

Revisiting the Kantian legacy in Habermas: the philosophical project of modernity and decolonial critiques to rationality and cosmopolitanism

[Revisitando o legado kantiano em Habermas: o projeto filosófico da modernidade e as críticas decoloniais à racionalidade e ao cosmopolitismo]

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Abstract

This paper deals with Amy Allen's critique of Habermas's theory of modernity, democracy, and cosmopolitanism. I will focus on her arguments that touch on the role of rationality. Allen's critique of Habermas will be presented, especially where she argues that focusing on rationality is ethnocentric and promotes the political exclusion of subaltern groups. The extent to which Allen's critiques affect the emancipatory potential of Habermasian theory will next be assessed. It is finally argued that Allen's position leads to a denial of the distinction between social rationality and irrationality as legitimate criteria. The consequences of such a position for the political sphere will then be analyzed.

Keywords: Kantian legacy; Habermas; rationality; democracy; cosmopolitanism.

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In the field of decolonial criticism, Kantian philosophy and its heirs have been accused of ethnocentrism, Eurocentrism, and of fostering new forms of imperialism and colonialism. These criticisms rest mainly on the rationalist and universalist character of such theories and on the argument that by invoking universalism and rationalism Kantian theories end up invalidating other forms of knowledge and political manifestations that do not fit the established criteria of rationality. Thus, these theories claim that rationality should no longer be a legitimate criterion for the evaluation of knowledges or political manifestations because this is a criterion considered Western, imperialist, and neocolonial (cf. Allen, 2016, 2019; Mendieta, 2009; Mignolo, 2000; 2010; 2021; Walsh, 2018).³ Before investigating the sources of social irrationality, this paper seeks to point out that the distinction between social rationality and irrationality is legitimate and relevant.

This article deals specifically with Allen's critique of Habermas's theory of modernity, law and democracy and cosmopolitanism outlined in her book *The End of Progress*, with a specific focus on her remarks regarding the role of rationality. First, Allen's criticism of Habermas' theory is presented as is her position that focusing on rationality is ethnocentric and promotes the political exclusion of subaltern groups. The extent to which Allen's critiques affect the emancipatory potential of Habermas's theory is secondly evaluated. Finally, Allen's position is argued to lead to a denial of the distinction between social rationality and irrationality as legitimate criteria. The political consequences of such a position are then analyzed.

1. Modernity and Rationality: Allen's Critique of Habermas

Allen is a signatory to the thesis that universalism has played a crucial role in connecting European culture with European imperialism over the centuries. In this sense, imperialism as a political project could not sustain itself without the idea of empire, which in turn is nurtured by a philosophical and cultural imaginary that justifies the political subjugation of native territories and populations through claims that such peoples are less advanced, cognitively inferior, and therefore could be subordinated. (cf. Allen, 2016, p. 1). According to Allen, Habermas, like other philosophers, is attached to the idea that certain aspects of European modernity and the

³ In this sense, Eduardo Mendieta argues that Kant's theory is incapable of inspiring critical cosmopolitanism (p. 248). Kantian cosmopolitan thought is based, instead, on pedagogy, anthropology and geography. In said texts, he is of the opinion that Kant's cosmopolitanism is obviously imperialist and colonialist because Kant would have assumed the privileges of his citizenship and location in the 18th century Austrian empire. Mendieta denies neither rationality nor universality per se, but he insists that these concepts need to be reformulated so that universality can be conceived of in such a way as to incorporate diversity and diverse forms of rationality. He bases his claims on those of Walter Mignolo. (cf. Mendieta, 2009, p. 251f.) Mignolo, in his turn, states that cosmopolitanism emerged in the 18th century as a secular version of Christianity, whose objective was to expand Western ideals and civilizations and reaffirm the colonial matrix of power (p.118). Cosmopolitanism, he explains, is sustained by four practices or arguments, namely: the management and control of subjectivity, the control of authority, the control of the economy, and the control of knowledge (p. 119f.). By analyzing history from the perspective of colonization, Mignolo asserts that the very foundation of knowledge is racist and patriarchal, since, although it recognizes the ontological equality of all individuals and peoples, it nevertheless affirms an epistemic inequality, which would have legitimized European domination over colonized peoples. The subjugation of indigenous peoples, for example, would have been legitimized, from the colonizer's point of view, by the argument of the inferiority of their knowledge or their minority (cf. Mignolo, 2010, p. 121f.). Mignolo also affirms the need to reformulate the concepts of rationality and universality (cf. Mignolo, 2000), as does Allen (cf. Allen, 2016, 2019). These authors' proposals for reformulating the criteria of rationality and universality will have to wait for a future paper. For now, it is only necessary to present such criticisms of cosmopolitanism in their Kantian aspects and to point to the controversies regarding this interpretation of Kant, since the decolonial authors base their criticisms on the texts of Anthropology, Pedagogy and Geography where Kant uses a methodology based on the description of social facts and history. Critics have not consistently worked with the texts of Kantian Moral Philosophy, in which the normative foundations of practical reason are laid down in terms of universalizing equal respect and consideration for all individuals and peoples. A critical review of Mignolo's reading of Kant can be found in: Santos, 2022, p. 154-175).

Enlightenment represent an advance over pre-modern, non-modern, or traditional forms of life, and crucially this idea plays an important role in grounding the normativity of his theory (cf. Allen, 2016, p. 3).

Allen considers Habermas' continued commitment to a theory of social evolution that positions "modernity" as the result of a practical-moral learning process, and also as progress, the problem that shapes eurocentrism in his work (cf. Allen, 2016, p. 38). Allen asserts that Habermas's chosen strategy for dealing with the grounding of the normativity, based on his theory of social evolution and his theory of modernity - both connected by a philosophy of history that has progress on the horizon, leaves him vulnerable to postcolonial critics who accuse him of Eurocentrism and informal imperialism (cf. Allen, 2016, p. 39).

Considering the development of Habermas' work since the mid-1970s, two types of rationality are identified, namely, *teleological* (instrumental and strategic) and *communicative rationality*. While teleological rationality is linked to the use of resources and effectiveness, to the means/ends relationship, moral-practical or communicative rationality is associated with the possibility of "identify and reconstruct universal conditions of possible understanding" (Habermas, 1976, p. 1). It asserts that there is a universal core to communicative competence, and that this core involves the differentiation of three distinct validity claims—claims to truth, to normative rightness, and to sincerity—and of three distinct world-relations—to the objective, intersubjective, and subjective worlds, respectively.

In this regard, Moral-practical development consists in part in a progressive decentration of worldviews and heightening of reflexivity

[i]n both dimensions [that is, individual ego development and social evolution], development apparently leads to a growing decentration of interpretive systems and to an ever clearer categorical demarcation of the subjectivity of internal nature from the objectivity of external nature, as well as from the normativity of social reality and the intersubjectivity of linguistic reality (Habermas, 1976, p. 106).

In another excerpt, Habermas states that

The rationality inherent in [communicative] practice is seen in the fact that a communicatively achieved agreement must be based *in the end* on reasons. And the rationality of those who participate in this communicative practice is determined by whether, if necessary, they could, *under suitable circumstances*, provide reasons for their expressions (Habermas, 1984, p. 17).

In volume 2 of *The Theory of Communicative Action*, Habermas also points out that:

Our formal-pragmatic description of the general structure of speech acts has to draw on the pretheoretical knowledge of speakers who belong to a modern and—in a sense still to be explained more precisely—rationalized lifeworld (Habermas, 1987, p. 77).

Allen interprets these passages as expressing Habermas's attachment to a reconstructive methodology that has strong ties to a particular context. In her own words:

this way of understanding Habermas's project overlooks the simple fact that the methodology of rational reconstruction proceeds by way of a systematic reconstruction of the intuitive knowledge of a very specific group of people, namely, 'competent members of modern societies,' where 'competent' means adult subjects who have learned to differentiate the three validity claims and have mastered the three-world structure of communication (Allen, 2016, p. 51).

As a consequence of the Habermasian position, she identifies a potential for disregarding other forms of knowledge or knowledges that are not produced or manifested according to such criteria of reflection and analysis of validity claims:

since universal pragmatics itself rests on the prior assumption that modern, post traditional structures of communication and postconventional forms of identity are

superior to premodern, traditional ones, that is, that they more fully realize the inherent telos of language as a medium of communication the theory cannot play this justificatory role and remains bound to a conception of reason that privileges a Western point of view (Allen, 2016, p. 52).

In this respect, Allen considers that claiming universality for this conception of rationality thus involves claiming universality for modern, Occidental understanding of the world, which in turn raises the question of how such a claim can be justified (cf. Allen, 2016, p. 54). To support her critique that the Habermasian theory of rationality and modernity has this informal imperialism, she draws on the distinction made by Habermas in volume 1 of *The Theory of Communicative Action* between mythical and modern worldviews. According to him,

mythical worldviews are distinct from modern ones in two ways: first, they fail to differentiate the objective, social, and subjective worlds (and hence they also fail to differentiate claims to truth, normative validity, and sincerity); and, second, they do not identify themselves as worldviews, as cultural traditions, that is, they lack reflexivity about their own status (Habermas, 1984, p. 52).

To sum up, Allen remembers that Habermas's conception of rationality has four components:

first, the three formal world concepts (objective, intersubjective, and subjective); second, the corresponding validity claims (truth, normative rightness, and sincerity); third, the concept of a rationally motivated agreement; and fourth, the concept of reaching understanding through speech (Allen, 2016, p. 57).

And she considers that "Habermas reconstructs largely converges in its shared commitment to the developmental superiority of modernity, even as it remains cognizant of modernity's downsides". She also argues that

Habermas does not consider the possibility that (...) the belief in the developmental superiority of modernity does not itself have an evidentiary basis but rather rests on a questionable normative decisionism and ends up corroborating the relationship modernity and Eurocentrism (Allen, 2016, p. 60f.).

The same line of argument is presented when Allen analyzes other works by Habermas, such as discourse ethics, discursive theory of law and democracy, texts on religion and cosmopolitanism. She identifies the demands of rational argumentation and the project of constitutionalizing of international law, which, according to Habermas, would have a civilizing role, as elements that support Eurocentrism and the supremacy of one model of modernity over others.

In his discourse ethics, Habermas attempts to reformulate Kant's categorical imperative into a discursive procedure for moral argumentation (D). He states this reformulated categorical imperative in his original version of discourse ethics as follows: "Only those 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, 1990, p. 66). From this basic principle of discourse ethics (D) combined with an account of the normative preconditions of argumentation in general, Habermas claims to be able to derive his basic moral principle, the principle of universalization (U) that states that a moral norm is valid if and only if "all affected can accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction of everyone's interests" (Habermas, 1990, p. 65). According to this proposed reading, Habermas's neo-Kantian discourse ethics offers an independent justification of (D), which provides a procedure for determining the validity of norms generally, and a derivation of (U), which provides a procedure for determining the validity of specifically moral norms (cf. Allen, 2016, p. 61f.).

Allen, however, does not consider Habermas to be a Neo-Kantian in grounding the normativity of his theory. She points to a dependency or interrelationship between discourse

ethics and Habermasian modernity theory, and this understanding grounds her critique that Habermasian universalism is rooted in a contextualism (his theory of Western modernity) that leads him into a circularity. In her words:

Moreover, even if we were to accept that the Kantian constructivist interpretation of the justification strategy for discourse ethics is a plausible reading of some of Habermas's texts, this reading does not fit easily into his overall theoretical system, and he quite clearly rejects it in his most recent discussions of this issue. This means that Habermas can't be a straightforward Kantian constructivist, and that discourse ethics cannot serve as the normative foundation for his theory of modernity because its plausibility rests, at least in part, on that theory (Allen, 2016, p. 64).

In other words, Habermas assumes that contextualism at the metanormative level undermines universalism at the level of first-order, substantive norms; he assumes, that is, that metanormative contextualism entails first-order moral and political relativism. (Allen, 2016, p. 66).

Habermas seems to have two choices here. He can either bite the bullet and accept that his moral project entails an internal elucidation of the modern moral point of view. Or he can argue that the theory of modernity and discourse ethics support each other in a coherentist fashion. This way of understanding his project quite clearly raises worries about circularity: the rational reconstruction of communicative competence presupposes the superiority of modernity, while the theory of modernity presupposes the superiority of a rationalized lifeworld. Of course, one could always accept that at this most basic level, the theory is circular, but argue that this circularity isn't vicious. (Allen, 2016, p. 66).

Allen does not see Habermas as a Neo-Kantian constructivist (as, for example, Keneth Baynes and Rainer Forst), but rather as a Neo-Hegelian reconstructivist. Even if Allen's interpretation of Habermas is correct, it does not seem, however, relevant to the point I want to isolate in this text. The central focus of decolonial critique, as received by Allen, is that rationalism sets certain standards in the epistemological (modern science and its criteria of verifiability or falsifiability) and political fields (the criteria for the presentation of reasons, arguments, and justifications, self-reflection and criticism) that could legitimately become exclusionary in relation to other forms of knowledge (those traditional) or political manifestations (those that do not present themselves in the public space from the presentation of reasons, arguments and justifications - the contraposition voice (*reason*) and noise (*emotion*) (see Eklundh, 2019, p. 63ff). In this sense, it seems to me that Kantian critical philosophy, whether in the theoretical or practical realm, supports the need for such criteria and, for this reason, it seems to me irrelevant here the discussion of how much Habermas is more Kantian or more Hegelian.

The next step in Allen's critique of Habermas turns to his cosmopolitan project. In analyzing his texts in this regard, but especially some passages from "The Divided West", she considers that

Habermas is well aware of the ways in which Enlightenment ideals, particularly ideals of progress, modernization, and development, have been entangled with the so-called civilizing mission of the West. Nevertheless, as he makes clear in his discussion of Kant's philosophy of history, he believes that these ideals can be disentangled from their ideological roots. Although Habermas's own philosophy of history shares with Kant's the "heuristic aim" of lending the "idea of the cosmopolitan condition empirical probability and plausibility" (DW, 145), Habermas insists that, in taking up Kant's philosophical-historical project, we must "look beyond the prejudices associated with [Kant's] historical horizon" (DW, 145). These prejudices include an insensitivity to cultural differences, a blindness to the explosive force of nationalism, a "humanist" conviction of the superiority of European civilization and the white race" (DW, 146), and a lack of awareness of the fact that "European international law" was "embedded in a common Christian culture" (DW, 146). (Allen, 2016, p. 69).

According to Allen, even though Habermas embraced *the multiple modernities paradigm*, he continued to associate heightened reflexivity with an irreversible moral-political learning

process (cf. Allen, 2016, p. 72). Her interpretation is based on Habermas's statements in "A Postsecular World Society? On the Philosophical Significance of Postsecular Consciousness and the Multicultural World Society", especially the following passages:

we can indeed trace the, for now, last socially relevant push in the reflexivity of consciousness to Western modernity (Habermas, 2010, p. 2).

In European modernity, we observe a further cognitive push in the *same* dimensions. We observe a sharpening of the consciousness of contingency and an extension of futural anticipation; egalitarian universalism becomes more pointed in law and morality; and there is progressive individualization. In any case, we still draw our normative self-understanding from this (disregarding short-winded, fashionable denials) (Habermas, 2010, p. 8).

Based on these excerpts she concludes the following:

So, even in the face of the charge of Eurocentrism, Habermas remains committed to a progressive view of history according to which European modernity represents a moral-political advance over premodern forms of life. And even as he recognizes the need to rethink the central assumptions of modernization theory, he insists that we shouldn't throw the baby out with the bathwater by rejecting the idea of European modernity as a privileged example of sociocultural learning processes in an effort to avoid Eurocentrism. Indeed, this stance shouldn't be at all surprising since the main outlines of this very same understanding of social evolution as a process of moral-political learning that is characterized by greater degrees of reflexivity and decentration of worldviews go all the way back to Habermas's work on social evolution from the 1970s (Allen, 2016, p. 72f.).

In short, Allen's critique of Habermas has as its central point his theory of social evolution and his theory of modernity, that is, rationalization as a reconstruction of Western culture, while in the texts on cosmopolitanism Eurocentrism would manifest itself from the civilizing role attributed, according to her, to Western institutions and political culture.

2. Evaluating Allen's critique

The crux of Allen's critique appears to see rationality as the demands for a high degree of reflexivity and the demand for the presentation of reasons, arguments, and justification. According to her, such demands constitute a specific type of rationality that is tied to the West. This position becomes even clearer in her critique of Forst (whose theory is even closer to the Kantian tradition). In analyzing Forst's work and his reformulation of practical reason in terms of the right to justification, Allen asks:

Can we be confident that "our" conceptions of practical reason are free of ideological distortions? Nor should this be seen as an empty worry, since there has been a great deal of criticism over the last thirty years or more, from feminist, queer, postcolonial, and critical race theorists, of the very conception of practical reason on which Forst's moral constructivism rests. Such critiques claim that the Kantian Enlightenment conception of practical reason explicitly or implicitly excludes, represses, or dominates all that is associated with the so-called *Other of reason*, whether that be understood in terms of madness, irrationality, the emotions, the affects, embodiment, or the imagination, all of which are symbolically associated with black, queer, female, colonized, and subaltern subjects. These symbolic associations serve both to rationalize and to justify existing relations of racial, heterosexist, and ethnic oppression and domination—by defining women, blacks, queers, colonized, and subaltern peoples as not rational and therefore as not fully human—at the same time that they reinforce certain stereotypical understandings of black, queer, feminine, and subaltern identity as closer to nature, more tied to the body, more emotional, more prone to madness, irrationality, and violence, and so on (Allen, 2016, p. 137f.).

In this passage the opposition rationality versus irrationality becomes clear. Reason, or rationality, invoked in both Habermas' and Forst's works as criteria for the acquisition of knowledge or for political decision-making processes, is argued by Allen to be a requirement that disempowers subaltern groups. Rationality is mobilized as a Western criterion of the disempowerment and oppression of groups who are described as unable to produce their knowledge or articulate their claims according to such criteria. Irrationality, on the other hand, is linked to emotions, madness, violence, and characteristics that modern societies attribute to stereotyped groups.

Allen's argument appears inclined to invalidate the distinction between rationality and irrationality, or even to deny the legitimacy of rationality as a criterion for evaluating knowledge or political discourses and actions on the grounds that such criteria are Western and neocolonial. Thus, reason (*voice*) is defined as the opposite of emotion (*noise*), and the former is invoked as a criterion for treating other forms of knowledge production or political manifestations pejoratively.

Allen's skepticism of any kind of practical reason is reaffirmed in her dialogue with Forst, when she maintains that "all our previous conceptions of practical reason have been exclusionary and dominating" and this "should undermine our confidence that our own conception of practical reason actually succeeds in transcending such entanglements" (Allen, 2019, p. 149).

One of the main points of divergence in this debate is the question of normativity. While Forst and Habermas continue to ground their theories in distinct versions of practical reason, Allen considers that this approach is foundationalist and imposes a legacy of Western modernity on other societies and cultures. She argues that the normativity of a theory that takes diversity seriously and avoids imposing itself in a colonialist manner should take the form of what she calls "metanormative contextualism", according to which:

We could understand ourselves, at a first-order, substantive normative level, to be committed to the values of freedom, equality, and solidarity with the suffering of others, but understand these commitments, at the metanormative level, to be justified immanently and contextually, via an appeal to specific historical context rather than via an appeal to their putatively context-transcendent character. Such a metanormative contextualism offers a better way of instantiating the virtues of humility and modesty that are required for a genuine openness to otherness (Allen, 2016, p. 211).

Thus, she holds that it is possible for a non-relativist contextualism to coexist with a non-foundationalist universalism. Metanormative contextualism means, then, that the guiding principles are not grounded in a transcendental perspective (such as practical reason), but rather in a historical and contextualist one. In her view, contextualism is not the opposite of universalism since normative commitments considered universal in the scope of their application can be contextually grounded or justified. The opposite of contextualism is foundationalism (cf. Allen, 2019, p. 148f).

After presenting Allen's main arguments against practical reason (or communicative rationality in Habermas's case), two questions can be raised. First of all, to what extent does Allen's criticism actually affect the emancipatory potential of Habermas's theory, whether in domestic or international politics? Secondly, what are the consequences of adopting this criticism with regard to practical reason and its derivations (communicative rationality, public reason, or the right to justification)? Habermas's political theory offers some answers to Allen, which may reaffirm the importance of an ideal of practical reason, such as communicative rationality, for democratic and emancipatory practices.

Critiques of the theory of modernity: Allen posits that Habermas has adhered to the thesis of "multiple modernities", according to which

the great world religions have had a great culture-forming power over the centuries, and they have not yet entirely lost this power. As in the West, these 'strong' traditions paved the way in East Asia, in the Middle East, and even in Africa or the development of cultural structures that confront each other today – for example, in the dispute over the right interpretation of human rights. Our Western self-understanding of modernity emerged from the confrontation with our own traditions. The same dialectic between tradition and modernity repeats itself today in other parts of the world. (...) The West is one participant among others, and all participants must be willing to be enlightened by others about their respective blind spots. (Habermas, 2010, p. 2)

This is where Habermas recognizes that modernity is defined by a process of confrontation between traditions within each society. It is a dialectic between tradition and reflections on tradition. He states, “[t]he West is one participant among others, and all participants must be willing to be enlightened by others about their respective blind spots” (Habermas, 2010, p. 2). The West’s contribution to this process would be a kind of reflexivity that led to the secularization not of the private spheres of society, but of the public sphere. He is dealing here with changes such as the separation of law and morality or the methodology that gave rise to modern science, which he considers achievements that should not be lost (cf. Habermas, 2010, p. 3). Unlike Allen, I do not interpret these passages as constituting Habermas’s reaffirmation of a new submission of other cultures to the Western one. Instead, I see it as a recognition of a specific contribution of a particular society to others. This thesis is restated in his 2019 book, *Auch eine Geschichte der Philosophie*, where he states that modernity should be understood as an arena in which different civilizations meet with more or fewer cultural specificities to give shape to their common infrastructure (cf. Habermas, 2019, p. 219).⁴

Critiques of cosmopolitanism: Allen argues that by considering the institutions of international law to be civilizatory, Habermas imposes Western institutions on other peoples and states considered uncivilized. In my understanding, however, Habermas’s cosmopolitan project expresses the same openness to cultural plurality that was manifested in relation to modernity. What Habermas considers civilizing, since the end of the Second World War, has been the procedure of elaborating international law and building transnational and global institutions. It is by way of this procedure that involved parties can present their reasons and arguments, as well as their specificities, and perhaps avoid international relationships being determined merely on the basis of war and economic power. Two aspects of his analysis of international law support this interpretation.

He firstly points out that the United Nations itself has taken on an “inclusion orientation” by opening itself up to membership by any State willing to comply with the principles of the Universal Declaration of Human Rights rather than only to those States configured as liberal democracies. This openness to inclusion certainly generates contradictions, since some states formally adhere to the principles of the Universal Declaration of Human Rights, but do not follow them in practice. In the face of this, Habermas believes that tolerating contradictions between principles and practices can open a dialog between countries of the West and the East, with greater sensitivity to cultural, ethnic, and religious differences (cf. Habermas, 2006, p. 165f.).

⁴ In a recently published book entitled “A Critical Theory of Global Justice”, Malte Frøslee Ibsen also considers that adherence to the paradigm of multiple modernities removes from Habermasian theory the label of culturalist and Eurocentrist that Allen seeks to attribute to it. He argues, “With this proposal, Habermas rejects the ‘culturalist’ image of world civilizations as incommensurable and mutually enclosed entities in favour of a more complex picture, where ‘the great civilisations’ are characterized by ‘family resemblances’, ‘which imply similar cognitive developmental paths.’ Accordingly, the view that contrasts ‘European modernity’ with temporally coexisting ‘traditional’ or ‘premodern’ forms of life in non-Western cultures, and which therefore necessarily regards the latter as developmentally inferior, is one that Allen imputes to Habermas, rather than a view that she identifies within his work. In other words, it is her assumption, rather than his” (Ibsen, 2023, p. 217). Another kind of critique of Allen’s theory can be found in: Lopes, 2018.

Secondly, by pointing to the constitutionalization of international law as a rationalizing and civilizing process, Habermas emphasizes that the civilizing potential focuses on the procedures of international law-making rather than on substantive elements such as worldviews or ethical-cultural aspects. His critique of US actions after the 9/11 attack is a good example of the distinction between civilizing procedures and practices based on worldviews that, in turn, can be considered colonialist. He argued that the US government had violated the rules of international law and acted according to its own conceptions of right and wrong, overlapping the ongoing process of constitutionalization with a kind of moralization or ethnicization in the field of international relations. Thus, in the realm of international politics, a counter position emerges between law and morality – morality here understood as the ethical values proper to the American people (for example, the widespread notion of the struggle against evil in which the meaning of good and evil is attributed by the interested parties themselves). Thus, a people's own normative justifications replace procedures prescribed by international law. According to Habermas, "[e]ven an ultra-modern power like the US relapses into the pseudo-universalism of the ancient empires when it substitutes morality and ethics for positive law in issues of international justice." (cf. Habermas, 2006, p. 179-182).⁵

Critiques of communicative rationality in the theory of law and democracy: Finally, communicative rationality, as a type of practical reason, should not be considered an illegitimate or discriminatory criterion for evaluating social and political practices, as Allen argues. This criterion proves to be a powerful tool precisely of those groups that Allen calls "subaltern" (women and blacks, among others). An excellent example of this is Habermas's reflections on intolerance and discrimination. He argues that the issue of tolerance only arises after the prejudices that cause discrimination have been eliminated (such as sexism, racism, homophobia, xenophobia, etc.). It is important here to understand what characterizes some views as prejudice and discrimination. Habermas holds that it is the egalitarian and universalistic standards inherent in democratic citizenship that authorize considering some positions as discriminatory and prejudiced when they violate the equal rights of others and cannot be rationally justified. What is tolerable is that which is within reasonable disagreement; what is intolerable is that which discriminates and oppresses. According to Habermas, "the very same normative base of the constitution that justifies cultural rights and entitlements likewise limits a kind of aggressive self-assertion that leads to fragmenting the larger community" (Habermas, 2004, p. 18).

In his most recent work on *deliberative democracy and the new transformations in the public sphere* produced by digital media (Facebook, Twitter, Instagram, YouTube, etc.), Habermas is concerned about this lack of space for the presentation of arguments and reasons within the new media. These new environments can modify the public sphere to the point where it ceases to be "a sounding board for problems that must be processed by the political system" (Habermas, 1996, p. 359). He identifies one of the main transformations of the public sphere produced by the new media as being the difficulty in fulfilling the emancipatory promises of this type of communication. It has become more difficult to make digital platforms liable, even less so those users who express themselves in oppressive or discriminatory manners. This is due to the fact that these media are open to both progressive and reactionary agendas and Fake News.

3. Final Remarks

Within political philosophy and theories of democracy, reason and rationality have come to be challenged as elitist. This criticism is generally directed at theories of deliberative democracy that present very demanding normative criteria regarding argumentation and

⁵ A more detailed analysis of Habermas and international politics can be found in: Consani, 2020; Consani, 2021a.

justification. Moreover, the demands for the presentation of rational arguments in the public space are accused of preventing a vibrant democracy from flourishing by establishing a moral, and therefore pre-political, dividing line between *we* (*rational*) and *them* (*irrational*) and concealing the deep conflicts in today's societies (this is, for example, Mouffe's criticism of Rawls - cf. Mouffe, 2009).⁶

It is crucial to consider the consequences of this proposal. It is worth asking what might the potential implications be of eliminating the demands for rationality in the realms of science, morality, and politics. Recent events during the COVID-19 pandemic, such as the anti-vaccine movements and the defense of drugs without proven effectiveness (like hydroxychloroquine) remind us of the importance of not so quickly disregarding the requirements of modern science. In the political realm, on the other hand, the emotive and affective claims are not, by far, limited to subaltern groups. Oftentimes said claims have been raised by dominant groups, such as Trump or Bolsonaro supporters, who are not merely anti-science and anti-intellectual, but also racist and misogynistic. Those groups identified by Allen as subaltern (women, blacks, queers, indigenous people, etc.) are often those who have presented their claims with great propriety, making use of consistent argumentation and justification that is completely compatible with the requirements of practical reason.

Forst has correctly pinpointed a grave error underlying Allen's arguments. He argues that it is in fact the decolonial critics who disrespect and infantilize subaltern groups by considering them discursively incompetent or incapable of demanding or offering justifications. He further identifies a serious methodological error in this critique, which is the confusion between the descriptive and normative spheres (genealogy and validity). He states that the demanding structure of justification is part of the grammar of social conflict that belongs to emancipatory struggles and is not tied to a specific way of life (European or Western). In his words: "The language of emancipation and of no longer wanting to be denied one's right to be a participatory equal is a universal language spoken in many tongues" (Forst, 2014, p. 184).

Forst does not agree with Allen's characterization that "all our previous conceptions of practical reason have been exclusionary and dominating" (Allen, 2019, p. 149). This critique, he says, is "too general and sweeping", since it minimizes the effective performance of rational critique in challenging unreasonable forms of domination (religious, racial, gendered, or nationalistic). Thus, he states that concepts of rationality tend to generate domination when they affirm the context, rather than when they question it. He also warns that the proper critique of universalism, namely that which rejects false universals⁷, cannot be compared to support for parochialism (cf. Forst, 2019, p. 182).

Allen contradicts herself, says Forst, when she argues for the existence of a universalist first normative order and a contextualist second one. This would require that the validity of universalist claims depended upon contextualist interpretations, that is, on social and historical standpoints. This would undermine the critical aspect of the theory in relation to the dominations of its time and context. For Forst, a universalist contextualism is nothing but a false universalism, i.e., a relativist proposition (cf. Forst, 2019, p. 183).⁸

⁶ On this topic see Consani, 2021b.

⁷ As highlighted above, an example of the unveiling of false universalism is found in Habermas's work on cosmopolitanism when he criticizes the role played by the USA on the international scene after the 9/11 attack.

⁸ In the follow-up to this debate with Allen, Forst defends his theory and makes the case for Allen's proposed methodology as follows: "(...) I regard humans as contextual beings, but I believe that their capacity to reason critically enables them to transcend their horizons and to achieve what Gadamer called a 'fusion of horizons'. Moreover, I share the Kantian view that reconstructing the rational criteria for justifying validity claims is the work of *finite* beings who engage in an exercise of reconstruction that they perform from within their local and finite perspectives, for want of any other perspective; they think that they have a faculty of communication and reasoning that is governed by principles that they can use for the purposes of knowledge and critique. To regard the reconstruction of these principles as a tran-

Forst's critique of Allen highlights the risks of losing rationality as a criterion for evaluating social action (moral or political). In the absence of criteria that go beyond context and scrutinize emotion, it seems difficult to distinguish legitimate actions from those that seek to perpetuate relations of domination. In recognizing the relevant role played by conceptions of practical reason as criteria for the legitimation of social and political actions, I do not intend in any way to disregard the importance of emotion and affect in the social or political field. It is essential, however, to distinguish between *comprehension* and *justification*.⁹ Emotions (affections, identifications, resentments, hatred, etc.) are a social and political force and are often the first form of expression or manifestation of subjective perspectives regarding relations of domination. Emotions certainly "sound the alarm" regarding social injustice, and failing to understand their role would be to neglect a crucial aspect of society and politics. However, without a rational, objective, and non-contextualist criterion that can support the justification of standards of legitimacy, it may be difficult to differentiate social claims that seek to break with relations of domination (Black Lives Matter, for example) from those that seek to maintain them (US Capitol attack or a mob of Bolsonaro's supporters who attacked Brazil's federal government buildings, for instance).

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scendental enterprise in no way turns my approach into a form of foundationalism, since (in contrast to metanormative contextualism) it doesn't claim to possess a God's-eye view but only to perform a finite rational reconstruction. Thus, the reconstruction can be fallible, but we can recognize this fallibility only if we believe that the principles of reason are reliable and binding for us, especially when overcoming our failures – to believe otherwise would render our fallibility unintelligible. Kantians are well able to distinguish between a *transcendental* argument and an absolute *transcendent* standpoint detached from finitude and context. Unlike metanormative contextualism, I have no access to a 'genuinely context-transcendent point of view' (Forst, 2019, p. 184).

⁹ This distinction and its impacts on the relationship between reason and emotion in theories of democracy will be explored in a further article.

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