

SYMPOSIUM  
PROBLEMS AND METHODS IN GLOBAL THINKING



CONCEPTUAL FORMATION IN GLOBAL  
THINKING: DESK-BOUNDS,  
GLOBETROTTERS, AND PATHFINDERS.  
EDITOR'S INTRODUCTION

BY  
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# Conceptual formation in global thinking: desk-bounds, globetrotters, and pathfinders.

## Editor's Introduction

Corrado Fumagalli

### I

#### *Status quaestionis*

**I**n these days, nobody seriously doubts the usefulness of knowing more about historically marginalized traditions. Of course, nobody seriously doubts, either, that sometimes, instead of really engaging with distant others, philosophers fake or remain within their comfort zone to avoid having to give up some basic principle.

That global theorizing should relate to the whole world, either assuming some credible and sufficiently universal assumptions or encompassing a very large variety of worldviews across the planet, is a platitude. As obvious as it reads: if a theory addressing problems that are global in scope aims to be convincing outside its own tradition, it should be robust-enough to deal with the simple observation that, around the world, there are multiple systems of norms, rules and institutionalized normative orders. In reality, there are so many opinions about globalization, but most of the

philosophical work is bound to a single tradition. And, global normative theorizing remains particularly vulnerable to the critique of the dominance of the liberal canon (Flikschuh 2017). “A gap,” as Katrin Flikschuh writes, “seems to have opened up between our moral and political concepts and the global political reality we in fact face” (Flikschuh 2019).

Still, not all is lost. At a time in which even the development regime is more pluralized than even before, as “Western hegemony – material, ontological and ideational – is at last being eroded” by the growing visibility of new actors (Mawdsley 2015, 114),<sup>1</sup> an increasingly large number of people, with all sorts of motivations and methodologies, recognizes the impact of historically marginalized ideas and practices on normative theorising (von Vacano 2015). For instance, Lee Brown argues that through viewing conceptual lenses of others, scholars can realize a collective human experience and progress in interpersonal human development (Brown 2004). Fred Dallmayr (2004) believes that the inclusion of foreign traditions and texts is an opportunity to enable dialogue between peers. According to Roxanne Euben, “the project of comparative political theory introduces non-Western perspectives into familiar debates about the problems of living together, thus ensuring that ‘political theory’ is about human and not merely Western dilemmas.” (Euben 1999, 9). Even John Searle wonders whether it is possible (and under what terms) to progress toward a philosophical globalization (Searle 2008).

<sup>1</sup> Or, as Uchenna Okeja puts it in his contribution to this special issue, “the West has become provincialized, hence, its grand narratives about universal philosophical theories, which are all too often parochial, have lost their magic. In global philosophy, it is offered another opportunity to reimagine itself as an equal partner in dialogue without any supercilious pretensions.” (Okeja 2019, 106).

However, the urgency of the problem is so apparent that it can translate into an unreflective style of reasoning. It is important to promote universality which respects difference in global thinking. It is equally meaningful, as Dorothea Gädeke suggests in her contribution to this issue, to consider by what means we must do so (Gädeke 2019).<sup>2</sup> Across the various fields and sub-fields (to name a few: *Comparative Political Theory*, *Global Justice*, *Global Democratic Theory*, *Ideology Critique*, *History of Political Thought*, *Critical Theory*), the method of approaching distant others can make a significant difference in terms of concept formation and regeneration, especially at a time in which, to borrow again from Flikschuh, there is a sense of conceptual loss, as influential liberal arguments struggle to “broaden or change dominant terms of global debate.” (Flikschuh 2017, 5-6).

## II

### **Desk-bounds, globetrotters, and pathfinders**

When we discover that there are several cultures instead of just one, as Paul Ricoeur writes in his *History and Truth*, “we are threatened with destruction by our own discovery. Suddenly it becomes possible that there are just others, that we ourselves are an ‘other’ among *others*” (Ricoeur 2007, 278).

Assuming that some problems and theses may be culture relative, it is not surprising that the discovery of historically marginalized traditions may lead to a radical anything goes version of relativism. This is what “desk-bounds” think. A desk-bound shares preoccupations with the universalistic ambition of global theorising, but tends to adopt an orthodox postmodernism/poststructuralism. Such a relativistic stance does

<sup>2</sup> On this issue, see Allen 2016, chapter 1.

not really question the status of liberal theory, as it says that are many alternatives, each with its own justification. Such an anything goes perspectives also undermines the hope for social emancipation. As Boaventura de Sousa Santos puts it, “if all the different kinds of knowledge are equally valid as knowledge, every project of social transformation is equally valid, or likewise, equally invalid” (Santos 2016, 190).<sup>3</sup>

One may think that things may change with little efforts. This is the attitude of “globetrotters”. A philosophical globetrotter has a superficial knowledge of other traditions, often presupposes the identity of foreign traditions (she is however eager to object that there is nothing like a single and homogeneous liberalism!), and makes a tour of such traditions as useful sources of knowledge, whose inputs, she thinks, can be easily assimilated into her favourite paradigm.<sup>4</sup>

The promise is one of inclusion and equal weight. For instance, a globetrotter shows how historically marginalized traditions have something to say about problems at the centre of contemporary normative disputes. Canonical texts, as Brooke Ackerly argues with respect to Asian traditions, are taken to be repository of fresh ideas to be applied to our own problems (Ackerly 2005). Despite being instrumental to challenging the conceptual borders of liberal political theory, this approach keeps situating the barycentre of global theorising closer to the North with significant moral and philosophical costs. In this way, whether in the form of the self-appointed task of leading global emancipation or the tacit acceptance of epistemic authority, someone may seek inclusion of new ideas, but do so by means of those same pre-commitments

<sup>3</sup> Santos 2016, 190. See also, Chibber 2013.

<sup>4</sup> In the same way, a globetrotter may too easily borrow from Western thought to examine non-Western thought. On this issue, see Hassanzadeh 2015.

whose parochialism prompted expansion of the canon in the first place (Jenco 2007, 741).

By overestimating the contribution to conceptual formation of philosophical globetrotters, we give disproportionate credit to otherwise negligible scholarly efforts. Even if those works are far from having the usual level of sophistication, intellectual indulgence shields strange exercises in philosophical bricolage. Such a touristic approach *notices* other philosophies as “cultural curiosities” (Wiredu 1998, 26) and *ignores or pretends to ignore* that “cultural traditions are always a complex heritage, contradictory and heterogeneous, an open set of options, some of which will be actualized by any given generation” (Hountondji 1983, 161).

Adding new elements to amend the imperfections of the standard approach to global theorizing is necessary work; but the best way to deal with parochialism is a realistic and genuine understanding of how demanding re-orientation can be, and how complex and multi-layered otherwise neglected philosophies are. Yet, globetrotters conceptualize the South just as a source of surplus suggestions. Alike other pieces of chinoiserie, ideas from the South adorn erudite arguments with new exotic decorations, but nothing really changes in the way we conceive the world we live in, or in the way we evaluate and approach other philosophies.

The recognition of historically marginalized traditions may inspire a forward-looking reorientation of a given discourse. This is what “pathfinders” believe. Pathfinders treat the encounter with distant others as an opportunity to question one’s mode of understanding. What unites most of this scholarship is that it calls for an existential immersion in the unfamiliar. “The solution,” as Jenco puts it, “may be to engage the world and its knowledge, not just in the sense that we should acquire more information about it but also that we should recalibrate our expectations about what and how we learn, what counts as knowledge, and with whom and

for whom we might produce it” (Jenco 2015, 5). According to Farah Godrej, “a good comparative political theorist will have to alternate between internal immersion in the lived experience of the text, and an external stance of commentary and exegesis of the text”. Such an immersion may lead to a reflection on one’s position with respect to other claims and, perhaps, to shed light on conflicting imperatives, as Farah Godrej calls them (Godrej 2009, 138).

Pathfinders advocate openness to new observations and a renegotiation of self-assigned positions of epistemic authority. Concerns here are on how the encounter with alternative traditions can qualitatively change the practice of global normative thinking. Unlike globetrotters, pathfinders believe that conceptual formation happens through particular engagement with others and their world. In *What is Orientation in Global Thinking? A Kantian Inquiry*, the subject of the symposium hosted in this special issue, Flikschuh argues that a reorientation of global thinking should begin with those altering encounters causing disjunctions between our universal aspirations and the opinions of other people, who think differently from us, but “whose thoughts and views may be accessible to us, if only we are prepared to try” (Flikschuh 2019).

The first-personal premise helps us to see that universality claims should not be conceived as “claims made from nowhere – they are always made from specific experiential standpoints” (Flikschuh 2019). There is something particularly important in the idea that the engagement with differently-situated knowledge offers guidance as on how we should think of our standpoint with respect to a range of ideas and practices of others who occupy different spaces at the same time. Through direct engagement with distant others, and by recognizing foreign values “as values that are or might have been possible for us,” one can question more or less explicit claims to intellectual and moral superiority. After all, “if we



can render,” as Flikschuh says, “Kant’s often very different way of thinking accessible to ourselves, we should be able to do the same with the other very different philosophical concerns of our geographically or culturally distant contemporaries” (Flikschuh 2017, 99).

### III

#### ***What is Orientation in Global Thinking? and its critics***

By concentrating on what it means for us to recognize others as sources of legitimate and authoritative normative prescriptions, pathfinders, like Katrin Flikschuh, show that disputes about the conceptual borders of global thinking raise complex questions about positionality in contemporary political theory. In other contexts, Adrian Little argues that comparative analyses demonstrates the importance of the relationships between “our *interpretation* of concepts and the kinds of political action or institutions that they enable” (Little 2018, 112). Jenco calls for a revision of our communities of argument that tend to affirm our embeddedness in Europeanized categories. She suggests that scholars “learn and produce research in other languages, transform their work to reflect the disciplinary standards of new audiences, and otherwise attempt to institutionally and politically transform the conditions under which they produce knowledge” (Jenco 2015, 17). Loubna El Amine argues that we should reconceptualize the ‘we’ of the history of political thought as ‘moderns’ rather than ‘Westerners’. On this view, a more global political theory “will treat texts and authors from the past two or three centuries as valuable reflections on our global predicament, and everything before as offering a sense of the alternatives we did not take” (El Amine 2016, 111). As all contributors to this special issue demonstrate, the dispute on positionality in political theory is far from being

settled. Arthur Ripstein resists the choice between first and third-person perspective, and, in his critique, stresses the relational aspect in the Kantian conception of right. According to Gädeke, Flikschuh asks the question of how to think globally from a liberal perspective, and, therefore continues with the us/them dichotomy. Olivier argues that human knowers are both concept-dependent knowers and concept-producing knowers. For Uchenna Okeja, global normative theorizing is better served if attention is directed at recognizing the importance and collective nature of the task of conceptual repair.

Against this backdrop, contributors to the special issue also pressure Flikschuh on more specific aspects of her argument. Gädeke challenges the appeal to seek intellectual engagement with others. Despite a persuasive critique to the exclusionary character of today's global justice debates, Flikschuh, she argues, remain centred on "an inwardly turned critical engagement with liberalism." Ripstein examines the Kantian grounds of *What is Orientation in Global Thinking*. He pressures on the issue of state entry, and he questions Flikschuh's claim that innate right is empirically non-instantiable. Olivier focuses on the issue of conceptual formation by arguing that only pure concepts that are genuinely shared across all contexts are proofs of a global orientation in thinking about justice. Uchenna Ojeja, by comparing and contrasting Flikschuh with Anna Stilz on Kant's duty of state entrance, reflects on injurious conceptual universalization and the urgency of tackling problems arising from universalization of concepts.

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SYMPOSIUM  
PROBLEMS AND METHODS IN GLOBAL THINKING



WHAT IS ORIENTATION IN GLOBAL THINKING?  
A KANTIAN INQUIRY  
*A PRÉCIS*

BY  
KATRIN FLIKSCHUH

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*What is Orientation in Global Thinking?*  
*A Kantian Inquiry*  
A Précis

Katrin Flikschuh

**A**s I say in the preface of the book, *WOT* (= Flikschuh 2017) seeks to bring together three seemingly disparate areas of inquiry: Kant’s practical (political) philosophy, Jonathan Lear’s analysis of conceptual loss as a “permanent human possibility,” and modern African philosophy. The background – or foreground, as the case may be – is the liberal global justice debate. That debate reached its high point somewhere between the late nineties and early to mid 2000s; since then, it has largely been superseded by more topical concerns, including the global environmental crisis. The transition from global distributive justice to global environmentalism has been fairly seamless within liberal normative theorizing: both times, liberal theorists are chiefly concerned with the plight of the marginalized ‘global poor’ who are said to be disproportionately excluded, in the first case, from the benefits of a massively expanded global economy and who are said to be bearing, in the second case, the brunt of the burden of the environmental fallout. These concerns are laudable, yet the way in which both issues are broached suggests a continued unquestioning presumption in favour of liberalism’s universalism. According to this presumption,

the exclusion of the global poor from the benefits of the liberal market system is adventitious and capable of being remedied, at least in principle, within the frame of liberal political morality; moreover, the ‘global poor’ are themselves presumed to endorse the values of liberalism and are presumed to aspire to be included within the liberal fold.

Liberalism’s universalist presumption is indicative of an absence of critical reflection on its own adequacy in the face of present global challenges. The tendency is to assume the adequacy of liberal political morality and to explore the actual world’s shortcomings in relation to it. But what if the theory were itself to fall short in relation to current global political realities? The problem would then not lie in bringing the world into conformity with liberal theory but would consist in the theory’s inability to get an adequate purchase on the world we live in. In *WOT*, I broach the problem of global justice from the perspective of this latter possibility: a gap seems to have opened up between our moral and political concepts and the global political reality we in fact face, such that the former can no longer guide us in relation to the latter. This is what, following Jonathan Lear’s *Radical Hope* (Lear 2006), I call the problem of conceptual loss.

One way in which one might characterize the problem of conceptual loss is by saying that political realities have outstripped or surpassed political theorizing. Global political developments after World War II changed the domain of politics so rapidly as to make it difficult for our tradition of political thinking – empirical as well as normative – to keep up with those developments. Consider just a handful of post-War developments: the East/West ideological divide, decolonization and the expansion of the state system, the growth of finance capital, the huge international debt crisis of the 1980s, the collapse of the Soviet system, the explosion of digital technology, the rise in international terrorism, and the



now acute global environmental crisis. How is the slow process of political theorizing to keep up with these enormously accelerated developments? A second, and I think largely independent reason may be a certain intellectual complacency and associated philosophical parochialism. The strong sense which Western philosophy and political theory has of its own unparalleled sophistication is a reflection in part of its Enlightenment legacies, when great strides in “the growth of knowledge” at virtually all levels of inquiry eventually came to go hand in hand with an imperialist political project and attendant denigration of non-Western cultures and traditions of thought. In the liberal global justice debate, this inherited parochialism is evident in the lack of engagement with non-Western theories and perspectives – somewhat ironic, given the debate’s avowed cosmopolitan outlook. The focus of *WOT* is on this second source for disorientation more than the first.

One way of overcoming intellectual parochialism is through engagement with others’ intellectual traditions. I engage modern African philosophy in part by way of its several contrast points with dominant liberal assumptions about personhood, statehood, and the rights and duties of individuals more generally. My concern is twofold: one is to show that the post-colonial African social and political context is sufficiently distinctive to make its contextual fit with the rather different history of liberal political morality unlikely – this is to query liberalism’s claim to universal validity. The second concern is to show that there is much that the Western tradition could learn from modern African philosophical thinking provided it lets go of its historically inherited image of African backwardness: modern African philosophy can be a source of theoretical regeneration. Indeed, given its conscientious engagement with the Western philosophical tradition whose overwhelmingly negative image of the continent it seeks to rectify, modern African thought is arguably best placed to identify those

aspects of Western political and philosophical thinking that urgently require rethinking and reform.

If my turn to African philosophy in *WOT* grows out of my diagnosis of conceptual loss or lack of proper orientation in global liberal thought, where does Kant fit into all of this? Kant provides a connecting element between the diagnosed predicament of liberal morality on the one hand – the predicament of conceptual loss – and the promise of engaging with African philosophy on the other hand, i.e. the promise of possible conceptual regeneration. Key in this respect is what I call Kant’s method of first-personal or recursive justification. The latter is a gloss on Kant’s distinctive method of arguing from an experiential first-personal premise – such as “I have experience of objects outside of me” to the a priori possibility conditions of that experience – in this case, the categories of the understanding. Crucial for the purposes of *WOT* is the relativity of identified a priori possibility conditions to the experiential premise itself. Otherwise put: a Kantian possibility condition holds valid for all and only those experiential premises to which it responds. Kantian universality claims are thus not claims made from nowhere – they are always made from specific experiential standpoints. In *WOT*, I use this insight in order to show that a Kantian duty of state entrance is unconditionally valid for all those and only those who endorse the experiential premise which the duty responds to. The point of the exercise is to show that Kantian practical reasoning is context-sensitive, so does not make blanket claims to universal validity. I believe this aspect of Kant’s philosophical thinking to be a contrast point with liberal theory’s typically unrestricted universality claims. Kantian contextual universalism is thus more responsive to differences in experiential background traditions than much mainstream liberal global thinking.

Summarizing the above, *WOT* diagnoses conceptual loss in current liberal global thinking and goes on to propose a contextually more informed approach to global political theorizing by way of engaging African theoretical perspectives through Kant's method of recursive practical reasoning. In the remainder of this précis I will sketch the main arguments of each chapter in the hope of giving the reader a clearer overall sense of the interplay between liberal conceptual loss, Kantian recursive reasoning, and modern African philosophy. The opening chapter picks up on Thomas Nagel's influential article, "The Problem of Global Justice," (Nagel 2005) in which Nagel suggests that given the liberal tradition's essentially state-bound and contractarian method of political justification, it may not be able to accommodate the very idea of obligations of global justice within its theoretical parameters. I elaborate on Nagel's thesis by way of drawing on Jonathan Lear's notion of conceptual loss, which Lear himself developed in relation to the Crow Indians' bearing witness to the demise of their own nomadic ways of life, including their ensuing sense of deep disorientation on reservation lands. Chapter 1 of *WOT* thus raises the possibility of conceptual loss within contemporary liberal theory: to the extent to which Nagel claims are accurate regarding the state-centric nature of liberal morality, liberal political morality may operate with concepts and attendant value conceptions that are inadequate to the increasingly global nature of contemporary politics. The challenge then is to ask how, if at all, one might rethink certain aspects of liberal political morality. Against the background of this challenge, chapters 2 and 3 turn to the political philosophy of Kant. The purpose of these two chapters is threefold: first, to introduce Kant's method of recursive justification; second, to show up a number of substantive differences between Kant's political thinking and contemporary liberal thought, and third to explore the ways in which Kant himself responded when his own political thinking came up short, in certain ways, in the unexpected

encounter between prospective European settlers and North America's nomadic peoples. My chief claim is that the encounter compelled Kant to rethink certain aspects of his philosophy of right – and that his method of recursive justification enabled him to do so. Chapters 4 and 5 return to the current liberal predicament, asking whether the lessons drawn from Kant may have any bearing on resolving that predicament. Chapter 4 is chiefly concerned with the historical process through which liberal political morality rose to preeminence culturally and philosophically; chapter 5 asks what it would be for liberal morality to abandon its historically acquired claims to intellectual superiority. I argue that if liberalism were to learn to see itself as one possible political morality among others, this would open up the possibility towards a more contextualized form of global political reasoning – one that acknowledges the equal intelligibility, in principle, of non-liberal moralities and forms of political organization. In a sense, therefore, the problem of conceptual loss – liberalism's lack of adequate theoretical grasp of contemporary global realities – may be a consequence of its blanket claims to universal validity. By the same token, a more contextualised understanding of its own values and principles may better enable liberal societies to coexist, on reciprocally equal terms, with alternative value conceptions and forms of political association. Chapters 6 and 7 explore some of the more concrete implications of the proposed contextualist universalism; it is at this point that the book engages most explicitly with modern African philosophy. In chapter 7, I consider the implications for human rights reasoning of taking African communal conceptions of personhood philosophically and politically seriously. I suggest that liberal human rights reasoning is deeply out of step with culturally different, less individualistic conceptions of the person and of the human good. There is generally no good reason for dismissing more communal conceptions as morally backward, politically oppressive, or historically outdated: to the contrary, reform is

needed at the level of human rights reasoning. Chapter 8 considers the liberal idea of statehood and its imposition, first through colonialisms and then through decolonization, on African peoples and communities. It is no secret that statehood has generally fared very poorly on the continent. Yet while African state failure is routinely explained as a consequence of poor leadership, weak civil society, and underdeveloped economies, it is possible that the idea itself is inadequate to the African context. Again, therefore, instead of insisting on the universal validity of an historically highly specific form of political association, a more contextualist approach to global political thinking might have to explore the possibility of alternatives to the statist form of political association for at least some regions and peoples. In sum, then, *WOT* argues that whilst much of the liberal global justice debate has shown laudable moral concern for the plight of the excluded global poor, relatively little effort has gone into asking whether liberal political morality is even adequate to the global challenge at hand (a notable exception of Nagel's article). While the relative lack of critical reflection on liberal assumptions and value commitments is concerning, my intention in *WOT* is not to reject liberal political morality so much as to bring it into contact with other, equally valuable and available alternative philosophical traditions and perspectives, thereby enabling possible theoretical rejuvenation and greater inclusiveness in what has to date remained a remarkably exclusive global justice debate.

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SYMPOSIUM  
PROBLEMS AND METHODS IN GLOBAL THINKING



WHOSE GLOBAL THINKING?

BY

DOROTHEA GÄDEKE

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## Whose (Global) Thinking?

Dorothea Gädeke

**F**likschuh's book *What is Orientation in Global Thinking?* is a highly unusual and intriguing one. It takes her readers on an intellectual journey across bodies of literature, which are rarely brought together, in a self-critical quest for orientation. Starting from the idea of conceptual loss, that is, an inability to conceptualize a globalized world within liberal normative theorizing, Flikschuh seeks reorientation and immediately concedes that it cannot be taken for granted that she knows what this would even mean. Drawing on Kant as her methodological guide, she develops a first-personal reflexive contextualism that finds orientation in the acknowledgement that human thinking is inescapably thinking from a particular point of view. This point of view is the starting point for a reflexive inquiry into the presuppositions of the questions one asks, for developing an awareness of the finitude of one's own perspective and for the realization that given my contingent contextual position, reasons that are unconditionally valid for me might not therefore be valid reasons for everyone. Having found the methodological means for intellectual flexibility from within one's own normative point of view, Flikschuh turns to modern African Philosophy in order to show that there are indeed normative reasons and frameworks that are different for others and that call on 'us' to acknowledge this.

And thus, her journey ends with the appeal to seek intellectual engagement with others in order to overcome the exclusive nature of global justice debates.

This daring intellectual journey is, ultimately, Flikschuh's own search for orientation in a philosophical landscape that she experiences as deeply unsatisfactory. It is characterized by a somewhat unusual openness and tentativeness that is owed both to her acknowledgement of a sense of disorientation and to her focus on a methodological inquiry into what it would mean to think globally rather than a substantive account of how to do so. It invites her readers to think along, to raise questions and leave them open, indeed learning to leave them open in order to pose them in a different way. And yet, despite this openness, despite her persuasive critique of the "obsessively inwardly turned engagement" (Flikschuh 2017, xi) of the global justice debate, despite her passionate call for inclusivity and despite her subtle engagement with African philosophers, Flikschuh's search for orientation remains peculiarly centred on an inwardly-turned critical engagement with liberalism.

## I

### **What is 'global' thinking – and who are 'global' theorists?**

Flikschuh raises a timely and intriguing philosophical question: "What is global normative thinking, or perhaps, what might it be – what general form would it have to take to count as such?" (*ibid.*, 7) Her interest in this question stems from dissatisfaction with existing global normative thinking; indeed, she starts from the sweeping claim that "we do not currently reason globally" (*ibid.*, ix). Hence, the core question of the book becomes: "how we would have to learn *to think* in order to think more globally" (*ibid.*, 7 [original emphasis]). To what, however, does the qualifier 'global'

refer? And whom does Flikschuh address in using the first-person plural: Who are ‘we’, the global theorists who fail to reason globally?

A first way of understanding the term ‘global theorists’ refers to theorists who think about problems, which are global in scope and thus refer to a global political context that is distinct from a purely domestic one. Climate change or global social inequality would be examples of such global issues. Flikschuh’s suspicion that “much of our current theorizing conflates global reasoning with globalizing particular, domestically favoured moral and political principles” (*ibid.*, ix) and thus “takes the global political context to be the domestic liberal one writ large” (*ibid.*, x) expresses this understanding of the qualifier ‘global’: it challenges theorists to question received statist frameworks of thinking about justice and politics in the face of challenges that are global in scope.

A second, practical way of understanding the term ‘global theorists’ takes the qualifier ‘global’ to specify the theorists rather than the object of their inquiry. It refers to theorizing that is global in the sense of constituting a debate between scholars from across the globe, where the object of thought is, in principle, open. It could be global challenges, but it could also be metaphysical questions such as the meaning of life. Flikschuh’s call to “learn seriously to engage, on equal terms, with the moral views and philosophical concerns of those whose thinking and ways of life differ from ours, often quite markedly so” (*ibid.*, x) speaks to this interpretation. It calls on theorists to seek genuine philosophical exchange with scholars who think from within different philosophical frameworks.

Finally, one might understand ‘global’ in the broad sense of referring to the philosophical aspiration for general or universal validity rather than to an object of inquiry that calls for suitable philosophical frameworks or to a group of theorists that spans

different social contexts. Flikschuh's Kantian strategy of recursive justification as well as her engagement with Hountondji's inquiry into the philosophical means to overcome philosophy's rootedness in cultural constants through seeing philosophy as a wager of communication (*ibid.*, 135-146; see Hountondji 2002, 207) address this third, methodological sense of 'global' thinking: how can philosophy make valid general claims given that theorists can only start from their first-personal perspective which is situated in particular socio-historico-cultural contexts – and to what extent is global philosophical discourse necessary to generate valid philosophical propositions?

Flikschuh does not distinguish the three senses of 'global' thinking; she plays on the equivocation when asking why the (empirically speaking) global justice debate, which is “nominally *global*” (Flikschuh 2017, 5) is so parochial, i.e. not global, practically speaking. Neither does she address the issue of who the global theorists are – and thus who she takes to be the audience of her book. For her, the answer seems obvious: her point of reference is the global justice debate that has largely dominated Anglo-American political philosophy over the past 25 years. Throughout the book, Flikschuh uses the terms “global practical reasoning” (*ibid.*, ix) and “global normative theorists” (*ibid.*, 5) interchangeably with “liberal global theorizing” (*ibid.*, 21) and “Western theorists' global thinking” (*ibid.*, 200), thus suggesting that global theorists are 'Western' theorists and 'Western' theory can be reduced to liberalism.

Thinking of 'global' theorists as ('Western') liberal theorists reflects Flikschuh's first-personal starting point. Her quest for reorientation in global thinking is a reflexive self-critique from a liberal, 'Western' point of view. However, the implicit identification of global theorists with liberal theorists, of global theorists and 'us', risks reproducing the very intellectual

demeanour that Flikschuh persuasively criticizes. To be sure, Flikschuh is deeply critical of liberal claims to superior access to universal validity. Her very project is motivated by an uneasiness with “the unquestioned underlying dominance of liberal political values, principles and methodological starting points within the parameters of these nominally *global* debates” (*ibid.*, 5 [original emphasis]). Yet, it is precisely because of Flikschuh’s critical stance towards liberal self-righteousness that the use of the generic ‘we’ seems troubling. It suggests that the (albeit failed) attempt at global theorizing happens in the (largely Anglophone) liberal Euro-American context while the Other, who is distinct from ‘us’, stands for the local, the particular, the non-liberal, the radically different. Such a view risks collapsing the critique of presumptuous universalism into a simplifying essentialism that addresses a ‘we’, assumed to be a liberal, ‘Western’ audience engaged in the attempt to think globally, while casting ‘non-Western’ theorists as ‘our’ opposite.

## II

### **Why Re-orient Liberal Global Thought?**

Flikschuh, however, is genuinely irritated by the self-centredness of liberal debates on global justice. Why are debates on global political issues so parochial in their underlying and unquestioned assumption that liberal political values, principles and philosophical methods will provide answers to the complex questions that arise in the global realm? This question motivates and drives her inquiry. Her answer is tentative and bold at the same time. She proposes to consider the idea that global normative theorists may suffer from conceptual loss.

## II.1. The Idea of Conceptual Loss

Flikschuh borrows the notion of conceptual loss from Jonathan Lear's analysis of the Crow's response to the challenge of finding a new, Crow way of life following their negotiated settlement on reservation land. It captures the conceptual breakdown the Crow experienced when the concepts that would create meaning for them no longer applied to the world they lived in. Conceptual loss refers to "a loss that is not itself a happening but is the breakdown of that in terms of which happenings occur" (Lear 2006, 38). Such "a breakdown in intelligibility" (*ibid.*, 34) expresses a general vulnerability that "marks us as human" (*ibid.*, 9). As Flikschuh herself suggests, the idea of a breakdown in meaning resonates with the experience of African philosophers' struggle to reconstitute their thinking in the wake of colonial epistemicide (Flikschuh 2017, 26). However, she does not explore this line of thought. Her core claim is that "we may be facing something similar in the context of liberal global theorizing" (*ibid.*, 21).

Flikschuh is aware that it might seem an extreme stretch to compare the predicament of liberal theorists thinking about global issues with the Crow or Africans facing cultural devastation of entire forms of life. She acknowledges that breakdown in meaning in theoretical approaches, unsettling as it may be, is "hardly comparable to practical crises of the kind suffered by the Crow" (*ibid.*, 102). It does not amount to leading a life one does not understand but merely to theorizing in a theoretical framework that does not make sense anymore. Theories, after all, are not forms of life, however tight their connection may be. As Flikschuh concedes, the global normative context may be "better thought of as ... a theorized moral possibility more than an actual way of life" (*ibid.*, 102). She also indicates that the experience of cultural devastation in the wake of colonization is quite different from that of a conceptual loss of fit with the world from within a hegemonial

normative position (see *ibid.*, 23). Flikschuh is, however, more interested in what unites these experiences as the idea of conceptual loss allows her to engage in a first-personal reflection on her own predicament as a philosopher rooted in the liberal tradition, trying to come to terms with global realities that seem to question this very tradition.

Following Lear, Flikschuh understands conceptual loss not in terms of an “ideologically motivated *unwillingness*” but rather as “a conceptually based *inability* to broaden or change dominant terms of global debate” (*ibid.*, 5-6 [original emphasis]). The problem that philosophers thinking about global predicaments face is not that they do not want to think differently or that they have a “vested political interest in not doing so”; Flikschuh suggests the real issue is that “we may not know *how* to think globally; we may lack the relevant concepts” (*ibid.*, 6 [original emphasis]). And this inability to genuinely question the received normative framework of liberalism in order to think differently about global issues is, following Flikschuh, rooted in a loss of fit between conceptual resources to make sense of the world and actual living circumstances.

Conceptual loss occurs whenever something that from within a given framework should be impossible becomes actual. It can be induced by any “impingement of framework-external states of affairs upon a given form of life, where these impingements are experienced as logical impossibilities from within that form of life” (*ibid.*, 26). The encounter of colonialists with nomads that lead Kant to relativize the duty of state entrance constitutes one example of such an external intrusion into a normative framework. But which encounter or external intrusion is it that theorists face in the context of global normative thought and that would lead them to relativize their normative standpoints and rethink the way in which they think about global issues?

## II.2. External Impingements on the Liberal Framework

Flikschuh implicitly draws on three different considerations to substantiate her claim that liberal global theorists may experience conceptual loss, two empirical and one conceptual one. The empirical impingements on global normative theorizing stem from the observation that the object of global normative thought, i.e. the global order, has been changing in a way that calls into question the central ordering concept of liberal theory, namely the idea of the state, which had been taken for granted as the central justice-delivering institution in liberal political thought for centuries. However, it is not immediately evident what exactly this “unanticipated change” (*ibid.*, 38) regarding the global order consists in.

In the first part of the book, Flikschuh appeals to the way in which globalization has altered and weakened the role of the state. She suggests that “our familiar, domestically developed concepts and principles have lost their grip on a globalized world” (*ibid.*, x), characterized by “the onslaught of vastly accelerated political and economic globalization” (*ibid.*, 6), raising the question of the “continued relevance of domestically conceived concepts in the face of rapidly changing global states of affairs” (*ibid.*, 28). If empirical realities put pressure on the state, liberalism indeed loses its grip on this world if it continues to think about politics in domestic terms. However, why are only *global* theorists called upon to rethink their received normative frameworks? If the world has changed so that the state can no longer play the role assigned to it by liberal theory, this would have consequences for liberal (or even any political) theorizing as such, no matter whether of a global or domestic kind. In fact, this difference would lose its traction; any political morality would be global in some sense.



There is, however, a second empirical impingement on the liberal framework regarding the role of the state that plays a role in Flikschuh's argument: the growing awareness that the state has never taken hold in the African context in the way imagined by liberals – a point, Flikschuh takes up towards the end of the book when engaging with skeptical perspectives on statehood in Africa (*ibid.*, chapter 7), though it also resonates with her reconstruction of Kant's relativization of the duty of state entrance in the face of encountering nomadic peoples. From this point of view, it is not the pressures of globalized capitalism that undermine the role liberals ascribe to the state; rather, it is the encounter with political realities in which the state has never played that role in the first place that warrants a radical rethinking of the concept of statehood.

While the first reading of conceptual loss in liberal global political thinking casts doubts on Flikschuh's emphasis that it is *global* theorists who require reorientation (rather than liberals, or political theorists generally speaking), this second reading questions her insistence that liberals would have to change in ways that might hardly be perceivable as liberal anymore (see *ibid.*, 14). Why would the awareness of the possibility of other forms of political rule for others not merely lead to relativizing liberal statism's claim to global validity – just as Kant relativized the duty of state entrance without, however, giving up the centrality of the state in his own political morality?

A third impingement on the liberal framework of global thought on which Flikschuh draws is less an empirical than a conceptual one. It refers to the emergence of a new concept, namely the idea of global justice.<sup>1</sup> This new concept, Flikschuh

<sup>1</sup> The emergence of the concept of global justice may well be triggered by empirical global dynamics that make this concept seem increasingly indispensable, though the fact of global injustices as such is far from new.

argues, puts pressure on the received normative framework of liberalism because it cannot be incorporated without major changes within that framework. For Flikschuh, the liberal notion of justice is inextricably tied to the state; it simply cannot conceive the logical possibility of “a justice-creating international community without loss of meaning regarding the central ordering concept of the state” (*ibid.*, 27). Hence, if we want to accommodate the idea of global justice, “we cannot preserve our current way of life and thought” (*ibid.*, 14), a way of life and thought that Flikschuh associates with thinking of the state as the central justice-creating institution.

The conceptual point calls for altering core tenets of liberalism in a way that might challenge the liberal character of the normative framework, though it would only apply to those liberal theorists who in fact do see the need to accommodate claims of global justice. However, in what sense is the concept of global justice indeed a framework-*external* impingement on liberalism? Liberal global justice theorists perceive global justice claims – at least in the mostly distributive sense that dominates this debate – as making valid claims that need to be integrated into the liberal framework. On what grounds do they make this basic normative assumption if not on liberal grounds? After all, the tension that arises between claims of global justice and statist assumptions might also be one between conflicting liberal commitments rather than one induced by external impingements on a coherent and essentially statist framework. In other words, is statism really as fundamental to the liberal way of thinking as Flikschuh assumes?

### II. 3. Epistemic and Moral Reasons for Reorienting Global Thinking

In fact, Flikschuh herself appeals to alternative reasons for reorienting global normative thought that go far beyond the challenge to statism induced by external impingements on the liberal framework. The first consideration is an epistemic one. Flikschuh decries a “lack of philosophical curiosity” in the global justice debate and asks “[i]f the concern genuinely is with the possibility of *global* thinking, might one not legitimately expect global theorists to read outside their home canons a little?” (*ibid.*, 5 [original emphasis]). Flikschuh’s point is not just that it is intellectually unsatisfactory to merely engage with ways of thinking one knows already, broadly speaking, or that it fails to adequately grasp the global context. It runs deeper. She emphasizes that “[t]o understand my own context reflexively, I must somehow understand that other contexts are possible for me” (*ibid.*, 125) – and this requires an attempt to understand others’ ways of life and reasons for action. Only then can we see our own limitations. For Flikschuh, “we come to understand ourselves through coming to understand foreigners – through coming to understand that, in an odd sort of way, their values could have been ours or, more generally, that we could have been them” (*ibid.*, 126).

This – strong – epistemic claim transcends the context of *global* normative thought in the empirical and practical sense, appealing to the methodological one. It maintains that there simply is no way of reflexively orienting myself, *even in my own context*, without relativizing my standpoint by coming to understand that other normative frameworks would have been possible for me. And thus, the resulting call for reorientation refers to *all* philosophers, not just liberal ones thinking about global predicaments. In fact, it goes straight to the core of the discipline: the search for universally

valid knowledge and what this could mean in light of our limited first-personal perspective.

However, the ignorance of normative frameworks beyond one's own is, for Flikschuh, not just an epistemic but also a moral problem. In comparing her notion of conceptual loss to the Kuhnian paradigm shift, Flikschuh bemoans "that one cannot urge a Kuhnian paradigm shift; Kuhn's account is explanatory, not normative" (*ibid.*, 24). Flikschuh, in contrast concludes that while she may not yet know what a future form of global thinking might look like, it "*should* be more genuinely inclusive" (*ibid.*, 232 [my emphasis]). In fact, the "greatest practical difference which the global justice debate could make", Flikschuh maintains, "lies in breaking the cycles of intellectual exclusion" (*ibid.*, 233) and thus in addressing the epistemic injustice highlighted by post-colonial African philosophers. This call for intellectual inclusivity is cast as a moral requirement: it is an injustice to simply assume that one's own normative framework is right also from the point of view of others without genuinely exposing oneself to their points of view.

These two lines of argument, the moral and epistemic reasons for reorienting global normative thinking on the one hand and the empirical and conceptual considerations about conceptual loss regarding the state on the other, pull in different directions in at least three respects. First, the call for intellectual inclusivity, is not just a response to changing empirical realities or conceptual impingements on a received normative framework. It is based on far more general, epistemic and moral considerations: What is at stake is that liberals *should* acknowledge the limitations of their own normative framework for the sake of being able to reflexively orient themselves and acting morally in their practice of thinking. These claims hold independent of any experience of conceptual loss – and thus raise the question: what role does the experience of

conceptual loss induced by external impingements on one's philosophical framework really play in Flikschuh's argument?

Moreover, the call for intellectual inclusivity is not merely directed against the statism at the heart of liberalism. Rather, it attacks the parochialism underlying an excessively inwardly-oriented liberalism that fails to engage with other points of views. Statism may be one manifestation of such parochialism. But the charge runs deeper than calling for abandoning the statist way of thinking about the proper political context for justice; it calls generally for engaging with other normative frameworks on equal terms – and thus challenges a more fundamental core tenet Flikschuh associates with liberalism: “our implicit belief in liberal morality's historically assumed moral superiority” (*ibid.*, 114). What is at stake, it seems, is not just one central ordering concept but rather liberal self-perception. Hence, one may wonder: do liberals merely lack adequate concepts to grasp global realities or do they hold a distorted moral self-conception and of what philosophical knowledge requires?

The tension between the idea of conceptual loss regarding the idea of the state on the one hand and the more general moral and epistemic challenges to liberalism on the other, reflect different senses of the ‘global’. While the empirical and conceptual impingements highlight shortcomings of the liberal framework in theorizing about global realities – and thus refer to the global as an empirical object of inquiry – the epistemic and normative considerations point towards resistance within liberal theorizing to seriously engage in globally inclusive philosophical debates that, in turn, jeopardizes their very claim to valid philosophical knowledge – and thus to the practical and methodological sense of the global.

## II. 4. Conceptual Loss and the Decline of Liberalism

There is, however, a way of bringing these different lines of argument together: one might understand Flikschuh's claim that liberal global theorists may suffer from conceptual loss as an appeal to a far more fundamental anxiety, namely the foreboding of a possible decline of the liberal order, both political and philosophical. From this perspective, it is not merely the role of the state that has changed, empirically speaking. Rather, global relations of power are shifting. Just think of the rise of new global powers but also the pressures for decolonization. What is thought of as impossible from within the liberal framework, namely, that liberalism is only one among many normative and political frameworks with no claim to superiority, is feared to become, eventually, a reality, politically speaking, but ultimately, also philosophically speaking.

After all, these changing empirical and conceptual realities have ramifications that run deeper than merely challenging one core concept, the state. They challenge the very way liberals conceive of themselves, the world and practical philosophy. They challenge their claim to superior knowledge, power and morality. And thus, they also raise disconcerting epistemic questions as to whether 'we' have the right standards to produce knowledge in this changing world and troubling normative questions about the moral quality of 'our' received normative framework that posited 'our' own worldview as superior to others with far reaching and often devastating political consequences for others. In other words, what is at stake in the face of shifting global power is precisely the liberal self-conception as holding the superior political morality.

This way of drawing on the notion of conceptual loss to understand the limitations of liberal global theorizing not only brings together the two lines of argument that run through the book, the claim of conceptual loss regarding statism on the one

hand and the call for inclusive engagement based on epistemic and normative considerations on the other. It also reunites the different senses of the term ‘global’: changing global realities pose an empirical, conceptual, epistemic and normative challenge to liberalism, a challenge to its claim to the universal that can only be addressed by globalizing the philosophical discourse itself. And it makes the somewhat awkward analogy of the liberal predicament with Lear’s analysis of the Crow more plausible. Even though liberalism has been the dominant philosophical and practical paradigm rather than a marginalized culture, the foreshadowing of its decline may confront liberals with the end of the world as they knew it in a way similar to the Crow’s loss of the world. And it may occasion a similar “heightened state of anxiety” that urges fundamentally rethinking liberal theory *and* practice, even if this anxiety is not (yet) consciously experienced or even acknowledged.

I am not suggesting that this is indeed the case. In line with Flikschuh’s tentative, reflective first-personal approach, I merely suggest considering the possibility that dogmatic insistence on the liberal framework and its unexamined underlying assumptions may be a response to anxiety in the face of imminent conceptual loss induced by shifting global power. Flikschuh, however, seems to shy away from such a stronger claim, that would require a historical account of her own situatedness. In fact, the issue of power is strikingly absent in her analysis. She seems to naturally assume that, as it stands, global theorizing simply is liberal theorizing. She does not engage with theorists – in the ‘Western’ world and beyond – who have indeed posed the methodological question of how to think globally in a world marked by global power asymmetries perpetuating colonial realities from within non-liberal philosophical frameworks. Post-colonial and de-colonial theorists<sup>2</sup>

<sup>2</sup> See, for instance, Bhambra 2014 and Santos 2014.

come to mind, including African philosophers who seek ways to think the global in a spirit of openness,<sup>3</sup> but also recent methodological debates on comparative political theory that explore its transformative aspects.<sup>4</sup> Flikschuh, in contrast, asks the question of how to think globally from a decidedly liberal perspective, which serves as the unexamined point of reference separating ‘us’ (liberal/global theorists) from the Other.

Ironically, this unquestioned preoccupation with liberalism, with its limitations and inability to seriously question its own assumptions, may, ultimately, express a sense of “conceptual last-standing”, that is an attempt “to go on *as if* no loss was happening” (28) – not in the same sense as global justice theorists who insist that the idea of global justice can be accommodated without changing liberal political morality and hold on to the implicit liberal belief in its own normative superiority – claims that Flikschuh is ready to give up. However, her first-personal reflection on the liberal predicament does not consider the possibility that this very tradition might face decline as the dominant framework of political morality – and what this would entail for the possibility of forging a new liberal future. Despite the spirit of openness that drives her inquiry, her analysis remains tied, in a peculiar sense, to an inward-facing critical engagement with liberalism and a liberal audience.

## Conclusion

And thus, Flikschuh’s challenging intellectual journey comes full circle: her critique of the narrow liberal perspective on global issues reflects the assumption of liberalism’s status as the dominant paradigm from which to engage the ‘radical Other’. This preoccupation with liberalism is, of course, in line with her first-

<sup>3</sup> See Mbembe, 2017 and 2020.

<sup>4</sup> See Godrej 2009 and Jenco 2011.



personal contextualism. She reflects on her own philosophical context, that she perceives as largely dominated by political liberalism. Hence, her inquiry into the roots of her dissatisfaction with global justice theory is a reflexive self-critique from a liberal point of view.

Yet, while Flikschuh's first-personal contextualism defies positing an abstract I as the subject of thinking, she does not provide an account of her own historical situatedness – and of the extent to which the first-personal perspective is a plural one, referring to entangled, overlapping and shared social practices that inform or even constitute the experiences that I take as a starting point for my reflections. And thus, it remains open, whose global thinking she addresses: is her book an inquiry into how Flikschuh's liberal audience should re-orient their way of theorizing a globalized world? Is it a personal inquiry into how to make sense of her own, subjective struggle to de-parochialize her thinking, that took her from liberalism, to Kant, Lear, African Philosophy and back to liberalism? Or is it an inquiry into orientation in thinking, generally speaking, a thinking that necessarily starts from a first-personal perspective and yet is confronted with how to respond to other first-personal perspectives? It is certainly a strength of the book that Flikschuh avoids providing simple answers but rather prompts her readers to acknowledge the tensions that arise from confronting the universalizing aspirations arising from one's own perspective with that of others – and challenges them to learn how to leave them open.

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SYMPOSIUM  
PROBLEMS AND METHODS IN GLOBAL THINKING



LOST IN ORIENTATION

BY  
ABRAHAM OLIVIER

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## Lost in Orientation

Abraham Olivier

In her recent book, *What is Orientation in Global Thinking?* Katrin Flikschuh offers “an inquiry into what it may mean to engage in global practical reasoning” (Flikschuh 2017, ix<sup>1</sup>). Her main objective is to “get clearer about what it is we are doing when we take ourselves to be reasoning globally (*WOT* 226). Her reference to “what we are doing” points at a central problem of who is included or excluded when we take ourselves to be reasoning globally. Notably, it is not that there is no “global reasoning” going on. The last three decades have in fact witnessed global reasoning in the form of a debate on global justice, which dominated political philosophy and political theory. In this debate it is widely accepted that the world is a deeply unjust place, and with sustained intellectual engagement global theorists have made attempts to address problems of global poverty and deprivation. Even though little has changed practically, one must concede that for philosophy as a discipline an unusual lot of theoretical and even practical effort has been made (*WOT* 227). The problem is not that there was no global reasoning, but that the reasoning was not very global. It was not very global because of the persistent failure of the debate to theoretically “advance beyond familiar domestic concepts and principles” entertained mainly by Western political liberalism. This debate has effectively

<sup>1</sup> Henceforth, I refer to Flikschuh 2017 as *WOT*.

excluded “those distant and foreign others whom our global theorizing nominally seeks to address.” (*WOT* 226) In short, the domestically developed concepts of global reasoning seem to have lost their grip on a globalised world.

Flikschuh calls this predicament after Jonathan Lear one of conceptual loss (*WOT* x). A lot is offered in terms of concepts that claim to give global orientation. But we appear to be lost in what is offered. Thus my title, lost in orientation. Consequently, we are confronted with the need for conceptual reorientation (*ibid.*). We need to break the circles of exclusivity by seeking “intellectual engagement with others, whose experiences and views are often radically different from ours, but rarely ever unintelligibly so” (*WOT*, 233).

Flikschuh makes it clear that her question is not in the first place a practical question as to what we should do about global poverty. She does not tackle practical issues such as the inequities of the global market, excessive state violence and failure (*WOT* 7). Instead, she addresses the methodological question as to “how we would have to learn to think in order to think more globally” (*ibid.*).

The attempt to work out whether we can and how we might reorient our global thinking calls for an analysis of the problem of conceptual loss and the challenge of orientation through concept formation. My aim is to respond to Flikschuh’s analysis, specifically by elaborating on her flexible reading of Kant’s notion of concept formation. My response will be informed by Wiredu’s and Hountondji’s views of conceptual universals.

Section 1 gives a brief discussion of the problem of conceptual loss. Sections 2 and 3 focus on Flikschuh’s flexible reading of Kant’s view of conceptual formation and orientation. Sections 4 and 5 expand on Flikschuh’s reading by the use of Wiredu’s and Hountondji’s notions of conceptually sharable universals.

## I

### Conceptual Loss

To resume, Flikschuh argues that our domestically developed concepts of global reasoning seem to have lost their grip on a globalised world. Drawing from Jonathan Lear’s book *Radical Hope: Ethics in the Face of Cultural Devastation* (Lear 2006), she calls this predicament “conceptual loss.” Flikschuh introduces this concept with reference to Lear’s analysis of the disorienting experience of Crow Indians after their negotiated settlement to move to designated reservation lands (*WOT* 16). Their central concept of a nomadic way of living lost its grip in the reservation lands where new practices were made possible. Conceptually these new practices presented a logical impossibility. Their centring concept of nomadic life lost its grip on the new reality. The effect was “decentering.” This was not “a removal of just any old concept,” but rather that of a central ordering concept (*ibid.*). The Crow experience a cognitive breakdown that Lear calls conceptual loss.

Conceptual loss thus pertains to failure of specific, “central ordering concepts” in contrast to “supporting concepts” in any theoretical or social framework (*WOT* 24ff). Political liberalism faces conceptual loss as far as its centring concepts have lost their grip on a globalised world. Flikschuh refers specifically to the concepts of justice and the state. Political liberalism conceives justice to be logically dependent on its performance by coercive state institutions. The justice-creating state is thus a central ordering concept of political liberalism. If justice is necessarily state-dependent, then political liberalism fails to offer a concept of justice that adequately extends beyond national states to the international or global community. A global concept of justice becomes a logical impossibility within the framework of political liberalism. This means ultimately, that one cannot “coherently

theorize liberal obligations of global justice” (*ibid.*). In this sense, the liberal concept of justice has no grip on the global reality. Such a conceptual failure expresses what Lear would call conceptual loss. On the rebound, it demands conceptual reorientation.

Flikschuh notably points out that conceptual loss and the need for conceptual reorientation also dominate philosophical thinking in many post-colonial contexts (*WOT* 23). This is exemplified in the work of Ghanaian philosopher Kwasi Wiredu, “for whom the distinctive predicament of African philosophical thinkers lies in the fact that ‘the very conceptual frameworks of [African thinkers] locumbrations are embedded in the foreign languages in which [they] have been trained’, creating a permanent tension between the concepts of Western philosophy as academic discipline and African thinkers’ everyday exposure to their indigenous conceptual heritage” (*ibid.*). Paulin Hountondji, so she correctly says, speaks of the same tension. On the one hand, there is the colonial imposition of Western concepts, which has caused a loss of central ordering indigenous African concepts. On the other hand, there is “the struggle for meaning,” as Hountondji’s book title expresses, that is, a struggle for new concept formation. New concept formation is what should account for both indigenous experience and cross-cultural communication globally. I come back to their notions in Section 4.

Ultimately, Lear’s idea of conceptual loss is not confined to any specific context, but rather it pertains to a permanent personal human possibility (*WOT* 23). It can principally “befall any people or culture at any time” (*ibid.*). Even though one might be conceptually settled, there is always the possibility to lose one’s conceptual grip on the world. This permanent possibility makes the question of concept formation a constant challenge. What must concepts be like to account for both the particularity of our



personal, sociocultural experiences as well as global developments?  
How universal can concepts be?

## II

### Concept formation

Conceptual loss calls for orientation in thinking. The challenge that arises is to form a new conceptual grip on the world. The challenge thus is one of concept formation. To address the problem of conceptual loss and the challenge of orientation through concept formation Flikschuh takes as venture-point Kant's essay, "What Is Orientation in Thinking?." More specifically, she gives a detailed discussion of Kant's analysis of concept formation in his *Critique of Pure Reason* to which "What is Orientation in Thinking" is directly related.

Flikschuh goes into the theoretical basics of concept formation. It starts with the tension between the two equally necessary roots of knowledge: the intuitions of sensibility through which we have empirical experience of objects and the concepts of understanding that provide the objective grasp of thought on experience (*WOT* 30). As Kant famously claims: "Without sensibility no object would be given to us, without understanding no object would be thought" (B75).<sup>2</sup> The basic point is that, by forming the necessary kind of concepts, we will find a grasp on things that offers orientation in thinking. Kant's claim is famously that such concepts must be ideally necessary and universally valid. What is necessary true is that which cannot be otherwise and what is universally true is what goes for all possible cases (B2). Certainly, concepts, which are necessary and universally valid, will help to orientate one's otherwise arbitrary

<sup>2</sup> Henceforth I refer to *Kant's Critique of Pure Reason* in terms of the A or B editions of the text.

and contingent empirical experience of the world – not only in an epistemic sense but also normatively and politically.

But how are such concepts formed? My focus is on the theoretical basics of concept formation, which Flikschuh discusses especially in the first chapter of her book. Concepts are formed on the basis of judgments or propositions. A judgment expresses a relation between a subject (A) and a predicate (B), such that we state A is or has or does B. For instance, bodies (subject) are heavy (predicate) (B10-11). In a judgment an object becomes the subject of a predicate. This means, an object is conceptualised in terms of a judgement. We judge, for instance, that a body is heavy. In this way, we form a concept of an object such as a body, and this concept is characterised in terms of other concepts such as “is” and “heavy.” In short, through judgements we form concepts of objects that characterise them in relation to other concepts.

As Flikschuh points out, Kant distinguishes between analytic and synthetic judgements (OT 32). In analytic judgments the predicate belongs to or is identical with the subject (A7/B10). The predicate explains the subject; it is “explicative”. In synthetic judgments the predicate adds something that does not already belong to the subject (A7/B11). The judgment thus synthesises or unifies a subject and predicate in a way that is “ampliative” rather than explicative. Notably, for Kant, “Judgements of experience, as such, are one and all synthetic” (A7/B11). Given its receptive nature, our experience always offers more information than a concept already holds. Therefore, such concepts form synthetic judgements.

This brings us to Kant’s decisive distinction between empirical and pure judgments (A8/B12). Empirical judgments follow from experience; they are a posteriori. Pure judgments are a priori; they precede experience. A priori judgments claim to be necessary and universally valid. Such judgements can be analytic and valid per

definition. Otherwise, they can be synthetic as well as apriori (A8/B13). Synthetic apriori judgments have predicates that enhance their subjects while preceding experience and being necessarily and universally valid for all possible experience. Such judgments have ideal objective validity.

Kant's quest is to identify synthetic judgments that have this kind of objective validity. He demonstrates that there are a priori concepts, which can function as rules that warrant the formation of objectively valid judgments (A89/B122). He calls them categories. In his metaphysical and transcendental deductions, Kant demonstrates how to identify categories of understanding that make possible objectively valid judgments.

Flikschuh does not discuss the deductions. However, for the sake of my response to her view of Kant's notion of the categories in Section 3, I give a very rough outline of the two deductions to be followed up by discussions in Sections 3, 4 and 5.<sup>3</sup>

In his metaphysical deduction, Kant demonstrates that the categories are derived from logical judgement (A66-83, B91-115). Logically, objective judgment includes a number of forms, divided into groups of quantity, quality, relation and modality and their subdivisions. Kant claims that by considering these forms of objective judgment, one can logically infer categories that match with these forms. Thus, the categories are derived from the logic of judgment (A80/B106). For instance, there is a logical difference between the categories of "causality and dependence" (if/then) used in a hypothetical judgment "if p then q" and the categories of

<sup>3</sup> I am thereby well aware of the fact that this outline is simplifying, and that I cannot do any justice to the complexity of the deductions as done by scholars such as Longuenesse 1998, Ameriks 2003 or Guyer 2010. For a helpful introduction, see also Gardner 1999.

“reciprocity and exclusivity” (either/or) employed in the disjunctive judgment “either p or q.”

Kant’s choice for the particular categories is controversial.<sup>4</sup> He adopted them from Aristotle and accepted them to follow logically from the mentioned forms of judgments. Nevertheless, some scholars do not see any such logical link between the table of judgments and the categories.

In his transcendental deduction, Kant demonstrates why the categories that are derived from logical judgment have a priori necessity for all understanding of experience (A84-130/B116-169). Kant shows that all judgment goes along with an implicit self-consciousness of the need to judge objectively by employing the categories as rules. Kant calls this self-consciousness the capacity to think or “I think” or “apperception” (B131–132). This capacity makes it possible to be aware of and use the categories to synthesise concepts in terms of objectively valid judgments. These are synthetic judgments, which precede but remain accountable for all possible experience. As a result, Kant shows how synthetic judgments a priori are possible, and consequently, how objectively valid concepts of possible experience can be formed.

Let me now return to Flikschuh and her suggestion of a flexible reading of Kant’s categories.

### III

#### **The flexibility of universals**

Flikschuh confirms that there is considerable debate over the details of Kant’s account of the categories, into which she herself

<sup>4</sup> See, for instance, Ameriks’ 2003 and Guyer’s 2010 discussions of the critics.

does not go.<sup>5</sup> Notably she says, “the sole point that I want to make is that, for Kant, knowledge of objects depends on sensible intuition as much as its depends on a priori categories” (*WOT* 31) Following from this, she states:

My next thought is very basic, perhaps naïve: even if, for Kant, no human knower can arrive at judgements of objects without engaging a priori categories of quantity, quality and relation, it does not follow, given contextual variation in sensible intuition, that all human knowers arrive at identical judgements of objects. Necessary appeal to a priori categories notwithstanding, given the equal contribution of contextually variable sensible intuition, we should expect contextual differences in judgements about objects (*ibid.*).

Flikschuh concedes to read Kant against “the grain” (*WOT* 37). She claims that one can walk the tightrope between the universalism of the categories and the contextualism of empirical experience within the Kantian philosophical perspective (*ibid.*). Her point is to both avoid conceptual relativism and resist a form of universalism that is context insensitive. She takes the categories to function as fixed rules of understanding, but apart from the categories, there is nothing fixed or antecedently determined about the process of empirical concept formation (*WOT* 33). As she says, at the level of empirical concept formation, “sensible intuition constantly delivers new and variable ‘input,’ and, so she concludes, this demands conceptual flexibility (*WOT* 34-35).

Flikschuh takes the concept of the state as central example for her view of concept formation. She says: “although there is a priori necessity about our employing categories of quality, quantity, and

<sup>5</sup> Guyer 2010, for instance, does not think that Kant gives convincing arguments for his two deductions, but neither does he think that they completely fail.

relation, there is no a priori necessity about our forming the concept of the state - whether or not we do depends on context” (*ibid.*). Consider what one can take to be the constitutive marks of the concept of the state. Again, one such constitutive mark is, according to political liberalism, that the concept of the state is as such a central ordering concept in political life (*WOT* 36). In fact, as Flikschuh points out, the territorial state is currently viewed as default concept of political life internationally (*WOT* 221). As such the concept of the state might be seen to be central to all possible political contexts. However, against the background of the incapability of states to cope with the demands of global justice, the question Flikschuh wants to ask is to what extent Kant affirms the moral necessity of state entrance (*WOT* 40). More specifically, she says: “I want to ask how much room there may be within the Kantian framework for reorienting our conception of the centrality of statehood in our political thinking” (*ibid.*).

Let me reconstruct Flikschuh’s argument as follows – if I get it right. If the territorial state is internationally accepted as the default concept of political life, then one might like to claim that it is politically valid for all possible cases. In this sense, one can apply the category of unity and claim that that the concept of the state is universally valid for all political life. Now, even if one would grant such universality to be the case, this does not mean that the acceptance of statehood is necessarily applicable in all contexts and that it cannot be otherwise. Kant granted, for instance, that one cannot expect from nomads the duty of state entrance (*WOT* 50ff.). The state might be a central ordering concept in all possible countries, however, it does not necessarily apply to the political life of nomads on the territory of the state at a given time. There might be necessity about our use of the category of unity to judge our concept of the state to be universally valid, but the empirical formation of this concept has no a priori necessity.

Another important example is that of people who find themselves in the territory of the state but do not feel home there. This refers particularly to the context of colonisation. Flikschuh argues that where a given people with an evolved history of state formation feels at home in that form, one can perhaps legitimately expect other peoples to respect its commitment to that form (*WOT* 221). However, “we can also ask this: where a given people with a history of colonial state imposition does not feel at home in that form, can the first expect that people to adopt that form nonetheless?” Flikschuh answers: “Everything else equal, I don’t see how it can” (*ibid.*). She consequently argues that even if one would grant territorial statehood as “the historically engendered ‘default position’ internationally, those who do feel at home in that form cannot legitimately expect those who do not feel at home to make it their home nonetheless” (*ibid.*). So even while states might order the political lives of all countries, it does not mean that it cannot be otherwise in other contexts. For instance, colonially imposed concepts of the state can be replaced by other central ordering concepts despite their purported universal validity. They might be universally applicable without being necessarily valid. Again, while there might be necessity about our use of the category of unity to judge our concept of the state to be universally valid as a central ordering concept of political life, “there is no a priori necessity about our forming the concept of the state – whether or not we do depends on context” (*WOT* 33).

The concept of the state thus demonstrates how, by the employment of the categories, a concept can be formed for all possible cases universally but without necessary validity for every empirical context. In this way, one can align Kant’s universalism to contextualism. This confirms Flikschuh’s conclusion: “Thus, although all finite rational knowers are epistemically bound by pure categories of the understanding as condition of judgements of

empirical objects in general, there is room for contextual variation at the level of empirical concept formation” (*ibid.*).

Flikschuh makes an important argument for what she calls a “Kantian route to a possible form of global normative thinking that can accommodate contextual variation in substantive beliefs, values and principles” (*WOT* 36). Given the problem of conceptual loss – or one should add, conceptual imposition - there is a need to be “more open-minded about others’ different ways of doing things and much more modest about liberal morality’s capacity for context transcendence” (*ibid.*). Flikschuh stresses the importance of this point by saying that “much of the rest of this book is an exploration of this possibility of a more context-sensitive, non-relativistic form of Kantian global normative thinking” (*ibid.*).

They way Flikschuh reads Kant against the grain is plausible and laudable. It proposes a “flexibility within Kantian universalism”, and as such suggests an open-minded way to deal with Kant’s contribution to addressing the questions as to what is orientation in global thinking. Something like flexible universalism seems to be a useful way to approach the question. Notably, Flikschuh states: “It is this flexibility within Kantian universalism that is of ultimate interest to me in this book” (*WOT* 41).

## IV

### Cultural universals

Much as I appreciate her view, I want to push Flikschuh a bit on the idea of flexibility within Kantian universalism. My aim in the next two sections is to elaborate on her flexible reading of Kant by the use of Wiredu’s and Hountondji’s notions of conceptually sharable universals. This section will offer a brief discussion of



Wiredu's *Cultural Universals* and Hountondji's *The Struggle for Meaning*.<sup>6</sup>

Let me start with Hountondji's critique of universals, specifically, of Alexis Kagame's attempt to translate Aristotle's metaphysical categories into his own language, Kinyarwanda (*SM* 200).<sup>7</sup> Hountondji argues that Aristotle's mistake was to take categories owed to the Greek language to be universally valid. This is an "entrapment in the particular" (*ibid.*). He concludes that, "Aristotle fell into this trap unwittingly. Kagame, in his turn, fell into it, knowingly and freely" (*SM* 200).

Notably, Hountondji points out that "What was in question here, in fact, were the shortsighted language policies of our neocolonial states" (*ibid.*). Against the neocolonial trend to sustain colonial languages, Kagame's motive was actually to introduce indigenous concepts of thinking (*SM* 201). Kagame's attempt could be considered a strategy to decolonize language. However, his failure was to sneak in neo-colonial concepts through the backdoor.

Hountondji takes recourse to Wiredu, specifically to his notion of linguistic and cultural particularity and universality, to address the problem of what Wiredu calls "spurious universals."<sup>8</sup> This calls for a closer comparison of their views of conceptual and cultural universals.

<sup>6</sup> Henceforth I refer to *Cultural Universals* as *CU* and to *The Struggle for Meaning* as *SM*. The discussion of Wiredu and Hountondji relies on my forthcoming paper (Olivier 2019).

<sup>7</sup> Kagame's four categories pertain to categories of Ntu (Being) and include, Mu-ntu (Being with Intelligence), Ki-ntu (Being without Intelligence or Thing), Ha-ntu (the Being of Space and Time), and Ku-ntu (the Modality of Being). See Kagabo (2004, 235) for an introductory discussion.

<sup>8</sup> *CU* 5, *SM* 200.

Let me start with a decisive linguistic distinction that Wiredu draws between signs, signifiers, the act of signification and the referent. Wiredu distinguishes between the signifier (a word or symbol like a flag), signification (the thought or concept of a king's presence) and the referent (the king) (*CU* 15). The signifier, the flag, does not refer to the king but to the signification (thought, concept or meaning) of the king's presence. The signifier can only refer to the king because it conveys the concept of a king.<sup>9</sup> This shows striking similarity with Hountondji's distinction between a signifier (word, symbol), signification (meaning, concept, thought) and actual referent (entity) (*SM* 53ff) Wiredu takes a sign as such to signify nothing – Hountondji would say, it is just an indication. Only if a sign expresses meaning does it signify something. A sign signifies in terms of signifiers such as words or symbols. To use Wiredu's example: the word house is a signifier, however, it can only signify an actual entity such as a house, if it expresses meaning, a thought, or a concept of a house (*ibid*). A signifier needs a concept or meaning to be capable of signification.

In terms of judgments or propositions, a signifier refers to a subject, which needs a predicate to signify meaning. A predicate refers to the meaning of a referent, an actual object. If the referent is absent, a predicate can still signify meaning. For instance, a unicorn has no referent but carries meaning, for it is a concept of fiction (*ibid*).

It is striking that Wiredu's focus is not on the signifiers of language but on the act of signification. This included capacities such as reflective perception, abstraction and deductive or inductive inference (*CU* 23) For instance, induction pertains to the capacity to draw from the reflective perception of particulars abstract concepts and to envisage hypothetical situations such as

<sup>9</sup> See also Wiredu 2011, 26.

the consequences of one's actions (*ibid.*). This again presupposes the deductive capacity, for instance, not to take our perception of X for a non-X, by application of the principle of non-contradiction (*ibid.*).

Importantly, Wiredu holds that acts of signification manifest socially through communication. The capacity to conceptualize is in fact learned and developed through communication. It is through communication with others that we learn to signify, to express our experiences in sharable thoughts (CU 19). Thus, the capacity to signify, to conceptualise, "...unfolds in communication and communication is learned" (*ibid.*). All humans share this social capacity to learn to express and communicate their experiences conceptually. This is what Wiredu refers to as conceptual universals.

Wiredu's view thus is that the universal capacity to conceptualise and communicate experience is socially learned and shaped.<sup>10</sup> This seems to relate fairly well to what Hountondji calls the phenomenology of language. Hountondji's view is that conceptualization (signification) is a sense-giving act that anticipates an intersubjective genesis of meaning.<sup>11</sup> His view is compatible with Wiredu's idea that we develop socially through communication the capacity to conceptualize experience. Both hold that the capacity to conceptualize - to perceive reflectively, to abstract and infer – Is what all humans share regardless of their cultural context.

As humans have this as a defining capacity, they can ideally communicate across cultures. But are some concepts not

<sup>10</sup> Note, this goes against the objection that Wiredu presupposes as metaphysical category *a priori* conceptual or cultural universals. See, for instance, Eze 1998 and Janz 2009, 133ff.

<sup>11</sup> See Olivier 2019.

untranslatable? Both Wiredu and Hountondji are certainly aware of the obstacles of cross-cultural communication. As Hountondji notes in agreement with Wiredu, one can distinguish between culture in its narrow sense of contingent customary forms, beliefs and practices in the context of a specific type of physical environment and in its broader sense of conceptualization by means of language. In its narrow sense "...what defines culture, or to be exact, a culture, is the humanly contingent, not the humanly necessary." (SM 28) The humanly necessary is culture in its broader sense, thus the possibility to conceptualize by means of language, in short the possession of language. Thus, Wiredu says,

...the fact of language itself, i.e., the possession of one language or another by all human societies, is the cultural universal par excellence (*ibid.*)

Wiredu argues that all human societies, irrespective of their cultural particularity, possess language. This means, on the one hand, language is what all societies have, it is an intracultural universal. In other words, within all cultures people have the universal linguistic capacity to conceptualise - to perceive abstractly, to abstract and infer. On the other hand, language makes it possible to communicate cross-culturally and is in this sense an intercultural universal. Therefore, conceptual universals are the foundation of intra- and intercultural universals.

Both Wiredu and Hountondji advocate the notion of interculturally shared concepts as universally shareable expressions of lived experience. In the closing section, I make strong the idea of the shareability of universals in response to Flikschuh's idea of the flexibility of Kant's categories.

## V

**The shareability of universals**

I argued in Section 4 that both Wiredu and Hountondji reject the metaphysical notion of static or colonially imposed universal concepts and instead advocate the development of concepts shared across all possible cultural contexts. Their emphasis is not as much on universal concepts as such as on the shared capacity to form concepts. The main point is to seek what we are capable of sharing, what concepts we can form, by critically rethinking our use of concepts, especially those imposed with a false claim of universality. This questions categories of concepts such as Aristotle's and their translation into the African context.

Where does this leave us with Kant's categories? After all Kant did adopt Aristotle's categories for his own use.

Recall, Flikschuh reads Kant against the grain. In Flikschuh's understanding, "all finite rational knowers are epistemically bound by pure categories of the understanding as condition of judgements of empirical objects in general", but "there is room for contextual variation at the level of empirical concept formation" (*ibid.*). There is a priori necessity about the pure concepts or categories, but no a priori necessity about our forming of empirical concepts. Flikschuh takes the formation of the concept of the state as an example of the empirical formation of concepts. Again, as she puts it, there is a priori necessity about our employing categories of quality, quantity, and relation, but there is no a priori necessity about forming the concept of the state – whether or not we do depends on context (*WOT* 33). While the concept of the state might appear to be universally applicable to all possible cases as a central concept of political life, there is no a priori necessity about its formation. The concept of the state demonstrates how a concept can principally be formed according to the categories to

apply to all possible cases universally without necessarily holding for every empirical context. Flikschuh thus reads Kant's universalism in a flexible way that makes its application compatible with contextual differences.

Now consider the fact that Wiredu and Hountondji both emphasise not concepts but the capacity of concept formation. The emphasis is, once again, on the capacity to form concepts, which can be shared across all cultural contexts, and the quest to search for such concepts intra- and interculturally. In their view, this goes for all concepts, also for categories such as those of Aristotle, which they take to be in fact culturally particular. The only universal they seem to take to come with a priori necessity, is our shared rational capacity to form universals. Viewed in Kantian terms, this capacity concerns the formation not only of empirical concepts but also of pure concepts that we take to be a priori categories. Accordingly, also the a priori categories are subject to the capacity of concept formation. This allows one to conclude that although the categories of understanding are the condition of forming empirical concepts, they are themselves conditioned by the search for shared universals within and across empirical contexts.

One might object that this is not exactly Kant but rather Wiredu's and Hountondji's views rendered in Kantian terms. Granted. However, let me explore – and defend - this rendition of Kant in more detail.

Notably, one of Flikschuh's central claims is that “on Kant's account, human knowers are not just concept dependent knowers; they are also concept producing knowers” (*WOT* 105). She further says that human knowers have the capacity to satisfy the cognitive needs that arise for them from their concept dependence by creating context-independent concepts (*ibid.*). Flikschuh does not mean to include into these concepts the Kantian categories. She

treats the categories as rules of judgement and not as substantive concepts.<sup>12</sup>

On this point, however, I think one could go a step further. If we concede that human knowers are not just concept dependent knowers but also concept producing knowers, then it seems only consistent if we include into this capacity the ability to create and revise all possible concepts, even a priori categories. Even as rules of judgment the categories still remain concepts, which knowers produce to rule in order to judge validly.

One may object that I confuse empirical concept producing knowers with the pure capacity of understanding to produce concepts irrespective of any personified knowers. My focus, however, is exactly on the capacity to know rather than the empirical knower. My emphasis is on the very Kantian premise that all judgments and concepts are based on the capacity of understanding to judge by forming concepts. This capacity is not about an empirical, personal knower that has the ability to understand. It is rather about the impersonal activity of understanding that all humans share, irrespective of their empirical manifestation.

If one advances this emphasis on the judging capacity of understanding one can perhaps argue as follows – with the admission that this might be naïve and too bold to please Kant-scholars. My argument consists of three steps:

<sup>12</sup> Flikschuh notes that there is considerable debate on the precise relationship, in Kant, between the categories as a priori formal concepts and empirical concept formation. Compare for instance Amerik's discussion of the deduction and his critique of the views of Peter Strawson, Jonathan Bennett, and Robert Paul Wolff (Ameriks 2006, 55ff.). I have no space to discuss any of that but rather attempt to read Kant here through the perspective of Wiredu's and Hountondj's views of concept formation, making strong the idea of shared universals.

1. The act of judgment employs the categories as rules to judge validly by forming empirical concepts that account for all possible experience. However, the categories are derived from the logical capacity to judge. This makes the capacity of judgment their source. But if the capacity of judgement is the source of the categories, then it must also be capable of producing them. Then the act of judgment must go along with a self-consciousness not only of its own need to use but also of its capacity to produce the categories as rules to judge validly. It follows that Kant's notion of the capacity of understanding to form empirical concepts must include the formation of categories that rule the validity of our judgments. It seems not against the grain but rather in line with Kant's view to say that as spontaneous capacity understanding is the source of all concepts, including the a priori categories. As such, the categories cannot be fixed concepts, but rather they must themselves be subject to the spontaneous capacity of understanding to revise all concepts, and eventually to produce others according to its cognitive needs. The conceptual capacity of understanding, so one can conclude, must then include both empirical and pure concept formation.

2. If we take the judgment of understanding to be capable to produce concepts that account for all possible cases of experience, then they must be universally sharable across all empirical contexts. Conversely, categories that we think rule empirical judgments across contexts must account for these very contexts and are subject to their sharing. Such accountability and sharing itself must shape the way self-conscious understanding forms not only empirical but also pure concepts. Hence, while understanding is the condition of the validity of experience across all contexts, it must itself be shaped, and in this sense conditioned, by the contexts it crosses.



3. Consequently, one can say, no concepts of understanding are absolutely context independent. All rational knowers have the capacity to produce them from within a particular context and share them across contexts as universal. Nevertheless, such concepts might be rejected in some contexts, for instance, in postcolonial African contexts, where they will be deemed imposed products of the Enlightenment. There is in fact a contextual demand to critically appraise the possible accountability, shareability, and eventually, revocability, of all concepts, regardless whether empirical or pure.

Finally, I grant that it is hard to accept that some categories of judgments such as hypothetical or disjunctive syllogisms, might not necessarily apply to all contexts. As heir of the Enlightenment, one cannot imagine the laws of non-contradiction (not both A and not A) or of excluded middle (either A or not A) as used in deductive arguments such as disjunctive syllogisms, not to have apriori necessity across all contexts. After all both Wiredu and Hountondji adhere to such principles of deductive logic. However, they accept these principles on the basis of the capacity of knowers to share them instead to presuppose them across all contexts. Consider, for instance, W.E.B. Du Bois' notion of double-consciousness in *The Souls of Black Folk*. Double-consciousness manifests as the split experienced by black people in the United States of America to be part of a society that would not recognise them as equal participants. To be black becomes a problem, the problem of being a contradiction, a split Black-American, a doubled consciousness. The principle of non-contradiction does not necessarily apply to double-consciousness. If you are a black American, it is possible to be an American and not an American at the same time.

To summarise, my argument is that the conceptual capacity of understanding includes both empirical and pure concept formation. Even what we take to be a priori rules of understanding

remain concepts made by understanding. Understanding remains rooted in and accountable to particular contexts of experience. Ultimately, pure concepts of understanding can cross contexts only because they are shaped and shared by these very contexts.

My reading might stretch Flikschuh's flexibility thesis too far, but I still take it in line with her advocacy to read Kant in a more open-minded way.

### **Conclusion**

Flikschuh argues that political liberalism fails to give orientation in global thinking on a seminal issue such as justice despite the abundance of concepts it offers. In this sense, we are conceptually lost in orientation. This calls for a reconsideration of the formation of concepts that offer orientation in thinking. Flikschuh importantly, if not ironically, challenges liberals to be open to what others, particularly African others, have to say. This includes being open to reconsider concepts that we take to be central to political life and indeed universally valid. With Kant, she argues that except for the categories, these concepts are subject to empirical concept formation and revision.

My focus was on the theoretical issue of concept formation. I pushed Flikschuh's point further by arguing that the conceptual capacity of understanding must include both empirical and pure concept formation. My argument is informed by Wiredu's and Hountondji's views of universals. They argue that Aristotle's categories as adopted by Kagame, or for that matter by Kant, are not necessarily shared as universals. The trend among African philosophers is to view them sceptically as colonial impositions. Using their perspective, I argued that it is consistent with Kant to take all concepts, including a priori categories of quality, quantity, relation or modality, to be based on our capacity to judge and to

form and share what is held to be universally and necessarily valid from within and across specific contexts. What we take to be a priori rules of understanding remain concepts made by shared understanding and accountable to different contexts of experience. Ultimately, even what we take to be pure concepts of understanding can cross different contexts only because they are shared and thus shaped by these very contexts. Concepts can only claim universality if they are genuinely shared within and across all contexts. Only such concepts will have the chance to give us global orientation in thinking about seminal issues such as justice. Otherwise, we will remain conceptually lost in orientation.

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SYMPOSIUM  
PROBLEMS AND METHODS IN GLOBAL THINKING



LEAVING THE STATE OF NATURE

BY  
ARTHUR RIPSTEIN

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## Leaving the State of Nature

Arthur Ripstein

**K** atrin Flikschuh *What is Orientation in Global Thinking?* provides a powerful argument that we do not (yet) know how to think globally. She offers incisive critiques of much of the globalist literature, in particular, contemporary forms of cosmopolitanism, which suppose that the relevant normative principles for a global order make no fundamental reference to political associations, but at most regard these as the empirical facts relevant to the implementation of a global distributive principle that applies universally. At the same time, she is no less forceful in her rejection of various statist accounts, such as that offered by Thomas Nagel, according to which modern state formations are the institutional setting within which claims of justice – as opposed to beneficence or other virtues – assert their claim. Indeed, the lack of orientation that is the organizing theme of Flikschuh’s book comes from treating either unbounded cosmopolitanism or modern statism as the only options. Flikschuh does not outline an alternative option, but rather holds out for a fundamental reorientation of global thought, drawing on three interrelated ideas: first, she argues that Kant’s political philosophy, although invoked in one way or



another by both sides in the (disoriented) contemporary philosophical discussion of global ordering, provides the resources for rethinking the very subject of global thinking, through the distinctive conception of what she calls ‘recursive’ justification. Second, she draws on Jonathan Lear’s discussion of conceptual loss, that is, the idea that a way of living – the way in which a group of human beings orient themselves towards their natural and social world – can disappear, and people can be fundamentally at a loss. This idea figures explicitly in her characterization of our current predicament in thinking globally – the situation in which we find ourselves makes concepts and principles through which our moral world seems familiar lack application to some of the cases in which we need them most. It also figures implicitly in Chapter 7 in the way in which she characterizes the difficulties of the state system for many people living in Africa. Third, she draws on David Velleman’s conception of moral relativism, the idea that reasons must be reasons for those to whom they apply.

In this brief comment, I focus only on the Kantian aspect of her account. Although I am sympathetic with the conclusion of her argument, I want to propose a different way of bringing Kant to bear on her questions. Before developing and deploying her conception of recursive justification, Flikschuh first engages in a pair of “ground-clearing” exercises, which aim to show that first, that Kant’s argument on the necessity of state entry is not unconditional, but rather depends on members of a group of human beings asserting proprietary claims as against each other, and second, that Kant’s discussion of what he calls the “innate right of humanity” in your own person should not be read in individualistic terms. The first, state entry argument, undermines the idea that claims of right only arise in the context of a state. The second, innate right argument, undermines the idea that there is a structure of right that applies to all human beings, simply as such, which is sufficient to generate concrete normative demands.

I want to put pressure on both of these ideas, first by asking about an apparent implication of their combination, and second, by asking whether Flikschuh needs to read Kant in this way in order to get to her conclusions about the need for reorientation. For reasons that will emerge, I propose to take them up in the opposite order than she does. On the issue of innate right, I will question Flikschuh's claim that it is, as she puts it "empirically non-instantiable." On the issue of state entry, I will question her reading of the Kantian argument on three different points, asking about what counts as making claims of acquired right as between human beings, what counts as having entered a rightful condition, and who has standing to enforce such determinations. My suggestion will be that Kant's juridical critique of colonialism, and his condemnation of forcing what he calls peoples "who depend for their sustenance on great open regions" (Kant 1797, 353) into a state does not depend on supposing they have not entered any semblance of a rightful condition, or on any claims about them lacking acquired rights, or having no duty of state entry. Instead, I will suggest that the problem is one of standing: people who are already members of some rightful condition who find themselves interacting with others where "neither nature nor chance but their own choice" (Kant 1797, 266) has put them in that situation, cannot take it upon themselves to force others to join.

Before developing my argument, I should apologize for engaging with such a deep and important book by what might seem to some readers to be little more than hair-splitting about how best to read Kantian texts. I do so both because that is the part of Flikschuh's argument that is closest to my areas of competence, but even more so because I share her view that Kant provides the resources for reorientation in global thinking. The most important of those resources is, as she notes, his Copernicanism: the thought that all rational inquiry must begin by taking account of the position of the one making the judgements.

In Chapter 3 of *What Is Orientation in Global Thinking?*, Flikschuh offers what she describes as a non-foundationalist, and non-individualist understanding of Kant's brief discussion of innate right. She understands moral individualism as specifying "particular features or properties of persons of which it claims that they are the source of persons' ultimate moral value" (Flikschuh 2017, 70) She characterizes foundationalism in terms of "strategies of meta-ethical justification that appeal to highest-order values or principles in their justification of lower-order ones. The highest-order values are in turn thought of as in some sense self-justifying, or at any rate beyond possible further justification" (*ibid.*, 71) Although these are distinct issues, she also suggests that "meta-ethically, moral individualism thus tends towards foundationalism" (*ibid.*, 70). As I understand her argument, the point is that individualism and foundationalism tend to travel together, if only because the supreme moral importance of individuals is thought to provide the basis on which any other moral claims must rest. She seeks to avoid foundationalism because it is inconsistent with Kant's recursive conception of justification; she seeks to avoid individualism because it is insufficiently attentive to the social nature of reason. By rejecting them both, Flikschuh thereby aims to restrict the applicability of innate right to deciding any specific moral controversy. Where others have taken each person's innate right of humanity in his or her own person as a substantive right holding against others, and to already be instantiated in the right that each of us has to (at a minimum) bodily integrity and reputation, Flikschuh proposes to understand it instead in a much more restricted sense, as affirming "the equal right of each to being treated by others as a legally accountable person with in a system of positive lawmaking" (Flikschuh 2017, 86). So rather than saying that you are entitled to defend yourself when attacked because you have an innate right to bodily security, or that others who allege you have done wrong must establish their allegation or withdraw it

– where in each case that right is innate because no affirmative act is required in order to establish it – Flikschuh suggests that it simply provides the framework within which people are reciprocally entitled to make claims against each other within a system of positive law. As a framework right, it structures the justification of particular claims without giving rise to any; instead, the matter of those claims must come from elsewhere. Turning to Kant’s own distinction between innate and acquired rights, Flikschuh argues that the former is not on its own empirically instantiated, whereas the latter is fully instantiated through determinate human actions. The actions through which it is so instantiated are only intelligible within the context of a concrete and determinate set of social practices, that happen to exist for a specific group of human beings.

Kant proceeds systematically, drawing on received legal doctrine, distinguishing rights from duties and loosely relating them to each other. In a way, Kant is simply analysing the moral concept of right that he takes to be implicit in actual legal thought and practice. Second, when it is mentioned, the innate right is not assigned any priority in relation to acquired right – its chief distinguishing feature is simply that no act is required for its establishment (Flikschuh 2017, 86).

Later Flikschuh characterizes in the right in terms of “a reciprocally valid claim to legal competence” (*ibid.*, 93). Her claim, then, will be that so understood, innate right is, as she puts it “incapable of empirical self-instantiation” (*ibid.*). Instead, its moral content is exhausted by the imperative to not make oneself a means to others’ ends. The only way in which it can be empirically instantiated is indirectly, through a system of acquired rights, which

are “established through an empirically manifest act of acquisition.”

If innate right cannot be instantiated, moral individualism appears to lose its grip. The first-person perspective of practical reasoning figures, but only as a perspective, rather than as anything like a value. Innate right is not a right based on the importance of the human capacity for choice, but rather the structure within which human beings faced with the question of what to do engage with others facing the same question.

Our rational agency as an object of moral value or concern is very different from the view of individuals as reflexively aware agents. The self as agent is arguably central to Kant’s practical philosophy; the self as an object of moral value is not. In my view, it is the standard reading’s failure to differentiate between the first-personal perspective of Kantian practical reasoning and the third-personal attribution of supreme moral values to persons, which may be responsible for the widespread perception of Kant as a moral individualist (Flikschuh 2017, 98).

The point of reframing Kant in this way is to take from him the “potential of enabling us to see the world from a very different perspective than the one that is ‘intuitive’ to us through sheer force of habit” (*ibid.*, 99). The conceptual and normative payoff for this comes in the form of the claim that acquired rights are not directly traceable to innate right. Instead, property becomes a way in which innate right can be instantiated – one (but not the only) concrete way of instantiating “the equal right of each to being treated by others as a legally accountable person with in a system of positive lawmaking” (*ibid.*, 86). Given the argument, to be discussed below, about the dependence of the duty of state entry on the existence of property, this way of understanding of innate right is significant,

because an alternative instantiation of innate right could, in principle, lead to a different form of juridical order, one in which the equal right of each to being treated by others as a legally accountable person within a system of positive lawmaking could be instantiated differently, in particular without any reference to any European idea of a state.

In the interests of full disclosure, I note that I am among those whose reading of Kant Flikschuh has characterized as foundationalist and individualist in the past. I resist the characterization, but it is not my aim to do so here. Instead, I want to pick up on Flikschuh's idea of recursive justification, and suggest that Kant must be understood to be doing more than analysing what is implicit in actual legal thought and practice. By the time he gets to the right of nations and cosmopolitan right, he seems to be repudiating that practice, and that repudiation seems to be taking place from a moral standpoint that is structured by the same set of ideas that are already present in his discussion of innate right. More than that, a merely reconstructive reading seems to fall into a form of foundationalism of its own, albeit perhaps in an empiricist rather than the rationalist form that Flikschuh successfully criticizes. I suspect that Flikschuh is drawn to the reconstructive reading because that makes room for more pluralism, including the kind of relativism (within the limits of mere reason) that Velleman advocates.

I want to suggest, however, that there is more Kantian alternative to both reconstructive readings and foundationalist/individualist ones. Those readings force a choice between first-personal inquiries (what am I committed to in virtue of making this claim?) and third-personal ones (what is the source of value?). Given the choice, I certainly agree with Flikschuh that the first-personal is more satisfactory and more Copernican than the third-person option, because the starting point for Kantian

philosophy is always the thought that reason answers to itself, rather than to objective features of a world that radically transcends it. I nonetheless want to resist the choice between first- and third-person perspectives, because the organizing idea of right is second-personal: Kant's preoccupation in the *Doctrine of Right* is with how things stand between a plurality of separate human beings. The idea of right is fundamentally relational; right is the form of external freedom, and for Kant externality is itself relational. Indeed, the first step in his Copernican revolution is the argument, in the Transcendental Aesthetic of the *Critique of Pure Reason*, showing that the concept of space cannot be derived from experience because it is a pure relation. No operations on passively given material could generate the concept of relation. That same concept of relation figures in Kant's characterization of the innate right to freedom understood as "independence from being constrained by another's choice" (Kant 1797, 237). The reference to *another* is ineliminable; it is implicit in positive law, but we only find it there because we put it there; it is the fundamental juridical idea. It is not individualistic in the sense of individualism to which Flikschuh objects, but it is individualistic in the sense that every human being has a distinctive kind of standing in relation to every other, standing that must be instantiated through juridical institutions. It gives each person a claim against others in advance of those institutions. The claim is second- rather than first personal because it expressly contemplates others; it is second- rather than third-personal because it is a claim, rather than a source of value to which others must respond.

The second-personality of the claim that we have against each other also stands in important contrast with Flikschuh's proposal that innate right be limited to "the equal right of each to being treated by others as a legally accountable person within a system of positive lawmaking." The idea of an equal right admits of two interpretations. The first is the relational one, the thought that no

person is the superior (and so none the subordinate) of another. There are no superiors except in relation to subordinates, and no subordinates in relation to superiors. Only choosing beings can be subordinated by others, (and thus be entitled not to be) and only choosing beings can subordinate others (and so be prohibited from doing so). The same structure shows up with respect to acquired rights: my taking of your property and your having your property taken from you for the same act; misappropriation is thought for two.

The second interpretation of equal right incorporates a comparative idea of equality, according to which people are treated as equals provided that there is some dimension on which they are all treated alike. The idea that everyone be treated as legally accountable, without reference to the specific norms under which they are so treated – and in particular, without the constraints of those norms be specifically norms of right, that is, relating one person's choice to another, or the choice of a plurality of human beings, considered as a unity, to each of its members – makes innate right far more open ended, and demands of law only positivity and uniform application.

I have belabored this point of Kant interpretation because I think that Kant's conception of right, including the innate right of humanity in our own person, has important implications for global thinking. Once we get beyond the idea of objective value or of each person needing to figure out on their own what to do, the basic structuring idea of Kantian right is rather one of standing. Each of us is entitled to be independent of another's determining choice; so, too, each of us has the right to be presumed to have done no wrong. I will suggest below that this is enough to explain why it is wrongful to show up somewhere and take it upon yourself to force others into a rightful condition. Before doing that, however, I want



to first say something more about Kant's treatment of the duty of state entry.

Flikschuh emphasizes the role of property in Kant's official argument for the duty to enter a rightful condition. Although some writers have proposed accounts on which the Kantian duty to enter a legal order is more general, I put those thoughts to one side here. Flikschuh's aim is to show that those she calls "nomads" are under no duty of state entry because they do not make property claims against each other. This argument enters as an explanation of Kant's opposition to colonialism, and reappears implicitly in her Chapter 7 discussion of "The State as a Failed Universal." The thought is that a different form of ordering could be consistent with everyone's standing as a juridical equal.

With that in mind, I want to question Flikschuh's claim that pastoral peoples do not have acquired rights in Kant's sense.

The puzzle about property to which the Kantian argument for state entry is supposed to be a solution concerns the fact that it has an acquired authority structure. If something belongs to you, I am under an obligation. Nobody has property by birth, they can only acquire it through some procedure. Kant's example of a procedure the very 18<sup>th</sup>-century procedure of original acquisition, the transition from a situation in which people can deal with things as they see fit to one in which there are restrictions on the ways in which they may do so. Property is a question for political philosophy because it is a system of authority, one that allows some to determine how others may act, where that authority arises through the owner's own act. The question of acquisition is morally pressing because it appears to be a case in which one person (the owner) gets to make decisions about others in a way that those others do not get to make decisions about the owner.

This way of conceptualizing private property contrasts with, but in another way subsumes, a type of argument often made by writers who see themselves as critics of private property, on which property is a matter of some kind of “decision” that we “as a society” have made about how to allocate things. And, so the criticism continues, different people might have done it differently, and indeed, at other stages in human history different people have done it differently. If this is true, it reinforces Kant’s point, rather than refuting it. Kant’s point is that going from a situation in which everyone can use objects as they see fit to one in which someone has authority over the use of a object by others to a situation in which one person, on his or her own initiative, places others under new obligations. If this transition is the problem, unilateral public authorization could potentially solve it. But if property is just a social norm that human societies happen to have accepted, then (as Kant points out in his criticism of Grotius) rather than asking how the individual got the authority to do so, we have to ask instead how the society did. To assume that a group of people has a kind of authority over its members is not to provide an alternative to Kant’s account, it is rather to simply adopt his conclusion without carefully working through how that conclusion could be consistent with the freedom of everyone.

Kant uses concepts and examples drawn from Western legal systems in order to make this point, and he plainly supposes that the pure case of property is a formal right to exclude, because the pure case of any rational concept would have to be the formal one, that is, one that most completely abstracted from the matter of choice. So for Kant, ideas of usufruct need to be understood as derivative, rather than the basic case from which the concept of property is to be developed. All of this is consistent with the problem of one person placing another under an obligation being much more general.

Indeed, towards the end of the discussion of private right, before introducing the postulate of public right, Kant refers to societies that he describes as “compatible with rights (e.g. conjugal, paternal, domestic societies in general, as well as many others)” (Kant 1797, 306). But those societies could only be compatible with rights if there were at least some claims between their members. So, too, in introducing the concept of property, Kant gives the example of Mongolia, where, so he supposes, the people collectively own the land, and so anyone can “leave his pack lying on or recover possession of his horse if it runs away, since it is his” (Kant 1797, 265). This example suggests that some version of ownership is already in place; the possessives with respect to the pack and horse suggest ownership of chattel; and the reference to the “all the land belongs to the people” (*ibid.*, 266) suggests that there is some conceptual structure that is like ownership here. If that is the structure, then it seems that something like property claims are already being made, and so must be made binding in the right way.

The second thought is that even if those peoples had a duty to set up a legal order, it would not follow that settlers encountering them would be entitled to compel them to enter a legal order. Flikschuh draws attention to various passages in which Kant says that there is no right to settle, and in which, more generally, he resists the earlier European ideas about cosmopolitan right, which were said to include not only the right to settle but also the right to engage in trade, proselytize, and so on. Indeed, Kant refers to each of these in his description of the limits of cosmopolitan right. But if you cannot seize lands, and you cannot force people to trade with you, and, more generally, you cannot trick others into entering into agreements, it seems to me that all of these prohibitions also carry with them the thought that you cannot force those others to enter into a rightful condition with you. Indeed, in his discussion of the initial acquisition of property, Kant takes up the question of

individual possessory claims by people who are not members of European states, when he writes:

lastly it can be consistent asked whether, when neither nature nor chance but just our own will brings us into the neighbourhood of a people that holds out no prospect of a civil union with that, should we not be authorized to found colonies, by force if need be, in order to establish a civil union with them and bring these human beings (savages) into a rightful condition (as with the American Indians, the Hottentots and the inhabitants of new Holland) or (which is not much better) the found colonies by fraudulent purchase of their land and so become owners of their land making use of our superiority without regard to their first possession. Should we not be authorized to do this, especially since nature itself (which abhors a vacuum) seems to demand it, a great expanses of land in other parts of the world, which are now splendidly populated what otherwise remained uninhabited by civilized people or indeed would have to remain forever uninhabited, so that the end of creation would have been frustrated? (Kant 1797, 266).

Kant repudiates this idea, writing that it is “easy to see through this veil of injustice (Jesuitism) which would sanction any means to good ends. Such a way of acquiring land is therefore to be repudiated.” Kant here supposes that they do indeed have some form of claim, hence his reference to “without regard to their first possession,” which seems to suggest that they have some kind of possessory right, a right, as against others, that those others not interfere with their determination about how the land will be used. Yet the framing of the question suggests that the repudiation of the wrongful means – force or fraud – is what matters here. Even if sharing a rightful condition with them would be morally appropriate, it is just that there is no rightful way to get to it.

I want to bring this idea back to the relational understanding of innate right, including with that the right to be beyond reproach. If you find yourself interacting with people through your own choice, and you do not believe them to be in a rightful condition, you lack the license to act on that belief, even if that belief is true, putting aside genuine questions about how you might actually establish it. In such a situation, they have a right to be beyond reproach, that is, to be assumed to have done no wrong, including not to have done the wrong of remaining in a lawless condition. That is why the colonists and missionaries must not interfere with the modes of ordering they encounter. As travellers, they come as members of some rightful condition, and must treat any group of people they encounter as another rightful condition, in which they have the right to visit, but not to settle.

I have raised three questions about the duty of state entry: first, are there groups of human beings that do not assert claims of acquired rights against each other? Even a nomadic society in which norms govern the ways in which resources are divided appears to have a lot of things, which may or may not count as property in any robust sense, but nonetheless participates in the formal structure in which a person has a claim, as against other people, with respect to an object of which they are not in immediate physical possession. Kant introduces the contrast between a property right and the internal mine and thine precisely through this contrast: the person who drags me from my resting place or grabs an apple out of my hand, “diminishes what is internally mine (my freedom), so his maxim is in direct contradiction with the axiom of right. So the proposition about empirical possession in conformity with rights does not go beyond the right of a person with regard to himself” (Kant 1797, 250) Possession of something external to myself “affirms possession of something without even holding it” (*ibid.*, 250) This contrast applies because of the possibility of wrongdoing, the possibility of

inconsistency, with respect to objects while someone is not in immediate physical contact with them.

Yet that possibility seems to be in place whenever people assert claims to things in relation to each other, even if it is a claim to some share of the fruits of something acquired or held collectively by some group, a society consistent with rights. Indeed, Kant's remark about Grotius seems to apply here: the central claim is that rights as against others require some form of shared, that is, public, authority structure.

Second, just as I suggested that claims to acquired rights (and so the pressure to enter a rightful condition) are more open-ended than claims to full liberal property, I wonder whether the idea of a rightful condition is also more open-ended than Flikschuh assumes in assimilating Kant's argument for entry into a rightful condition to entry into a European-style state. I do not merely mean to draw attention to the substantial evidence that the indigenous peoples of Africa and the Americas had far more juridical structure than the travellers on whose reports, which he acknowledged to be unreliable, Kant relied in his characterizations of those places. I also wonder whether having institutions with generality would qualify as already being in a rightful condition. The point of the transition from a Kantian state of nature to a rightful condition is to replace unilateral choice with omnilateral lawgiving. This transition is, as Kant emphasizes, to be understood as an idea of reason. As such, it is an ideal case, to which no empirical instantiation can be entirely adequate. Its pure case is a Republican system of government, which has a strict separation between legislature, executive, and judiciary. But again, Kant's emphasis on this separation should not be read as a reconstruction of what was implicit in the (European) legal systems of his time, because no such separation was acknowledged. But if it is a formal idea, then its empirical instantiation could only be found in a group of human

beings that give laws to themselves. Kant's examples of pastoral peoples requiring large amounts of land to sustain themselves are not examples of dissociated individuals in a state of nature, who do not encounter each other and so make no proprietary claims against each other. They are instead peoples. "People" is a defined term for Kant, "a multitude of human beings" (Kant 1797, 311). Understanding such peoples and nations as already in a rightful condition also identifies the distinctive wrong of colonial conquest. It is not merely forcing people into a form of social ordering in which they do not feel at home; it is, further, depriving them of something like their sovereignty.<sup>1</sup>

Third, given that a rightful condition is itself an idea of reason, there is yet another question about who, exactly, has standing to determine whether this or that group of human beings is in a rightful condition. And here Kant's relational conception of right, and of innate right in particular, seems to be decisive: a people, considered as a collective body, and its members, considered individually, have the right to be beyond reproach. This is an original right in the sense that it does not require an affirmative act to establish it. So even if you were to encounter someone and did not know whether they were in a rightful condition, you would have to presume that they were, particularly where your interaction

<sup>1</sup> In a forthcoming article, Douglas Sanderson argues that the indigenous peoples of Turtle Island wrongfully deprived of sovereignty through European conquest, noting that they had systems of self-rule in which powers were understood to be exercised in trust for those living under them, both current and future generations – that is, on a model that fits the abstract structure of the duties of a state in Kantian right. Based on Sanderson's analysis, the wrong of colonialism is not just wrong visited against the individual human beings who were colonized; it is also more wrong against the subject peoples. This is a very kind of wrong the repair of which cannot be put off "indefinitely" (Kant 1795, 348).

with them was done at your own initiative, as was the case with European travellers in the colonial period. This, indeed, seems to be just how Kant frames the issue when he writes, “If these people are shepherds or hunters (like the Hottentots, the Tungusi or most of the American Indian nations) who depend for their sustenance on great open regions” then they must be assumed to already be in a rightful condition – as is suggested by Kant’s choice of the word “Nations” (*Nationen*)<sup>2</sup> to characterize what he describes as the American Indians. Given that they must be presumed to be in rightful condition, no one can take it upon themselves to force them into another one. Indeed, the representative of the colonial power who does so does wrong.

I now want to return to the broader theme of orientation in global thinking: I find Flikschuh’s conclusions about the possibility of non-state forms of political association, and her engagement with proposals to develop some such forms for Africa intriguing. Whatever such forms might emerge it seems to me can be brought more readily within the structure of Kantian right by understanding them as internally constituted as however they will be, while, at the same time, externally standing as states in relation to other states, which is to say that others must not intervene in them. This idea can be perspicuously stated in the vocabulary of recursive justification: the question about how to orient oneself to a disorienting global system is a question about how people who are at home in their own legal orders, should orient themselves towards different peoples with different ways of doing things. The

<sup>2</sup> The same word that he uses to describe the wrongful colonial relation between Great Britain and the Irish nation in condemning the exclusion of Catholics from the civil service in Ireland (Kant 1797: 368). Elsewhere he uses “Volk” and its cognates – the same word he uses for European nations – to refer to them. By contrast, in discussing the wrong of colonial conquest in the context of original acquisition of property, he seems to be concerned with the possessory claims of individuals.



heart of any answer to this question must be that one must not set oneself up as the colonial or neo-colonial master of those others, but rather must respect their independence as peoples. But I also think that the requirements of right, including each person's innate right of humanity in their own person constrains the ways in which any such non-state forms might be rendered consistent with the right of human beings as such, that is, the right to be in a rightful condition.

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SYMPOSIUM  
PROBLEMS AND METHODS IN GLOBAL THINKING



ON KANT'S DUTY  
OF STATE ENTRANCE

BY  
UCHENNA OKEJA

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# On Kant's Duty of State Entrance

Uchenna Okeja

## Introduction

**H**ardly any question in political philosophy elicits passionate discussion like the question of property rights and migration. With regard to property rights, the issue becomes even more passionate in the context of settler colonies, like South Africa. Recently, the political program of expropriation of land without compensation has led to explosion of combustible rhetoric in the public sphere in South Africa, with claims about white genocide in the country gaining currency around the world. This has prompted prominent politicians of so-called free world to make statements in support of the 'threatened' population of white South Africans. Against this background, it is important to consider to what extent we can think systematically about the justification of land acquisition in former settler colonies. How should we think about past encounters that have come to shape current ideas about property ownership in a way that enables us to imagine a better future? In considering the question, I will be more concerned with

the aspect of “how to think” and not the substance of thought *per se*. That is to say much of what I will be discussing will have to do with how to think about property rights and not exact beliefs one should hold about the concept. Given that thinking occurs through concepts, my focus will be on the way we think, use and misuse the concepts.

More specifically, however, I will attempt to attain this goal through analysis of Katrin Flikschuh’s discussion of interpretations of Kant’s account of the duty of state entrance. I will highlight her perspective on the reason appeals to Kant’s idea of state entrance in the context of encounters with nomads are unsatisfactory. To explain further her perspective, I will begin with reconstruction of her account of the nature of the state in Kant’s thought. In doing this, I aim to show that there is an interesting connection between Western philosophy and African philosophy. This is the concern in both traditions of philosophy with the question of a “usable past.” Concerns about the way to make Kant’s concepts fit for new global theorizing resonates with concerns about how to make traditional African concepts fit for modern theorizing. Thus, whereas various textual analysis of Kant’s writings give rise to divergent interpretations, attempts at reconstructing the mostly oral based African concepts lead to the same problem.

The tasks of the paper are taken up in four parts. The present introduction constitutes the first section. In the next section, I reconstruct Flikschuh’s critique of justifications of land acquisition in settler colonies. Specifically, I account for her analysis of the way Kant’s theory of property rights and the duty of state entrance is leveraged to argue about land acquisition in settler colonies. In section three, I discuss the implication of the divergent interpretation of Kant’s duty of state entrance in relation to encounters between European settlers and nomads. In the last section, I show why I find Flikschuh’s diagnosis of conceptual loss

cogent and also why I think her account of the reasons for this diagnosis must be broadened. I conclude with a reflection on the reason philosophy today should be primarily an exercise in conceptual repair, especially in the context of global normative theorizing.

### **Nomads and Kant's Duty of State Entrance**

Flikschuh contextualizes the discussion of conceptual loss by exploring the consistency of the duty of state entrance in the encounter between European settlers and nomads. Her primary focus is on grounding of the duty of state entrance and its possible application to nomads. This in effect means interrogation of the universality of the duty of state entrance. She engages in this exploration against the background observation that “current normative Kantianism largely simply tracks the shifting normative concerns of liberal global theorizing” (Flikschuh 2017, 40). With this Flikschuh aims to underscore that contemporary appeals to Kant in recent works in liberal political thinking are problematic. And the reason, she says, is that Kant cannot simply be assumed to be one who thinks just like we do today. To this end, the link between various so-called Kantian theories to Kant is tenuous because they largely have little grounding in the larger context of Kant's work. This is an interesting observation, given especially widespread efforts to deploy Kant's ideas in theorizing and resolution of complex philosophical questions in political philosophy. We find this mostly occurring in attempts to justify the necessity of the state.

The main issue Flikschuh raises about liberal normative theorizing is the question of statehood. Specifically, she considers whether Kant affirms that there is a moral necessity of state entrance. Flikschuh considers the issue of ‘moral necessity of state

entrance' to ascertain whether the state should be as central as it currently is in liberal political thinking. By this means, Flikschuh aims to critically appraise the possibility of reorienting current state-centric liberal political thought. Such reorientation would mean to shift the paradigm of liberal political thinking away from current assumption of the moral necessity of the state, thereby setting it on a more secure foundation. The reorientation she seeks implies recognition of the possible inadequacies of concepts embedded in liberal theorizing as means to capture global experiences.

Such paradigm shift however raises two questions. The first question has to do with the reason current orientation in liberal political thought is shaped by assumption of the centrality of statehood. Why, to say it differently, is current liberal political thinking largely informed by assumption of centrality of the state for global normative theorizing? The second question is why it is now necessary to reorient liberal political theorizing. Answers to these questions can be gleaned through consideration of her discussion of Kant's place in the oeuvre of liberal political theory. Having made recourse to Kant to construct his modern account of political theory, John Rawls brought Kant's political ideas into sharper focus for modern liberal theorists. Rawls impact, therefore, accounts in part for ascendance of the orientation that assumes the centrality of the state in liberal theorizing. Following the precedence set by Rawls, liberal political theorists generally came to assume the centrality of statehood to their normative orientation. With regard to the second question, the answer I think is in line with Flikschuh's thought is that anxieties of liberal theorists about the adequacy of their familiar concepts show that there is indeed a problem of possible conceptual loss in this context. Said differently, liberal theorists need to consider the necessity of reorienting their normative outlook because the anxiety evident in their last-standing efforts to defend the

sufficiency of their familiar concepts, such as the state, show that their orientation is now unable to capture global experiences.

Building on this last point, namely, that anxieties about the centrality of statehood in the orientation of liberal political theorists demonstrates a need for normative reorientation, Flikschuh proposes that the best place to begin searching for an answer is to understand the nature of the question about conceptual loss in liberal political thinking. By reformulating the question first posed by Kant, namely “what is orientation in thinking?” as “what is orientation in global thinking?” Flikschuh brought to attention the importance of context for judgment about conceptual loss. For her, conceiving a new normative orientation requires having clarity about what it means to talk about orientation in thinking. Recall that the background of Flikschuh’s question about reorienting global normative thinking is Kant’s discussion of the question “what is orientation in thinking?”. As such, her discussion of the context of possible conceptual loss in liberal political thinking proceeds from a Kantian background. She argues that the question concerning “how we can orient our thinking” is a recognition that “we cannot take our thinking for granted; more specifically, that we cannot assume a ready-made fit between thought and world or between world, thought and action” (Flikschuh 2017, 38). The reason we cannot take our thinking for granted is Kant’s suggestion that our access to the world is mediated by concepts. Flikschuh notes that this view is premised on the distinction Kant made between noumenon and phenomenon. As she puts it, “if our cognitive access to the world is non-immediate we need to find our point of orientation towards the world” (Flikschuh 2017, 39).

Although Kant’s ideas and thinking are characterized by pairwise distinctions, recent appropriations of Kant side-step these cumbersome terminologies in order to develop theories that are



accessible. Hence Flikschuh's claim that Kant inspired political thinking is "wholly normative" and "tracks the shifting normative concerns of liberal global theorizing." But this is not exactly the reason we should consider reorienting global normative thinking. According to Flikschuh, necessity of this task stems from the inconsistency Kant seems to exhibit about the nature of the duty of state entrance, specifically, his seeming inconsistent application of this duty in the context of the encounter with framework-external phenomena. As she puts it, "pressure for rethinking arises for Kant in much the same way as it arises in relation to current liberal thinking, namely through the unexpected intrusion of framework-external phenomenon. In Kant's case, the intrusion takes the form of European settlers' historical encounter with nomadic peoples, foremost in North America but also in Africa" (Flikschuh 2017, 40). Responding to the issue this encounter raised, specifically what European settlers can justly do to the nomads, Kant, Flikschuh notes, denies rather forcefully in his *Doctrine of Right*, that European settlers have a "right to compel nomads into a civil condition" (Flikschuh 2017, 41).

The importance of the issue here comes out clearly when we recall that Kant generally proposed that there is a general duty of state entrance. Not only is there such a duty, but it is "a coercible duty, implying that all those who come into unavoidable contact with each other can compel each other to enter into a civil condition with each other" (Flikschuh 2017, 41). Notwithstanding, Kant did not find it possible to assert in relation to nomads the applicability of this duty. Nomads, on this view, do not have a duty of state entrance and may as such not be compelled by European settlers to enter into a civil condition – a coercible universal duty Kant had earlier asserted. This is paradoxical, given the general structure of Kant's thought on the duty of state entrance as universally applicable to all and not admitting of exemptions. Is this an inconsistency in Kant's thought? Is it an inconsistency for

Kant to propose that there is a general duty of state entrance but at the state time claim that this coercible duty does not apply to nomads who European settlers are obligated not to compel to enter into a civil condition? Flikschuh conceives an answer to this question to show the necessity of reorienting global normative thinking in current liberal theorizing. Her approach is to conceive a strategy of justification that consistently allows Kant to hold this seemingly contradictory perspectives. She calls this strategy of justification recursive justification.

### **Diagnosing Conceptual loss**

How then does Flikschuh answer this question? Her answer is that it would be wrong to assert that Kant's seeming exemption of nomads amounts to inconsistency. She shows why this is the case by considering, first, recursive justification as a view that allows Kant to consistently make the claims noted earlier about the duty of state entrance. Next, Flikschuh considers how recent liberal theorists have attempted to argue for the universal applicability of the duty of state entrance. Her goal in this regard is to show the shortcoming in their justificatory strategy, which leads them to deal inadequately with the paradox of Kant's assertion that nomads do not have a duty of state entrance. The next move she makes is to show how an alternative approach to understanding the duty of state entrance enables Kant to hold that Europeans have a duty of state entrance as opposed to so-called nomads. Although I do not want to brush aside the nuances of the argument proposed, I summarize Flikschuh's contention with regard to recursive justification as follows: we can say that Kant's strategy of justification is recursive because, "rather than advancing deductively from initially affirmed premises to the relevant conclusion entailed by them, he departs from what [Flikschuh] call a first-personally affirmed experiential premise or condition." The

point here is that Kant's approach necessitates paying attention to the necessary condition that makes a claim applicable to a thinking subject. This means paying attention to that which the individual must assume of herself to make a claim applicable. This is neither subjective desires or preferences. What must be assumed here is also not something objectively mind-independent. It is "that which I cannot but accept as valid for me given my acknowledged experiential condition" (Flikschuh 2017, 45). On this account, attributing reasons for action cannot proceed from a third-person perspective, the reason being that those for whom such reasons are postulated may not share the 'relevant experiential condition'. To this end, a subject ought to be aware of herself reflexively as having an experience in order for a set of reasons for action to apply.

Having made this argument, Flikschuh considers and rejects attempts in current liberal political theorizing to postulate unconditional, universal necessity of state entrance. Crucial to her argument here is the analysis of the duty of state entrance. Although Kant derived the necessity of this duty from his arguments about property rights, recent attempts among liberal theorists support a reading according to which the duty of state entrance issues "not from the complicated property argument, but from the seemingly more straightforward affirmation of an 'innate right to freedom' in the introduction to the *Doctrine of Right*" (Flikschuh 2017, 47). Flikschuh asserts that this approach appeals partially but insufficiently to the recursive argument that is at the core of Kant's justificatory strategy. As such, these recent attempts are unable to accommodate the seemingly paradoxical move Kant made to assert a duty of state entrance for Europeans but not for nomads. Paying close attention to what is borne out by Kantian strategy of recursive justification would be useful to understand what may be possibly inferred from Kant's duty of state entrance. For Flikschuh, "the conclusions of recursive justification may be

less general in scope than one is entitled to expect from Kant” (Flikschuh 2017, 50).

A better approach, she suggests, is to proceed by acknowledging that Kant does not derive a universal duty of state entrance from a “third-personally assigned general freedom right” (*ibid.*). She refers to a passage in the *Doctrine of Right* to establish this claim. To argue it is unfounded to infer a universal, unconditional duty of state entrance from Kant’s postulation that there is such a duty, Flikschuh turns to analysis of attempts by a number of liberal political theorists to interpret Kant’s pronouncements on what settlers from Europe may justly compel nomads to do. For instance, “in newly discovered lands, may a people undertake to settle (*accolatus*) and take possession in the neighborhood of a people that has already settled in the region, even without its consent?”.

The interpretation of Kant’s consideration of nomads and the duty of state entrance by the contemporary liberal theorist, Anna Stilz, recognizes the tension that arises for Kantian conceptual possibilities. She recognizes that “Kant’s early claim that a property right in an antecedently unowned object (including land) proceeds from an act of first acquisition”, yet, in relation to the nomads, Kant denies “that settlers’ acquisition of land that is merely *used* by shepherds and hunters is rightful” (Flikschuh 2017, 51). Kant distinguished between use and acquisition. For the latter to obtain, there is a necessity to enter into a civil condition. The mere collective use of a property may not validly constrain acquisition if a civil condition is established. The point of contention then is why Kant contends that there is no duty of state entrance for nomads and at the same time postulates that settlers do not have a right to acquire the land merely used by settlers. That is, land over which they do not have the sort of rights granted by acquisition under a civil condition.

Stilz on Flikschuh's reading attempts unsuccessfully to resolve this tension by arguing that "Kant's denial of settlers' rightful acquisition of nomadic regions indicates that he accords nomads provisional title to those regions" (*ibid.*). Pointing to the fact that "acts of acquisition must be acknowledged as rightful by all those against whom that title is raised." Flikschuh proposes that the acknowledgment "is possible only through entrance into the civil condition" (*ibid.*). The attempt by Stilz to tackle this issue is unpersuasive because, as Flikschuh rightly argued, her position is "ambivalent between an empirical and an analytic reading". Not only that, her "interpretative argument seems to [Flikschuh] to be driven by an independent concern to assign the conflicting claims of both parties equal weight" (Flikschuh 2017, 52) which is to say, "she is concerned to vindicate nomads' first-acquisition claims against the settlers without in so doing denying settlers' needs-based claims against nomads" (*ibid.*). Flikschuh finds especially wanting the fact that Stilz appeals to Kant's property argument to buttress her observation that, *prima facie*, the claim by settlers to the nomadic people's lands is illegitimate. The reason is that appeals to property rights in this context can only work if there is corollary postulation of the duty of state entrance. If "nomads do have a provisionally valid property title, they also have a duty of state entrance as a necessary condition of conclusive possession" (*ibid.*). In short, it is insufficient to claim that similarity of conventions about property among settlers and nomads constitutes the reason settlers are not at liberty to take possession of nomadic lands. Stilz fails to disentangle the seeming inconsistency entailed by Kant's treatment of nomads because she extends the concept of property rights to nomads, and, in so doing, she incorrectly attributes to them a duty of state entrance which Kant himself denies exists for nomads.

So, how then can the issue be adequately addressed? Flikschuh goes at length to argue that the encounter between nomads and

settlers constitutes in Kant's work an intrusion of framework-external phenomenon which forced him to reorient his thought. Kant can be said to have systematically worked out proposal about "a thoroughgoing system of moral-judicial law-giving that spans the earth's entire circumference, in analogy with thoroughgoing causal laws of nature" (Flikschuh 2017, 61). Notwithstanding, he was able to reorient his thought to accommodate the valid challenge posed by framework-external phenomenon. As such, it will be opposed to Kant's approach to "look for quick fixes out of the apparent conundrum which Kant's acknowledgement of nomads' non-duty creates for his initial argument regarding the moral necessity of state entrance" (*ibid.*). The attempt Kant made to resolve the challenge that arose from the intrusion of nomads into his systematic thoughts should not be seen as mere "normative afterthought that is resolvable in more or less ad hoc manner" (Flikschuh 2017, 62). The reason for this claim is that "nomads' non-duty puts universality claims regarding the morality of statehood into question" (*ibid.*).

How does Kant resolve the tension introduced in his thought by the encounter between settlers and nomadic peoples? Flikschuh's position is that Kant does not resolve the issue. As she observed, this does "not mean that, try as he might, he *fails* to resolve it" (Flikschuh 2017, 63). What Flikschuh means by asserting that Kant does not resolve the tension is "that he acknowledges the tension without trying to resolve it" (*ibid.*). Two reasons given for the view are: 1) "the generally open-ended nature of Kant's systematic theorizing" and 2) "the fact that Kant's position points towards a practical response [which is to say] we can find ways of engaging with others even where we discover that our principles (or duties) may not be theirs" (*ibid.*). Overall, this hints at the possibility of conceptual incompleteness in relation to Kant. In other words, the fact that Kant recognizes the challenge posed by intrusion into his system of a framework-external

phenomenon shows that he recognizes a possibility that the concepts upon which he relies may not hold universally and ascribed from a third-person perspective. Even if the challenge posed is not resolved, the important thing is to recognize the possible limits of universality claims. Kant's assertion of the duty of state entrance although is a valid claim does not presuppose in any way universal applicability to all through third-personally ascribed reasons. Given that my interest is not to propose a correct interpretation of the duty of state entrance in relation to Kant's treatment of nomads, I shall leave the arguments about the topic here to focus on the indirect problem I wish to consider. I shall below consider what it could mean to find that Kant's *Doctrine of Right* are interpreted in radically different ways by philosophers embedded in his tradition of philosophy, namely, Western philosophy.

### **Differences in Interpretation and the Idea of a Useable Past**

As we have seen, Flikschuh does not agree with attempts by liberal theorists to think it is self-evident that the state should be central to liberal political theorizing. Through consideration of Kant's attempt to deal with the conundrum posed by encounters between European settlers and nomadic people, Flikschuh inferred insights that are useful in reorienting liberal theorists' approach to global normative thinking. Regardless of the general validity of her arguments, the striking point for me is the very fact of divergence of interpretation of an important text in the Western tradition of philosophy by philosophers embedded in that tradition. Without merely saying that it is in the nature of philosophers and political theorists to disagree about almost everything, is there something deeper we can point to in this regard? In what follows, I shall argue that there is indeed something significant we ought to note, which might in some ways add to the overall cogency of Flikschuh's

project. I will explicate this point by drawing on discussions about what I will refer to as usable past. The general point is that the divergence of interpretation of this important text in Western philosophy establishes a linkage between Western philosophy and non-Western traditions of philosophy, such as African philosophy. I shall begin with clarification of what I mean by usable past and then move on to analysis of the sense in which the concern it raises manifests in both Western and African philosophy, thus linking the two traditions of philosophy in some ways. Let me turn then to the first issue, namely, explication of the idea of usable past.

Richard Rorty provides a lucid discussion of what I am here referring to as usable past in his book *Achieving Our Country*. This book which first was given as the William E. Massey Sr. Lectures in the History of American Civilization in 1997 at Harvard University, recently became a top-selling book due to a poignant perspective it was flimsily assumed to provide on the root cause of the rise of authoritarianism in America. The book is however more than a statement on the possibility of an authoritarian figure emerging in an otherwise established democracy. Its general importance has to do with the reflection it provides on the relevance of the past, especially the past he calls the Old Left, for political and social imagination. One of Rorty's observations, which conveys this thought succinctly is his postulation that "those who hope to persuade a nation to exert itself need to remind their country of what it can take pride in as well as what it should be ashamed of" (Rorty 1997, 3). Insisting that artists and intellectuals are bearers of the responsibility for this story-telling, Rorty points out that, as laborers in the vineyard of the mind, their task is to "create images of, and to tell stories about, the national past" (*ibid.*, 4). This is a suggestion that intellectuals and artists should create inspiring stories from the resources their nation's past offers. The idea of a usable past, in line with this thought, could be said to refer to efforts at interpreting a people's tradition or aspects of their



tradition in the interest of responding adequately to anxieties of the present.

The idea of usable past points to the specific sense in which the past matters for human societies. To see how this is the case, it will be useful to be able to say exactly what it is about the past that matters in the sense imagined in this idea of a usable past. What, in other words, is the object of cognition in the idea of usable past? Straightforwardly, it is the past as the sum of human experience in a given context that is the object of cognition. As Rorty noted, “stories about what a nation has been and should try to be are not attempts at accurate representation, but rather attempts to forge a moral identity” (Rorty 1997, 13). The proposition of the idea of usable past is that representation of the meaning of an ideal life worth striving after emerges through conscious but careful use of human experiences encoded in artefacts preserving them – all forms of public memory symbols, rituals, great works of literature and the likes. For the ‘use’ implied here to occur and guarantee realization of the aspirations of the idea of usable past, creativity of a rather special kind is required. Given that what is at stake pertains to the use of imagination, the special form of creativity required would be a conceptual form of creativity – which is to say, a particular approach to using ideas provided by past experiences to fashion new ways of imagining reality that can inspire people to become better version of themselves.

Concerns about what I am attempting to capture with the notion of usable past can be found in the works of many philosophers from diverse backgrounds or traditions. Kwame Anthony Appiah points to the nature of this concern in the African context in his observation that “the relation of African writers to the African past is a web of delicate ambiguities. If they have learned neither to despise it nor to try to ignore it ... they have still to learn how to assimilate and transcend it” (Appiah 1992, 76).

What is underscored here is that creative use of the past holds a special significance in African writers' attempts to imagine who they could become. Barry Hallen and Bogumil Jewsiewicki have both discussed the perennial relevance of concerns about usable past in African studies (Hallen 1997; Jewsiewicki 1989). Essential to their analysis is awareness that attempts at constructing a usable past is difficult in African context due to historical circumstances. Confronted with a denigrated past, the study of Africa has tended to manifest anxieties about the possibility of the task proposed by usable past. For, mention of the past, invokes humiliation. Thus, rather than seek to reimagine the self through refashioning of the past, it is assumed that transcending the past in the interest of re-inventing the self from the scratch is a more formidable goal.

My interest is not to consider the best approach to the past or even to construct a theory about how to 'use' the past in the sense implied by the notion of usable past. I am interested more in establishing how concerns about usable past links philosophical traditions and how recognition of this possibility might help illuminate Flikschuh's attempt at reorienting current global normative thinking. Recently, Jay L. Garfield and Bryan W. Van Norden were in the news within and beyond the philosophy community around the world for their essay on how Western philosophy departments are structured. Titled "If Philosophy Won't Diversify, Let's Call it What it Really Is" (Garfield & Van Norden 2016) and written with persuasive elegance, the essay was virally shared on various online platforms by both protagonists and antagonists of current canon of philosophy education. The main point at issue in the essay is to emphasize why it is problematic that philosophy departments reserve a rather exaggerated pride of place for Western philosophy in their curriculum.

Not wanting to repeat endless arguments whether the practice is justified, the authors simply focused on articulating the necessity

of doing the logical thing, which is to correctly name philosophy departments, namely, as departments of Western philosophy. Responses to the view expressed in the essay were varied and passionate, indicating that the authors had touched a nerve. They had their fingers on the right spot. Decolonization movements such as “*Why is my Curriculum White?*” in the UK and “*Rhodes Must Fall?*” in South Africa brought to light the nature of the anxieties invoked when current imagination of philosophy is questioned. Although analysis of these anxieties is not my goal, it is worth observing the deep involvement and commitment shown in these debates. It is ordinarily not the case that people show deep personal involvement or commitment when issues that do not matter to them personally are discussed. Thus, the question to ask is why it matters personally to many whether Western philosophy is privileged in the canon of philosophy education. The answer to this question is apt to reveal the link I seek to establish between Western and other traditions of philosophy.

It may be best to answer the question through the chink provided by Odera Oruka. In his analysis of Kwasi Wiredu’s idea of cultural universals, Oruka observed that attention must be paid to cultural fundamentals because they matter “in assessing the possibility of a success or failure in philosophical dialogue” (Odera Oruka 1990, 32). By cultural fundamental he means “a concept, a style of language, a method of work or a psychological expectation that helps to mark one culture from another” (*ibid.*). For Oruka, we all come into philosophical dialogue with our different perspectives. This in itself is not a problem. The challenge is to determine what will make dialogue in such circumstance possible. As he put it, “in philosophy, different perspectives can have dialogue only if each of the promoters of one perspective appreciates and respects the seriousness of the perspective of a different person or group. But then we shall need to have a referee to conduct and judge the dialogue” (*ibid.*, 36). He proposes that

history has played this role of a judge. The problem, however, is that “many have been reading history wrongly or biasedly ... to find a justification for their perspective and special position. That position can be of a conviction that one is a master or servant” (ibid.). What then should we do with this more or less compromised umpire? Oruka suggests that we ought to use history to create new history. For him, doing so would be the way to ensure emergence of a fair, unbiased umpire in the philosophical dialogue of mankind. In this comment, we find the reason I turn to Oruka to find an answer to the question posed earlier, namely, why it matters personally to many people the fate of current imagination of philosophy. The reason debates about current imagination of philosophy matters in a personal way to many is because it unsettles how people read history, the past. And so, with this observation, we return to the issue of usable past.

Concerns about usable past links Western philosophy to other traditions of philosophy because it is what drives progress in philosophical reflection. While the African philosopher, for instance, is absorbed in attempting to transform a denigrated past into a usable past, it can be said that the Western philosopher is engrossed in finding a way to transform the baggage of her predominantly written corpus into a usable past in light of current global realities. These realities can be summed up as realization that global normative theorizing must contend with issues that cannot be captured adequately or exhaustively through the lenses of Western ways of imagining reality. More is required. Having established how usable past links Western and other traditions of philosophy, let me now turn to discussion of why this is a more profound way to evaluate disagreements about how to interpret an important text, such as Kant's work on the duty of state entrance. This provides the background to consider further why Flikschuh is apt to propose a reorientation of global normative theorizing, especially in the context of liberal political theory.

I think it is more profound to evaluate disagreements about interpretation as reflection of efforts at constructing a usable past. The significance of the disagreements cannot be limited to simply claiming that it is in the nature of philosophers to disagree. It does not also capture the core of what is at stake to claim that the significance of disagreements about interpretation consists in the sheer joy of winning an argument or clarifying concepts or arguments. Surely, investment in painstaking analysis of a text should be propelled by something more than the joy of winning an argument. Besides, who is the judge? Certainly, clarifying concepts and arguments are by-products of contestations about interpretation. But, given the cogency of the assumption that people must at least share a basic intelligibility of a concept for there to be any reasonable disagreement about it, it is reasonable to suppose that we aim at more than merely stipulating the meaning of a concept in disagreements about interpretation of a text or theory. We want to know the meaning more consistent to the text or theory, but also, we want to consider in light of this more consistent meaning how we ought to orient ourselves in present circumstances. This means part of what we aim to do is to determine how we can fashion the text or theory into a usable past. That is, how to create a new story from the text to adequately capture reality in our current experience. What is the relationship between this discussion and Flikschuh's arguments about the necessity of reorientation in normative global theorizing?

The relationship between my suggestion that contestations about interpretation of a text should be seen as efforts to realizing a usable past and Flikschuh's conception of the need for reorientation of global normative theorizing is the necessity of taking seriously the dangers of uncritical conceptual universalization. Just like other projects of fashioning a usable past, Flikschuh's arguments aiming to reorient global normative theorizing amounts in the end to an attempt to adequately address

the problem of uncritical universalization of concepts. By showing the sense the challenge of conceptual loss arises for liberal theorizing, especially in relation to appeals to Kantian concepts, Flikschuh is pointing to the necessity of refashioning the past in the interest of dealing adequately with the damaging consequences of uncritically attributing or extending one's familiar concepts universally.

Her proposal, as I understand it, is unlike that of Wittgenstein who famously suggested “whereof one cannot speak, thereof one must be silent.” Flikschuh's argument instead is that we should be circumspect in speaking about phenomena our concepts can only adequately capture. Not only should we not do that, but we should be aware of the inadequacy of familiar concepts. By not speaking about phenomena our familiar concepts cannot adequately capture, we contribute positively to the task of stemming the scourge of cognitive damages that arise from uncritical universalization of familiar concepts. Rather than remain silent in the event we encounter phenomena which our familiar concepts can only inadequately capture, we ought to recognize this as an opportunity to utilize with appreciation learning opportunities offered by other traditions of philosophy. In light of this, I will show below why it is plausible to claim uncritical attribution of universality to one's familiar concepts can lead to conceptual damage, a situation that could create deficiencies in cognition and might never go away.

### **Conceptual Loss, Conceptual Damage and Global Normative Theorizing**

Kwasi Wiredu considers colonized mentality as the problem that arises when the conceptual categories of one tradition of thought is superimposed on another. Colonized mentality in his

view is the internalization of superimposed categories of thought. It is a condition of the mind that, although is reversible, entails the hard work of conceptual decolonization. Wiredu takes the task of conceptual decolonization to be the urgent task African philosophers must engage (Wiredu 2009, 10). The imperative to construct a usable past in interest of reorienting global normative thinking, rephrased here as conceptual repair, makes Wiredu's suggestion about the necessity of conceptual decolonization a task for every philosopher. The reason is that philosophers, given their interest in asking fundamental questions, are in a very good position to lead the struggle for a form of theory formation that is well considered. A cursory look at one or more cases of experiences of conceptual damage is apt to illuminate further the cogency of Flikschuh's diagnosis of conceptual loss in current liberal theorizing.

For global normative theorizing, it is important to take the project of conceptual repair seriously because it is the means to tackle problems arising from uncritical universalization of concepts. Current global normative theorizing happens in a post-imperialist world. In such a context, it is important to engage in conceptual repair as part of global normative theorizing because imperialism, especially in the form of direct colonization, was at core a conceptual project. In societies that experienced colonization, it is manifest today that colonial project was essentially an effort to remake colonized spaces in light of Western conceptual habits.

The experience in Africa demonstrates this point. Here, manifestation of colonization as a project of conceptual realignment is evident in three domains of social and political life. With regard to marriage, Africa was re-engineered to shift from polygamy to monogamy. For legal imagination, conceptual shift mainly occurred in terms of moving from governance by means of

custom to governance by rule of law. Finally, conceptual shift in the religious sphere entailed moving the imagination of Africans from emphasis on so-called polytheistic beliefs to steadfast embrace of ruthless monotheism. All these shifts culminated in entrenchment of a political organization firmly anchored on the concept of the state. The problem, however, is that conceptual shift of this sort creates intractable cognitive disorientation. With regard to political imagination, the issue is that the state that emerged from conceptual shifts instigated by colonization lacks a coherent normative basis (Okeja 2020). Against this background, I contend that the cogency of Flikschuh's diagnosis of conceptual loss in normative theorizing is recognition of a need to reorient concepts where they lack normative force. Reorientation here would involve conceptual repair in the sense of learning from anterior contexts what the self-awareness of their experiential uniqueness might mean for validity of a norm or principle.

Looking at the conceptual adjustments that occurred in Africa due to colonial project of uncritically extending, or as Wiredu puts it, superimposing Western concepts and ideals, it is necessary that global normative theorizing recognizes the damaging consequences involved in this experience. Wiredu considers the nature of the conceptual damage implicated in the experience by conceiving it as entrenchment of colonial mentality. Entrenchment of this form of mentality creates issues that defy almost all imaginative solutions or even comprehension. It is for this reason that political, social and economic problems in places where such mentality manifests become more or less intractable. The intractability of the problems in such a context arises because of cognitive disorientation. That is to say, confusion about the orientation in thinking that is appropriate to one's experiential self-awareness. One knows that one has an experience of reality but then one is unable to conceive norms and principles that can offer adequate orientation to reality in light of that experience. But,



without an orientation apposite to the situation, attempts at resolution of problems that arise for the mentally colonized within the framework of an externally conceived solution leads to even worse disaster. Relatedly, attempts to offer up bit and pieces of tradition also fail because the past cannot be captured. This situation is like living in limbo *vis à vis* practical agency.

This is the reason politics in Africa, for example, is not even a work in progress but a disastrous confusion. As Ifeanyi Menkiti rightly argued, normative instability breeds political disorder (Menkiti 1999). In the social sphere, Africa has yet to find the right path. The visions offered by various isms quickly turn to chimera precisely because they are hardly conceived in line with an orientation to thinking that is appropriate to the context. African personality, Negritude, Ujamaa, Harambee and other versions of African socialism for the same reason fizzled away even before the propagators left the stage. They were conceived for a situation in which conceptual damage through adjustment confined practical agency to a limbo. Recent efforts to recast old arguments through the idea of Afropolitanism has low chances to succeed because the concept does not rest on much that is accurate about an orientation to thinking that is adequate. All these examples aim to emphasize one thing, namely, that it is a collective challenge for all contributors to global normative theorizing, regardless of background, to be attentive to the conceptual damage caused by uncritical universalization concepts. This point should not be understood as an endorsement of relativism. Although I am not as bothered by issues of relativism as someone whose familiar concepts have been the assumed standard of rationality, I think it is enough that relativism has been shown to be untenable due to a simple internal argument. As it has been argued, if it is true then its claims are also relative. That self-defeating angle to relativism suffices to take it off the table forever. The major issue, however, is to ensure that one does not smuggle through the backdoor one's

familiar concepts as ideals in global normative theorizing in the interest of forefending relativism. I had claimed that Flikschuh's grounds for diagnosis of conceptual loss needs to be expanded to make clear the cogency of her project. The broadening of scope I offer here is to say that, thinking beyond Kant, there exist formidable ground to argue for circumspection on the part of liberal theorists who readily assume that familiar liberal concepts are adequate to capture global experiences. I have just shown above that this was neither true in the largest conceptual adjustment project in modern history nor is it the case in current attempts to deal with the project's legacies.

### **Conclusion**

The goal I have pursued so far relates to the diagnosis of conceptual loss Flikschuh makes in relation to Kant's conception of the duty of state entrance. I argued that Flikschuh is correct to assert that there is a sense in which it could be said that liberal political theorizing is facing a challenge of conceptual loss. Although I did not aim in the paper to determine the best way to resolve the seeming inconsistency of Kant's treatment of the duty of state entrance, I drew inspiration from the competing interpretation of Kant's take on this duty to ask what the divergence of interpretation of a vital text or theory in a tradition of philosophy could mean. I proposed that we can understand what is at stake by framing the contestation as attempts to construct a usable past in the tradition of philosophy. I argued that striving for a construction of a usable past manifests as a preoccupation in both Western and African philosophy, hence the link between both traditions of philosophy. I proposed that global normative theorizing is better served if attention is directed at recognizing the imperative of conceptual repair. Liberal normative

theorizing, I pointed out, needs to reorient itself to not assume the adequacy of its familiar concepts to capture global experiences.

One question to ask is whether this suggestion means that liberal political theorizing has nothing to contribute? This is not my point. My argument, stated elsewhere, is that “the West has become provincialized, hence, its grand narratives about universal philosophical theories, which are all too often parochial, have lost their magic. In global philosophy, it is offered another opportunity to reimagine itself as an equal partner in dialogue without any supercilious pretensions” (Okeja 2017, 9). This means what liberal theorizing can offer in global normative theorizing has to come from a standpoint that does not uncritically assume universality of its familiar concepts. It has to come from a background that takes seriously the importance and collective nature of the task of conceptual repair. That way, normative global theorizing will creatively tackle the problems it created for itself due to its lack of reflexivity about the problem of orientation in thinking at the same time it attempts to capture global experiences. This seems to be the shape of any acceptable global normative theory in my view.

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SYMPOSIUM  
PROBLEMS AND METHODS IN GLOBAL THINKING



WHAT IS ORIENTATION IN GLOBAL THINKING?  
A KANTIAN INQUIRY  
*RESPONSES TO CRITICS*

BY  
KATRIN FLIKSCHUH

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# What is Orientation in Global Thinking? A Kantian Inquiry *Responses to Critics*

Katrin Flikschuh

I want to begin by thanking both the editor, Corrado Fumagalli, and my critics for having made possible this Special Issue on *What is Orientation in Global Thinking? A Kantian Inquiry*. I am immensely grateful to each of them for their attentive reading and insightful comments and constructive criticisms. *WOT* (= Flikschuh 2017) is surely not an easy read – as Dorothea Gädeke notes, it is a highly personal book in which I attempt to work through my own confusions about the global justice debate but also – perhaps in a way *more* so – about the nature of philosophical thinking in our self-consciously global age. Because it is so personal, the book combines source materials – Kant, contemporary liberal thought, African philosophy – that would not normally be regarded as natural bed-fellows. This makes it challenging for any readers, i.e. most, who do not share this idiosyncratic combination of interests. All four of my critics have adopted the only sensible approach – that of coming at the book each from their particular philosophical perspectives and areas of expertise. This has enabled me to reflect on aspects of *WOT* in ways that had not occurred to me before, such as Uchenna Okeja’s notion of a “usable past” or Dorothea Gädeke’s query about the



book's relation to non-liberal, or better: non-Rawlsian, strands of contemporary Western political thinking. Other points of dialogue and critique are more familiar to me: Arthur Ripstein's reading of innate right and Abraham Olivier's phenomenological probing of the limits of Kantianism. I will never persuade Ripstein of the merits of my views of innate right; equally, Olivier will never persuade me of the superiority of the phenomenological method over transcendental idealism (though he is in fact coming dangerously close!). Yet each time we start the argument anew, aspects of our respective disagreements become more nuanced. In both cases – whether by raising considerations that had not even occurred to me before, or by revisiting old disagreements anew – it has been a genuinely pleasure for me to engage and to respond as best I can.

Because *WOT* is such a mixed bag, and because each respondent therefore had to come at it from their particular perspective, I decided not to look for any overarching themes and criticism but to respond instead to each critic individually, pointing to differences or overlaps where these emerge naturally. This has however raised the issue of “right order” of responses – there isn't really one. I had initially intended a completely random order, but my sense is that no sequence ever appears fully random to us, even when it is meant to be. I then thought about paring the more Kantian responses on the one hand and the less Kantian responses on the other hand – but that, too, seemed to send the wrong signal. In the end I decided to begin with my response to Dorothea Gädeke, since her contribution is perhaps most overtly concerned with the overall shape and structure of the book. There follows Abraham Olivier's phenomenological take on my Kantian approach to conceptual loss – Olivier's contribution, too, makes a primarily methodological point. Arthur Ripstein's discussion of some of the more substantive aspects of my use of Kant sits naturally enough with Olivier's methodological focus on Kant.

Finally, it seemed to me fitting to conclude with Uchenna Okeja's notion of a construction a "usable past" as among the most important intended take-home lessons, certainly for me, of *WOT*.

## I

### Dorothea Gädeke, "Whose (Global) Thinking?"

Dorothea Gädeke offers a careful immanent reconstruction of the broad movement of thought through the book of which she rightly points out that it seeks to synthesize diverse bodies of literature in the service of an over-arching goal that is not immediately obvious. I am especially grateful to Gädeke for giving me the benefit of the doubt at several junctures at which her intuitive response would be to be more critical. Gädeke seeks to understand what might be going on in the book methodologically and substantively – hers is a sympathetic, highly attentive reading that nonetheless leaves her with several worries. The two most prominent worries relate to my ambivalent use of the plural personal pronoun 'we' on the one hand and my equally ambivalent use of the term 'global' on the other hand. Reading her commentary, it is my impression that while Gädeke resolves the second ambivalence to her satisfaction, the first leaves her feeling that the book ultimately fails on its own terms at least to some extent. Thus, while Gädeke identifies a deeper connection that ties together the disparate senses of 'global' which she identifies, she also concludes that my self-confessed allegiance to Anglo-American liberal thinking ultimately prevents the book from engaging with relevant alternative perspectives – and yet this is precisely what it needed to do in its search for theoretical re-orientation.

In my response to Gädeke's commentary, I shall spend more time on the unresolved issue between us – i.e., the restricted scope

of my appeal to the first-personal plural: I speak of ‘us’ liberal theorists when I really should have extended the scope of the ‘we’ to cover a greater plurality of theoretical perspectives. There is some justice to Gädeke’s complaint, though there is also a certain irony to it. The irony is that I do not *naturally* self-identify as an “Anglo-American liberal theorist.” This is not to deny that I do in the book seek to address mainstream liberal theorists from within what I take to be, by and large, their perspective. It is true, therefore, that when I speak of ‘us’ global theorists I largely have in mind contemporary Anglo-American liberalism (although many might well complain that even then I cast the net too narrowly, focusing mainly on a version of Rawlsian liberalism to the exclusion of libertarian and consequentialist perspectives). My reason for this narrow focus was partly strategic – I wanted to avoid alienating from the get-go the very audience which I was hoping to address. I wanted to address this particular audience because the global justice debate as we know it originated from worries among John Rawls’ admirers over his theory’s own strictly domestic focus. The worry which Gädeke’s critique raises for me is not so much that I may have aligned myself with a position – Rawlsian liberalism – that is merely one (albeit dominant) theoretical perspective among many; my worry is that, since I do not in fact naturally identify with this theoretical position, I may have failed to address it in the way in which I hoped to do, i.e., from within. But it is also possible that we are splitting hairs here – that the distinction between “Anglo-American liberalism” and “critical theory,” say, or even “deconstructivism” is by and large a distinction within a philosophical tradition – call it Western – that shares rather more by way of underlying background assumptions than the family quarrels among them may lead one to believe.

I shall come back to the issue of ‘we’ below. Before doing so, I want to say something about my uses of the word ‘global’. Gädeke suggests that in my use of the term I could be taken to be referring

i.) to theorists who think about problems that are global in scope, such as problems of distributive justice, for example. Alternatively, ‘global’ could refer ii.) to ‘a debate between scholars from across the globe’ – here, the adjective would affix to theorists rather than to the object of their inquiry. Finally, ‘global’ could refer iii.) to “the philosophical aspiration for general or universal validity.” (Gädeke, 2019, 23) Now, I happen to think that the most natural way in which to interpret ‘global’ in the context of the global justice debate is the first sense identified by Gädeke. The second sense – scholars across the globe – strikes me as rather strained. There is a sense in which I might be thought to be referring to all scholars globally who work on global justice but that seems to be precluded by my restricted focus on Anglo-American liberalism. The third sense – ‘global’ as a synonym for “universally valid” seems to me erroneous: if global principles were equivalent to universally valid principles, this might seem to render things like current WTO rules, which apply globally, universally valid.

I nonetheless think there is something to Gädeke’s subsequent claim that my ambivalent usage of the term ‘global’, leads to further uncertainty over the target of my critique: is the problem of global justice an epistemic-cum-conceptual problem or is it a moral one? On the one hand, I speak of conceptual loss in relation to liberal global thinking, i.e., I diagnose a presumed epistemic state of affairs – namely, a lack of fit between dominant liberal concepts and actual global realities. On the other hand, I also make a moral demand when I argue, as Gädeke puts it, that “liberals *should* acknowledge the limitations of their own framework for the sake of being able to reflexively orient themselves and acting morally in their practice of thinking” (Gädeke 2019, 32). For Gädeke, these two concerns initially “pull in different directions” (*ibid.*): the epistemic problem can be stated independently of the moral one, and *vice versa*. More specifically, liberal theorists’ lack of interest in others’ points of view would be morally problematic even if liberal

theory did not confront conceptual loss. This is obviously correct. On the other hand, I am not so sure that the reverse holds – i.e., that one can talk of conceptual loss independently of its moral implications. My sense is that loss of concepts is a moral problem just as much as it is an epistemic one, at least if one takes the view that meaning guides practice and believes practice, in turn, to be essentially norm governed. I therefore see less of a distance between the epistemic and moral aspects of my diagnosis. Gädeke herself resolves the issue slightly differently when she says that:

One might understand Flikschuh’s claim that liberal theorists may suffer from conceptual loss as an appeal to a far more fundamental anxiety, namely the foreboding of a possible decline of the liberal order, both political and philosophical (Gädeke 2019, 34).

She continues:

Even though liberalism has been the dominant philosophical and practical paradigm rather than a marginalized culture, the foreshadowing of its decline may confront liberals with the end of the world as they know it in a way similar to the Crow’s loss of the world. And it may occasion a similar “heightened state of anxiety” that urges fundamentally rethinking liberal theory and practice even if this anxiety is not (yet) consciously experienced or even acknowledged. (*ibid.*, 35).

I have nothing to disagree with here – it seems to me that the chief difference between us lies, first, in the fact that I draw a less strict division between epistemic and moral dimensions of conceptual loss than Gädeke does and second, that I take moral disorientation to be an immediate consequence of loss of

conceptual orientation irrespective of whether or not the way of life under threat is also a politically dominant one.

Gädeke perceives greater distance between my position and her interpretive suggestion. According to her, conceptual loss and ensuing liberal anxiety might be taken to reflect awareness of ‘shifting global power’ – liberal theory may be anxious about its declining power. This anxiety would be political or strategic more than moral in nature. Gädeke believes that I “shy away from such a stronger claim” in part because of my allegiance to ‘Anglo-American liberalism.’ My allegiance in this respect prevents me from engaging with “theorists – in the Western world and beyond – who have indeed posed the methodological question of how to think globally in a world marked by global power asymmetries perpetuating colonial realities from within non-liberal philosophical frameworks” (Gädeke 2019, 35). In the end, my analysis “remains tied, in a peculiar sense, to an inward-facing critical engagement with liberalism and a liberal audience” (*ibid.*, 36).

This takes us back to the problem of the restricted ‘we’. I confess that I am somewhat puzzled by that aspect of Gädeke’s critique that charges me with neglect of alternative perspectives to the dominant liberal one. Chapters 4 and 5 of *WOT* deal with Enlightenment history and related colonial legacies; chapters 6 and 7 consider in some detail African theoretical alternatives to two dominant themes in liberal global justice debates – human rights and the idea of statehood in general. Given this, it seems strange to say that the book deals neither with colonial legacies nor with different theoretical perspectives, including those that challenge liberal politics and morality in certain respects. Gädeke leaves these aspects of the book largely unmentioned; nor does she specify which particular theoretical positions I should in her view have engaged with. Given that I do in fact engage with some non-

Western perspectives, my guess is that she must primarily have in mind non-Anglo-American Western theories – including, perhaps, Critical Theory, (Post-)Structuralism and Deconstructivism.

It is true that I do not thematize power relations in a manner in which a critical theorist or a deconstructivist might do – my focus may be said to be on the ‘power of ideas’ over ‘power politics’. A first response to Gädeke’s worry may be that the attempt to engaging Kant, Rawlsian liberalism, and African philosophical perspectives with one other is already a rather tall order; including yet more diverse theoretical perspectives within the covers of a single book would have yielded ever greater diminishing returns. However, this response hardly answers to the principle behind Gädeke’s complaint, which has something to do with the exclusion of non-mainstream theoretical perspectives. Why not deconstructivism, say? I think there are three reasons for my omission of some of the theoretical approaches which I believe Gädeke to have in mind; two of these reasons are of a more personal nature, while the third is more critical. First, while I said at the outset that I do not feel naturally at home in Anglo-American liberalism, I do feel closer to it than I do to Critical Theory or Deconstructivism. In part, this is simply a function of my education – as much as her proclivity towards the mentioned alternative approaches may be a function of Gädeke’s education. There is a discernible link, moreover, between Kant and contemporary Anglo-American liberalism. The latter does not approach Kant’s philosophy in ways I myself favour, nonetheless, much of Anglo-American liberalism is self-avowedly Kantian. This makes it a more natural interlocutor for me. Of course, Critical Theory and Deconstructivism, too, are inspired by Kant – but in both cases, the engagement is more adversarial. This says nothing in itself about the relative merits of Anglo-American liberalism, Critical Theory, or Deconstructivism – it simply means that, as a

Kantian, I am more likely to be drawn to approaches that see merit in Kant.

The second reason, which is also personal, relates to my engagement with modern African philosophy. Again, one might well complain that the particular African philosophers which I focus on are themselves testimony to my Anglo-American biases: Segun Gbadegesin, Kwame Gyekye, Ifeanyi Menkiti, and especially Kwasi Wiredu are all ‘products,’ to a lesser or greater degree, of Anglo-American university education. All adopt a broadly analytic method of philosophical reasoning and all are well versed in the history of Western philosophy. So perhaps I am drawn to positions that affirm my own biases. But this is not the whole of it. I remember a passage in one of Wiredu’s books in which, commenting on the history of Western philosophy, he says something like the following: “it takes considerable self-discipline for an African philosopher to find anything of value in the thought of a Hume or a Kant.” The suggestion is that such self-discipline is nonetheless necessary, and this for a variety of reasons: to understand the tradition, to seek to find value in it beyond its undoubted racism, to engage in productive critique. Most of all, perhaps, Wiredu’s concern was to try to establish some kind of philosophical dialogue with the Western tradition. I find Wiredu’s position admirable – and it is one shared by many contemporary African philosophers, who have left the door open to an engagement with the Western tradition despite the enormous amount of intellectual, moral and political harm which it has visited upon the continent.

This takes me to my third and final reason, which is less personal and more critical – though I shall qualify that criticism. Russell Berman concludes his excellent *Enlightenment or Empire. Colonial Discourse in German Culture* (Berman 1998) with some reflections on what he calls “the Myth of Anti-Colonialism.” By



the latter, he means those intellectual traditions which, though they themselves grew out of the Western canon, conscientiously set themselves apart from that canon in order to critique it. Berman's immediate remarks focus on prominent critics of the Enlightenment, including Jacques Derrida and Michel Foucault, who made cause with anti-colonial and anti-Apartheid struggles as part of their broader critique of Western 'logo-centrism'. As Berman points out, there is a danger of confusing means and ends:

If the strict identification of Enlightenment with colonialism suggests a corollary equation of anticolonialism and the critique of the Enlightenment – to attack colonialism it appears imperative to attack the Enlightenment and Enlightenment intellectuals -- then when does the critique of colonialism begin to become a vehicle for, perhaps even only a pretext for, attacks on [Enlightenment] intellectuals? (Berman 1998, 205-206).

I am not suggesting that the theorists who, as Gädeke says, "have posed the methodological question of how to think globally in a world marked by global power asymmetries perpetuating colonial realities" (Gädeke, 35) are using colonial critique as a vehicle for more broadside attacks on, say, Anglo-American liberalism. But there is a danger about theories positioning themselves as spokespersons for the oppressed when their real target is the philosophically and politically dominant tradition against which they are reacting. That danger consists in these theories' insufficiently self-critical stance towards their own background motivations and a related tendency to proclaim themselves as above suspicion, as it were, merely on the grounds of critiquing the dominant philosophical tradition. As I said, I do wish to qualify this critical point regarding deconstructivist and other alternative approaches. It is true that, when all is said and

done these alternative approaches do at least acknowledge there to be a problem – even though they also often tend to exempt themselves in questionable ways from the diagnosed problem. As Gädeke says, the focus of these alternative approaches largely lies in querying particular power relations in contemporary world politics. By contrast, my own emphasis has been more on the power of ideas. Nonetheless, critical theorists, de-constructivists, post-colonial thinkers do acknowledge the problematic nature of Western political and philosophical dominance. Contemporary Anglo-American political thinking, by contrast, appears largely to have shielded itself from confronting its own legacies in this regard. Ultimately, I think, much of the book was driven by my asking myself why contemporary liberal thought appears on the whole to be so oblivious of its own problematic relation to the global political realities it diagnoses. I adopted the first-personal plural address in relation to Anglo-American (analytic) political philosophy precisely because I wanted to trial a self-critique of the kind I found to be so curiously lacking in this tradition.

## II

### Abraham Olivier, “Lost in Orientation”

Abraham Olivier critically engages with my ‘flexible’ or ‘contextualist’ Kantianism, that is, with my contention, initially sketched at the end of chapter 1 and then further developed in Chapter 5, that we can usefully deploy Kant’s epistemological division of labour between a priori concepts (categories) and sensible intuition to argue the rational intelligibility of culturally divergent conceptual frameworks. In contrast to Arthur Ripstein, who believes that no such contextualism is necessary, Olivier’s concern is that I do not go far enough. My basic argument in *WOT* is as follows: while Kant insists on the a priori status of the

categories of the understanding as functions of epistemic judgement in general, his endorsement of sensible intuition as a second “root of knowledge” leaves room for contingent variability in the synthesis of form (categories) and matter (sensible intuitions) into particular judgements about empirical objects. While the categories as functions of epistemic judgement – quantity, quality, relation – are invariant, the content of particular judgements about objects is context dependent. Contextually diverse sensible intuitions account for diversity at the level of empirical concept formation, while invariability at the level of formal functions of judgement secures rational intelligibility across culturally diverse conceptual frameworks. As Olivier notes, the aim is to show that conceptual and normative diversity across cultures need not be seen as undermining Kantian universality claims so long as the latter are restricted to the forms of human understanding and, by extension, the form of practical reasoning; what matters is not that we do in fact share the same conceptual framework and substantive moral principles but that we can acknowledge others’ divergence from ours as rationally intelligible. As I note in my response to Ripstein, below, this is a guiding idea of my interpretation of the nomadic passages in the *Doctrine of Right*.

As both Ripstein and Olivier note, my contextual Kantianism is partly indebted to David Velleman’s *Foundations for Moral Relativism* (Velleman 2011). Velleman there develops what he calls an indexical, or agent-relative, account of practical reasoning. A candidate reason for action has to be a reason *for* the person whose action the reason purports to guide. Velleman’s indexical account superficially resembles Bernard Williams’ distinction between internal and external reasons. For Williams, external reasons have the structure of impersonal commandments from on high – they are addressed to all and sundry and hence to no one in particular. Williams takes the categorical imperative to have such an impersonal command structure. Yet external reasons cannot

motivate agents – only internal reasons can do so, since only they are internally connected to a particular agent’s particular motivational set. While Velleman’s indexical reasons might be thought to resemble Williams’ internal reasons, Velleman in fact takes his cue from Kant’s first-personal standpoint – a feature of Kantian philosophical reasoning which William overlooks. Velleman’s claim is not that reasons must link up with an agent’s “motivational set,” i.e. with their particular desires, plans, and projects, but that reasons of action must be *intelligible*, as reasons, to the agent herself. The indexicality of practical reasons should not be confused, therefore, with Williams’ scepticism about practical reason. Yet while Velleman’s indexicality requirement is recognizably Kantian – it takes the first-personal standpoint and asks ‘what ought *I* do?’ – his account takes a Humean turn when it comes to the communicability of reasons across culturally different contexts. For Velleman, given the indexicality requirement, reasons for action can differ from person to person: reason for action that is valid for you need not therefore also be valid for me. Reasons for action are most likely to differ across culturally different contexts. A chief cause of intra-cultural convergence is the pull of sociality: we want to render ourselves intelligible to each other, and we do so by coming to share reasons for action (and reasons for belief). There is considerably greater divergence in reasons for action across different cultures. But here, too, the pull of sociality – less direct and therefore less intensive – does lead people from different cultural backgrounds to engage with one another and to seek to render themselves intelligible to each other. Crucially, this needn’t result in a *convergence* of reasons; in rendering ourselves intelligible to each other cross-culturally we can come to appreciate that even if, given our different respective background contexts, x-ing cannot be a reason for action for me, it may well be a reason for action for you.

I have spent some time outlining Velleman's position because it seems to me that aspects of Olivier's response to my Kantian contextualism are not unlike Velleman's naturalised Kantianism. According to my Kantian contextualism, recall, there are a priori constraints on what can count as reasons – epistemic or practical: these are the categories of the understanding on the one hand and the categorical imperative/universal principle of Right on the other hand. For Velleman, by contrast, no strong a priori commitments attach to his attribution to humans of the pull towards sociality and mutual intelligibility. Velleman substitutes a certain kind of naturalism about human sociability for Kantian a priori commitments. Part of Olivier's response to my Kantian contextualism seems to me to go in a similar direction: Olivier appeals to our capacity for language and communication as a naturalized form of Kantian reason-giving. At times, however, Olivier seems to me to be pursuing a more ambitious strategy. While a naturalized account of reason-giving dissolves the distinction between a priori formal categories and a posteriori substantive reasons, Olivier seems at times to wish to hold on to the distinction even whilst rendering a priori categories revisable. If so, one ends up with three alternative accounts of reason-giving. First, on the Kantian contextualist picture which I favour, we have non-revisable a priori categories (or, equivalently for practical reason, the categorical imperative), which define the structure of human reason and which, as such, uniformly guide persons' different because context-specific substantive judgements. Here intelligibility is assured through the shared formal structure of reason. Second, we have Velleman's indexical account, according to which different substantive reasons hold for different people in different cultural and social contexts but the pull of sociality will encourage people to try to render themselves intelligible to each other. Third, there is what I take to be Olivier's position, in which we retain the distinction between a priori categories and

substantive or ordinary reasons, but treat both as revisable. I want to spent the remainder of my response discussing this third possibility. I find it intriguing but I am not altogether sure what to make of it. In particular, I am not sure that it is possible to retain the distinction between revisable pure categories and revisable empirical concepts – i.e., I am not sure whether Olivier’s position does not collapse back into a Kantian naturalism.

The background of Olivier’s critique of my position is Paulin Hountondji’s critique of Alexis Kagame’s “attempt to translate Aristotle’s metaphysical categories into his own language, Kinyarwanda” (Oliver 2019, 51). While Aristotle unwittingly mistook Greek concepts for universal ones, Kagame wittingly repeats Aristotle’s mistake, when he underwrites Aristotle’s particularist metaphysics as a universal one. One might say that I stand to Kant as Kagame stands to Aristotle: while Kant unwittingly turned Aristotle’s (particularistic) metaphysical concepts into a priori categories of the understanding, I myself wittingly underwrite Kant’s mistake in this regard. One response to Olivier’s challenge may be to say that if one is interested in developing a *Kantian* form of contextualism, there is only so far one can go. So, for example, one might say that one cannot give up on (some version of) the noumenal/phenomenal distinction whilst still wishing to subscribe to a plausible form of ‘Kantianism’. But of course, the reply to this may simply be, so much the worse for Kantian contextualism. Unless, of course, Olivier’s alternative proposal fails. Recall that Olivier wishes to hold on to some kind of distinction between a priori and empirical concepts whilst regarding both as revisable. As noted, Velleman gives up on that distinction – he offers a naturalized version of Kantian practical reasoning. My impression is that Kwasi Wiredu, whom Olivier discusses at length, pursues a similar kind of naturalized Kantianism – indeed, the linguistic turn which replaced Kant’s transcendental deduction with the structure of linguistic

competence was pioneered by Karl-Otto Apel and taken up by Jürgen Habermas with the express purpose of naturalizing Kant. Yet there is a difference between naturalizing Kant's a priori categories, thereby in effect dissolving their distinctive status *vis-à-vis* ordinary concepts, and retaining the a priori / a posteriori distinction whilst seeking to render a priori categories amenable to critical revision. Following on from his discussion of Wiredu on language competence, Olivier says,

the only universal [Wiredu and Hountondji] seem to take to come with a priori necessity, is our shared rational capacity to form universals. Viewed in Kantian terms, this capacity concerns the formation not only of empirical concepts but also of pure concepts that we take to be a priori categories. Accordingly, the a priori categories are subject to the capacity for concept formation. This allows one to conclude that although the categories of understanding are the condition of forming empirical concepts, they are themselves conditioned by the search for shared universals within and across empirical concepts. (Olivier 2019, 56).

I take Olivier to be saying that Wiredu (and Hountondji) work with a metaphysically less demanding baseline than either Aristotle or, following him, Kant: they merely predicate of persons the rational capacity to form (revisable) universals. So far, it seems to me, strict a priori has simply been relocated from Kant's categories to the rational capacity to form revisable universals. I want to make two points here. First, the non-revisable rational capacity in question seems to have the status of a black box: we are not told what this capacity consists in. If we were to unpack the notion we would, I suspect, end up with a set of specifications that constitute non-revisable criteria for 'rationality.' But this looks

suspiciously like a version of the Kantian categories – the latter too, according to Kant, simply spell out conditions of rational understanding. Second, and relatedly, revisable universals seem to me not to be universals in the strict sense of possessing unconditional validity. Revisable universals have the flavour more of generally valid concepts; this makes revisable universals hard to distinguish from ordinary concepts. In short, it seems to me that if we have a non-revisable rational capacity for the formation of revisable universals, we have not really advanced beyond the Kantian distinction between a priori and empirical concepts. If, on the other hand, we have advanced beyond the Kantian distinction, we cannot hang on to a notion of universal in the sense of unconditional (a priori) validity. Olivier disagrees. He denies that to maintain that the categories are revisable is to deny their a priori status:

My focus is exactly on the capacity to know, rather than on the empirical knower. My emphasis is on the very Kantian premise that all judgements and concepts are based on the capacity of the understanding to judge by forming concepts. This capacity is not about an empirical, personal knower – it is rather about the impersonal activity of the understanding that all humans share. (Olivier 2019, 57).

Olivier thus wishes to hold fast to the a priori/a posteriori distinction despite insisting of the revisability of the categories. In fact, the latter must be revisable: “(i)f the capacity for judgement is itself the source of the categories, then it must also be capable of producing them. Then the act of judgement must go along with a self-consciousness of its capacity to produce the categories as rules of valid judgement” (*ibid.*, 58). Olivier thus depicts the categories as originating in the capacity to judge (or, equivalently, to reason).



Moreover, he goes on to speak of “the spontaneous capacity of the understanding to revise all concepts, and eventually to produce others according to its cognitive needs” (*ibid.*).

I do not think that, for Kant, the capacity for understanding is the *source* of the categories: rather, the categories *specify* what the capacity for understanding/judgement consists in. There is no antecedently given capacity for understanding that produces the categories – instead human understanding takes the form of employing the categories, in conjunction with sensible intuition, as functions of judgements about objects. In positing a capacity for understanding that is itself separate from and antecedent to the categories Olivier seems to me in effect to posit a mind that exists independently of its functions of judgement. But that does not seem to me to be a very Kantian premise. Kant’s strategy is to ask which cognitive capacities we must predicate of ourselves given our experience of objects outside of us. This is in effect to offer a reflexive account of the necessary structure of the human mind consistent with our empirical experience of objects. The Kantian claim is not that we are the source of our capacity for judgement, such that we could re-structure our minds’ functions more or less at will. This is what Olivier’s proposal seems to me to amount to, but that proposal seems to me to credit humans with rather more power over themselves than Kant is willing to concede.

None of the above is to deny that Kant may have been mistaken about the particular categories which he identifies as a priori necessary. Recall Olivier’s initial starting point: Hountondji’s critique of Kagame’s uncritical absorption of Aristotelian metaphysics. Insofar as Kant derives the categories from Aristotelian forms of judgement, he too may be said to have absorbed Aristotle uncritically: Kant may be correct in vindicating a priori categories and yet be mistaken about which these are. This is different from Olivier’s suggested revisability of the categories

as categories – we are simply saying that Kant may have mis-identified the relevant non-revisable categories. Has he? This is obviously too large an issue to go into here; suffice it to note that the issue of the completeness or otherwise of Kant’s table of the categories has come up repeatedly among Kant scholars. I shall at this point simply conclude with a reminder of the categories which Kant identifies as functions of judgements about objects: quantity, quality, relation. The claim is that all human knowers make judgements about there being objects; all human knowers predicate qualities of these objects; all human knowers relate objects to each other in various ways. This does not strike me as too contentious a set of claims to make about what human knowers non-revisably share as knowers, i.e. the capacity to judge.

### III

#### Arthur Ripstein, “Leaving the State of Nature”

Arthur Ripstein’s response focuses on my interpretation of innate right in Kant’s *Doctrine of Right* on the one hand and on my claim of a restricted Kantian duty of state entrance on the other hand. In chapter 3 of *WOT* I argue in favour of what I call a non-foundationalist and non-individualist account of innate right that treats the latter as a necessary *formal* presupposition of reciprocally raised property claims. More specifically, I argue that Kant’s innate right affirms others’ acknowledgement of a person’s reciprocally equal legal status as a necessary presupposition of the attribution to a person of substantive rights. The basic idea is simple: it is not possible for one to have substantive rights unless others accord one the moral status of a possible rightsholder. To be accorded such status is to be treated by others as someone who is accountable for all and only all his own actions, who is therefore capable of acting in her own right, and who cannot be held

accountable for actions which she did not commit – in short, it is to be accorded the status of a legally competent agent. In *WOT I* claim that, thus interpreted, the innate right is not itself capable of empirical instantiation: as a status right, it is noumenal in kind. Given its noumenal quality, the innate right is not a substantive right, and not being a substantive right, it is not itself empirically instantiable. Insofar as the innate right is nonetheless a morally necessary presupposition of all substantive rights, it is instantiated indirectly through the substantive rights it makes morally possible: each time we are accorded substantive rights – the right to property, for example – our moral status as legally accountable agents is thereby affirmed. This means, further, that the moral quality of the substantive rights does not consist in the material entitlements or benefits they confer but in the underlying relation of legal equality between persons presupposed by substantive rights.

To say that the innate right amounts to ‘nothing more’ than the reciprocal acknowledgement of rights claimants’ equal legal status may look like a meagre result. Besides, the proposed interpretation may seem to tell us nothing about rights we did not know already: we knew already that all rightsholders have equal legal status under the law! Ripstein suggests that, on my reading, the innate right,

simply provides the framework within which people are reciprocally entitled to make claims against each other within a system of positive law. As a framework right, it structures the justification of particular claims without giving rise to any; instead, the matter of those claims must come from elsewhere (Ripstein 2019, 69).

Ripstein believes that I accord the innate right little if any moral importance – I simply treat it as a “framework right”, or a structuring device, for positive law. I do not myself speak of the innate right as a framework right – I believe the term reflects a central misunderstanding of my position. I view the innate right as a morally necessary presupposition of substantive rights: far from thinking it morally inconsequential because merely formal, my claim is that it is precisely the formal character of innate right – reciprocally acknowledged equality in legal status – that lends the innate right its moral quality. Evidently, from a Kantian perspective, the morality of rights cannot be based on material considerations but must be of a noumenal character, which is to say, that it must be formal. If Ripstein overlooks the critical insight which my analysis is meant to track, this may be because he fails to assign sufficient weight to the first-personal standpoint of recursive justification. Recursive justification is necessarily first-personal in that it regresses from a first personal experiential premise to its necessary presupposition: “I have experience of objects outside of me,” say, or “I raise a property claims against another.” Just as insight into the categories of the understanding as a necessary presupposition of the possibility of experience of objects is meant to be a critical – i.e., corrective – insight into the nature of human knowledge, so insight into the innate right as an a priori presupposition of substantive rights claims is meant to be a critical – i.e., corrective – insight into the morality of rights: what is morally important about rights is not the substantive entitlements which they accord but the strictly reciprocal moral relation which publicly enforceable rights makes possible. Rights enable us to comport ourselves towards each other in a particular kind of way – that’s what’s moral about them. Ripstein is mistaken to suggest that I take Kant to be doing no more than “analysing what is implicit in actual legal thought and practice” (Ripstein 2019, 71). The issue is not to render explicit what we already believe. The

issue is rather to demonstrate what is necessarily presupposed by that which we already believe.

One constraint of my first-personal reading of innate right is that unless persons do in fact raise substantive rights claims against each other, they will not have recursive insight into the necessary presupposition of these claims. This constraint is a direct consequence of recursive justification. Just as I can have insight into the categories of the understanding only by regressing from *my* experience of objects to its possibility conditions, so I can have insight into innate right only by regressing from *my* substantive rights claim against others to its necessary possibility conditions. Unless, therefore, I raise rights claims against others – and they against me – there is no recursive insight into innate right as necessary presupposition of those claims. I contrast recursive justification with third-personal foundationalist justification. Foundationalism starts from the affirmation of some highest order first principles or attributes which is accords to all persons – the principle of purposiveness, say, or the claim to physical integrity. It then deduces or infers lower-order principles from these and considers all persons bound by given the initial attribution to them of relevant first principles.

Ripstein finds my resort of recursive justification worrying because it suggests the absence of a mind-independent rights criterion. Ripstein wants to say that all persons have an innate right, grounded in their capacity for purposiveness and / or their bodily integrity. We claim this right against each other – it is in this sense that Ripstein regards the innate right as relational. However, the grounds of innate right are, for him, independent of the relation they make possible. The advantage of this approach is that it allows Ripstein to attribute this right to all persons equally; the disadvantage is that it begs the question as to the posited grounds: why purposiveness, why bodily integrity? Nonetheless, given his

preferred strategy of rights justification,<sup>1</sup> Ripstein believes that my failure to acknowledge the mind-independent validity of innate right affects my subsequent reading of Kant's position on nomads' duty of state entrance. On my account, would-be European colonizers cannot both hold nomads to be under a duty of state entrance and fail to acknowledge nomads' property claims over their lands. According to Kant's earlier property argument in the *Doctrine of Right*, the claim to rightful acquisition generates the duty of state entrance as the only condition under which such claims can become rightful. It follows that one who fails to raise a property claim against others is under no duty to enter into the civil condition with them. If Europeans settlers take nomads to be under a coercible duty of state entrance, they must suppose them to be raising property claims to the lands over which they roam. In that case, Europeans must acknowledge that these lands are not merely up for grabs. If, on the other hand, the Europeans fail to acknowledge nomads' property claims to those lands, they cannot regard them as under a coercible duty of state entrance, since it is only the act of acquisition that generates this duty. Again, the structure of the argument is first-personally recursive: it starts from what European would-be colonizers propose to do to the nomads – compel them into the civil condition – and regresses from there to the necessary presuppositions of that proposal. Kant calls the position of the European settlers 'Jesuitic,' indicating that he deems their reasoning to be duplicitous: the Europeans are fully

<sup>1</sup> In his response, Ripstein himself characterizes his approach as a second-personal approach, along the lines of Darwall 2006. Ripstein says that rights are second-personal in the sense of being claims against specified others – what you owe me and what I owe you. This refers to the content of rights, however, not to their justification. At the level of justification, Ripstein seems to me to proceed third-personally – i.e. he attributes to all persons an innate right to freedom (grounded in purposiveness and bodily integrity) and he then asks what follows from this with regard to other rights, such as property rights.

aware that their wish to ‘civilize’ the nomads (i.e., compel them into the civil condition) is motivated by a desire for nomadic lands.

All that said, for my argument in chapter 2 of *WOT*, the real puzzle lies in the fact Kant seems to think of the nomads as neither owning the land over which they roam nor as being in a civil condition. This in itself is not puzzling: the nomads are in a condition of “wild and lawless freedom.” One might assume that, since Kant regards the condition of wild and lawless freedom as contrary to rights, anyone can permissibly compel the nomads to give up their wild and lawless ways. Indeed, this would seem to follow from a third-personal strategy of justification, where it matters little what the nomads themselves think or do. From a first-personal strategy of justification, by contrast, what the nomads themselves think or do matters a great deal, since they can be bound only by duties whose validity for them they can acknowledge. If the nomads fail to raise property claims against each other, they simply have no reason for state entrance. The Europeans, by contrast, *are* bound by the requirements of right, if only because they invoke the language of rights, thereby revealing themselves to be cognizant of rights. Since they are cognizant of rights, they are under a moral obligation to act in accordance with the language of rights which they invoke in order to deprive the nomads of the lands. Clearly, the *Europeans* in fact do believe the nomads to own the land: they must believe this, given that they are busy looking for justifications for depriving them of those lands. The nomads, by contrast, may well have a non-proprietary relation to the land over which they roam.

Here, then, is the puzzle: Kant demands that the settlers interact on contractual terms with the nomads whilst admonishing them not to take advantage of the nomads’ ignorance of contracts. In *WOT* I argue that Kant takes Europeans to be bound by the morality of rights irrespective of whether the nomads are so

bound: for all the settlers know, the nomads are operating with very different principles. Ripstein believes that this puzzling result could have been avoided if I had treated the innate right of each not as a recursively justified formal presupposition of substantive rights claims but had interpreted it more in the spirit of an independent basic right that we must accord to all persons with whom we come into contact, including nomads (or pastoral peoples as Ripstein prefers to call them). More generally, Ripstein thinks it implausible that there may be any people at all who do not regulate their social context, including structures of political authority, on the basis of some kind of property regime. Ripstein avers that, “in the *Doctrine of Right* Kant refers to societies that he describes as ‘compatible with rights (e.g. conjugal, paternal, domestic societies in general as well as many others’ (Kant 1797, 306). But those societies could only be compatible with rights if there were at least some claims between their members” (Ripstein 2019, 75) A little later Ripstein goes on to say that,

Kant’s examples of pastoral peoples requiring large amounts of land to sustain themselves are not examples of dissociated individuals in a state of nature, who do not encounter each other and so make no proprietary claims against each other. They are instead peoples. “People” is a defined term for Kant, “a multitude of human beings” (Kant 1797, 311). Understanding such peoples and nations as already in a rightful condition also identifies the distinctive wrong of colonial conquest. It is not merely forcing people into a form of social ordering in which they do not feel at home; it is, further, depriving them of something like their sovereignty (Ripstein 79-80).

I read the relevant Kant passages differently: to say that conjugal and paternal relations are *compatible* with rights is not to



say that they are rights-based relations; indeed, it is precisely to suggest that they are *not* rights-based relations. More generally, Kant thinks of the pre-civil condition as a social condition – unlike the individualist Hobbesian state of nature, Kant explicitly says that the state of nature should be contrasted, not with the social condition but with the civil condition. It follows that not every social condition is a civil condition. There may be many social conditions that are adventitiously compatible with rights (*rechtmässig*). However, this does not in itself makes them rights-based (*rechtliche*) conditions. For Kant, then, not every form of social organization constitutes a civil condition. Indeed, it would be odd to say of nomadic peoples that they are in a civil condition – a settled, property-based, territorially delimited form of political association. To say this is surely to overlook the distinctiveness of the nomadic way of life as one that is precisely not settled.

While Ripstein believes that the apparent puzzle I diagnose in respect of the asymmetric rights relation between European settlers and nomadic peoples would dissolve if I were simply to attribute innate right and indeed property regimes to all social formations, my opposite worry is that doing so may repeat the mistake typically made by colonizers. Colonial history is replete with examples of colonizers reading their own value schemes back into the cultures they encountered and justified colonizing on those grounds. The attribution to or imposition on peoples of property regimes which they did not possess – in North America, Africa, and Australia – remains one of the chief sources of colonially inherited grievances. That imposition drastically altered established social and authority relations as well as undermining many peoples' non-proprietary relationships to their lands. It seems to me that progress in inter-cultural moral and political relations is unlikely to lie in our assuring ourselves that others' beliefs, values and forms of organization are just variants of our own. We need instead to learn to accept the rational intelligibility

of radically different forms of social and political organization. This is the chief reason for why I interpret Kant's nomadic passages in the way I did. I would not go so far as to say that Kant himself knew how to respond to the nomads – to the contrary, my sense is that he only knew how to respond to would-be European settlers. But on that score, he seems to me to have been fairly clear: do not appeal to the language of rights when proposing to act in ways of which you know, given that you do appeal to the language of rights, that it would be wrong so to act. This is not an insight that could be had in the absence of recursive justification.

#### IV

#### **Uchenna Okeja. Constructing a Usable Past**

In his insightful contribution, Uchenna Okeja introduces two notions with reference to which to extend what he correctly regards, like Gädeke, as my relatively limited attempt to diagnose conceptual loss in contemporary liberalism. Okeja speaks of constructing a 'usable past' on the one hand and of the need for 'conceptual repair' on the other hand. The first notion he borrows from Richard Rorty's treatment of national identity formation in *Achieving Our Country*; the second emerges in the course of Okeja's discussion of African philosophers' efforts at mental decolonization. A deep moral-cum-philosophical concern animates Okeja's contribution. The notion of a "usable past," especially when dissociated from Rorty's more up-beat narrative of the US experience, alludes to some of the lasting effects of the experience of cultural trauma so hauntingly analyzed by Jonathan Lear in *Radical Hope* (Lear 2006). While Lear, too, ends on an optimistic note – he treats Chief Plenty Coup's burial of his coup stick as an act of resolution towards a possible Crow future – Okeja confronts the enormity of cultural devastation that continues to

face African peoples and philosophers now that the former colonizers have physically withdrawn from the continent. Okeja notes that colonialism was essentially a project of “conceptual realignment.” By this, he means the re-ordering of African social and political realities in accordance with European colonizers’ conceptions of how things *should* be done: polygamy became ‘unnatural’ and monogamy the only proper type of household arrangement; rule by custom was ‘backward’ and had to be replaced with rule by law; polytheistic beliefs reflected mental ‘primitivism’ and needed to be turned into monotheistic commitments. And so on, relentlessly and ruthlessly.

Okeja follows Ifeanyi Menkiti and Kwasi Wiredu in diagnosing the ensuing conceptual dislocation as among the root causes of continuing political instability in Africa: if one cannot act in accordance with one’s beliefs – if, that is, one is compelled to act in accordance with others’ beliefs – one cannot act at all. To be deprived of one’s agency through cultural denigration and political and legal disempowerment is corrosive of one’s sense of self-worth. Hence the continuing emphasis among African philosophers on mental decolonization – on the task, that is, of freeing Africans from the feelings of shame and humiliation which they often associate even now with their rich cultural and intellectual heritage.

Okeja deploys the notion of a ‘usable past’ in the course of forging a connection between what he takes to be the broader point of my reading of Kant’s nomadic encounter and the task of mental decolonization. As I note in response to Ripstein’s contribution, chapter 2 of *WOT* argues that, when confronted with nomadic peoples who (for all Kant knows) fail to raise private property claims, Kant acknowledges that, by his own argument, nomads therefore have no duty of state entrance. The resulting incongruity stems from Kant’s insistence earlier in the *Doctrine of*

*Right* on state entrance as an a priori, hence universal and unconditionally valid duty. On my reading, the nomadic passage brings it home to Kant that this duty can hold unconditionally only for those who do in fact raise property claims against each other – and not everyone does. As noted, my interpretation diverges from more mainstream readings in the literature according to which nomads either have a coercible duty of state entrance or must be presumed, as Ripstein himself suggests, already to be in some form of civil union with some form of property regime. For Ripstein, recall, the circuitous argument which I pursue in relation to Kant’s nomadic encounter would not have been necessary had I accorded a substantive innate right to all persons, including nomads as well as adopting a sufficiently general notion of property rights regimes that would have allowed me to class nomadic societies under it. Okeja is more sympathetic to my circuitous reading. As he notes, in summarizing it, it is of some importance to my interpretation that ‘Kant does not resolve the issue’. By this, I did not mean that ‘try as he might he fails to resolve it’; Okeja rightly says that “what Flikschuh means is that [Kant] acknowledges the tension without trying to resolve it” (Okeja 2019, 93). This is of importance in that it is suggestive of Kant’s ability to acknowledge the limits of his own thinking when confronted by cultures and cultural practices whose unfamiliarity to him he precisely does not resolve by simply translating them into his own conceptual frame.

Okeja himself spends some time setting out the interpretive differences between myself and that of Anna Stilz, whose view on Kant’s nomadic encounter is broadly in line with Ripstein’s suggestion that we should think of the nomads as laying some sort of property claims to the lands over which they roam – from which their duty of state entrance then follows. For Okeja, “the striking point is the very fact of a divergence of interpretation of an important text in the Western tradition of philosophy by philosophers embedded in that tradition.” (*ibid.*, 94) Okeja goes on

to say that the reason for this divergence cannot simply be the fact that philosophers tend to disagree with one another. Of course, one might respond by saying that interpretive disagreement reflects either obscurities and resulting ambivalences on Kant's part or defects of a similar kind among interpreters of his writings. But I think we can take all that as given – Okeja's point stands even if we take those more humdrum reasons into account. For Okeja, interpretive disagreements are indicative of the endeavour to forge a "usable past."

What does it mean to forge or create a "usable past"? The basic thought concerns, I think, one's reliance on one's (cultural and philosophical) past when reflecting on a possible future. Key to the past's being rendered 'usable' is thus a concern for the future. This thought is elegantly expressed in Kwame Gyekye's appeal to the Akan Sankofa symbol, which Okeja does not mention but which fits with his own comments on constructing a 'usable past'. The Sankofa symbol depicts a large bird which, standing in forward (future-oriented) position, turns its long neck and beak back (to the past) to pick up a fallen seed that would otherwise be left behind. Sankofa thus expresses the importance of taking the past forward into the future. Without a past to guide one, there is no possible future. The relevance to the African post-colonial context is evident, but the point holds more generally: anyone who is not convinced should consider for a moment the UK's reluctance to shed its monarchical traditions; the US' almost mythical devotion to its founding fathers, or France's ardent attachment to the ideals of the revolution. But how, more precisely, does Okeja conceive the connection between the African philosophical search for a "usable past" and my reading of Kant's nomadic encounter? Okeja says that:

while the African philosopher is absorbed in attempting to transform a denigrated past into a usable future, it can be said that the Western philosopher is engrossed in finding a way to transform the baggage of her predominantly written corpus into a usable past in light of current global realities. (Okeja 2019, 99).

I think this is exactly right – what is more, I hadn't realized that this is what I was attempting to do when I interpreted Kant's nomadic encounter in the way I did in chapter 3 of *WOT*. In a sense, it mattered less to me that Kant's own thinking actually was as I interpreted it and more that his writings could plausibly be interpreted in that way. Even if Kant did not himself regard the nomads as under no duty of state entrance – even if he did think of their use of the lands as amounting to a property relation of sorts – the text is sufficiently complex to allow for a different line of inquiry. And it was of course important to me to use what I diagnosed as Kant's own dilemma – the sense of being pulled up short by the nomadic encounter – as one that might be sufficiently like ours ('us liberals') for us to be guided by what I took to be Kant's response (letting the tension stand).

There are two associated thoughts which I have in response to Okeja's notion of a "usable past". The first is that creating a usable past can end up being either a more or a less illustrious business. Everyone knows that Leopold von Ranke, the 'inaugurator' of history as a methodical discipline, proclaimed to focus on the question of "*wie es eigentlich gewesen ist*" (how it actually was). The demand is that one be guided by the facts, not by fancy. But everyone also knows how thin the dividing line is between facts and fancy: one person's facts turn out to be another's fancy. Western philosophers, for instance, once believed it to be a fact that negroes were of inferior intelligence. Today we like to think that we believe these purported facts to have been those

philosophers' fancy. Yet what we take to be the facts today may similarly turn out to be fancies further down the line. Is a usable past built on facts or on fancies, and can we even tell the difference?

I suspect that much of what Rorty advertises about his country's having achieved itself might be fancy more than fact; I suspect that, in general, the construction of a usable past is a somewhat hazardous enterprise: one's concern to find a guide for the future may lead one to end up revealing in the glories of a more or less imaginary past. This is not to disavow the importance of Okeja's point, only to ensure that it is taken in the right spirit. In creating a "usable past" it may matter less that we appeal to facts rather than fancy and more that we do not mistake fancy for facts. The Western notion of history, including its philosophical history, strikes me as severely compromised in this regard: much of its purported facts remain fancies at least in part. In short, the danger of creating a "fanciful past" in the effort to create a usable one is ever-present and worth keeping critically in the forefront of one's mind.

My second comment relates to textual interpretation; it basically parallels my first comment. I agree with Okeja that we can and should employ the resources of written and oral traditions with a view to their possible guidance both in the presence and for the future. That said, I do not believe that we can 'rewrite' these texts in just any way we please – nor do I believe that Okeja would endorse the latter. On the one hand, it seems to me fanciful ever to claim to be in a position to say exactly what the author of a given text intended – it is difficult enough to ascertain what he or she may plausibly be said to have argued. I nonetheless do think that the interpreter should attempt systematically plausible readings of a given text. Again, the precise criteria for systematic plausibility are difficult to fix: as noted in my response to Olivier's

contribution, for example, I myself believe that no reading of Kant is systematically plausible that does not accept his commitment to transcendental idealism as a necessary interpretive constraint. I concede, however, that not all Kant interpreters share this view and I think there is room for reasonable disagreement. Nonetheless, there must be a difference between legitimate attempts at creating a “usable past” out of a canonical text and a mere ransacking of such texts with a view to underwriting one’s current prejudices.

I want also to respond to Okeja’s second major notion – that of conceptual repair. Again, this strikes me as an instructive extension of my own exploration of conceptual loss and disorientation. As with creating a usable past, so conceptual repair seems to me prominent, if often implicitly so, in much current African philosophy. I take Okeja to have in mind a wider application, however. To the extent to which Okeja thinks the creation of a usable past a joint endeavour, albeit worked at from different ends, the demands of conceptual repair must apply to philosophical thinking in general. Okeja says that while African philosophers attempt to transform a denigrated past into a usable past, Western philosophers should transform aspects of their philosophical tradition into a usable tradition. These endeavours intersect: the denigration of the African cultural and intellectual past is part of the baggage of the Western tradition. Although this is increasingly recognized in some domains of Western philosophical thinking, the overwhelming tendency still is to chalk this up to marginal mistakes of the past. The fact that much conceptual baggage is often being carried forward is overlooked even as individual past thinkers in the canon are held to account for their racist or colonial views. As Okeja says, “in looking at the conceptual adjustments that occurred in Africa due to the colonial project of uncritically extending, or as Wiredu puts it, superimposing Western concepts and ideals, it is necessary that



global normative theorizing recognizes the damaging consequences involved in this experience” (Okeja 2019, 103).

There is then a systematic connection between the endeavour to create a usable past on the one hand and the need for conceptual repair on the other hand; the two go hand in hand. In modern African philosophy, the initial debate to some extent continues as to what about the past is ‘real’ or ‘genuine’ and what about the past is itself colonial construction. Similarly, there is debate as to whether drawing on a pre-colonial past – to the extent to which this is even possible – is in fact useful for a post-colonial future. These are intractable questions but they are not futile; they are a necessary element of creating usable pasts. Equally, engagement with Western philosophy strikes me as critical given the place and image of the African continent in the Western philosophical imagination. But that engagement cannot be one-way – at some point Western thinkers will have to begin seriously to engage with the problem of philosophical exclusion in their tradition, and addressing that problem will have to involve giving serious philosophical consideration to concepts, beliefs, and values outside the purview of the Western tradition. There can be no conceptual retrieval, revision, and repair in modern African thought if there is none in Western philosophical thinking. African and Western philosophy are too intimately interlinked for the one to ignore the other: Western philosophical exclusion necessitated the invention of African philosophy; taking the latter seriously is indispensable to any genuine attempt to rectify such exclusion.

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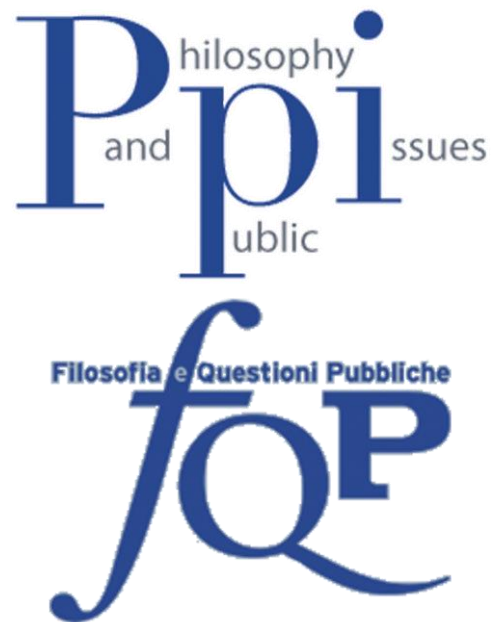
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PROBLEMS AND METHODS IN GLOBAL THINKING



IS THERE A UNIVERSAL GRAMMAR OF JUSTICE?

BY

JULIAN CULP

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# Is There a Universal Grammar of Justice?\*

Julian Culp

## Introduction

**E**ver changing social, economic and cultural relationships continuously modify the social struggles that need to be fought and critically analyzed. A case in point are recent processes of globalization. These processes consist of the intensification of economic, social and cultural exchanges across national borders and have been facilitated by international political integration, liberalizing economic policies and advances in information and transportation technology from the mid-20<sup>th</sup> century onwards. As a consequence, contemporary political and social struggles tend to involve persons and groups from different countries more frequently and to a greater extent (cf. Held 2010). Consider, for example, the alter-

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globalization movements that became particularly visible in the protests in Seattle (1999), Montreal (2001), Heiligendamm (2007) and Hamburg (2017). Over the past twenty years these movements have been assembling annually in different locations throughout the Global South at the World Social Forum. They have been calling for alternative arrangements of the global economy and world politics as well as explored possibilities of a just world order.

In light of such transnational social movements the question arises relative to which rules the political and economic conflicts that these movements address should be resolved, e.g. the conflict between the International Monetary Fund and public service workers in highly indebted countries. After all, since these movements and conflicts involve persons and groups from many different parts of the world, it is insufficient to point to those rules that are apt for resolving social and political conflicts in Western societies. Or at least it cannot simply be taken for granted that the rules that have been used for addressing conflicts in Western societies can be used for evaluating conflicts across national borders that include persons and groups from Western and, say, African or Asian contexts. Consequently, in order to critically analyze transnational relationships that cut across Western, African, Asian and other contexts, it is important to explore the rules of a *universal moral grammar*. The rules of this grammar must determine – without being subject a nationalist or Western bias – the appropriate uses of normative terms like domination, justice or oppression.

In this paper I maintain that the so-called global justice debate in contemporary political philosophy and normative political theory has contributed to answering the question of how to conceive such a universal grammar. After all, one central question of this debate is how, if at all, we should conceive certain universal rules of justice for solving social and political conflicts that

transcend the borders of nation-states as well as of Western societies. In Section I, I reconstruct the key developments of this debate so as to illustrate the way in which this debate can be understood as an attempt to articulate a universal grammar of justice. In particular, I contrast the so-called cosmopolitan liberal and the social liberal conceptions of global justice, which have mainly disagreed as to whether an interpersonal, egalitarian conception of distributive justice should be recognized as globally valid or not. In Section II, I argue that one central limitation of this framing of the global justice debate has been its focus on the distributive question “*Who should receive what?*”, since it has led to the neglect of the political and more fundamental question “*Who decides who should receive what?*”. I therefore unfold Rainer Forst’s (2001, 2012, 2014) discourse-theoretic conception of global justice, which takes the latter, political question about justice as its starting point, and illustrate how his conception can be understood as a conceptualization of a universal grammar of justice.

Then I turn to two critiques of viewing the global justice debate as an apt source for articulating a universal moral grammar. One critique, which I address in Section III, claims that the debate is Western-centric. I recognize that a significant part of the philosophical global justice debate has been Western-centric and that there are very strong reasons for finding this problematic. I highlight, however, that influential philosophers like Amartya Sen have already engaged with Indian conceptions of political morality. In addition, I point out that the discourse theorists like Forst and Nancy Fraser (2009), who have actively participated in the global justice debate, have always been urging to democratize the debate about global justice by including many more voices in the formulation of a conception of global justice.

The other critique, which I analyze in Section IV, maintains that the global justice debate suffers from liberal parochialism. In

response to this critique I challenge, in particular, Katrin Flikschuh's (2014, 2017) claim that the global justice debate has extrapolated liberal principles of justice from the domestic to the global realm without considering whether the domestic and the global contexts differ in normatively relevant ways. I defend that this claim amounts to a misunderstanding of the global justice debate, because the key question of this debate has been precisely whether or not it is appropriate to extend liberal principles of justice from the domestic to the global context. Thus, the participants of the global justice debate have neither unanimously endorsed the extension of a domestic liberal conception of distributive justice to the world at large nor have they simply assumed that such an extension was justified.

## I

### **Cosmopolitan and Social Liberalism as Universal Grammar of Justice**

In the beginning of the academic debate on global justice Charles Beitz (1975, 1999a [1979], 2008 [1983]) and Thomas Pogge (1989, 1994) have argued that due to the fundamental transformations of economic and political life since the end of World War II, which have led to much greater global economic integration and increased levels of global governance, John Rawls' liberal-egalitarian conception of distributive justice should be extended to the world at large.<sup>1</sup> Thus, Beitz (1999a [1979], 128) and Pogge (1989, ch. 6) have argued that global distributive justice

<sup>1</sup> Cf. Rawls (2001, 42-3) for the definitive formulation of the principles that define the liberal-egalitarian content of the conception of "justice as fairness." These principles are the equal liberties principle, the fair equality of opportunity principle and the difference principle.



required arranging the global institutional order in such a way that the members of the socioeconomically worst-off group, irrespective of their citizenship, would be as well off in terms of income and wealth as they possibly could. By employing what Simon Caney (2001b, 117-8; 2005, 270-1) has dubbed “analogy arguments,” they have maintained that a reflection as to why one supports Rawls’s liberal egalitarian principles of distributive justice domestically draws one towards accepting the global validity of such principles. By arguing in this manner, Beitz and Pogge have effectively stated that the entire world should be regarded as proper “context” of justice in which conflicts of distributive justice arise.<sup>2</sup> Because of their globalization of the “content” of Rawls’ *liberal* theory of justice, Beitz and Pogge, as well as, later on, Darrel Moellendorf (2002) and Kok-Chor Tan (2004) were labeled “liberal cosmopolitans” (Beitz 1999b; 2000, 667; cf. also Brown 1992, Thompson 1992, Chwaszcza 1996, Caney 2001a, Buchanan 2006) or simply “globalists” (Risse 2012).<sup>3</sup>

<sup>2</sup> Following Forst (2001, 161), “contexts of justice” are social relations constituted by certain populations that can be assessed from the point of view of distributive justice. For example, a state and its citizens may be viewed as a context and a population of distributive justice. Further examples of possible contexts of distributive justice include sports teams, universities, religious associations, and economic corporations. The populations of which these contexts consist contain different kinds of actors, including individuals in their capacity both as members of these populations as well as collective agents, such as families, governments, or boards of directors.

<sup>3</sup> The “content of justice” refers to the requirements of justice expressed by a certain metric (resources, primary goods, capabilities, opportunities, etc.) and certain principles (egalitarian, prioritarian, sufficiencyarian, etc.) (cf. Anderson 2010). For example, the content of an egalitarian theory of distributive justice may call for an equal distribution of resources such as income or wealth. By contrast, the content of a prioritarian theory of distributive justice may hold that,

However, there was a considerable variety in terms of how these liberal cosmopolitans or globalists understood the universal grammar of justice. This variety arose, in particular, from differing understandings of the “grounds of justice,” that is, alternative views as to *when and why* a particular content of justice should be regarded as valid within a certain context (cf. Julius 2006, 176; Sangiovanni 2007, 8; Risse 2012, 2; and DeBres 2012, 316). Beitz (1975), for example, has argued initially that Rawls’s principles of social justice would have to apply globally because of a *global scheme of social cooperation* from which everyone benefits. After all, since the point of a conception of justice is to identify, as Rawls (1971, 4) has put it, “the appropriate distribution of the benefits and burdens of social cooperation,” the existence of a global scheme of social cooperation would render Rawls’s principles of distributive justice globally valid.

Later on, however, Beitz (1999a, 131) dropped this claim, because he maintained that questions of global distributive justice would arise even in the absence of truly cooperative arrangements that benefit all who are participating in them. Exclusively recognizing (global) schemes of cooperation as contexts to which Rawls’s two principles of justice apply, he maintained, would mean to say that social contexts that were not truly cooperative, that is, not mutually beneficial, could not be deemed unjust, even if these contexts were dominating, exploitative or oppressive. Even slavery could not be said to be unjust. The problem with viewing cooperation as ground of justice, hence, is that this view conflates the conditions of ideal justice, which it conceives as cooperative,

from the point of view of distributive justice, the level of resources or opportunities available to the least-advantaged group matters most (cf. Parfit (1997) on the distinction between prioritarian and egalitarian principles of justice).

with the conditions under which questions of (in-)justice arise in the first place.<sup>4</sup> Beitz as well as Pogge (1989, 241) and Moellendorf (2002, 30–2) have therefore argued that due to a *global scheme of interdependence* with pervasive impact, rather than due to a global scheme of cooperation, liberal principles of justice should be extended to the world as a whole. Because human beings pervasively impact on one another globally through a variety of economic, political and cultural exchanges, liberal principles must be extended globally.

But this *global interdependence* line of reasoning did not continue convincing the liberal cosmopolitans. Beitz (2008 [1983], 111) has eventually claimed that global interdependence mattered not as an existence condition, but rather as a feasibility condition for the globalized version of Rawls's conception of justice as fairness (cf. also Richards 1982; Jones 1999, 61–2). By that he meant to say that although a scheme of interdependence with pervasive impact matters indeed for realizing a conception of global justice, questions about global (in-)justice would nevertheless also exist in the absence of such a scheme. For Beitz (2008 [1983], 111) and also Moellendorf (2002, 24) the fact alone that human beings have the two moral powers to follow moral demands and to formulate, revise and follow a certain conception of the good constitutes the ground of liberal cosmopolitan justice.<sup>5</sup>

In response to the liberal cosmopolitan articulation of a universal grammar of justice, Michael Blake (2001) and Thomas Nagel (2005) have claimed, however, that none of the liberal cosmopolitans would get this grammar right. Instead, they have argued that Rawls' liberal principles of domestic justice would only be “triggered” within schemes of state coercion. They have

<sup>4</sup> Cf. Buchanan (1990) and Nussbaum (2006) for an extensive critique of the view of justice as fair cooperation or mutual advantage.

<sup>5</sup> Cf. Rawls (2001, 18–19) for this understanding of the two moral powers.

therefore been labeled “statists” (Risse 2012) or “social liberals” (Beitz 2000, 667). Nagel (2005, 122) refers to his conception as “political view” that claims that there is something special about demands of justice that distinguishes them from other demands of morality. This is a compelling view, given that the phenomenology of morally problematic situations strongly suggests a categorical difference between, on the one hand, situations in which persons require *assistance* and need to rely on others’ humanitarian response and, on the other hand, those situations where persons are victims of an injustice that others have inflicted upon them and ask for *rectification*. There is a difference, then, between what is owed simply as a matter of humanity and what is owed as a matter of justice.<sup>6</sup> This difference between humanity and justice speaks in favor of “multilayered” (Nagel 2005, 132, 133, 141) or “pluralistic” (*ibid.*, 122) moral theories that draw a distinction between humanity (or obligatory assistance) on the one hand and justice on the other. Yet the liberal cosmopolitan conceptions of global distributive justice, according to Nagel (*ibid.*, 117-22), view all normative demands as originating from one single moral source, and thereby fail to properly differentiate between demands of justice proper and (other) demands of morality.<sup>7</sup>

Different from Nagel, Blake does not distinguish between humanity and justice, but instead argues for a dualism regarding the requirements of justice. Blake’s (2001, 266, 288, 295) “dualist” view is based on the general duty of equal respect for autonomy, which entails different requirements depending on the social relations in which people find themselves. This general duty

<sup>6</sup> On this distinction, cf. also Beitz 1999a [1979], 128; Forst 2014, ch. 1.

<sup>7</sup> Cf. also Rawls (1971, 54-60, 108-14) for a similar distinction that Caney (2005, 112; 2007, 278) and Pogge (2002, 169-17; 2010, 15) refer to as “institutional” as opposed to merely “interactional moral diagnostics.”

implies firstly that all people globally, as a matter of justice, owe each other the conditions for the exercise of autonomy independently of the practices that they share (cf. *ibid.*, 266-71).<sup>8</sup> Secondly, Blake's general duty entails, like Nagel's ("monistic") view about justice, that all people who are as co-citizens subject to state coercion must arrange the domestic economic institutions according to the difference principle (*ibid.*, 271, 294-5).

In order to support their position, Nagel and Blake point out that the state's coercion is a particular form of coercion, which is carried out in the name of the citizens (Nagel 2005, 114, 128) and which can potentially affect any aspect of private property (Blake 2005, 282). Due to these special features, the statist argue that this form of coercion can only be deemed just if the state's basic structure fulfills Rawls's domestic principles of justice. So the statist's arguments are meant to show that liberal principles of justice do not have global but merely national validity. Nevertheless, neither Blake (2001, 266, 288, 294) nor Nagel (2005, sect. IV) deny the existence of a universal grammar of justice. Both claim, in effect, that Rawls's liberal principles of domestic justice are valid in all countries in which the state coerces its citizens in their names and determines private property. This statist understanding of the contexts, content and ground of justice is universal, although it rejects the global extension of Rawls's domestic liberal principles of justice to the relations between all persons and differs from the liberal cosmopolitans' understandings of the grounds of justice.

Thus far this illustration of the liberal cosmopolitan and social liberal theories of global justice has provided us with a conceptualization of a universal grammar of justice, which distinguishes between the contexts, contents and grounds of

<sup>8</sup> For Nagel, by contrast, this requirement would count as a demand of humanity.

justice in order to demarcate distinct understandings of the relevant populations (contexts), metric and principles (contents) as well as empirical and normative considerations (grounds) for the validity of certain contents of justice within particular contexts. The liberal cosmopolitans agree that the relationships among all individuals globally constitute a context of justice as well as that distributive justice demands a form of interpersonal socioeconomic equality. But they endorse different grounds of justice. As we have seen, Beitz initially focused on cooperation or interdependence as ground of justice, but then eventually adopted humanity as the definitive ground of liberal cosmopolitanism.<sup>9</sup>

The social liberals hold that egalitarian principles of distributive are valid only within the state, but disagree whether outside the state any further principles of justice apply. Whereas Nagel denies that any further principles of distributive justice apply outside the state, Blake maintains that non-egalitarian demands of distributive justice are globally valid. Thus, Nagel recognizes only one ground of justice, i.e. state coercion, which corresponds to a certain understanding of the context and the content of justice, i.e. the state and interpersonal distributive equality, respectively. Blake, by contrast, holds that in addition to the state the world at large is also a distinct context of justice which, due to the importance of personal autonomy as ground of justice, gives rise to non-egalitarian demands of distributive justice worldwide. In these ways the global justice debate between the liberal cosmopolitans and the

<sup>9</sup> Pogge (2002, 2010) has further developed his view in later writings, in which he emphasizes that those who impose a coercive and non-voluntary institutional order upon others are responsible for ensuring the realization of human rights of those who live under such an institutional order. Likewise, Moellendorf (2009) has elaborated on his view in a way that allows for a plurality of requirements of justice in various spheres of inter- and transnational interaction. Yet he still maintains that a Rawlsian, egalitarian principle of equality of opportunity should regulate the global economy.

social liberals has contributed to articulating a universal grammar of justice by determining a set of relevant concepts for speaking the language of justice across national borders. These concepts are the grounds, contexts, and contents of justice. The articulation of their substantive understandings enables a clear and precise formulation of a universal grammar.

## II

### **Justifiable Rule as Universal Grammar of Justice**

One of the central limitations of the global justice debate between the cosmopolitan liberals and the social liberals, however, has been its narrow focus on the exclusively national or global validity of an egalitarian understanding of distributive justice. As Samuel Scheffler (2014, 23) has recently observed, this focus “has exerted a limiting and distorting influence on the discussion of the topic to date.” In fact, due to this focus the debate has been subject to what Iris Young (1990) has dubbed the “distributive paradigm” of thinking about justice. This way of thinking about justice neglects not only issues of just production but also moral concerns regarding the political structures in which debates about just distribution (and production) are carried out. Young (1990, 37) has therefore suggested that it is necessary to displace “the distributive paradigm in favor of a wider, process-oriented understanding of society, which focuses on [...] decision-making structures.” Likewise, Forst (2014, ch. 1) has defended the philosophical relevance of refraining from a purely distributive “picture” of justice and has highlighted the centrality of a political “picture” that concentrates on questions of political decision-making – not only domestically but also across and beyond national borders. By further unfolding Forst’s discourse theory of global justice, we can discover yet another conceptualization of a universal grammar of

justice, one which circumvents the limitations of the distributive paradigm<sup>10</sup>.

Calling for a “political turn” (Forst 2007a, 300) in the theorizing of justice, Forst (2007b, 260) insists that justice primarily centers on “*how you are treated*” as a political subject and not so much on “*what you have*”. His rationale behind this prioritizing of an appropriate political treatment over distributional outcomes is that human beings are not simply “needy” or “greedy” beings that are mainly interested in receiving and enjoying certain goods. Instead, they are reasoning beings that call for and deserve proper justifications for the ways in which others relate to them (cf. Forst 2012, ch. 1). Indeed, Forst conceives the provision of mutual justifications for the ways in which individuals affect one another as a matter of fundamental moral respect. He relies on a deontological understanding of such respect, according to which human beings must treat each other in ways that they can rationally and reasonably perceive as justifiable. This justification-based understanding of equal moral respect is in line with Rawls’s (1971, 586) statement that “respect for persons is shown by treating them in ways that they can see to be justified.” It is crucial to recognize, however, that what persons “can see to be justified” must be understood according to a *moralized notion of justification*, which is to say that a justification that someone gives to someone else for his or her behavior does not express respect simply in virtue of the fact that the addressee of the justification actually accepts, or might actually accept, the justification. Instead, the justification-based understanding of moral respect means that persons express respect to each other by providing each other with justifications that, as Thomas Scanlon (1982, 110; 1998, 4-5) puts it, “cannot be reasonably rejected.”

<sup>10</sup> The next three paragraphs draw on Culp (2014, 79-83, 122-8), where I analyze and further develop Forst’s discourse-theoretic conception.



This moralized notion of justification can be further specified by the criteria of generality and reciprocity (cf. Forst 2002, 68-9, 133-4; 2012, 80-1). Generality means that, for a justification to count as an expression of moral respect, it must not be justifiable only to some persons in light of their particular socio-political contexts and conceptions of the good. Rather, generality requires the justification to be justifiable to all persons, regardless of their particular socio-political contexts and conceptions of the good. Further, reciprocity requires that the justifications given must not be one-sided. This means that justifications should not be formulated in such a way that exempts some persons from certain moral demands while other, similarly placed persons are not exempted from them. It also means that justifications may not treat certain interests as natural facts beyond critical scrutiny.

In the domain of justice, the justification-based understanding of respect deems only those kinds of social or political orders as just forms of rule that all those who are subject to them can view as justifiable. Now, any justification, to count as a morally justifiable one, must pass the test of being reciprocally justifiable to all, and hence it does not count as valid because some person with an alleged natural right to rule has articulated it. This means that social and political institutions must be justifiable to their members in such a way that they can come to see themselves as co-authors of their institutions. And in order for the institutions to count as co-authored, the principles of justice laying the foundation for the proper regulation of such institutions must be perceivable as the result of a reasoning process in which nobody has been arbitrarily excluded and nobody has enjoyed the privilege of counting as a greater justificatory authority than anyone else. Everyone ought to be able “to demand and provide justifications and to challenge false legitimations” (Forst, 2011, 9). Therefore, just social and political orders must afford all their members appropriate social and political roles through which they can

effectively engage in the exchange of reasons concerning their common institutions on an equal footing.

What does this understanding of justice imply regarding the content, ground and context of justice? The grammar of this discourse theory of justice recognizes as basic or fundamental content of justice that all human beings should enjoy sufficient decision-making power whenever, as Forst (2012, 196) puts it, “central justifications” are at stake that “determine social life in its entirety.” So the basic or fundamental justice of a social and political order hinges upon a properly arranged “basic structure of justification” (Forst 2001, 174, 176; 2012, *passim*) that empowers persons to engage discursively in practices of justification. This is merely a basic or fundamental requirement of justice, however, because once that this requirement is met, further requirements can be autonomously justified by those who are participating in such structures of justification. Different from the fulfillment of the conditions of a conception of full or ideal justice, hence, the satisfaction of these essential conditions does not render the social and political order fully or completely just (cf. Forst 2001, 172).<sup>11</sup>

The grounds of justice consist in the existence of “relations of justification” (Forst 2007a, 299), that is, relationships in which the basic principles for the ordering of a particular social context are discursively determined. Such relations of justification matter normatively because human beings – as reasoning beings – possess an equal moral status as normative authorities about questions of morality and justice. Finally, there are multiple contexts of justice

<sup>11</sup> This distinction between fundamental or basic and full or ideal justice is strongly similar to Rawls’s distinction between political issues that concern “constitutional essentials and basic justice” (2001, 41-2, 89-91) and other issues that do not. In a similar fashion Nussbaum (2011, 19) defends a conception of “basic social justice,” which contains a list of “fundamental political entitlements,” and does not specify what ideal justice requires.

given that there are various local, national, inter- and transnational contexts in which justifications are given for arranging the rule making of political orders in particular ways. In all of these contexts justice requires that they be arranged in ways so that individuals are properly respected as equal justificatory authorities. Possible such contexts are the nation-state, local politics in cities, regional politics in geographic areas like Europe and also the global institutional order as a whole.

### III

#### **The Western Centrism of the Global Justice Debate**

A recent academic trend is to criticize that the philosophical debate on global justice has been conducted primarily from Western or liberal perspectives (cf. Kohn 2012; Flikschuh 2014, 2017; Okeja 2017; El-Kholi and Kwak 2019). Thus, one critique is Western centrism and posits that the global justice debate has systematically neglected philosophical theories from non-Western scholars; another critique is liberal parochialism, that is, the supposed problem that global justice theorists have extrapolated domestic liberal principles to the global context without considering the principles' suitability for this context. I discuss the Western centrism critique in this section and the liberal parochialism critique in the next section.

Flikschuh puts the Western centrism critique in the form of the following questions:

Why should a nominally *global* debate be conducted exclusively within the terms of Western political theory? Why are normative theorists so concerned to engage powerful international agents and so disinterested in engaging distant peers intellectually? Why

the evident desire to influence global policy-making and the apparent lack of interest in finding out what – and how – distant others think? (Flikschuh 2014, 3)

I agree with Flikschuh that a significant part of the global justice discourse has been conducted primarily within a Western framework as well as that this framework is insufficient for exploring the border-crossing topics that this discourse aims at illuminating. As Flikschuh (2014, 14) points out correctly, topics that appear particularly relevant from a Western perspective, e.g. global governance, may be of lesser importance in African contexts in which state-building might matter more.<sup>12</sup> What is more, the inclusion of, for example, Asian perspectives can also give rise to the discussion of certain issues, which the predominantly Western discourse has neglected thus far. In addition, and this is what Flikschuh (2014, 14-15) regards as the most important point, globalizing the global justice discourse would also involve learning “how distant others [...] *conceive* their particular social and political contexts, and what differences at the level of general philosophical conceptualization may imply for global normative theorizing.” This kind of learning Flikschuh describes as philosophical fieldwork, by which she means the conceptual discovery of what could be called intellectual terra incognita. I agree with Flikschuh that the theorizing of global justice should indeed consist of a dialogue among thinkers from the African, Asian, Western and other philosophical traditions.

<sup>12</sup> Note, however, that Achille Mbembe (2001, ch. 1) suggests that a multi-level approach that explores the national, inter-, sub- and transnational governance structures and their interconnectedness in a historical perspective is best. Interestingly, Mbembe’s position is highly congenial to those theorists like Young (2006) and Catherine Lu (2011) that favor a structural approach to theorizing global justice.

Nevertheless, her critique of the global justice debate as Western centric nevertheless strikes me as exaggerated. A first reason is simply that central figures in the global justice discourse like Martha Nussbaum and Amartya Sen (1987) have intensively engaged with Indian conceptions of political morality, precisely in order to counter the objection that their democratic understanding of justice is Western centric. Indeed, Sen has focused to a considerable extent on Indian conceptions of democracy rather than Indian conceptions of justice. But still, this focus is of crucial relevance for responding to the Western centrism critique of the debate on global justice, given that not only Sen (2009, ch. XX) but also discourse theorists like Forst and Fraser understand global justice in a democratic manner. Hence contrary to Flikschuh's judgment regarding the Western bias of the Western philosophical discourse of global justice, there has actually been an engagement with other philosophical traditions.<sup>13</sup>

To elaborate, in *The Argumentative Indian* Sen (2006) has demonstrated that a considerable number of Indian theorists also articulate and defend democratic ideas (cf. also Sen 2003). In order to properly perceive this, Sen pointed out, it is necessary to move beyond the narrow view that voting is the most defining feature of democracy and recognize instead the vital importance that public reasoning has for democratic arrangements. Once we accept, as Sen (2006, 13) has argued, "that democracy is intimately connected with public discussion and interactive reasoning" we can observe that democratic practices "exist across the world, not just in the West."

<sup>13</sup> Similarly, Jürgen Habermas (2001) has discussed the potential Western parochialism of his defense of human rights as universal moral standards in the context of the so-called Eastern values debate in the 1990s. The next four paragraphs draw on Culp (2019, 166-7).

Regarding the particular case of India Sen (2006, 15) mentions that as early as the 4th century BCE the “Buddhist councils” already had regarded dialogue as an instrument for resolving conflicts and advancing knowledge. Likewise, in the 3rd century BCE India’s Buddhist emperor Ashoka emphasized as well the importance of tolerating other religions:

[A] person must not do reverence to his own sect or disparage the beliefs of another without reason. [...] [F]or he who does reverence to his own sect while disparaging the sects of others wholly from attachment to his own sect, in reality inflicts, by such conduct, the severest injury on his own sect. (Smith, 1909, 170-1, cited from Sen 2006, 18))

In addition, in the early 20th century the Indian poet and artist Radindrantah Tagore (2013) characterizes in *Gitanjali* the democratic features of the country that he wishes India to be:

Where the mind is without fear and head is held high;

Where knowledge is free;

Where the world has not been broken up into fragments by narrow domestic walls; ...

Where the clear steam of reason has not lost its way into the dreary desert sand of dead habit; ...

Into that heaven of freedom, my Father, let my country awake.

By drawing on these multiple sources of democratic ideas in India, Sen (2006, 12) concludes that “the tradition of argument [...] shapes our [Indian] culture. It has helped to make heterodoxy the

natural state of affairs in India [...] . [P]ersistent arguments are an important part of our public life.” In these ways Sen has effectively shown that a democratic political morality is not distinctively Western, since it can also be found in the South Asian context.

A second reason why the global justice debate is not as Western centric as Flikschuh suggests is that the discourse theorists like Forst and Fraser have always been urging to render the debate about global justice more inclusive. Recall that for Forst the primary requirement of justice is to establish structures of justification that would allow all those who are subject to social and political processes of rulemaking to participate in the give-and-take of reasons that identifies the relevant justification for one or another form of social and political rule. Notably, such deliberations of how to justify social and political rulemaking do not only occur within formal political procedures but also within the more informal channels of public as well as academic discussion. Hence it is a direct implication of the discourse-theoretic view on global justice, which I have presented in the previous section, that thinkers from African, Asian and other philosophical traditions should debate on equal terms with thinkers from the Western philosophical tradition about the best justification for solving social and political conflicts that cross national borders (cf. Williams and Warren 2014). In that way the primarily Western discourse of global justice has already accepted its own philosophical limitations, which indicates that it is not entirely Western centric. But indeed, Forst and others could have been more explicit regarding the normative, academic implications of their discourse theoretic conceptions of global justice and could have engaged themselves to a greater extent with African, Asian or other philosophical theories. This is why I nevertheless agree with Flikschuh that the continued Western centrism of the global justice debate is a shortcoming.

## IV

### **The Liberal Parochialism of the Global Justice Debate**

The second type of critique of the global justice debate that I have already mentioned is that this debate is parochial because it extrapolates without further justification domestic liberal principles of justice to the global context. Flikschuh formulates this objection by positing that “global theorists ... proceed on the assumption that [liberal] values and principles, if not absolutely true, are nonetheless widely shared, or reasonably acceptable, or sufficiently abstract in general [...] to be adaptable to divergent contexts” (Flikschuh 2014, 2). Furthermore, she also points out the “neglect of, and even often impatience with, necessary prior reflection on the adequacy of our available political theories to theorizing the unfamiliar, global domain” (Flikschuh 2017, ix). In addition, she expresses her “sense ... that much current global theorizing takes the global political context to be the domestic liberal one writ large” (2017, x). Similar to my response to the Western centrism critique, in this section I question that this parochialism critique adequately represents the global justice discourse.

To begin, Rawls’s *The Law of Peoples* (1999) marked a key contribution to the philosophical global justice debate, since it has led the way for the social liberal, statist position that Blake and Nagel have eventually adopted. Rawls’s (1999, 82) work did so by criticizing as intolerant the (humanity-based) liberal cosmopolitan conception of justice that started from the liberal idea that all persons possess the two moral powers to comply with moral demands and to form, revise and follow a conception of the good. What is distinctive about Rawls’s conception of global justice, hence, is that it rejects the idea that liberal understandings of personhood should be viewed as globally valid. Contrary to how his conception is sometimes understood (e.g. Kreide 2016), Rawls



was acutely aware of the fact that whichever principles he would seek to justify as principles of global justice, he could not simply argue from a liberal point of view and then expect that this point of view actually was, or could be, universally shared.

Instead, Rawls held that it was necessary to ask whether there could be non-liberal societies that are worthy of toleration. For if there were such societies, then, according to Rawls, they should be welcomed into the so-called Society of Peoples without having to change. As Rawls did believe that there could be non-liberal societies worthy of toleration, he argued for an internationalist conception of global justice – the “Law of Peoples” – that would also be acceptable to non-liberal but “decent” societies.<sup>14</sup> Thus, Rawls not only considered the possibility of a reasonable non-liberal point of view, but ended up envisioning a just global order consisting of both liberal and non-liberal societies.<sup>15</sup> Accordingly, he regarded it as a central task of a theory of global justice to determine principles that could regulate the interactions between

<sup>14</sup> The nonliberal societies that Rawls (1999, 64-7) thinks liberal societies should tolerate are not aggressive toward other peoples and respect those peoples’ socio-political political orders, including their civic and religious liberties. While a decent society respects other societies as equals in its political relations, it does not treat its own members as politically equal. This is because decent societies follow a “common good idea of justice” (Rawls 1999, 65) that affords their members a very limited right to political participation and dissent. Members of decent societies are recognized within a “consultation hierarchy” that enables them to participate in political affairs by having a voice that is mediated by the representatives of the social groups to which they belong. Yet to the extent that members of certain religious groups are not entitled to participate in the higher levels of government, decent societies can display considerable inequities of political power and deny many of their members an equal political status.

<sup>15</sup> So the foreign policy that aims at making all societies liberal should not be pursued (cf. Rawls 1999, 59). Rawls (1999, 84–5) even doubts the permissibility of offering incentives to nonliberal societies to urge them to become liberal.

liberal societies and non-liberal societies. *Pace* Flikschuh, therefore, Rawls did not believe that principles of liberal morality are “absolutely true”, “widely shared”, or “reasonably acceptable.” Rawls (1999, 75) not only assumed but argued that it would be “not fully unreasonable” for some individuals and groups to *reject* liberal morality.

Two additional reasons for scepticism regarding the liberal parochialism critique are that the argumentative structure as well as the development of the global justice debate reflect that it actually did not proceed in said parochial manner. The liberal cosmopolitans mentioned above did not, as Flikschuh (2017, ix) posits, avoid “prior reflection on the adequacy of our available political theories to theorizing the unfamiliar, global domain.”<sup>16</sup> To the contrary, by relying on analogy arguments, they have put forward argumentations so as to show that the extension of liberal principles to the global context is justified on the ground that due its particular features the global context is in normatively relevant ways analogous to the domestic context. All of their analogy arguments – whether they relied on social cooperation, interdependence or shared humanity – *aimed to establish* that the kind of reasoning that leads one to recognize as valid certain liberal principles in the domestic domain also leads one to recognize their validity in the global context. Hence, the global validity of liberal principles of justice was neither simply taken for granted nor “readily ... assume[d]” (*ibid.*, 1), but the result of a careful reflection to what extent the normatively significant features of the domestic context – the grounds of justice – are present as well at the global level. Hence there was no, as Flikschuh (*ibid.*, 3) puts it, “presumption in favour of a supposedly global outlook that is all

<sup>16</sup> Likewise, Nussbaum’s (1987, 1992) early Aristotelian virtue ethicist approach to questions of global justice also included an extensive discussion of the potential parochialism of her perspective on justice.

but indistinguishable, in terms of underlying value commitments, from traditions of domestic liberal theorizing.” Instead, the liberal cosmopolitans provided detailed analyses of the nature of world politics and the global economy in order *justify*, on the basis of analogy arguments, the global use of liberal principles of justice which have previously been recognized as valid solely domestically.

What is more, the shift from the liberal cosmopolitan to the social liberal conceptions of global justice (as well as the more recent shift to intermediate positions on global justice) also shows that the theorists and philosophers of the global justice debate have not unanimously viewed “the global political context to be the domestic liberal one writ large” (*ibid.*, x). By appealing to the normative significance of state coercion, the social liberals have accepted that the context of the state is normatively fundamentally different from the global context and that principles *other* than those of domestic liberal morality must apply globally. Furthermore, a number of intermediate positions have recently proliferated in the global justice debate, precisely because neither the liberal cosmopolitans nor the social liberals seem to have adequately captured the normatively relevant features of the global context (cf. e.g. Ronzoni 2009, Valentini 2011, DeBres 2012, 2015). This dynamic development of the global justice debate also demonstrates that the domestic liberal political morality is neither “readily assumed” nor “unquestioned,” but modified in light of the argumentations available relative to the specific character and normative relevance of the global context.

## Conclusion

I have started this article by observing that due to processes of globalization social and political conflicts and struggles, like those of the alter-globalization movements, frequently transcend the borders of nation-states and Western societies. Thus, scholars who are interested in articulating a moral grammar that can be employed to better understand and eventually resolve such conflicts must construe a *universal* moral grammar that has neither a nationalist nor a Western bias. In this article I have maintained that the recent philosophical discourse on global justice has made an important contribution to the articulation of such a universal grammar. To that effect I have first of all laid out the ways in which the discussion between the liberal cosmopolitans and the social liberals has provided us with a conceptual framework – consisting of contexts, contents and grounds of justice – for thinking about a universal grammar of justice. However, I have argued that the initial discussion between the liberal cosmopolitans and the social liberals has excessively focused on the question “*Who should receive what?*” and has thereby neglected the political question “*Who decides who should receive what?*”. I have therefore defended Forst’s discourse theory of global justice as a more appropriate way of conceiving the universal grammar of justice, since it prioritizes this political question about justice when developing a substantive understanding of the contexts, contents and grounds of justice.

Furthermore, I have defended the philosophical global justice debate as an apt source for construing a universal moral grammar against the objections that this debate is Western centric and suffers from liberal parochialism. Although I agree, at least to a certain extent, with the Western centrism objection, I have put forward several considerations that counter both of these objections. For that purpose, I have offered a characterization of how the philosophical global justice debate has unfolded that is

more ample than the characterizations of those, like Flikschuh, who voice these objections. More specifically, regarding the Western centrism critique, I have highlighted that Nussbaum and Sen have engaged with South Asian conceptions of political morality in order to avoid the problem of Western centrism. In addition, I have also pointed out that several participants in the global justice debate have been conscious of its Western bias and have urged avoiding it. In response to the critique of liberal parochialism I have maintained that one of the central contributions to the philosophical global justice debate, Rawls's *The Law of Peoples*, tries to avoid such parochialism. Plus, I have also argued that the argumentative structure as well as the development of the global justice debate demonstrate that liberal philosophers have not simply taken for granted the global validity of a liberal conception of domestic justice. Instead, by drawing on analogy arguments, they have tried to identify the reasons as to why or why not the extension of domestic liberal principles to the global context is or is not justified.

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