

# The Enlarged Moral Self

Melis Menent

University of Sussex, Brighton, United Kingdom

Constitutional Patriotism is a new form of identity. It addresses the national component of identity formations in order to transform them in light of universal human rights principles. In this article, I seek to strengthen this theory left underdeveloped by Habermas. To do so, I use the idea of moral development which Habermas borrowed from Kohlberg. I argue that Constitutional Patriotism is the missing link in Habermas's reading of Kohlberg. I complement Kohlberg's reading of moral consciousness with the psychoanalytic idea of individuation. Communication, language, and autonomy all fall into their places in this interdisciplinary puzzle of Constitutional Patriotism spanning over the cultural terrain. This article takes part of the broader project of Constitutional Patriotism here only focusing on the notion of the selfhood.

*Keywords:* identity, Habermas, constitutional patriotism, communication, human rights, Kohlberg, cosmopolitanism, autonomy, Piaget

“We must reinvent love”

Solomon

## Ego Identity and Moral Consciousness

Contemporary social and political world offers a number of problems regarding matters of identity and Otherness. This paper places the notion of Selfhood at the center of the confused political and social structure of today. Here I will develop an understanding of Habermas's understanding of the moral self within a process which seeks to transform (parts of) national identities. I argue that Habermas's approach to the moral self; understood in light of the writings of Lawrence Kohlberg, presents a fuller analysis of the political self sought to be represented in CP (Constitutional Patriotism). I will ground the idea of the moral self will upon the normative principles of human rights and democracy in conjunction with other aspects of constitutional patriotism. Three stages of moral development in this paper distinguish different levels of autonomy and deliberation in the process of national will formation. The notion of selfhood requires more of a moral reading offered by CP. Kohlberg and Habermas have both used this three level typology to define separate levels of moral causes. Autonomy, in Habermas's approach to the moral self, is the conceptual hinge on which the different stages of moral development differ from one another. Jung, Freud, Winnicott, and Mead offer some crucial underpinnings of post-conventional morality in order to complement Habermas's project which Habermas left underdeveloped. It is this transformation of the self and invitation to a synthetic interdisciplinarity which I will unravel below.

---

Melis Menent, DPhil Candidate and Associate Tutor, Centre for Social and Political Thought, Department of Philosophy, University of Sussex.

Correspondence concerning this article should be addressed to Melis Menent.

“Philosophers have only interpreted the world, in various ways. The point, however, is to change it” wrote Marx in 1845. The academic tendency of interpreting the world, intellectualizing the problems it carries within it and attributing different names to different disciplines all inhabiting the same social habitat has continued for much longer than Marx could have imagined. This article is dedicated to social change. It keeps the cultural at the center of all that is legal, metaphysical, and social scientific. Therefore, I have an ambitious goal of offering an answer to the question of “how” the change much desired by those who think and feel can crystallize. The change I seek to depict in CP is rendered possible through the study of identity. Identity, as a broad term, feeds off from the culture surrounding it. The moral development offers a way to reconstruct the self for the good. This notion of the good, read through the lens of Kohlberg and Habermas, makes almost no reference to a religious reading to the right and wrong. Contemporary legal theory, instead, offers a framework outside religion.

Through an introduction to Kohlberg’s theory of moral development, Habermas explains how the individual moral self can be transformed. The individual, which at the emergence of constitutional patriotism is construed as national moral self only, is transformed into a cosmopolitan citizen who acts in accordance with the collective will.<sup>1</sup> This is a process which requires the development of the individual ego and increase in autonomy. An autonomous post-conventional moral self is integral for the individual to embrace cultural values and individual perspectives which are (seemingly) different from hers; to include the outermost circle of cultural formations closer to the self and to participate in deliberative politics. The individual ego needs to go through a process of transformation and reach an increased level of autonomy—a process during which the individualistic nature of the former stages of moral development are replaced with collective moral concerns. Autonomy, for CP, is a concept with connotations resembling freedom and empathy. Individuation requires freedom and distancing oneself from the carer with whom a relationship has been (without a conscious decision) formed at birth. Freedom, on the other hand, is a term with more political connotations. Autonomy, for CP, is the ladder which links the is and ought. This ought should be read in a completely non-metaphysical and secular sense. The “right” behavior I use in CP is only a critical one. The cosmopolitan citizen “ought to” relate to others. This is the emphatic aspect of autonomy in CP.

By desiring and acting upon a process of mutual cultural understanding, the autonomous moral agent enlarges her own perspective while putting herself in the shoes of others. In matters relating to international relations; one good example to this would be to ponder upon the policies of one’s own country in relation to others. The refugee crises of 2016 has made the question of Otherness more relevant than the history of modernity has ever seen. The responsible constitutional patriot who has reached a higher level of critical thinking skills and autonomy would not stop at considering the policies within one’s own nation-state but desire and acquire the capacity to relativise this in order to come closer to the nature of the truth. The academic turn towards comparative politics and comparative literature demonstrates this approach in social sciences of today. The truth is comparative, but not relative.<sup>2</sup> This paper explores how different aspects of Habermas’s work render this transition possible. By exploring the themes of “ego identity” and “moral consciousness”, I seek to place what Habermas wrote on these issues into the yet developing notion of Constitutional Patriotism.

---

<sup>1</sup> Habermas uses the term “will” in the same sense as the Rousseauian notion will formation (*‘la volonté generale’*).

<sup>2</sup> I use the term “relative” here in the physicist or the cultural relativist sense.

Habermas's conception of the self is influenced by Kohlberg's six different stages of moral development. In order to discuss the moral self from the perspective of constitutional patriotism in a coherent manner, it is helpful to impose three broader levels. This means situating the moral self. These three broader levels are the "pre-conventional", "conventional", and the "post-conventional" levels (Habermas, 1990). Habermas's choice of terms "conventional" is crucial for the reflexive and contemporary nature of CP. It is (post) conventionalism which allows us to situate the moral self into a paradigm of communitarianism and spatiotemporality. The operating principle behind each stage is interactive competence, reflexivity, and different levels of autonomy. The post-conventional level, which I will elaborate below, is the level in which constitutional patriotism operates. I aim to add constitutional patriotism to Habermas's and Kohlberg's schema as yet another broader and novel framework. The framework of CP mobilizes the stages of moral development.

Habermas's "Communication and Evolution of Society" offers a rigorous reading of Kohlberg's stages of moral development. In this, Habermas offers several different interpretations of Kohlberg's one specific schema of moral development. The one that he revisits several times after the introduction of Kohlberg into his work in the chapter on "Moral Consciousness and Ego Identity" offers a reading of moral development which places identity at the center of his thought. This specific reading of identity which I'll discuss below offers a place for identity between Habermas's political theory and his political writings. His early work on communication is the missing link for turning Habermas's interpretation of Kohlberg into the quintessential milestone for the theory of Constitutional Patriotism. "Communication and Evolution of Society" has a significant but nonetheless overlooked place in the literature. It is in this book of Habermas that his notion of communication comes in touch with society. It is this evolving nature which focuses on the factual realities of the society and mobilizes them. Habermas's attitude to evolution of the society, I argue, paves the way for his legal proceduralism.

In the preliminary schema which did not in any way refer to the notion of Constitutional Patriotism: the pre-conventional level represents the early years of life in which the individual is responsive to externally ascribed labels to behavior. The early infant follows the judgments of her parents and acts according to reward or punishment. This holds same for female and male infants. At the end of level one—the pre-conventional level—the right action gradually starts taking the shape of considering the views and needs of others, albeit occasionally. At the second level, that is the conventional level, the individual (citizen) develops and maintains loyalty to fellow citizens and family members. She values these affective bonds in their own right. The consideration of the needs of others, rather than the concerns about the parental reward or punishment, takes the form of helping others. By focusing on understanding and caring for the other; the individual rids himself (or herself) off the instinctive selfishness human beings are all born with.

In "Civilization and Its Discontents", Freud argues that this ultimate tension proves problematic for every human being and is the foremost reason behind mental illness ranging from the mildest to the most severe psychopathologies. For him, men suffer the most because of relationships with other men (meaning human beings). The sense of "Otherness" which an individual feels vis a vis another human being takes the form of different moral agents in sociology and critical theory. In Freud's terms, demands of instinct and restrictions of civilization are at odds.<sup>3</sup> Freud's understanding of instinct argues that every human being has a given level of

---

<sup>3</sup> This is why Foucault defines madness as emancipatory. Erasmus and Foucault both offer a positive reading of madness as madness, for them, offers a different way of being in the world. CP seeks to establish this reflexive attitude through Habermas's reliance on post-conventionalism.

aggression within. Civilization, for him, hinders the release of this aggression. In CP, this aggression takes the form of forming separate moral agents than the self: the other nation, the other ethnic group, and the other linguistic community all provide this sense of otherness which allows the sense of aggression to find a functioning place for itself. Given that the members of these groups are conceived to be different due to different cultural traits, it is easier for the moral agent at the conventional level to maintain a sense of aggression towards them. Love, understanding, and communication, therefore, are reserved for the fellow compatriots in this reading. In CP, aggression finds a form to sublimate in intimate romantic relationships: the basic instinct is turned into a tool for communication with the loved one in the innermost sphere of the self. Love, in CP, has different forms at different levels of identity: romantic love offers a sublimation rendering the human instinct completely unaggressive in relationship based on profound communication.

The Other is defined in terms of the fellow national citizen in constitutional patriotism or in the original way Habermas has formulated it; as a family member (Habermas, 1990). In Habermas's original work, in "Schema 1a. Stages of Moral Consciousness according to Lawrence Kohlberg", the word "other" is not clarified. Habermas adds another schema to this which he calls his own "elucidation" (Habermas, 1984, p. 81) and in that, he does not develop the conception of otherness either. While he steps out of a strictly cognitive behavioral reading of early child development, he in no way delivers a reading of "otherness" in this particular work of his. As we follow the stages of moral development, we see different social and institutional actors enter the picture: At the end of the conventional level, law emerges as an external locus of identity.<sup>4</sup> This "locus" offers a center to organize thought relating to the matters of "who-ness", as I would like to call it alternatively. It merely offers something to care for which was not initially internal to the identity of the individual. An external locus of identity is different from having oneself for a personality trait or a social attribution one has at birth, but one which is acquired. While the constitution and the political culture surround it has been defined as the primary object of attachment in CP by the founders of the CP, I maintain that any external center which will be brought closer to the meaningfulness of the internal thought ought to be evaluated in light of reason and emotion.

If the adolescent cannot and does not want to go back to the traditionalism and unquestioned identity of his past world, he must, on penalty of utter disorientation, reconstruct, at the level of basic concepts, the normative orders that his hypothetical gaze has destroyed by removing the veil of illusions from them. (Habermas, 1990, p. 126)

Here, Habermas brings the Rawlsian notion of the "veil of ignorance" in touch with his notion of identity. Traditionalism, conventionalism, and unquestioned identity all link with one another. Individual's reliance on the opinion of her parents is the result of a conventional system which the society had embraced long before the time the young infant opens his or her eyes to the world. "The world must be peopled", according to Shakespeare, but the ways in which the society will shape this belong on us. One befitting example to a conventional system prevailing over an era is the Victorian England. Known for the puritanic social notes, the Victorian Era of England had inspired many cultural products reverting the strict norms imposed on the individual. One book in particular never ceased to captivate the imagination of "moral agents" at every stage: *Alice in Wonderland*. In a 2016 book published on *Alice in Wonderland*, Robert Douglas-Fairhurst argues that the Victorian morals were behind Lewis Carroll's desire to escape the civilized world and create a parallel one

---

<sup>4</sup> Here I am borrowing the word "locus of identity" from psychological literature. In the TV Series "Big Bang Theory", the psychoanalyst academic character who is Leonard Hofstadter's mother uses the term while analysing another character called Penny. For further reading, see Gazzaniga et al. on Cognitive Science.

in which everything is upside down, and where everyone is “mad”. Alice, in *Alice in Wonderland*, is greeted at the wonderland during a tea party where the Mad Hatter tells Alice that they are all mad there. Lack of norms, the opposite of a strictly religious sense of morality applied in several areas of the penal code created its opposite in literary imagination. In this imaginary world, cakes make you grow smaller, madness is praised and laws of physics do not hold. This imaginary universe, created through art form is, for Robert Douglas-Fairhurst, linked with the societal norms. Traditionalism at the Elizabethan period is different from the conservatism or the conventionalism Kohlberg and Habermas refer to in the 1980’s.<sup>5</sup> Despite the change which realized over time, civilization requires an order. It is a certain aspect of this order which I situate CP against traditional conventionalism as the point which sows the seed of unreflective moralistic attitude.

The original affective bond to the parents which was expressed through the desire to receive reward in success and the fear induced by punishment is one form of childhood which seems more conventional and inductive of unhappiness.<sup>6</sup> This slowly transforms into a realization and concern for others, he argues. I argue that while it is empirically verifiable that a child develops the cognitive skills to perceive the same factual situation in a different manner due to a development that is inherent to the nature of being a human animal only. The developing perspective transforms the selfishness of the human animal. It is through the process of socialization and integrating ourselves into civilization that we loose this animalistic side. Through the reduction of animalism, we find the notion of romance emerging in the linguistically articulated human sphere only. Psychological literature<sup>7</sup> presents the notions of egocentrism and empathy together: the mountain experiment developed by Piaget proves that empathy develops after an egocentric stage. For Stage 1, Habermas applies the term “egocentric” in MCCA but not in “Communication and the Evolution of Society”: “This stage takes an egocentric point of view” (Habermas, 1990, p. 128).

In CP, egocentrism is being concerned for one’s own nation state only. At the second stage, he moves on to the notion of conflict and conflict resolution through the first realization of psychological relativity. In CP, I would like to carry this relativity (which only I name here psychological relativity) to the level of the sociological. This introduction of relativism is in no way similar to cultural relativism as I stand against the subaltern and postcolonial sociological literature in the field in matters relating to truth. Epistemology as a sub-branch of philosophy has reserved truth seeking to philosophical circles: here I seek to bridge gaps between disciplines, cultures, and moral stages as Habermas introduced them as well as different aspects of Habermas’s work. In today’s world of international relations and global society, we notice that the perception of the suffering of another or a given factual setting such as the war in Syria does not immediately turn into a reaction for the suffering of these “Others”. In *Communication and Evolution of Society*, Habermas argues for increased communication among different actors within a given society for the transformation of that particular society. He advocates that bridging the gap between psychology and philosophy provides the necessary tool for this: “Basic psychological and sociological concepts can be interwoven because the perspectives projected in them of an autonomous ego and an emancipated society reciprocally require one another” (Habermas, 1984, p. 71). Therefore, ego, autonomy and Jung’s understanding of individuation all tie together.

<sup>5</sup> Kohlberg, Habermas and Lewis Carroll (and on Lewis Carroll Fairhurst) all write in different societies. The scope of their work, however, is linked through the notion of morality. I avoid a German, English, and American specific readings of these works for the sake of attaining a scientific knowledge of sociology allowing an objective and universal study of a phenomenal society.

<sup>6</sup> See: “Happy and Unhappy Childhoods” video by School of Life for a simple animation which facilitates philosophical complexity: <https://www.youtube.com/watch?v=2fG9-W-OwCs>.

<sup>7</sup> As in in Gazzaniga et al.

The interdisciplinary attitude of Habermas is very clearly articulated in “Communication and the Evolution of Society”. While his later work focuses on themes of democracy and constitutionalism to a much larger extent, it is this early work which paves the way for the elucidation of a coherent notion of identity of constitutional patriotism. The terminology of “reciprocally requiring one another” is an approach that Habermas has to Human Rights and Autonomy in *Between Facts and Norms* (Chapter 3) written years later. The empiricism provided by the aid of a psychology experiment of Piaget is captured in these words of his: “...none of these three theoretical approaches has yet led to an explanatorily powerful theory of development, a theory that would permit precise and empirically meaningful determination of the concept of ego identity” (Habermas, 1984, p. 75). The three schools of thought within the discipline of psychology that border over into various other areas of social science are, to use Habermas’s own terms; psychoanalytic school of thought cognitive behavioral psychology and symbolic interactionist psychology.

“Man today is painfully aware of the fact that neither his great religions nor his various philosophies seem to provide him with those powerful animating ideas that would give him the security he needs in face of the present condition of the world” (Jung, 1964, p. 92). These great ideals used to fuel passions which could turn the individuals into collectivities. Religion, I claim, was the most powerful idea for identification before nationalism replaced this through the French Revolution. Nationalism offered another way of being in the social world instead of the unquestioning “belief” characterized by religion. Through defining groups of people on the grounds of language, kinship and in most cases geographical position in which they found themselves at birth. Nationalism, in contradistinction to religion, can be defined as a “referendum of everyday” in Ernest Renan’s words. The French Revolution has caused the stir in entire Europe by bringing the idea of superiority of one over the other offered in monarchical governance to an end. The French constitution holds that “the sovereignty belongs to the people”. The principle and the motto of the French constitution gave sovereignty to the people. This understanding of “the people” of 1789 is the same as the current constitution of France as of 2016. It’s due to the rise of nationalism in France, some historians hold, that the de-colonisation of former British territories has started. Therefore, the interconnectivity of the world regarding ideals had already commenced.

CP addresses the main question about the meaning of life. Jung brings the mind and dreams into it; while I use the theory of CP to address similar problems of the self, identity and “who-ness”.<sup>8</sup> National attachment and conventional patriotism are the feelings which fall under the scope of CP. Patchen Markell has written on “Making Affect Safe for Democracy” where he developed the notion of CP in his own words. His reading, Ciaran Cronin’s reading, and Muller’s reading of CP go hand in hand when it comes to a defense of the notion of CP. An attempt at reinventing the notion of love carried out by Robert Solomon in “About Love” paves the way for me to add romance, political attachment, and love into the transformation of attachment we seek to attain here: “The meaning of life is not exhaustively explained by one’s business life, nor is the deep desire of the human heart answered by a bank account” (Jung, 1964, p. 93). In *Man and His Symbols*, Jung focuses on the notion of the social more so than he does elsewhere. The attitude Jung brings to psychology already has the discussion between scientism and relativity inherent in it:

Psychology is the only science that has to take the factor of value (i.e. feeling) into account, because the link between physical events and life. Psychology is often accused of not being scientific on this account; but its critics fail to understand the scientific and practical necessity of giving due consideration to feeling. (Jung, 1964, p. 90)

<sup>8</sup> My choice of terminology. I use “who-ness” as a term borrowed from the Alice in Wonderland, denoting an in between place between “identity”, “identification”, and “selfhood”.

At the emergence of psychology as a discipline, this distinction between social sciences, positive sciences and psychology required Jung to carry out this defense. He sought to bring feeling into science. Life, as Jung calls it, or the “lifeworld” in Habermasian terminology is laden with “a multitude of traps”, for Nozick. Wisdom, for Nozick, is what every human being needs to face life. Socialization is the process during which every person is acculturated into the lifeworld. It is for this reason that I seek to track down the process of socialization in CP. Being (in the world) has been intertwined with feeling and existence for a long time. Heidegger and Sartre can offer different interpretations for being. In the approach, I have to the moral self, the attitude that Neuburger has to being is helpful. I seek to resort to a psychological definition of existence in the theory of CP I develop here merely because psychology offers more solutions for feeling better than do the (pseudo-)complexity offered by (some) philosophers.

Existence, according to Neuburger, is defined in relational terms: “We are here in the world, or expressed even in better terms, we learn to exist through the look of our parents and the society” (Neuburger, p. 21).<sup>9</sup> He defines the world of identity in relational terms. Society, for him, is defined in the Durkheimian sense as a constellation of groups of attachment. Durkheim’s *Suicide* is the groundwork for Neuburger’s interpretation. In establishing the distinction between the organic and mechanic societies, Durkheim seeks to track down the causes which push men to choose to end their own lives. His bringing together of quantitative analysis gathered in France together with a sociological account is the landmark of social theory. Having meaningful relationships is the foremost reason for seeing oneself in harmony with what life has to offer at a given moment, or what life “is”. It is the social relations which determine this intersubjective space as the container of attachment(s). It is this space which communication takes place. Bringing the Habermasian terminology into this picture would read as such: it is in the public space which we exist. Existence, for Neuburger, is inextricably linked with romantic love: “The couple today is a major source of existence” (Neuburger, 2014, p. 42).<sup>10</sup> Starting from the most intimate, the circles surrounding the self expand.

In Kohlberg’s notion of moral development and socialization, we find ourselves in the terrain of slightly different terminology: At the last level of moral development, the moral reasoning takes a universal and legalistic form. The moral agents can stand back from their personal particularistic attachments and relate affectively and cognitively to the principles of the constitution. The love for the other half in the private sphere stretches towards the love of the world. At the stage of universal ethical principle orientation, the right norms are defined as principles appealing to logical comprehensiveness and universality. Logical comprehensiveness means, for CP: having semantic content in the articulation and (re)production of the social life. So long as any utterance has this quality, transformation is possible. Comprehensiveness, for CP, is translatability.<sup>11</sup> If the theory of ego identity is to be complemented, the abstract object of universal ethical principle orientation, I argue, should be the constitution. It ought to be the constitution as an embodiment of the liberal political principles; or the “universal ethical principles” as Habermas calls them in “*Communication and Evolution of Society*”; which stands in as the object of attachment. This commitment has two things to bear in mind: firstly,

---

<sup>9</sup> The original in French: “On exist, ou mieux, on apprend à exister par le regard de sa parents et avec l’aval de la société.” Neuburger, 2014, Paris.

<sup>10</sup> The original language in French offers a word for being in the world, that is “exister”. I chose to translate it as “existence” and avoid the philosophical opening to a literature which cannot offer any solutions to the “problem of existence” as I call it. Here is the original for the readers of CP to make up their minds: “Car le couple est aujourd’hui use source majeure du sentiment d’exister” (Neuburger, 2014, p. 42).

<sup>11</sup> For an analysis of “translatability”; see Roland Barthes, Christian Nord, and Susan Bassnet.

the attachment to liberal constitutional political values does not require the abandonment of values at the private sphere, or at the first type of CP (within the nation-state level). Secondly, the constitution has a different form in divided societies and in conflict resolution cases: it derives from international treaties. The Cyprus problem is a case in point: the constitution of the future United Cyprus shapes on grounds of the UN Annan Plan which is the peace treaty developed specifically for Cyprus within the framework of IHRL. The constitution stands in the place of the object of attachment at the last stage of moral development in the theory of constitutional patriotism. The element that Habermas introduces at the sixth stage of moral development, that is the social contract, is transformed into a universal constitution in the cosmopolitanism aspect of the theory of constitutional patriotism. The stages of moral development of Kohlberg provide this ladder reaching the constitutional attachment level. The mountain experiment developed by Piaget and various contemporary American psychologists mixing different national and scholarly attitudes towards the self provide this semantically, emotionally, and intellectually nourishing meaningfulness. The early work of Habermas is closer to the psychoanalytic tradition which was more prevalent at the stage of Frankfurt school's establishing itself early on than it is in our day.

The importance of the "mountain experiment" is that the infant becomes more responsive to the way in which another adult may perceive the same situation or physical setting. As the young infant grows up, she becomes more perceptive about how another person, looking at the same mountain setting from another perspective, might perceive it. The mountain experiment is merely that first test in history which the cognitive capacities of human beings have been measured at the preschool years. This is important because the IQ and the EQ tests can only measure the competence of adults after the socialization process has, to some extent, been completed. The preschool years are the least social years as every child (under "normal" circumstances) is still under the care of the birth giver and the parents.

This experiment of Jean Piaget has been crucial for his demonstrating that as time goes by, infants increase their cognitive capacities stage by stage (Piaget & Inhelder, 1966). It is this realization of the different standpoints of others which has a crucial role in the way the moral self is transformed in a way to achieve the universalistic moral and legal principles sought after by constitutional patriotism. I argue to bring Habermas's notion of communication into the theory of CP through moral consciousness. An increased level of communication between different psychological and moral actors adds to the increased contact and empathy between different societies and nation-states I advocate in my CP. Habermas's defining the last stage of moral development through the presence of moral and legal principles fits perfectly into the project of reconstructing Habermas's work for CP. After having integrated the Other (human beings) which in constitutional patriotism are fellow national or global citizens as participants in rational political discourse, the individual seeks authority one more time; in a form that is more individuated and is better informed about the world and other moral agents (or political participants) in it.

In my interpretation, law emerges as a medium which provides the satisfaction of the need for authority in the social domain. It is this patriarchal alignment towards the need for authority that CP benefits from. One could argue that the word "patriotism" derives from patriarchy, to begin with. Etymologies of words, however, do not define how certain notions ought to be interpreted in contemporary world. Accepting the difficulties with the world is not a way of ignoring them, I maintain. Acceptance and recognition are merely steps towards the improvement of problems in a systematized manner. It is this idea which I have in the theory of CP for giving space to nationalism while not abandoning it. Constitutional patriotism is a new theory of political



attachment. As every attachment, it has a Freudian patriarchal or matriarchal reading to it. It is the existing attachment which I seek to re-establish. Every form of love is a form of attachment. Love of country is no different.

Constitutional patriotism makes use of the fact that in the way the self is construed from a moral standpoint, the infantile reliance on parental authority is gradually replaced with a reliance on the authority of law. Stage four of the conventional level is marked by an orientation towards authority that is in the form of a legal order. In Habermas's schema, concern for others is rendered possible through legally determined rules. The legal dimension of constitutional patriotism begins to take its initial shape through this final stage of the conventional level of moral development. While discussing Kohlberg, Habermas does not refer to a systematized political theory of identity in any way. He does, however, place several hints in this early work of his for a possible recapitulation of the notion of CP: at stage five of the last level (third level) "postconventional, autonomous or principled level", Habermas defines a government structure which is strictly interwoven with a unique idealistic theory which he discusses here. This fifth stage belonging to the last level of moral development constitutes the penultimate level before absolute perfection that he reserves for stage six. The "social contract legalistic orientation" of stage five is respectful of individual rights and includes a citizenry which can think in reflexive terms. In this sense, individualism is a way of thinking in reflexive terms. Habermas has received ample criticism about communitarianism. Here, we see an example as to why. Individualism, or "individuation" in terms of Jung, is a requirement of emotional maturation. "Maturational Processes and the Facilitating Environment" is necessary for a healthy development of the individual psyche. Some might argue that this is an implied Protestant attitude in Habermas's thought. I have no grounds to refute a form of solidarity more common in (supposedly puritanically) Protestant countries. I do, however, have grounds for upholding a sound development of an individual, in relation to others. An inversion of this would be an overly altruistic, perhaps uncritical attitude towards the society and towards the self. In CP, I advocate a balanced position between empathy and criticism. Both should be applied to the self and to others.

The last stage of moral development is the sixth stage: "The universal ethical principle orientation" (Habermas, 1984, p. 80). At this level, the pivotal point is the notion of "right". Therefore, it has legal connotations again. Habermas does not define right as the human rights here. Right, in some sense, also means the correct behavior. His later work develops human rights as a utopia. In his approach to human rights, he derives from notions which are inherent to human beings. ("Self-evident truth" is the way human rights were defined in the American revolution). Habermas's "Moral consciousness and ego identity" paves the way for the Habermasian equation of rights, the system of rights and human rights. "The Between Facts and Norms" justifies this similitude:

These principles are abstract and ethical (the Golden Rule, the categorical imperative); they are not concrete moral rules like the Ten Commandments. At heart, these are universal principles of justice, of the reciprocity and equality of human rights, and of respect for the dignity of human beings as individual persons. (Habermas, 1984, p. 80)<sup>12</sup>

At the post-conventional level of moral development, Habermas argues that the citizens are able to define moral values and principles which have validity and application apart from the authority of the groups or persons holding these principles. This depicts a citizenry which can think for itself, who can detach itself from the ruling and possibly authoritarian figures. Habermas's reference to the need for critically evaluating the

---

<sup>12</sup> Habermas uses the term "Golden Rule" but I suggest a secular interpretation of this term.

political leaders reminds the readers of the notion of charisma in Max Weber's work: while an initial conception of charisma is an important quality of an effective political leader, authoritarianism and dictatorship that were prominent in the context before CP was born in Germany can be avoided in a society where participants in rational discourse regularly think the political issues of their societies in light of moral principles offered by the world of thought. This is the in-betweenness of CP between the political world and political thought. Morality offers us a track for thinking about the good life, the right behavior and the good in the world.<sup>13</sup>

In a reading of moral consciousness in Habermas's work without the interpretation of CP added to it; Habermas calls for a public sphere within which citizens and their needs grow stage by stage into a particular kind of universe which he calls a "symbolic universe". This symbolic universe, I argue, is similar to the psychology school he names "the symbolic interactionist theory of action" mentioned above. He places Georg Herbert Mead in this particular school of thought (Habermas, 1984, p. 72). This symbolic universe defines the desirable terms at the last stage of moral development. Through a succession of three levels, the reasons for taking action change. In this interpretation, Habermas's choice of terms of reasons for "taking action" implies that in order to act in a certain way, any agent evaluates her own position in light of her own perception of the situation. This perception constitutes the reason. Consequently, action follows from this reason which, according to the moral consciousness, expands from the selfishness of instinct towards the empathy provided by love. Piaget's experiment is studied under the notion of "empathy" in psychology today. Time, in this sense, helps us reconstruct Habermas: in a way which adds even more meaningfulness sought by a theory of identity. For Habermas, moral consciousness, ego identity, and empathy are all interlinked.

Naturally ego identity is dependent on certain cognitive presuppositions, but it is not a determination of the epistemic ego. It consists rather in a competence that is formed in social interactions. Identity is produced through socialization, that is, through the fact that the growing child, first of all, integrates itself into a specific social system by appropriating symbolic generalities; it is later secured and developed through individuation, that is, precisely through a growing independence in relation to social systems. (Habermas's italics)

These symbolic generalities are, I would like to add, set captured by the symbolic nature of language. Language offers phonetic symbols offering sound patterns equating to the emotions behind. A first language is, therefore, always acquired. Learning and acquisition of language have this subtle difference in response to the social environment. This is how every 12-month-old baby learns to relate to the universe of sound symbols offered by the presence of her first carers. The social life surrounds us with emotions and sounds. This way, through stepping into a linguistic sphere, socialization starts. Habermas misses the step between language acquisition and learning. Development starts off with having acquired a sounds system; that is a language—which then turns into learning. This is all part and parcel of moral development.

Habermas's 1976 publication of several different ways of looking at the psychological does not give enough space to a more contemporary understanding of the same themes that we find in American psychological literature today. I use the term "American" only as a way to harmonize different schools of thought and demarcation lines of several kinds, and not as a way to determine a teleological endpoint to intellectual thought. In the paragraph above, the reader finds clear utterances of Habermas's insistence on

---

<sup>13</sup> The right and the good as well as the superiority of one over the other hold a special place in Rawlsian thought. Life, however, is unmistakably social. CP, put into practice for this paper, avoids the elaboration of the right and the good in philosophical terms and focuses on the social.

socialization and individuation processes which are of utmost importance for a sustainable and coherent definition of a(n ego) identity and the moral self necessary for the theory of CP. Jung is the psychologist who has made the most sustainable contribution to the notion of “individuation” which in my opinion best fits the Habermasian search for the moral self. Jung’s process of individuation, in my approach to the moral self, is supported by the object relations school. I propose a synthetic reading of different psychological schools of thought for a mosaic which builds the theory of CP. Habermas indicates three separate psychological schools of thought for deconstructing the notion of the ego identity; which he then argues to converge (Habermas, CES, p. 73). His reference to “convergence” is similar to what I mean by “synthesising”—the latter is focused on a reconstruction that I spread over the entirety of my research. Therefore, I seek to bring the “symbolic interactionist theory of action” together with several different branches of psychology for a more lucid definition of identity in CP.

Another solid discussion of the self comes from Freud. Despite that Habermas does not immediately cite Freud, the notion of “ego” came into psychological parlance only through Freud’s introduction of the psychoanalytic method. Freud’s notion of the id, ego, and the superego is in the background of any references to “ego”. In Habermas’s work, as the infant grows up and goes through the stages of moral development the satisfaction of needs which Freud reserved to the “id” starts depending on following socially recognized expectations. This cognitive learning process can be interpreted in individual as well as in social terms, for Habermas. The need interpretations, which up until the introduction of the second Kohlbergian level depended on uncontrolled cultural tradition and institutions in the social domain, are elevated into another level in which increased interaction between collective moral agents take place. As a social learning process, Kohlberg’s moral development offers the abandonment of unreflective need interpretations<sup>14</sup> at the earliest stage of the moral development. In Freudian terms (and not in those of Habermas), the basic instincts are the initial needs. The psychosexual needs of the adult life derive from the primal needs of early infancy.<sup>15</sup> Habermas’s definition of this transformative process perfectly fits into the transitional and dynamic definition of CP I seek to develop. Building on Habermas’s “postnationalism”, the transitional (justice) and in between nature of CP—between is and ought—finds a broad and developed Habermasian (first) literature to work on. In Habermas’ terminology, the need for care and intimacy is called “needs”. It is the “need interpretations” which transform the individual from one stage of socialization to another. I would like to emphasize Habermas’s twist. He relies on interpretations of needs. This term he chooses calls the individual moral agents to think about their own needs, initially, and understand them in “given social relations” in the way Marx defined the “given social relations” in Capital. Interpretation, I would like to add, belongs to the study of semiotics in particular. In semiotics, a signifier and the signified relate to one another in linguistic terms. Rene Magritte, Roland Barthes, and Jacques Derrida’s deconstruction theory offer this sense of “interpretation” in cultural studies. I should avoid further elaborating this here for space concerns.

---

<sup>14</sup> “Need interpretations” is a term Habermas borrows from Kohlberg. In psychological literature, it refers to the infant’s innate need for care. For further discussion, see Gazzaniga et al., “Playing and Reality”, “Maturational Processes and the Facilitating Environment”, “Home is Where We Start From” and “Playing and Reality” by Donald Winnicott. Also, Wilfred Bion’s work.

<sup>15</sup> Despite that Habermas uses the term “psychosexual”, nowhere he refers to the Freudian development of the same term. In “Civilisation and Its Discontents”, Freud argues that the negativism and the permanent neurosis of contemporary societies derive from the unsatisfied unconscious needs. Civilisation, he argues, derives from the repression of these needs. Freud’s interpretation of ego is integrated into this specific reading of society he has, whereas sex has no place in Habermas’s account.

Object relations school offer different objects of attachment as the infant grows up. Attachment is a complex matter. Interpreting the basic instincts into a comprehensible and meaningful emotional terminology produces social norms and institutions that go with them. Freud offers monogamy as an example. Civilization and the social world has a different language of its own which is not at all the same as the animalistic nature of human beings. Darwinian evolution holds that humanity has evolved from animals. Habermas's evolution does not go that far back. It does, however, offer a (somewhat incomplete) reading of what it means to be in the world. The missing link is more psychology. In CP, I merely borrow the psychoanalytical notion of attaching oneself to an object in order to define a relation. A constitution provides a document on which national or international allegiance is based. The body of the lover, in a strictly private sphere, provides emotional satisfaction through meeting the innermost need for relating to another human being. The initial physical and emotional needs of the baby are transformed into a healthy form of attachment.

The last stage of moral development introduces the social contract. In my interpretation it needs to be developed into the constitution, it is the right place to discuss the possible fetishistic role any fixed document can play in a given legal system. A criticism from within the literature on CP defines the died nature of the constitutions as a potential threat to its success as a theory:

As these norms may become "obscure objects of desire" for citizens, scholars or politicians, they risk becoming at the same time objects of fetishism, a fetishism that will only render more difficult the acknowledgement and evaluation of possible gaps between ideals and realities. (Des Biens, 2010, p. 2)

Adding a reading of International Human Rights Law into the theory of CP helps us to critically examine any set reading of a constitution as the object of political attachment. I defend that neither a constitution nor the UNDHR can or should be the epitome of morality understood in a religious sense. The discussion between the natural and positive law theories does not offer a productive footing for a functional political theory which is, to quote Habermas's "empirically meaningful". Des Biens's reading of CP which is weary of this fetishistic aspect of constitutionalism applies CP to divided societies in particular. This application is certainly one of the best contexts within which CP can become meaningful. It offers a practical import. His reference to the "Obscure Object of Desire" borrows the title of a Luis Bunuel film which has an important place in cinema theory. The director is a socialist artist offering art criticism in cinematographic form. It also rings Freudian bells of "object of attachment" in *Psychopathology of Love* in Freud (Freud, 2006). I offer a healthy form of attachment in place of an "obscure" one. A political culture which is theorized systematically avoids the pitfalls of this obscurity rightfully highlighted by Des Biens. CP makes use of the intersubjective bonds of fellow citizens. Attachment makes it possible to stretch this meaningfulness outside the domain of nationally defined citizenship.

In a gradual way, constitutional patriotism seeks to transform the national identity as an individual "grows up", that is, without abandoning the conventional ties of attachments but by going through a process of improving them while maintaining a sensitivity to the needs of others. Different typologies of constitutional patriotism I seek to develop here may be read in a way to distinguish between national, supranational, and cosmopolitan levels. Each one of these levels talk about an "Other" in different terms: in national constitutional patriotism, the other is the immigrant or an ethnic community living in a multicultural society, in supranational constitutional patriotism the other is another nation state taking part in the same union such as the European Union, and in cosmopolitan constitutional patriotism the other is another nation-state taking part in the world

society or perhaps constituting another member of a loosely defined world federation. While the form of governance loosens the higher we go up in this typology, the role the human rights and democracy play as universal ideals increases.

The refugee crises of 2016 add a different dimension to this typology of CP. The refugee crises added a whole new dimension to who the other is. The nationals of a formerly colonizing country, such as the U.K., would find more conventional moral reasoning to accept the colonized other coming to its doorstep. The responsibility of the refugee crises does not directly fall onto the Western countries—if one is to follow the media of these Western countries. The lack of clear reason and moral responsibility makes the (mostly Syrian) refugees more otherised than the colonial ones. The populist democratic referendum carried out in the U.K? Shut away the others of several kinds: the European immigrants together with the non-EU immigrants all fall under one title: non-British. This national self-assertion is also expressed in the slogan of making a country great again popularized in the USA around the same time. What all forms of migrants have in common is this: the sense of being associated fear. The host culture finds itself in the face of an unknown through the exposure to people of different national identities. It is the lack of knowledge which produces fear. Different language, different customs, and different ways of being in the world are mostly interpreted as threats to the way of life of the majority or the host culture. Europhobia and xenophobia are fears intertwined at the UK referendum on EU membership.

In the earlier stages of the development of the moral self, the irrational and/or affective aspects of traditional forms of life that would seem to be in contradiction with the values of a global political world order. These conventional forms of life, which have not been reflexively questioned in light of reason and a liberal political culture, are oriented towards the opinion of one's parents in individual moral development (as opposed to social moral development—a distinction which does not immediately arise in Habermas's social theory). Through the recognition of other moral actors, individual citizen arrives at an emphatic and fully developed stage in terms of autonomy as she starts to value the moral other and satisfies her need for authority through an orientation towards law. At the last level of moral development, the moral agents can develop and assert their identities according to cosmopolitan principles. At this post-conventional level with global connotations, moral agents develop the ability to scrutinize the traditionally settled forms of life. This transformation rendered possible through a constitutionally patriotic reading of Kohlberg's stages of moral development in Habermas's social theory offers a complex way of addressing nationalism and cosmopolitanism in terms of identity.

The norms that guide action in different levels of moral development have different validity claims of rightness or justice. In this sense, social justice is attained through the learning process of the citizen as a moral agent attaining an autonomous moral self which has the characteristics of the post-conventional ego identity. An autonomous will emerge in the individual agent's ego. Through a process of learning; it reaches the stage of taking reflexive decisions. This increase in autonomous decision-making mechanisms of the individual moral self is oriented towards justice in the social domain. CP offers International Human Rights Law as a medium for stabilizing an abstract notion of justice. At the last level of moral development, I place into CP; principles that are embodied in a constitution are principles of universal justice, such as the equality of human rights and respect for the dignity of human beings as individuals. The citizen develops the skill of generalizing particular norms. This enlargement of the perspective is a reminder of Martha Nussbaum's approach to the cosmopolitan self: Nussbaum argues that the duty of the cosmopolitan citizen is to imagine the self in the form of concentric circles (Nussbaum, 2002, p. 9). The innermost circle constituting the immediate family, the circle right after

that our fellow city dwellers, the one after that the members of our linguistic group and so on. The cosmopolitan citizen, Nussbaum holds, ought to bring the outermost circle closer to the innermost one as a means to enrich oneself.

An interpretation of the moral development brings a new perspective to an understanding of constitutional patriotism as a transformative political identity: the possibility of construing constitutional patriotism as an attachment to the values of a constitution partly independent of the patriotic attachments of the citizens or with minimized particularistic attachments. This is one of the possible interpretations of constitutional patriotism. By going through the cognitive learning processes of moral development, an individual citizen or a collectivity finds herself able to relate affectively to the ethical principles of a constitution firstly, and secondly to societies who constitute different nation-states of their own. While linking the individual identity to the identity of other individuals around us in psychological terms, the theory of moral development has the missing link of CP pushing it towards a cosmopolitan direction:

Identity is produced through socialisation, that is, through the fact that the growing child, first of all, integrates itself into a specific social system by appropriating symbolic generalities; it is later secured through individuation, precisely through growing independence in relation to social system. (Habermas, 1984, p. 74)

A holistic approach to Habermasian theory facilitates a reading of constitutional patriotism. Introducing the moral self and the different levels of moral development that culminate in the sixth principled stage, the utopia of cosmopolitan world governance is tied to a constitutionalised and dynamic vision of a post-conventional world society. The notion of individuation brings a reading of Mead into this discussion of Habermas and CP.

### **Mead, Language, and Individuation**

Habermas's analyses of George Herbert Mead's account of language and individuation offer a description of the language and the self as partly local and partly global concepts. Both in Mead's and Kohlberg's accounts a social process of individuation is explored in terms of autonomy. In Mead's account as opposed to that of Kohlberg's account, language plays a central role in the process of individuation: language, for Mead, goes hand in hand with autonomy. In his social psychology, George Herbert Mead makes the connection between different social roles and the gain in autonomy by individuals who are socialized in increasingly differentiated conditions (Habermas, 1992, p. 151). For Mead, different moral agents and the Other that monitor behavior ought to be internalized for a successful process of individuation. In Kohlberg's approach to autonomy, this stage of internalizing the other starts taking place when the individual begins to develop concern for others at the conventional level of moral development. Mead argues that "monitoring mechanisms" need to be internalized. These monitoring mechanisms, in Kohlberg's stages of moral development, were originally one's parents. Other moral actors—such as fellow national or global citizens in Kohlberg's account—constitute the moral agents or "monitoring mechanisms" in Mead's terminology at the later stages of moral development. Nussbaum's argument about the duty of the cosmopolitan citizen of having to bring the outermost circle closer to the self, Kohlberg's argument about the need for increasing autonomy through developmental stages and Mead's argument about the internalization of agencies that monitor behavior share similar connotations. All three philosophers argue for an enrichment of the national self through an inclusion of the Other. Mead and Kohlberg's approaches to the moral self both have influenced Habermas's understanding of individuation.

A concept I would like to draw attention to is “care”: different authors and schools of thought use different terms for referring to the notion of care. The term “monitoring mechanisms” used by Kohlberg and following him Habermas depicts a picture of the “other” as a source of authority and fear. The first person to be conceived as the “other” by the young infant is the mother. The mother, according to the object relations school, is the first object of attachment as every human baby unmistakably comes out of a female carrier. Individuation, in this reading, is a process within which the human infant finds a way of being in the world through gradually distancing herself from the first object of attachment. I have referred to this elsewhere in this chapter in light of the attachment to the constitutions in CP. Here, I would like to highlight another theme which is useful for bringing light to issues remaining in the dark: the monitoring mechanisms, for Kohlberg and Habermas, and the “other” are not any different from different sources of care, I argue. Human beings seek the warmth of care. It is this warmth which Schopenhauer and Freud have developed in the hedgehog’s dilemma.<sup>16</sup> Romance, in an adult age, steps in to fill this gap left by civilization. Socialization distances us from the first caregiver, only for having to and needing to replace it with “another”. This another, in psychological terms and in object relations, in particular, is a partner. The way I develop this form of attachment avoids the heterosexist critique of Freud for contemporary forms of multiple sexual identities.

Individuation, in the way Habermas reads Mead, is pictured as a linguistically mediated process of socialization and recognition of one’s own life history consciously: “The identity of socialized individuals forms itself simultaneously in the medium of coming to an understanding with others in language and in the medium of coming to a life-historical and intrasubjective understanding with oneself” (Habermas, 1992, p. 153). The life history of the collectivity ought to become conscious of itself in order to complete a successful process of individuation: it ought to recognize itself as a completely autonomous moral actor (*ibid.*). This is a way for me to elaborate on the individual psychology towards a collective one. For CP, I suggest distancing oneself from the notion of history for an autonomous development of the ego identity. Individuation, for CP, is a process between the present and the future. The past is here only for us to evaluate our present selves accurately; not for getting trapped in the negativities it may offer. The German context and the Holocaust offer one example for the theory of CP as a form of identity. Rather than focusing on the “history” aspect of Habermas’s initial writing, I offer to turn towards the linguistic interpretation that can and does fit into the construction of individuation: Language provides a tool with which the infant can relate to the first object of attachment. Without the linguistic medium, the communication between the early infant and the carer is nothing but an instinctive one based on satisfaction of the infant’s needs. One can argue that the infant also helps the parent to satisfy a need too: that is the need to feel needed, the need to join the society in some sense by composing the smallest unit of society that is the family. Language is the first abstract medium to communicate: all the needs of the infant are physical and biological. The baby needs to be changed, therefore he or she cries. He or she does the same when hungry or in any form of physical pain or need. All the needs of the baby can be satisfied through addressing the cause, except the need for love and care. Meeting the physical needs of the baby can provide satisfaction too; the baby will no longer cry when you feed him if the reason for crying was hunger. If you change the nappies of the baby while the baby is hungry, this will not satisfy the need. This is what Habermas, I take it, means by “need interpretations”: we interpret the needs of the baby from the perspective of

---

<sup>16</sup> For further reading, see “the hedgehog’s dilemma” in Freud and Schopenhauer. Space and focus reasons do not allow me to develop it any further here.

an adult. The physical and biological remain the same while the infant grows up and goes through different stages of socialization and moral development. The interpretation in adult social life, however, is not readily available to the untrained eye.

Such is the crucial importance of the process of individuation. Jung defines the process of individuation as “the complete actualisation of the whole human being” (Jung, 1974, *Dreams*, p. 108). Language does not play such a central role for Jung as it does for Mead. Wittgenstein, also, presents the idea of language as a tool for entering into social relations. Mead’s reference to the necessity of thinking of one’s own national self in conscious and reflective terms would have its reflection in Kohlberg’s moral development at the sixth stage, that is the last stage of the postconventional level. Constitutional patriotism, as a form of political attachment which seeks to transform national identities, invites citizens of nation-states to think about their collective identities consciously, in reflexive terms—as Mead puts it; and at the sixth stage, as Kohlberg puts it. A linguistic process of recognizing the other moral agents who are external to the self initiates the process of moral development and socialization. Coming to an understanding with others and the presence of others in the medium of a language paves the way for individuation. In this sense, the identity of socialized moral agents begins to form itself in language.

Language, in Habermas’s account, answers a question about an odyssey that the human spirit is condemned to (Habermas, 1992, p. 153). The self finds its way to itself on a detour (*my italics*). The moral agent comes to understand herself via recognizing other humans; while externalizing itself, it internalizes the Other. In order to become conscious of itself as an individuated being, the self needs to stand in the greatest distance possible to it (*ibid.*). Standing in distance to oneself means engaging in the Habermasian attitude of the participant-observer perspective. Observing oneself through the objectivism of a social scientist is required for having a well-balanced opinion of oneself. It is through a clear evaluation of the current state of affairs, or the problem at hand, that one can develop an effective model of improvement. Practicing the (social) scientific attitude in the introspective process is a must: “He who looks outside dreams, he who looks outside awakens” wrote Jung before taking his readers into an odyssey into the unconscious. CP seeks to define what is before building what ought to come to be.

Habermas’s approach to language situates the language in an external space which shapes the mind of every human being through a process of socialization. The human mind stands in relation to others and gradually distances itself from itself so as to acknowledge the existence of other humans. This approach to language, as an external entity that every human being relates to, conceives of language as a universal concept that has different manifestations in different national contexts. From the perspective of translation and language; this brings the myth of the tower of Babel to mind: the dispersion of humanity into different languages and the linguistic differentiation that leads to cultural confusion, from the perspective of constitutional patriotism, ought to be overcome through encompassing universal principles. Recognition of other moral agents and increase in autonomy, that takes place in the linguistic medium, builds the path to a richer ego-identity that transforms national contexts. From the perspective of translation and language; this brings the myth of the tower of Babel to mind: the dispersion of humanity into different languages and the linguistic differentiation that leads to cultural confusion, ought to be overcome through encompassing universal principles.

Recognition of other moral agents and increase in autonomy, that takes place in and through the linguistic medium, builds the path to a richer ego-identity that transforms national contexts. Language renders the process



of personal as well as international processes of communication more feasible. The private sphere has a physical domain within which communication takes place but for this thesis, I would like to reserve physical communication to romance only. Winnicott's interpretation of feminism gives space to an age of the infant in which love can only be expressed physically (Winnicott, 1986).

Home is where one starts from. As we grow older  
The world becomes stranger, the pattern more complicated  
Of dead and living. Not the intense moment  
Isolated, with no before and after,  
But a lifetime burning in every moment  
(T. S. Eliot)

For Winnicott, physical expression comes before the linguistic one. This is a fine distinction between physical and verbal expressions of love. History of literature is filled with romantic declarations. Civil law allows couples to call for an annulment if a marriage has not been "consummated". It is this distinction between physicality and emotionality (or sentimentalism in literary terms, or meta-physicality if one prefers philosophical terms) which renders it easier to distinguish communication in different "spheres" of the lifeworld. In Sonnet 116, Shakespeare writes of a clear definition of love. This definition he provides benefits from a linguistic medium, the elaboration of which constitutes the literary form of art. This significant contribution of him to the field of literature and thought would not have been made, had he not possess the desire to physically "consummate" a romantic relationship. Therefore, I argue that even the most elaborate linguistic or verbal articulations stem from the sublimation of the basic instincts. CP observes these fundamental aspects of the construction of the self in order to situate the self in a realistic position for further transformation.

According to Habermas and Mead, consciousness and ego identity are explained through a construction of an abstract linguistic communicative space which is external to the self. For Mead, the self emerges in contexts of interaction with an Other through language. Mead's reading of intersubjectivity and Kohlberg's reading of interaction both lead to increased autonomy. In this sense, Habermas argues, Mead's approach to individuation alters the fundamental principles of the philosophy of consciousness by tying understanding to a concrete tool: that is the language. "Language, itself subjectless, makes possible the linguistic practice among subjects who belong to a linguistic community, while at the same time it renews and maintains itself as a linguistic system through this practice" (Habermas, 1992, p. 163). This bridging of the gap between Is and Ought, between social science and philosophy is a distinctive feature of Habermas's social theory. Theory of constitutional patriotism, as I construe it, juxtaposes national identities and language by introducing language to Habermas's understanding of moral selves as constitutive of the national identities while deconstructing the moral self from the standpoint of Mead's account of individuation.

While Habermas leaves socialization through language at the level of inviting the individual to become an autonomous moral self, I would like to add a small twist to this: in a coherent interpretation of CP, a theoretical suggestion is to offer a way for the factual or currently existing forms of identity to transform. History of thought has witnessed several different ideas of evolution; the most prominent one belonging to Charles Darwin. Darwin has made the historical contribution to biology by studying the ancestry of the human animal. Through factual documentation (to use a legal language), he has demonstrated how humankind has descended from apes. This, at the time, went against the religious reading of the origin of the humankind. Darwin's theory in *Origin of Species* documents his study of birds, and leaves and several other natural entities perpetuating

themselves in the lifecycle of the universe. Human beings live in a natural universe: Darwin has interpreted the nature around us through scientific terms. Scientism and mysticism reach a clear juxtaposition (or opposition) through an introduction of Darwinism. Psychology is a discipline which derives from Darwin as psychology studies human and animal behavior. In CP, I seek to propose another theory of evolution quite like that of Darwin. Habermas's choice of words of "evolution", I argue, is not coincidental at all. I advocate a procedural structural transformation of the society through enlarging the individual moral self through different developmental stages.

In contradistinction to Charles Darwin, Habermas invites us to think through the social transformation processes. In "Past as Future", he clearly states that in his opinion, societies ought to change:

"Only God can save us"—that's the kind of noble tone in philosophy that already got on Kant's nerves. Philosophers don't change the world. What we need is to practice a little more solidarity: without that, intelligent action will remain permanently foundationless and inconsequential. (Habermas, *Past as Future*, p. 96)

Therefore, Habermas refuses a non-secular or mystical interpretation of the origin of the species. The term "origin of the species" is the Darwinian counterpart of the Habermasian notion of social evolution I seek to elaborate on in CP. It is this insistence on optimism and positivism, in my opinion, which renders Habermas different from most other philosophers of our time. His magnum opus offers an elaborate positioning of the in-betweenness of the social life. It is his political writings, especially the "Communication and Evolution of Society" which offers one more step-stone for the elaborate of this theory of identity.

I would like to discuss these links between the aforementioned thinkers which in my opinion until now remained unseen: Mead's reference to the necessity of thinking of one's own national self in conscious and reflective terms would have its election in Kohlberg's moral development at the sixth stage, that is the last stage of the post-conventional level. CP, as a form of political attachment which seeks to transform national identities, invites citizens of nation-states to think about their collective identities consciously, in reflexive terms—as Mead puts it; and at the sixth stage, as Kohlberg puts it. A linguistic process for recognizing the other moral agents who are external to the self initiates the process of moral development and socialization. "Other moral agents" in the initial conceptualisation of CP and in existing literature would be the first object of attachment or the carer. The mother, by definition due to being a person, has an agency. Habermas has a moralistic attitude towards agency; which is why he names the first object of attachment (in psychoanalytic terms) the "other moral agent". In a process of communication, the other moral agent would be the another interlocutor. In international relations, one would find oneself in a medium where a number of interlocutors are already established. Establishing oneself through linguistic articulations and exchange with the carer, at the initial stages of moral development, would be the seed of recognition. Through growing up into a symbolic universe of other international moral agents as interlocutors, the infant (or the minority group or the de facto state) enters a process of communication. It is through a process of communication that we establish ourselves. Neuburger's definition of existence in relational terms is what I would like to bring into a social psychological terrain.

In this reading I propose, moral development and socialization go hand in hand. I argue that getting to know others around the self and learning to relate to the people in our intimate public circles help increase the level of autonomy stage by stage. Habermas's distinction between the public and private spheres regarding autonomy offers a systematized framework for this elaboration of communication and psychological development I call for in order to render CP theoretically viable.

Love can be conceptualized in political, civic, and intimate forms. Psychologists have for long categorized the notion of love as maternal love, romantic love, etc. CP is an identity theory of love: my main objective is to transform the notion of love in the public domain. Habermas's notion of the public sphere needs to be interpreted in cosmopolitan terms: communication taking place in the public sphere among participants (in rational discourse) may as well be, and in my opinion should definitely be, pulled towards the cosmopolitan direction. Patriotism is a love of country: this is how the theory of CP is different from a merely legalistic idea. Constitutions, international law, international human rights law or just the human rights law are not capable of recreating the world in which we live. The collective power of reflexive moral agents united, however, is. The technical details of my thesis and the need for situating it within (at least seemingly) one academic discipline do not allow me to develop the notion of love further. I would, however, like to shed light on one thing about love: CP calls for increased communication between different identity groups. The notion of the enlarged moral self offers this interpretation of decentralization. By getting in touch with different social groups, the "self" comes to transform. Communication opens channels which clarify the muddled waters of conflict. This is true in communication in interpersonal relationships as well as international relations. Understanding a different culture requires the capacity to love, first of all, and the desire to love who is, or who are, (seemingly) different. This is the public aspect of autonomy in CP. The private aspect of it, however, belongs to interpersonal relationships only and not to the inter-social or inter-state relationships.<sup>17</sup> The form of love one has for one's own country ought to be transformed in order to which the members of different communities come closer to the heart: to the form of love one has to one's own country. This is a loose form of love. CP also has thick and thin interpretations of it defended by Muller, fitting into the schema I develop here by loose and intense forms of love (or attachment). The less dense nature of love in patriotism renders it easier for CP theorists to fuse it into other domains: such as law, or morality. The more intense and most profound form of love, however, belongs to the private sphere. Nussbaum's conception of the self, and that of Stoics offers the innermost circle as the close family.<sup>18</sup> The circle after this belongs to the family. I would like to change this to a minor extent: the innermost circle involves the loved one only. The circle after this belongs to the family. Only by loving another person as much as one loves oneself one can develop healthy attachments. The notion of the "carer" or "the neglectful mother" in psychoanalytic theory gives rise to this significant other in the currently existing psychoanalytic literature (Winnicott, 1972)). I invite my readers to interpret the process of individuation as a process of finding the perfect "match". This interns for of love need nor arises in members of the opposite sexes; it is, however, romantic by definition. The kind of romance I seek to establish in the moral self is similar to the notion of passionate love many poets, in particular, has expressed. Wordsworth's and Baudelaire's poetry are great examples of this linguistically articulated passion. By introducing the notion of language into the understanding of the moral self, Mead, Kohlberg, and Habermas all complement one another. Romantic love is the most transformative and most powerful form of love. Civic love, on the other hand, is a more malleable version of it that constitutes the substance of national attachments. CP addresses the latter.

By this last level of moral development, the cause of judgments has taken a more universal and legalistic form. The moral agents can stand back from their personal particularistic attachments and relate affectively and cognitively to the principles of the constitution. At the stage of universal ethical principle orientation, the right

<sup>17</sup> This fits into the public and private distinction of autonomy and the system of rights developed in *Between Facts and Norms*.

<sup>18</sup> See Nussbaum's "Cosmopolitan Patriotism" and "Is Multiculturalism Bad for Women?"

norms are defined as principles appealing to logical comprehensiveness and universality. If the theory of ego identity is to be complemented, the abstract object of universal ethical principle orientation, I argue, should derive from the constitution as an embodiment of these principles. The constitution stands in the place of the object of attachment at the last stage of moral development in the theory of constitutional patriotism. The element that Habermas introduces at the sixth stage of moral development, that is the social contract, is transformed into a universal constitution in the cosmopolitanism aspect of the theory of constitutional patriotism.

Habermas advocates a liberal political culture in which different linguistic groups communicate with one another. The crucial issue is whether and to what extent the sentiments and attitudes of different cultural groups can be cultivated through reasoning (Raz, 2001, p. 10). Language, in the Habermasian sense, is emancipating as it is construed as a system which renews and maintains itself externally to the participants. In this sense, Habermasian language acquires a life of its own while remaining partly as a ghost in a linguistic community. I argue that a postconventional morality that is at level three, stage six of Kohlberg's developmental stages establishes a global universe of discourse which transcends specific national contexts. Members of a given national or linguistic community agree upon changed habits and values. National selves which from the perspective of constitutional patriotism use an analysis of Habermas's approach to the moral self, are necessary for social individualization and for reaching global principles. Having humanity divided in linguistic national terms is a condition, not an obstacle, for constitutional patriotism as a transformative project which has a mix of different cultures embedded in it. Constitutional patriotism, by increasing autonomy stage by stage, offers this thought experiment for a global order which respects universal ideals as well as particular national cultures.



Joan Miro, *The Ladder of Escape*. The hat figure common in his paintings represents the minoritarian Catalan identity. The ladder, I find, is the best definition of proceduralism defined by the in-betweenness of CP. Miro depicted his desire to escape into the “Ecclesiastical” by climbing up the ladder. The stages of moral development are similar.

### References

- Appiah, K. A. (2005). *The ethics of identity*. New Jersey: Princeton University Press.
- Arendt, H. (1994). *The origins of totalitarianism*. New York: Harcourt.
- Bion, W. (1989). *Learning from experience*. New York: Other Press LLC.
- Bunuel, L. (2006). *Mon dernier soupir*. Ramsay Poche Cinema: Gémenos.
- Darwin, C. (1998). *The origin of species*. Hertfordshire: Wordsworth Classics.
- Durkheim, E. (1987). *L'Individualism et Les Intellectuels*. Paris: PUF.
- Elliot, T. S. (2009). *Selected works*. London: Faber Faber.
- Fanon, F. (1961). *The wretched of the earth*. Penguin: Harmondsworth.
- Freud, S. (2006). *The psychology of love*. London: Penguin.
- Freud, S. (2010). *Civilization and its discontents*. CT: Martino Publishing.
- Gaudreault-DesBiens, & Jean-François. (2009). The fetishism of formal law and the fate of constitutional patriotism in communities of comfort: A Canadian perspective. In J. E. Fossum, P. Magnette, and J. Poirier (Eds.), *Ties that bind. accommodating diversity in Canada and the European Union* (pp. 301-330). P. I. E. Peter Lang.
- Gerth, & Mills. (1971). *From Marx Weber*. Chicago: The University of Chicago Press.
- Giddens, A. (1972). *Emile Durkheim*. Cambridge: Cambridge University Press.
- Habermas, J. (1991). *Communication and the evolution of society*. London: Polity.
- Habermas, J. (1992). *Moral consciousness and communicative action*. London: Polity.
- Habermas, J. (1996). *The inclusion of the other*. Cambridge: Polity Press.
- Habermas, J. (1998). *Between facts and norms*. Massachusetts: MIT Press.
- Habermas, J. (2001). *Postnational constellations*. Oxford: Polity
- Habermas, J. (2006). *The divided west*. Cambridge: Polity.
- Habermas, J. (2006). *Time of transitions*. Cambridge: Polity.
- Habermas, J. (2007). *The postnational constellation*. Cambridge: Polity.
- Habermas, J. (2008). Citizenship and national identity: Some reflections on the future of Europe. In T. Pogge and D. Moellendorf (Eds.), *Global justice* (pp. 285-311). St. Paul: Paragon.
- Habermas, J. (2009). *Europe: The faltering project*. Cambridge: Polity.
- <http://www.tate.org.uk/about/press-office/press-releases/joan-miro-ladder-escape>
- Hunt, L. (1996). *The French revolution and human rights*. Boston: Bedford.
- Hunt, L. (2007). *Inventing human rights*. New York: Norton.
- Jung, C. (1968). *Mand and his symbols*. St. Louis: Turtleback Books.
- Jung, C. (2001). *Dreams*. London: Routledge.
- Kapur, R. (2002). Tragedy of victimization rhetoric: Resurrecting the native subject in international/postcolonial feminist legal politics'. *Harvard Human Rights Journal*, 15(1), 1-39.
- Klein, M. (1998). *Love, guilt and reparation*. London: Vintage Classics.
- Levine, D. N. (1971). *Georg Simmel on individuality and social forms*. Chicago: University of Chicago Press.
- Mead, G. H. (1934). *Mind, self and society*. Chicago: University of Chicago Press.
- Müller, J.-W. (2007). *Constitutional patriotism*. New Jersey: Princeton University Press.
- Neuburger, R. (2014). *Exister*. Paris: Payot.
- Rawls, J. (1998). *A theory of justice*. Massachusetts: Harvard University Press.
- Rawls, J. (2002). *The law of peoples*. Cambridge: Harvard University Press.
- Rawls, J. (2011). *Political liberalism*. Columbia: Columbia University Press.
- Renan, E. (1997). *Qu'est-ce Qu'une Nation?* Paris: Mille et Une Nuit.
- Sartre, J.-P. (1983). *La Nausée*. Paris: Gallimard.
- Solomon, R. (2006). *About love*. Hackett Publishing: USA.

- Taylor, C. (1989). *Sources of the self*. Cambridge: Cambridge University Press.
- Taylor, C. (Ed.). (1994). *Multiculturalism*. New Jersey: Princeton University Press.
- Touraine, A. (2000). *Can we live together?* Oxford: Polity.
- Winnicott, D. W. (1972). *The maturational processes and the facilitating environment*. Wiltshire: Retwood Press.
- Winnicott, D. W. (1990). *Home is where you start from*. London: Penguin.
- Winnicott, D. W. (2005). *Playing and reality*. London: Routledge.