothing of the other public goods concerning the global economy, tax regimes, and world environment that it cannot address.\textsuperscript{26}

By contrast, such a consolidation \textit{could} be realized in a federation of democratic states from all continents, mutually binding themselves to a common decision-making process that can combine their strength and deliver them from the 'free rider' and 'prisoner's dilemma' problems that must otherwise plague the interactions of governments concerned for national interests – from short-lived alliances hastily cobbled together and toothless treaties that take decades to get even modest commitment, to the game of 'chicken' played by waiting when genocide happens in Rwanda, or the Taliban resurge in Afghanistan, in hopes that other nation (especially America) will take on the risks and costs of intervening. Since such a federation would only consolidate democratic peoples who could directly elect their representatives and top executives in the global government after debate conducted with the mediation of free presses in all the member states, it would be far more legitimate than a reformed Security Council that tries to represent all portions of the globe equally – including those who would then be represented in the Council by military dictatorships, or theocratic regimes that have \textit{no de jure} authority deriving from the just

\textsuperscript{25}Ibid, 173-74.

\textsuperscript{26}See ibid 174-78 where Habermas recognizes that the globalized economy means that nation-states are at the mercy of market forces that they cannot effectively control. Yet he thinks that "transnational networks" operating at a level intermediate between "nation-states and the world organization [or UN]" must suffice to address the resulting collective action problems (178). Elementary game theory suggests that they cannot suffice. Nor can the global governance gap be filled by empowering NGOs whose goals, however altruistic, are determined by large private donors and foundations rather than being democratically answerable to the peoples they attempt to help, or to the world as a whole. For example, no just solution to the rapid loss of biodiversity can be found in NGOs purchasing and holding large tracts of rainforest lands within sovereign states that may one day decide to void those purchases.
deliberative consent of their peoples.

Third, although Habermas recognized in 1999 that needed structural reforms in the UN remained "out of reach," his later essays seem to hope that economic globalization and resulting unavoidable reliance on transnational regulatory institutions will push states towards international constitutionalism to the point where the "reform agenda" can be enacted. This is a false hope, for the simple but often overlooked reason that amendments to the UN Charter require approval not only by two-thirds of member states, but also by all five permanent members of the Security Council, whose veto power is the foremost problem preventing the UN from effectively coordinating a just world order. China reliably vetoes any initiative that might set a precedent limiting national sovereignty, and it now appears that Russia will also do so in the near term. And since UN membership is not limited to democratic states, or to states that uphold minimal standards of well-being and liberty for their residents, enough illiberal and dictatorial regimes vote in the General Assembly to block passage of amendments that would empower the UN to enforce the most basic human rights (even short of rights to popular sovereignty), such as those implied by current international law concerning war crimes and crimes against humanity.

Thus in the foreseeable future, we cannot get anywhere through trying to amend the UN Charter. It is actually much more plausible to imagine a core group of democratic nations coming together to form a new federation and then inviting others to join as a revolutionary break from the UN system. If Americans can recognize the bankruptcy (both morally and economically) of US unilateralism and thus the need to give up some sovereign powers for the great benefits of a permanent alliance aimed at global justice, while Europeans can recognize the need for a stronger

27 Habermas, "Bestiality and Humanity," 268.
28 See the Charter of the United Nations, Articles 108 and 109.
and more unified power that the UN can never be fixed to provide -- both of which changes in attitude are politically feasible today -- then a historic compromise leading to the genesis of a Democratic Federation is within the reach of great statemanship and diplomatic effort.

III. Four Responses to Critics of Human Rights as Eurocentric.

In an insightful summary of the philosophical tasks before us, Larry May says that there are "two main difficulties with justifying international law: one centered on sovereignty, and the other on toleration" or the problem of reasonable pluralism.\textsuperscript{29} When all its elements are in place, the Consolidation Argument completes the first of these tasks: it proves that national sovereignty should be limited in a federation of democratic states for the sake of global public goods. That leaves the second task. It must be granted that if it became a live option, the proposed Federation would be met with an even stronger chorus of fears concerning cultural imperialism and disregard for difference. I will now outline my response to such intolerance objections to the Federation.

Pluralist objections to universal human rights (and to any federation that would enforce them) can be answered through a combination of points, including (a) Seyla Behabib's conception of "democratic iterations,"\textsuperscript{30} (b) Habermas's insight that the rule of law itself has inescapable normative implications; (c) familiar arguments that norms requiring toleration of cultural diversity and differences in practice themselves presuppose the grounds of basic rights; and (d) the crucial political fact that non-Western reformers opposing tyranny across the globe invoke human rights language and reject the claims made by many Western intellectuals that human rights are

\textsuperscript{29}Larry May, \textit{Crimes Against Humanity} (Cambridge University Press, 2005), 5.

"Eurocentric." I will focus here on Habermas's responses and related political points.

**Three Points from Habermas.** Habermas recognizes that his conception of basic rights is indebted to a line of moral argument running through natural law, Locke, Rousseau, and Kant, who all argued against absolute monarchy by denying that anyone can autonomously enslave themselves. But he denies that basic rights reconstructed within discourse ethics as performative presuppositions of debate between free and equal interlocutors cooperating to seek better warranted judgments by an exchange of perspectives are incompatible with communitarian conceptions of the good life and good society. First, he repeatedly argues that "nation-states" under the Westphalian order that replaced medieval kingdoms and empires moved from social unification through shared "cultural traditions" and ethnic bonds to unification through the shared "practice of citizens who actively exercise their rights to participation and communication."³¹

Though national societies of this kind will have a shared history and legal tradition (or "political culture"), they are no longer organic prepolitical communities because "state membership depends on the principle of voluntariness."³² But the decoupling of democratic citizenship from ethnic or cultural ties reified as *constitutive* of the self or unsheddable does not require the liberal prepolitical rights or Hobbesian selves or "possessive individualism."³³ The "intersubjective understanding" of popular sovereignty in the republican tradition recognizes that personal identity emerges from a matrix of social relations, but the demand for "reciprocal recognition" prevents identity from being limited to the scripts of a "homogenized ethnic community."³⁴

---

³²Ibid, 497.
³³Habermas, "On the Relation Between the Nation, the Rule of Law, and Democracy," in *The Inclusion of the Other*: 129-53, 138.
³⁴Ibid, 139.
Second, this quasi-Hegelian answer to Schmidt helps explain why Habermas argues that non-Western nations that are now irreversibly committed to internal coordination through the rule of law (rather than by tribal or clan loyalty) have eo ipso recognized the legal status of individual citizens: “Asiatic societies too deploy positive law as a steering medium in the framework of a globalized system of market relations.” Societies previously integrated through ethnocultural heritage in Asia and Africa now face the same challenges of "social modernity" because markets, increasing diversity in their populations, and global communication that led western civilizations to "the standards of human rights." Developing nations cannot overcome rampant exploitation and "abuse of administrative power" simply by returning to thick attachments of families and local communities, but only through "legitimate law" that fosters "that abstract form of civic solidarity that stands or falls with basic rights." 

In my view, this response is inadequate insofar as an implicit commitment to basic rights in Habermas's model requires not only the legal form of social integration but also the Discourse Principle – and commitment to that modern concept of moral legitimation cannot follow from participation in global markets or the resulting use of modern legal structures alone. However, Habermas fills this gap by arguing that isolation from global discourse is no longer an option for more traditional societies today. He argues convincingly against the idea of incommensurable conceptual schemes that the hermeneutic process of interpretation is not limited by cultural

---

36Ibid, 121.
37Ibid, 126.
38See Ibid 116-17, where Habermas says that he assumes the discourse principle for present purposes; but he does not explicitly detail in this essay why critics of human rights standards cannot reject the discourse principle.
39Ibid, 128.
horizons or bound to project our prejudices on others without correction. Such deconstructive claims are falsified by actual experience in intercultural dialogue, which are not simply exercises in violence when genuinely animated by the shared "telos of mutual understanding."  

Third, Habermas adds a powerful transcendental argument to his hermeneutic model: entering into critical discussion about human rights inevitably carries an implicit commitment to the reciprocal recognition that implies such moral standards. If complaints about imposition of alien values, or violence towards religious communities, or misinterpretation of cultural mores and economic exploitation are *themselves* to count as anything more than rhetorical devices used to coerce international opponents into silence, then speakers who raise such objections are always already performatively committed to the ideal of domination-free discourse between all affected parties as equal rational beings capable of caring about fairness to all: 

Just as every objection raised against the selective or one-sided application of universalistic standards must already presuppose those same standards, so too does any deconstructive unmasking of the ideologically obfuscating use of universalistic discourses actually presuppose the critical viewpoints [or norms?] advanced by these same discourses. Thus moral and legal universalism is self-reflexively closed in the sense that one can criticize its imperfect [actual] practices only by invoking its own [ideal] standards. 

Thus, since non-western societies *are* engaged in a global discourse about human rights as part of international law, *charity* requires us to understand them as having already implicitly accepted the Discourse Principle. Otherwise critiques of rights as mere Western ideology, whether made by non-Western critics or (more likely) by avant-garde Western intellectuals who think they are resisting hegemonic "liberalism," can themselves amount only to linguistic violence that dresses

---

40 Habermas, "Fundamentalism and Terror," an interview reprinted in The Divided West: 3-25, 17-18. 
41 Ibid, 18. 
42 Ibid, 24.
up systematic injustices as expressions of cultural integrity. Moreover, there is often a shocking arrogance in claims by such intellectuals to speak for whole societies: there is an enormous gap between the peasant in a third-world nation and a postmodernist in a university. Who is he, after all, to tell global audiences that the peasant does not want her individual liberties?43

IV. Three Political Rejoinders: Atrocities, Rationalizations, and Non-Western Reformers

This brings me to the more polemical part of my reply to the intolerance objections. It involves real-world political points already outlined by Habermas in "Remarks on Legitimation through Human Rights" and other essays that can help rebut anticipated critiques of my proposed global federation of democratic states. It also involves a tough ethical question in higher education: should academic critiques of basic rights as ideology or cultural domination always be welcomed as important contributions to ongoing discussions of deep concern in the humanities? Should we always respond politely? Or should we start to draw lines and tell academics making some of these critiques that they are political dupes helping to rationalize cruelty and injustice?

Humanitarian Emergencies and Communal Values. Consider an armed humanitarian intervention carried out by the proposed Federation in any of the cases listed on your handout, or economic sanctions and other coercive measures short of war directed at dislodging entrenched tyrannical regimes that are not directly annihilating portions of their own populations. In none of these cases could the denial of political liberties or the crimes against humanity within particular nations be defended as expressions of any cultural form of life promoting human well-being or

43Or that no consciousness-raising to postconventional identity is needed? This is one of Susan Okin's reasons for thinking that feminism and communitarianism are fundamentally at odds.
flourishing,\textsuperscript{44} or as cases of collective "self-determination."\textsuperscript{45} Philosophers must ask what assumptions about human selves, motives, autonomy and free agency in general are necessary to explain or ground this or that alleged basic right; but in the real world, when regimes that violate such rights try to resist condemnation by insisting that these so-called rights are only fictions of western atomistic egoism, their motives are \textit{obviously} disingenuous, and need to be dismissed with open scorn by responsible scholars. Their protests against western bias, "imperialism" or "colonialism" are not sincere discourse aimed at sociological or historical enlightenment, but strategic action of the hollowest sort. For as Habermas says, no "ethical life-project" of any community can be pursued without regard to human goods.\textsuperscript{46} 

He makes a similar point in response to the Singapore monarchy's 1991 report and the 1993 "Bangkok Declaration" by Singapore, Malaysia, Taiwan, and China that communal goods trump individual liberties. Such arguments are frequently just "strategic" efforts to legitimize soft despotism.\textsuperscript{47} If anything, Habermas puts it too mildly when he responds that, far from wishing to promote an alternative communitarian set of values, such regimes simply wish to justify an "authoritative model of development" while denying individuals "rights to life and bodily integrity," to an impartial legal system, and to freedoms of religion, association, and speech.\textsuperscript{48} Their soft despotist regimes now promote crony capitalism without democracy and with as little 

\textsuperscript{44}And as Habermas notes in "Remarks on Legitimation through Human Rights" (124), even the specious arguments that leaders of Asian dictatorships give for postponing civil liberties and rights to democratic participation are justified in the name of economic development to improve collective well-being.

\textsuperscript{45}Moreover, President Wilson's idea of a general right to "self-determination" by "peoples" in the prepolitical/organic sense is "sheer nonsense," as Habermas rightly says in "The Postnational Constellation," 72. He agrees with Allan Buchanan's view that secession can only be a remedial right in the face of grave injustices to ethnic minorities not resolvable through ordinary constitutional processes.

\textsuperscript{46}Habermas, "Remarks on Legitimation through Human Rights," 124.

\textsuperscript{47}Ibid, 124-25.

\textsuperscript{48}Ibid, 125.
civil society reflecting traditional cultural values as possible. As Havel has argued eloquently, authentic civil society requires the kind of personal liberties of association and communication that democracies grant and that communist dictatorships systematically repressed.  

The Liberalist Fallacy Rejected by Non-Western Reformers. Habermas also dismisses the argument that rights are merely elements in a capitalist ideology, or that "European human rights" depend on Lockean "possessive individualism." He might justifiably have added that his entire discourse theoretical deduction of rights exposes this as an elementary fallacy: human rights are completely consistent with relational conceptions of autonomy and non-libertarian conceptions of distributive justice. But more importantly, whatever western intellectuals who still repeat this long-refuted canard may believe, non-western autocrats employ it merely as cynical rationalization for totalitarian control. This has long been recognized by non-western progressives.

In a 1995 paper by Aung San Suu Kyi, the rightfully elected leader of Burma who has been prevented from taking office by a military junta for almost 20 years warns us that "culture and [economic] development can actually be made to serve as pretexts for resisting calls for democracy and human rights." Totalitarian regimes like to say that they are simply ensuring that their societies progress in a way that is authentically indigenous rather than western.

It is often in the name of cultural integrity as well as social stability and national security that democratic reforms based on human rights are resisted by authoritarian governments. It is insinuated that some of the worst ills of Western society are a result of democracy, which is seen as the progenitor of unbridled freedom and selfish individualism.


But it is "modern materialism," rather than democracy or the ideal of rational self-rule, that is the cause of these ills. In fact, the human potentials "that democracy and human rights seek to promote can be found in many cultures" that reject consumerist values. Recalling the famous saying by Solzhenitsyn that "one word of truth is of more weight than all the rest of the world," I say that the ethical courage in Suu Kyi's statements weighs more than all the self-indulgent rhetoric of aesthetes who regard the deconstruction of human rights as an intellectual game. Of course, I recognize that serious conceptual problems about rights remain; but we should always ask who is speaking, and on what motives, when human rights concepts that happened to be developed in western philosophy are alleged to be legalistic, capitalist, eurocentric, etc.

Thomas Pogge also argues that human rights can be interpreted as rights to institutional protection of one's access to the most essential elements of human flourishing. They certainly do not require anyone to view themselves as "atomized, autonomous, secular, and self-interested individuals" who will put their own interests above communal flourishing. The objection that "what is truly essential to human flourishing may be just what is at issue between Western and communitarian or Asian conceptions of human rights" misses Pogge's point, which is to debunk that myth that rights-talk is essentially linked with Hobbesian egoism, Lockean individualism, or capitalism. Havel has made a similar point: "consumerism, a lack of solidarity, the cult of material

---

53Ibid, p.15.

54Alexander Solzhenitsyn, Nobel Prize Lecture, tr. Nicholas Bethell (London: Stenvalley Press, 1972), 55. He also said that because the UN has not tried to make the Declaration of Human Rights "binding on governments, a condition of their membership" in the UN, it has "handed ordinary people over to the whims of governments they did not elect" (43).


56Ibid.

57Burleigh Wilkins, Introduction to Humanitarian Intervention, p.14
success," and expansionism bent on a technocratic society are not essential to the ideals of
democracy.\textsuperscript{58} The ASEAN nations agrees with Suu Kyi, Habermas, Havel, and Pogge; their 2020 vision statement, while stressing development and culture, also affirms human rights:

We see vibrant and open ASEAN societies consistent with their respective national identities, where all people enjoy equitable access to opportunities for total human development regardless of gender, race, religion, language, or social and cultural background...and where the civil society is empowered and gives special attention to the disadvantaged, disabled and marginalized and where social justice and the rule of law reign.\textsuperscript{59}

They also condemn "trafficking in women and children, and other transnational crimes." Suu Kyi and groups like ASEAN have far more authority to speak for Asian peoples than western authors who insists that human rights, like universal rules of any kind, are a cultural artifact of inherently corrupt logocentric rationalism serving to cover up abuses and power relations.\textsuperscript{60}

In reality, progressive reformers across the world appeal to human rights standards when faced with dictators and warlords whose care so little about community that they are willing to make orphans into soldiers, encourage cycles of rape and murder that break any family bonds that could divide the soldier's loyalty, inflame ethnic hatreds to strengthen their power, and even prevent aid agencies from helping their victims. None of this has anything to do with community values or authentic culture; it is sheer will-to-power. It is a scandal that critiques of universal rights end up providing ideological cover for such dictators, making it easier for them to argue that any intervention in their national sovereignty is western imperialism.

**Conclusion.** A political advantage of the federation I have proposed is that it would make

\textsuperscript{58}Václav Havel, "Democracy's Forgotten Dimension," *Journal of Democracy* 6 no.2 (April 1995): 3-10, 7


\textsuperscript{60}Habermas, "Remarks on Legitimation through Human Rights," 119.
it harder to fool people with such specious arguments because of the solidarity of democratic peoples from all parts of the world, not just western Europe or North America. It would reflect more accurately the sentiments of peoples free to voice their sense of justice everywhere, thus undermining the relativists by presenting a culture-transcending consensus actively resisted only by tyrants and fundamentalist theocracies. Right now, the major world religions look like they will be centrifugal forces against such a consensus, but as Havel has argued, in the long run they may help to articulate the moral consensus needed to support universal human rights.  

---

61See Havel, "Democracy’s Forgotten Dimension," 9