HABERMAS' DISCOURSE ETHICS:
A CRITICAL STUDY

KHAIMOOK LAOPIPATTANA

DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
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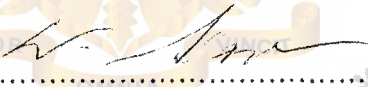
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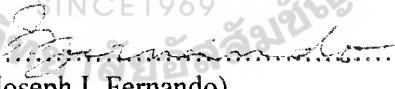**DISSERTATION CO – ADVISOR:** -

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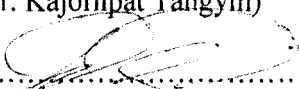
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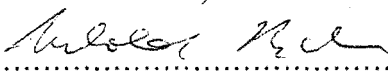
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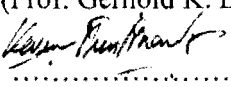
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Abstract

The emerging global order would appear to be accompanied by an emerging chaos of dehumanization, misunderstanding, violence, and terrorism. This chaos can be understood as a moral crisis manifesting the absence of any coherent, universally accepted ethic. For example, the ethic of the corporation tends to deny the humanity of workers and consumers; the American ethic seems to require imposing American political and economic systems where they are not wanted. However, the difficulties of constructing a universal ethic, and having it accepted, are formidable. For example, any *proposal* of an ethic can only appear to others as an attempt to *impose*, as a salvo in the war of whose ethic is best. The focus of the present study is the search for a universal ethic. Habermas' *discourse ethics* is seen, not indeed as providing a universal ethic, but as the best means of searching for one.

The search for a universal ethic is situated among the issues of modernity/postmodernity. The benefits of modernity appear to have brought the Enlightenment project of emancipation through reason close to full realization. Advances in industrial, medical, and communications technology, for example, have made the world wealthier, healthier, and smaller. At the same time a multitude of critics argue, often convincingly, that these triumphs of reason have led instead to a whirlpool of dehumanization and even enslavement. At the same time, the shrinking

of the world has forced multiple, often incommensurable cultures, into dependence upon one another, with the consequent potential for conflict that too often becomes actual, violent, and lethal. Both of these unanticipated outcomes of modernity may be blamed in part on the structures of capitalism that, for example, make commodities of human beings. Those consequences may also be blamed in part on the absence of a universal ethic, that is, the lack of shared normative standards. Such standards, it is to be hoped, would restrain the dehumanizing effects of capitalism, on the one hand, and mediate conflicts between incommensurable cultures on the other.

Dehumanization, cross-cultural conflict, and the lack of a universal ethic, in turn, has been blamed on the dominance of *instrumental rationality*, that is, reasoning that seeks only the best means to arbitrary ends, consequently understanding actual human beings only in terms of means. Such critiques have led thinkers such as Horkheimer and Adorno (*Dialectic of Enlightenment*) and Lyotard (*The Postmodern Condition*) to declare the failure of modernity and to a rejection of reason itself.

While accepting much of the critique of modernity, Jürgen Habermas, rather than condemning reason, notes that instrumental rationality is not the only kind of reason. There is also, and more fundamentally, he argues, *communicative reason*, whose purpose is not primarily to achieve goals, but mutual understanding. While agreeing that modernity has overthrown *conventional* ethics, he argues that communicative reason is capable of legitimating universal *post-conventional* moral norms. The process of legitimating such norms he calls *discourse ethics*. Discourse ethics would formalize communicative practices already used by human beings, in order to propose and validate norms that would be accepted by, and in the interests of, all. That is to say, discourse would lead to *consensus* on specific norms. Such

consensus, in turn, would serve for both legitimation of the norms and motivation for observing them. By basing discourse on communicative practices that Habermas can argue are necessary to language use and hence universal among human beings, Habermas can claim that discourse ethics is culturally neutral. Ideally, everyone from every culture participates freely in the discourse, and proposed norms are accepted only when all affected freely agree that the norm is in their interest.

The present study evaluate the possibility that discourse ethics provides a workable means of constructing a universal ethic that would serve *both* to counter the dehumanizing effects of global capitalism *and* to mediate conflicts between the multiple cultures. I find, in agreement with some of Habermas' critics, that discourse ethics is laden with Western and modern values and assumptions, and that it is therefore not as culturally neutral as Habermas would wish. Nevertheless, by relaxing some of Habermas' requirements (for example, by allowing overlapping consensus), I argue, discourse ethics may be applicable cross-culturally.

In answer to critics that challenge the need and desirability of consensus, I show that the search for consensus is inescapable. Moreover, while consensus can be irrational and enslaving, Habermas shows how it can also be rational and emancipating. The charge that the search for consensus reduces the other to sameness is shown to be invalid inasmuch as discourse ethics is structured specifically to allow each to achieve his own distinctive voice in making evaluations and justifications of norms. Norms would be accepted only when all concerned could freely accept them as valid and binding. In short, discourse ethics is found to be a workable approach, and perhaps the only workable approach, to establishing universal norms.

Acknowledgements

Contents

Abbreviations

The following abbreviations are used throughout in citations of the works of the major authors reviewed in this Thesis.

Jürgen Habermas

DM: *The Philosophical Discourse of Modernity.* (Frederic Lawrence, Trans.). Cambridge: Polity Press, 1987.

FN: *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (William Rehg, Trans.). Cambridge, MA: MIT Press, 1996.

JA: *Justification and Application: Remarks on Discourse Ethics* (Ciaran Cronin, Trans.). Cambridge MA: MIT Press, 1994.

LC: *Legitimation Crisis* (Thomas McCarthy, Trans.). Cambridge: Polity Press, 1988.

MC: *Moral Consciousness and Communicative Action* (Christian Lenhardt & Shierry Weber Nicholsen, trans.). Cambridge, MA: MIT Press, 1990.

MU: "Modernity: An Unfinished Project". In Charles Jencks (Ed.), *The Postmodern reader* (158-169). New York: St. Martin's Press, 1992.

PC: *The Postnational Constellation* (Ma Pensky, Trans., Ed.). Cambridge, MA: MIT Press, 2001.

TCI: *The Theory of Communicative Action Volume 1: Reason and the Rationalization of Society* (Thomas McCarthy, Trans.). Boston: Beacon Press, 1984.

TCII: *The Theory of Communicative Action Volume 2: Lifeworld and System: A Critique of Functionalist Reason* (Thomas McCarthy, Trans.). Boston: Beacon Press 1989.

Max Horkheimer and Theodor Adorno

DE: *Dialectic of Enlightenment: Philosophical Fragments* (Edmund Jephcot, Trans., Gunzelin Schmid Noerr, Ed.). Stanford: Stanford University Press, 2002.

Jean-François Lyotard

JG: *Just Gaming* (with Jean-Loup Thébaud; Wlad Godzich, Trans.). Minneapolis: University of Minnesota Press, 1985.

PMC: *The Postmodern Condition: A Report on Knowledge* (Geoff Bennington & Brian Massumi, Trans.). Minneapolis: University of Minnesota Press, 1984.

TD: *The Differend: Phrases in Dispute* (Georges Van Den Abbeele, Trans.). Minneapolis: University of Minnesota Press, 1988.

WP: "Answering the Question: What Is Postmodernism?". (Régis Durand, Trans.). In PMC, pp. 71-82.

Chapter I

Introduction

The process of globalization may be understood as the success of modernity. In keeping with the Enlightenment faith in the universality of human nature and the unity of humanity, all the peoples of the earth are being brought under a single economic and, increasingly, political, system and are being bound to a single history. What is sometimes referred to as the "global village" is very nearly a reality. Globalization may also be understood as the failure of modernity and Enlightenment hopes and ideals: the village is at war with itself. On the one hand, global capitalism forces assimilation to its patterns of life (and which the modern West assumes to be *already* universal); on the other hand, it brings different peoples, with possibly incommensurable cultures into increasingly close proximity and with an increasing necessity of mutual interaction. It has become abundantly clear in the process that whatever there is that is universal in human nature is trumped by what is particular.

The multiplication of lethal conflicts, Islam versus the West, Shi'a versus Sunni, Pattani versus Bangkok, etc. are, at least in part, reactions to the modernist/globalizing impulse to treat everyone- as identical, hence to force assimilation to a dominant pattern. Even when there is no deliberate effort to force assimilation, even where the motivations include genuine belief in equality and a common humanity, the confrontation and interpenetration of peoples brought about by globalization, forces incompatible cultures into conflict with each other even as global capitalism forces, quite unintentionally, assimilation to its structures. The

Sunni in Iraq do not want to live by Shi'a patterns, Middle Eastern Muslims do not want, or cannot, live by the patterns of capitalist democracy. The ethnic Malays of Southern Thailand do not want, or cannot, live by the patterns demanded by Bangkok. And in every case, vice versa: my point here is not the unjust domination of one people by another, but the confrontation of incommensurable cultures brought about by the forces of globalization, even as globalization itself threatens traditional ways of life. Globalization, nevertheless, has progressed to the point of irreversibility. Lacking norms to regulate the interactions among different peoples, the differences, denied, erupt into ever escalating lethality.

It is self-evident to most that it is urgent that a universal ethic be found to regulate inter-cultural interaction in non-lethal ways, even as increasingly evident differences make such an ethic seem ever more unlikely (Kung, 1998). Even the assurance of a common humanity is a specifically Western cultural value. Thus, the hope of a universal ethic may appear as a Western hope forced upon the many worlds that are not Western. A few thinkers, for example Jean-Francois Lyotard, insist that the Enlightenment ideals of commonality and universality are the root of the problem and that rather than seeking a universal ethic we should be dismantling every pretense of universality and affirming differences. Such thinkers make important contributions and I will discuss them in later chapters. However, while recognizing that a universal ethic would be a Western inspired solution to a Western instigated crisis, I argue that it is necessary.

The first question that arises is what the content of such an ethic would be. Hans Kung proposed his Declaration of a Global Ethic at the 1993 Parliament of World Religions. Based on the various versions of the Golden Rule that appear in all

the major world religions, the Declaration was endorsed by 250 religious and spiritual leaders. To no evident effect. One reason for the failure of Kung's Declaration and his continuing advocacy of his Global Ethic, to lessen conflict, may be that pronouncements of religious leaders simply to not have the legitimating authority to motivate such institutions as nations and multinational corporations, or often even individuals, to change their behavior. But indeed, why should institutions and persons conform to any proposed norm, no matter who proposed it? No matter how valid any given proposed norm might be and no matter who endorsed it, it would be experienced as an imposition by much of the world. These problems can be usefully discussed in terms of legitimacy: for a norm to be legitimate, it must be valid, that is, it must be just, and it must enjoy a consensus that it is valid.

For these reasons, among others, Jürgen Habermas has proposed not a universal ethic, but a procedure through which universal norms may be formulated, validated, and consensus achieved. That procedure, *discourse ethics*, is discourse in which the participants engage in discussion aimed at arriving at consensus on norms regulating their interactions. Through open discourse, norms would be validated and consensus would be reached through the same discursive activity. I argue in the present thesis that such a procedure is our best hope for generating a viable universal ethic capable of mediating the conflicts that torment the world today.

It is to be acknowledged that such an approach draws on the very modernity that forces divergent cultures into conflict. Thus, for example, the very presuppositions of a discursive search for consensus may be incompatible with some cultures and I address such concerns in the following chapters.

But there are other reasons to be skeptical of any solution that draws on modernity. First we may mention the social disintegration and dehumanization that comes with modernization: people increasingly become no more than cogs in the economic machine. Would the adoption of a modernist discursive approach to norms reinforce the tendency to dehumanization? Habermas, as we shall see, argues that on the contrary, open discourse can work to resist such dehumanization. On the other hand, has the dehumanization of modern societies rendered human beings incapable of genuine communication and hence of discourse? His fruitful distinction of *lifeworld* from *system* allows him to recast the dehumanization problematic as the "colonization" of the *lifeworld*,[1] the common interpersonal life of human beings, by the *systems* of power and production. With this distinction, it always remains possible, he is able to argue, to resist dehumanization through strengthening the lifeworld.

Second, we may mention the incredible levels of violence that have accompanied the modernization of Europe, continuing from the capitalist-democratic revolutions, to religious wars, to the world wars of the late century. But especially, the impulse to universality became an impulse to uniformity and the attempt to eliminate everyone who was different or who did not fit into the single History of Humanity. That impulse manifested itself in the Nazi attempt to exterminate the entire Jewish population of the world, along with Gypsies, homosexuals and other "undesirables". By the time the Nazis were defeated in 1944, they had herded six million human beings into death camps and killed them. That event, in its unspeakable magnitude and horror has come to be referred to by many writers by the name of the largest death camp: Auschwitz. That event forced upon the European consciousness

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[1] See below, *2.4.4 System and Lifeworld*, p. 62.

awareness of the unlimited capacity for evil that lies at the heart of Western civilization; it forced the recognition that something had gone horribly wrong with the ideals and hopes of the Enlightenment that underlay modernity.

Inasmuch as modernity led to Auschwitz, any proposal, especially any *ethical* proposal, that draws on modernity cannot ignore that event. Hence, in what follows, I present the discourse ethics proposal in the context of critiques of modernity that see in Auschwitz the *end* of modernity.

The purpose of Chapter II is to present Jürgen Habermas' theory of communicative reason, which lays the foundations for his discourse ethics. That theory includes important modifications to the presuppositions of the European Enlightenment, that lies at the roots of modernity, and is part of Habermas' defense of modernity as an "unfinished project". In order to approach that defense of modernity, I provide an outline and discussion of the European Enlightenment, and particularly the philosophy of Immanuel Kant which includes the first and most fully articulated theory of a universal ethic based on reason rather than on religion. Kant's ethics is, indeed, important to understanding Habermas. I then review one of the most influential critiques of modernity and the Enlightenment of the Post World War II period, *Dialectic of Enlightenment* by Max Horkheimer and Theodor Adorno. Written during World War II, that work articulates the deep problems of modernity that Habermas must address in order to advocate any approach to a universal ethic. That work is important also because Habermas himself was schooled in the Critical Theory tradition of Horkheimer and Adorno. Finally, the theory of communicative action itself is presented, in which intersubjectivity replaces the Enlightenment philosophy of the subject. Habermas' analysis of the problems of modern society is given, in

which he reinterprets the pathologies identified by Horkheimer and Adorno in a way that offers greater hope for a more fully human future, based on privileging communicative action over the impersonal functionality of modern institutions.

Chapter III is a detailed presentation and discussion of discourse ethics. Following Habermas, discourse ethics is presented as a procedure of making, criticizing, and redeeming validity claims, that occurs when conflicts stand in the way of continued cooperative action. Following Kant, that procedure is deontological, cognitive, universalistic, and formal. The procedure, according to Habermas, requires no metaphysical or religious grounding. Neither is it dependent on the presuppositions of any particular culture, but rather is already a universal practice grounded in human language itself. That claim is open to challenge, as is the claim to formality. Other areas in which Habermas version of discourse ethics has been challenged include its practicability: can discourse really be expected to lead to universal consensus on norms? Habermas' sharp distinction between moral (universal) norms and ethical (local) ones has been challenged as well. These challenges are taken up and discussed and a loosening of Habermas' concept of what constitutes genuine discourse and rational consensus is proposed in order to make discourse ethics more nearly culture-neutral and thus more nearly fit for the task of pursuing norms that would be accepted in all human activity.

Chapter IV takes up again the radical critique of modernity and the Enlightenment that was visited through the *Dialectic of Enlightenment*, in Chapter II. I review the work of Nicholas Rescher and the postmodernist Jean-Francois Lyotard and their critiques of discourse ethics. While Adorno and Horkheimer's critique of Modernity focused on the oppressive potential of reason, Rescher and Lyotard focus

on consensus, seeing in the pursuit of consensus, which for Habermas is central to the legitimation of norms, the dangers of the demand for uniformity that led to Nazism and to Auschwitz. I argue that their concerns are largely based in a misunderstanding of Habermas, who designs his discourse specifically to avoid the misuse of the pursuit for consensus to oppress those who are different. In particular, Habermas hopes that discourse in which agreement is never forced and in which anyone can voice disagreement, and hence block consensus, will achieve *rational* consensus, which, moreover remains open to criticism. I find, nevertheless, that Lyotard's insistence that there are differences among actors that discourse ethics is incapable of mediating has merit. Nevertheless, where differences must be mediated, discourse, I argue, remains the least unjust alternative.

In Chapter V I summarize the argument that discourse ethics as proposed by Habermas and with the modifications proposed here holds out the best hope for a future in which conflicts are mediated by norms rather than by the lethal uncontrolled violence with which this century is opening, or by new totalitarianisms at least as brutal as those of the last century. I suggest possible means of privileging discourse over violence. Finally, I discuss the oblique relevance of the Modernity/postmodernity/antimodernity debate for non-Western peoples. What is the meaning of these debates, or, for that matter, of Habermas' "unfinished project", for those of us who are neither Western nor children of the Enlightenment?

Chapter II

Enlightenment Rationality

The ideal of a universal ethic, together with the conviction that such an ethic is both necessary and possible would appear to be contemporary expressions of the 18th century European movement known as the Enlightenment. Indeed, it may not be too much to say that the social, economic, and political structures of the Western world constitute the concrete form in which that movement has been worked out in history. At the very least, the Enlightenment project—briefly, the aspiration to emancipation through reason under the ideals of universal human dignity—remains the fundamental social-political project of the contemporary Western world. These are the ideals in terms of which contemporary society is criticized and evaluated, and which the governments of the West strive to realize (or, at the very least, make a show of striving to realize). The core French ideals of *liberté, egalité, fraternité*, all men[2] are equal and all men are brothers, all men are free, is an *Enlightenment* cry. The American declaration of independence, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights" is an *Enlightenment* declaration. These sentiments, adopted by the states that emerged following the Age of Enlightenment, express a collective and political will to overcome all forms of human subjection, inequality, and ignorance. It is true that the United States continued to indulge the horrible practice of slavery, and

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[2] The English "man", "men" (as the French *l'homme*) can refer to individuals, communities, or to humanity as a whole. The ambiguity will be important in my analysis of Enlightenment thought and thus I retain the term in spite of its sexist overtones.

that Europe proceeded to subjugate much of humanity through colonialism. Yet, that these institutions were finally abandoned represents a triumph of Enlightenment ideals.

With the phenomenon of globalization, those structures, especially capitalist democracy and to a lesser extent socialism, are being recreated in, or, if you prefer, imposed upon, the remainder of the world, the "South" and the "East". Concomitantly, perhaps necessarily, Enlightenment aspirations and ideals are being propagated, and adopted, at least by the intelligentsia, in the non-Western world. Thus, leading up to the 2006 *coup d'état* in Thailand, the government emphasized the ideals of majority rule, while the opposition emphasized issues of human rights. As in Western election campaigns, the debate was not for and against Enlightenment ideals, but how best to achieve them.

It is reasonable, then, to ask whether we are at last living in an enlightened age, or at least in an age approaching enlightenment. Is that 18th century movement coming to fruition in our time? Part and parcel of that question is whether or not the continued pursuit of Enlightenment goals and ideals will lead to the discovery of a genuinely universal ethic capable of uniting the peoples of the world into a single humanity.

The triumphs of science and technology are commonly believed to bring progress and freedom to all humanity. Yet the dramatic changes in our modes of life have not always been unambiguously positive. The pursuit of basic necessities has been superceded by a hell-bent striving for modern life-styles, and the basic necessities would seem to have been transformed into caricatures of themselves. We eat genetically modified food, live in elegant, ultramodern condominiums; we enjoy

instant communication via the Internet, each with every other, throughout the globe. We even elect our own leaders who manage the economy so as to maximize our economic security. Yet few would maintain either that wealth and security constitute enlightenment or that our age is enlightened. I may point out that the "we" who enjoy these benefits includes only a small portion of humanity, and that this in itself would seem counter to Enlightenment ideals of equality and emancipation for all. But even that privileged few may be far from emancipated and enlightened: the endless parade of new flavors tempting our palates, for the profit of food producers, betrays a dissatisfaction with food, no matter how abundant and nutritious; our glass and steel condominiums isolate us and the faceless, bloodless, typically anonymous communication of the Internet fails utterly to overcome that isolation. The failure of the electronic connections of email and chat rooms to feed the hunger for connections of the heart is evidenced by the compulsive growth of these very media. Similarly, rather than participating in political decisions, we cast ballots for candidates in the much the same way that we select the next food-fad off the shelves. All we know of them is the face and personality crafted for us by media experts and all we know of the "issues" is what is fed us by those same experts. In short, rather than choosing the best leaders and debating the best policies, we cast our ballot for the best advertisements. Moreover, especially in the developed countries, the very political and economic systems within which we live and move and choose are, by now, pre-designed and pre-packaged, designed and managed by experts, regardless of who wins elections. We may then ask what has happened to the Enlightenment project of challenging tradition and the established order. To where has gone the radical pursuit of truth and emancipation? Surely, the goals of the Enlightenment are not fulfilled by

the freedom to choose between flavors of instant noodles, courageously proclaiming the truth of which tastes better. It has become commonplace to say that moral development has failed to keep pace with technological development. It has become commonplace for a reason: the explosive increase in wealth and instrumental power has left us feeling deeply dehumanized.

We would appear to live in an engineered rather than an enlightened age. Yet the very fact that we make such criticisms demonstrates that the spirit of the Enlightenment has not utterly died. What has happened? Why has the Enlightenment project gone away?

Some would argue simply that Enlightenment is a long-term process but that progress continues, or at worst, that we have neglected that project, but could, and should, take it up again. Others, however, argue that the Enlightenment project itself is flawed, that while it aspires to emancipation, it leads rather to subjugation, and while it promotes knowledge, it leads rather to ignorance. It would appear that the Enlightenment ideals of "equal dignity" and "universality" have been instrumental in bringing men and women of divergent cultures into close contact, in the belief that our common humanity would overcome superficial differences. It has not been so, and the success of Enlightenment values in intensifying interaction among peoples has led to conflicts that call into question the Enlightenment belief in a common humanity. The very need to call for a universal ethic reveals the embarrassing fact that no such ethic is known to exist: can one be discovered or constructed, and if so may it be constructed on Enlightenment presuppositions or should the Enlightenment project now be discarded? There are two facets to these questions. First, has the

Enlightenment failed in the West? Second, to what extent are Enlightenment ideals applicable to the global situation, embracing both the West and the non-West?

In order to attempt answers to these questions I shall first review the Enlightenment project as it appeared in the 18th century. I then review arguments that the Enlightenment has utterly failed in the West, in particular the arguments of Adorno and Horkheimer. Finally I review Jürgen Habermas' response to those arguments. I argue that with the adjustments that Habermas makes, the Enlightenment project not only continues to be viable but also may to lead to resolutions of the global problems of our age. Throughout, the focus of my concern is the possibility of a universal ethic.

2.1 The European Enlightenment

The European Enlightenment was not primarily the work of philosophers, nor was it primarily a set of ideas. Rather the Enlightenment was a social movement led by men now known as *philosophes*: pamphleteers, essayists, and novelists such as Voltaire, Diderot, and Montesquieu. Nevertheless, the important features of the Enlightenment can be traced in the philosophers of the time, most importantly, perhaps, Immanuel Kant. The philosophy of Rene Descartes was also essential in shaping the orientations and ideals of the movement.

According to Michael Payne, the Enlightenment "was a cultural movement which attacked the authority of tradition, especially in matters of church and state, in the name of the public use of reason" (Payne, 1996, p. 175). At its core, the Enlightenment counted on the power of human reason to transform a mysterious, tyrannical and irrational world into comprehensible, emancipated, and rational world.

That transformation would include reconstructing society and morality on rational foundations and there was great confidence in the power of scientific knowledge and achievement to bring that transformation about. In his well-known 1784 essay "What is Enlightenment", Immanuel Kant wrote:

> Enlightenment is man's release from his self-incurred tutelage. Tutelage is man's inability to make use of his understanding without direction from another. Self-incurred is this tutelage when its cause lies not in lack of reason but in lack of resolution and courage to use it without direction from another. *Sapere aude!* "Have courage to use your own reason!"— that is the motto of enlightenment. (Kant, 1959b, p. 85)

The Enlightenment, for Kant, was a *motto*: *Sapere aude*! "Dare to know!" inspiring and challenging man to exercise the unlimited capacity of human rationality; it was an *instruction* of man for man, and an *obligation* to undertake the cultivation of that "unlimited capacity". Enlightenment, then, in Kant's formulation, is an intellectual process of man's self-liberation from "tutelage", where tutelage is the impotence to achieve understanding on one's own, a lack or weakness of autonomous reason. Overcoming that tutelage, in turn was seen as a work of resolution and courage, and, by implication, risk. Having the "courage to use your own reason," suggests acting on one's own judgment, even where that judgment conflicts with prevailing belief.

Unpacking this, we may identify three major and interrelated themes of the Enlightenment. First, is man's emancipation; necessarily, his *self*-emancipation. Second, is faith in the power of autonomous reason (which for the writers of the Enlightenment included empiricism) to arrive at truth. Finally, is the close relation between emancipation and reason. Indeed, emancipation and reason in Kant's essay as for the *philosophes* were virtually inseparable, nearly identical. The unfettered use

of reason, Kant argues, will bring emancipation about. Yet in almost the same breath, Kant calls for the freedom that would make the public exercise of reason possible. It would seem from the passage quoted above that for Kant, emancipation *is* the autonomous use of reason. Yet he clearly meant for that use of reason to *lead to* emancipated actions and to emancipatory changes in the social and political order. He calls specifically in this essay for the freedom to criticize both church and state, with a kind of faith that under pressure of rational criticism, they will change.

2.1.1 Ambiguities of Enlightenment

There were, however, important ambiguities in the Enlightenment project as expressed at the time, and which, still unresolved, may have given rise to problems in our own time. Who, precisely, is the "man" who is to be emancipated? What, precisely, is "reason"? What is emancipation *from* and what is it *for*? And finally, what, in detail, is the relation between reason and emancipation? In the following I attempt to show that these ambiguities existed and that they had important effects.

Who is emancipated? In this essay Kant understands man as being by nature emancipated "from external direction". How is it then, he asks, that men are in fact unfree? His answers betray the ambiguity in the Enlightenment conception of "man". Initially he blames tutelage on man himself:

> Laziness and cowardice are the reasons why so great a proportion of mankind . . . remains under lifelong tutelage, and why it is so easy for others to set themselves up as their guardians. It is so easy not to be of age. If I have a book which understands for me, a pastor who has a conscience for me, a physician who decides my diet, and so forth, I need not trouble myself. I need not think, if I can only pay—others will readily undertake the irksome work for me. (Kant, 1959b, p. 85)

Kant here is clearly thinking of the individual, who must liberate himself through his own private exertions. The same passage, however, adds a social dimension, in which rulers share the blame,

> After the guardians have first made their domestic cattle dumb and have made sure that these placid creatures will not dare take a single step without the harness of the cart to which they are tethered, the guardians then show them the danger which threatens if they try to go alone.(Kant, 1959b, p. 86)

Kant's acknowledgement that it is "very difficult" for "any single individual" to emancipate himself, suggests that the emancipation of separate individuals is nevertheless the ultimate goal of Enlightenment. Then, however he makes a stunning turn: "But that the public should enlighten itself is more possible." The remainder, and bulk, of the essay is then occupied with the necessity of unencumbered public discourse and intellectual freedom that,

> gradually works back upon the character of the people, who thereby gradually become capable of managing freedom; finally, it affects the principles of government, which finds it to its advantage to treat men, who are now more than machines, in accordance with their dignity. (Kant, 1959b, p. 86)

Who is "man"? Kant slips silently between the individual and the public, not seeming to notice that these are not the same. His focus tends towards the individual, as though it is ultimately individuals who are emancipated, individuals who think, individuals who speak publicly. Yet if that were so, it is not at all clear what it would mean for "the public" to enlighten itself.

The ambiguity developed into two distinct and opposing strains of Enlightenment thought, or of what is often now called *modernity*. One, the individualist strain is grounded in the philosophy of Descartes; the other the collectivist strain is exemplified by Hegel and then Marx.

The primacy of the individual among Enlightenment thinkers may be traced to Rene Descartes the French mathematician and philosopher. Impressed with the fact that mathematical truths are deduced with certainty from elementary axioms, Descartes sought certain first principles from which the truths of all existence could be deduced. In true Enlightenment fashion, Descartes refused to accept any authority for truth other than self-evidence, subjecting to systematic doubt (today we would say "criticism") every prior belief, whether supplied by tradition, religion, popular belief or any other source, including the senses. What survived this criticism, what finally could not be doubted, was the *cogito*, the "I think", that is, the fact of his own thinking, hence of his own consciousness. The *cogito* has been the starting point of much subsequent philosophy, from Kant through the Existentialists, the "philosophy of consciousness" as Habermas will call it, giving an absolute priority to the individual. In spite of the fact that Enlightenment thinkers turned from Descartes' rationalism toward empiricism, the radical individualism, along with the radical critique of all received knowledge remained central to one branch of the Enlightenment project. It is individuals that are to be emancipated and that cooperate autonomously in creating societies and in making history. Said differently, in the individualist version, humanity (or the "people", the "nation" etc.) gets its meaning from the individual participants. It is true that they wrote, like Kant, of "the public" or

of "the people" yet efforts to characterize those entities, in particular by the "social contract" (Hobbes, Locke, Rousseau), leave the individual prior to society.

The other branch of Enlightenment thought, which finds its strongest expression in Hegel, and then in Marx, thinks *man* in terms of the "people" or "humanity" as the unitary subject of history. It is the totality[3] that is to be emancipated, the totality that makes history. The individual, in this view, gets his meaning from the social totality. In Hegel's version, the Spirit of Reason acts dialectically through history to forge the human race into the Humanity emancipated from ignorance that is its destiny; or better: for Hegel History is the dialectical action of Reason in its work of forging Humanity. In Marx's version, Humanity is already manifest in the proletariat as the Subject of history acting through class conflict to forge a unified Humanity emancipated from domination and alienation. For both, emancipation is a matter of achieving unity through working out the contradictions, either logical or material, toward a higher-level synthesis.

For Hegel, any given society would be a moment in the history of the world-spirit, or perhaps in the thought of God, working towards the full conception of itself that is genuine freedom (Hegel, 1954, p.12). But individuals do not and cannot conceive the whole of history and indeed individual human virtue often comes to naught (Hegel, 1954, 13). Freedom, indeed, is the freedom of Man as such, not merely of individuals, and history rather progresses at the level of nations (Hegel, 1954, p. 12). But nations and individuals are part and parcel of the Spirit's work of self-realization: spirit is the substance of history (Hegel, 1954, pp. 11, 16-18). The state,

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[3] I prefer not to use the term "collective" here, since that term suggests a collection of individuals who are each prior to the social entity.

understood by Hegel as the highest or all-inclusive community (Friedrich, 1954, xlvi),

is the self-consciousness of rationality and ethics (Friedrich, 1954, xlviii). It is, then,

through the state and only through the state that progress toward freedom can be made

(cf. Friedrich, 1954, xlix), and the individual's highest duty is to be a member of a

state (cf. Friedrich, 1954, xlvi). For Hegel, then, any given state of affairs, any given

social structure is determined by the Idea; or perhaps it *is* the idea that the world-spirit

has attained. Existing oppositions, such as the master-slave opposition are essentially

oppositions of idea, dialectics in the pre-Marxian sense. Humanity, if I may put it

crudely, must *think* its way to freedom (but it is the thought of God, the spirit),

concretely, a gradual process.

Marx agrees that freedom is worked out through history and that it is a matter

of *human* rather than *individual* freedom. But, as he famously said, he sets Hegel on

his head. Ideas, including ideas of God and Spirit, are determined by society. In

particular, as production is the most fundamental and necessary human activity, the

economic relations of production determine social structure and human relations,

generating in turn ideas—ideologies—that support those relations, so that the

oppressed believe that it is right and good to submit and the oppressors believe that it

is right and good that they dominate. The state and law, in turn, tend to be institutions

maintaining the oppressive status quo. There is an ideal element here in that freedom

involves overcoming the ideology, but the ideology is to be overcome not by *thinking*,

but by eliminating oppressive relations of production, that is, by *economic* revolution.

That in turn would involve overthrowing the state and its laws. Such a revolution

would not yield freedom as a new (truer, more absolute) *Idea*, but rather freedom as

power so that man would control history and society—and production—rather than be controlled by them.

My focus here, however, tends toward the individualistic branch of Enlightenment thought, as that branch seems to me to have become dominant in contemporary discourse. Nevertheless, ambiguity remains, as every appeal to "the people" or to "humanity" tacitly thinks "man" as a unified subject. As we will see, a strength of Habermas' social thinking is that he resolves the ambiguity and opposition between individual-as-subject and social-totality-as-subject with the concept of intersubjectivity. For him, the subject that is to be emancipated, that makes history, etc. is the inter-subject of interaction *among* individuals in their social context.

Emancipation from what? From what is man to be emancipated? From all those entrenched forces, tradition, church, political power that do not permit him to think freely, to discover truth for himself. But also from the forces of nature that, for example, make farmers and those who eat their produce dependent on the weather, that subject all to the unpredictable and uncontrollable depredations of disease, storm, earthquake, and volcano. Emancipation from the forces of nature would depend on learning to predict and control those forces. That, in turn depends on clearing away the old superstitions and replacing traditional beliefs with knowledge gained through reasoned investigation.

What is reason? There are many modes of reason: by which is man to be emancipated? The question seems not to have been addressed as such at the time. Kant's "critiques", of "pure" and "practical" reason along with his aesthetics, show that he recognized multiple modes of reasoning and considered different modes appropriate to different situations. Adorno and Horkheimer's contention that Kantian

reason finds in the world only what it had already put there, may be formally true of the *Critique of Pure Reason*, but to claim, as they do, that Kantian reason thus abandons the aspiration of revealing "social, historical, and human meaning" (DE, p. 20) surely does violence to the breadth of Kant's vision. One important mode of reason is what is now called "instrumental reason", the process of problem solving and finding effective means of achieving goals. Instrumental reason was early advocated, in radically empiricist form, by Sir Francis Bacon, a contemporary of Descartes. He maintained that through observation, and without preconceptions or superstitions, we could learn to master nature rather than be slaves to it (from DE, pp. 1-2). In the period after Bacon and Descartes, Sir Isaac Newton's scientific work demonstrated the power of empiricism combined with reason. Whether or not Newton himself exercised primarily instrumental reason, the power of scientific discoveries and methods in solving practical problems helped to give instrumental reason a degree of ascendancy. One need only recall the stunning advances in medicine, for example the development of the smallpox vaccine, to appreciate the force and appeal of instrumental reason freed from traditional beliefs.

2.1.2 The Problem of Justification

Once man is emancipated from superstition, religion, and the "guidance of others" then what is the basis upon which he is to "dare to know"? The Enlightenment aimed not at a chaos of individuals each insisting on his own opinions, but at the universality of truth. Rather, it had faith that truth is universal and that emancipated man would discover it. Descartes' radical rational doubt, however led to a metaphysics in which each could know his own consciousness, but nothing of

physical matter: the truth of the *cogito* seemed to preclude truth about the world. The metaphysical problem did not prevent the emerging Age from pursuing the empirical path of knowledge proposed by Bacon. The Scottish Enlightenment philosopher, David Hume, however showed that empiricism too, could yield no certain knowledge. All empiricism yields is a mass of perceptions and even the fundamental scientific concept of efficient causation is only a supposition. Meanwhile, Isaac Newton demonstrated with his theory of universal gravitation that with the use of empiricism and reason we can have universally valid knowledge of the world beyond our own minds. The question, then, was not *whether* we can know, but how it is that we do: again, on what basis may we "dare to know"?

This is the problem upon which Immanuel Kant exercised his genius: our minds have no direct knowledge or contact with the "material world", and yet the structures of the material world yield themselves to investigation. Kant's solution in the *Critique of Pure Reason*, very briefly, was that the very process of perceiving external existence constructs the perceptions into the comprehensible whole that we call the material world. In other words, the world is a construction of the mind, in terms of categories such as space and time, using unknowable external existence as raw material; concepts, then, are already present in raw perception. To make this solution work, however, Kant had to assume that every individual human mind has the same set of categories, the same construction program. This implication of a universal, identically structured, and specifiable human essence is significant to the present thesis. This goes beyond an insistence on universal human dignity, it insists also: fundamentally we are all the same.

But there was a second, perhaps more urgent problem: that of justifying moral norms. The universal structure of the mind discovered by Kant did not obviously yield a universal ethic. Neither did there seem to be a moral analogue to Newton's methods of discovering truths about the material world. If appeals to tradition, even "sacred" tradition, were no longer permissible, was there a discoverable universal ethic that would forego moral chaos? Kant recognized the problem and wrote in *Foundations of the Metaphysics of Morals* that morality requires a metaphysical foundation, wholly independent of anthropology, theology or any empirical sources (Kant, 1959a, p. 27). The metaphysical foundation, he argued, was the "absolute worth" of the human person; rational beings as such, and thus humans, are ends in themselves, final ends, never to be used as means only (Kant, 1959a, pp. 46-7). The problem remains to determine specifically which acts are right. He worked out his solution in the *Critique of Practical Reason*. Rightness, he argued could not be determined through considerations of advantage or benefit: his ethics are *deontic*. His formula for determining the rightness of any given act, the "categorical imperative", is as elegant as it is justly famous: "So act that the maxim of your will could always hold at the same time as a principle establishing universal law" (Kant, 1956, p. 30). I have been told that in the West a common admonition in correcting young children is, "What if everyone did that?" Note, that for Kant 1) it is the individual in the solitude of his private reason that makes this moral calculation, 2) everyone who applies this calculation will derive the same moral norms, and 3) the autonomy of the will is necessary and essential to morality: obedience to authority is not moral (Kant, 1956, p. 31).

In short, Kant solves the problem of justification by combining a universal human essence with the absolute autonomy of each individual human being. It is perhaps no coincidence that contemporary theories of human rights similarly combine universality (all have the *same* rights) with individuality (it is individuals and only individuals that have them).[4]

2.1.3 Implications of Enlightenment

These considerations have several implications that I should like to make explicit here.

If the *individual* is to be emancipated by reason from the falsehoods that enslave men, for example the divine right of kings, that the social order is divinely ordained, or that illness is the consequence of demon possession or of sin; and if it is the *individual* who exercises reason; while it is *society* that bears the falsehoods of tradition and imposes them on the individual: society itself must be one of the institutions from which man is to be emancipated. That, again leads to the problem how ethical norms are to be grounded and how the social order is to be maintained. Kant's solution is that men are radically autonomous individuals with an identically structured universal human essence. This then conceives of the truly human as residing in the isolated individual regardless of the social order in which he happens to find himself. That model suggests the possibility of a universal ethic beyond the European world within which Kant's thinking was encircled. The universal in the individual would transcend society and the particularities of the different cultures of

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4 Attempts to modify the concept of rights by including families and communities and/or by deferring to local norms tend to go by such names as "human flourishing", "human capabilities", and "human security". Such attempts are, in any case, recent.

the world. A universal ethic and a global order might then be based on the interactions of individuals who understand that their differences are "only" socio-cultural and hence relative: we might relate to each other not as Thais to Japanese, for example, but simply as men to men.

But the ideal emancipation of the individual from society in effect emancipates society itself, freeing it to develop without regard for the human. For example, the economic and political systems could be restructured for maximum efficiency, without concern for how those structures might impact the humanity of their participants: there is no impact since humanity is firmly and inviolably embedded in their individual and autonomous breasts. Social contract theories, and actual democracies, do not remove this bifurcation of individual from society. They merely give the collectivity of individuals some putative input into how those systems are to be managed.

Belief in the universality of human essence is part and parcel of the idea that the humanity of the individual is independent of the society in which she "happens" to have been born. That belief opens up ideas of equality and equal justice, of tolerance and the recognition of the full humanity of those of other ethnic groups, nations, etc. (the *Other*). However, it has also justified forcing Western social, political, and economic patterns on other peoples. In short, cultural imperialism wears the mask of benevolence, generously bringing the gifts of Enlightenment to the world. The U.S. invasion of Iraq may be an example of such "benevolence". Even overt colonialism was sometimes justified in those terms, for example, as the "White man's burden".

The position that thinks man as a unified subject overcomes the problem of the bifurcation of persons and society, but in doing so submerges the individual in

Humanity, tending to obliterate actual persons. Thus human rights, which assert the worth of the individual, do not fare well in Marxist-inspired societies. Indeed, this position tends to advocate an organic social-economic-political unity directed by the state (Hegel) that easily slips into overt totalitarianism.

In either case, a universality is assumed that may come to justify repression and violence against the *others*: those who fail to manifest the "universal" human essence or who fail to participate in "universal" history.

2.2 The Dialectic of Enlightenment

The ideology of the European Enlightenment has been criticized from the time that it gained ascendancy. The Romantics, for example, urged a more emotional and aesthetic approach to emancipation. The abuses of the industrial revolution brought accusations that the excessive emphasis on reason was mechanical and dehumanizing. Critics feared that the successes of science had led to scientism, the view that the cosmos, and men in it were mere machines, thus justifying the exploitation for profit of human beings. One of the most intelligent, influential, and devastating critiques of the Enlightenment and of modernity is *Dialectic of Enlightenment*, written by Max Horkheimer and Theodor Adorno, while in exile from Germany during World War II.

Habermas' communicative ethics, which I take as offering the best possibility of a universal ethic, is best understood as a defense of the Enlightenment project against Horkheimer and Adorno's critique. Habermas, indeed, had been Adorno's pupil and stands firmly within the critical tradition of the Frankfurt School of which Adorno and Horkheimer had been founders. I proceed, therefore, with a review of *Dialectic of Enlightenment.*

"Industrialism," write Adorno and Horkheimer, "makes souls into things [and] the economic apparatus endows commodities with the values which decide the behaviour of people" (DE, p. 21). That is to say, things rule over living people, and, "Individuals define themselves now only as things, statistical elements, successes or failures" (DE, p. 21). Economic systems dominated by functional rationality, such as industrialism, not only rob human beings of control over the socio-economic conditions of their existence, but de-humanize them, redefining them in terms of their functional role in the production of commodities, alienating them from nature, from other human beings and even from themselves, robbing them, in short, of personal autonomy. But if individual autonomy is suppressed by those who hold power, those in power enjoy only a pseudo-autonomy. "The powerlessness of the workers is not merely a ruse of the rulers but the logical consequence of industrial society" (DE, p. 29), from which the rulers are not any more immune than are the workers.

Such criticisms are hardly unique to Adorno and Horkheimer. The Romantics (for example, Rousseau) protested what they saw as the dehumanizing effects of industrialization and what Weber would later call the "rationalization" of society. Karl Marx (for example, in *Capital*), of course gave the most influential critique of how capitalism reduced human beings to the status of things, their humanity alienated into the products of their labor. Georg Lukács (*History and Class Consciousness*) further elaborates the process of commodification whereby labor, and by implication the worker himself, becomes a mere product on the market. What sets Adorno and Horkheimer's critique apart is the way in which they defended it, especially in their attack on reason itself, influenced, in its turn, by Friedrich Nietzsche.

Their critique is especially effective in that they were themselves men of the Enlightenment. They had already and for many years been criticizing Western society for failing to live up to Enlightenment ideals. They were founding members of the Institute for Social Research, also known as the Frankfurt School, that in the pre-World War II years, according to Borradori, "agreed that the Enlightenment was the just and necessary cry against the oppression of unilateral authorities" (Borradori, 2003, p. 69) They referred to their theoretical orientation as *critical*, by which they meant that the theory would be aware not only of the society that it described but of the ways in which that society determined or influenced the theorizing. "Critical" also meant for them that the theory would help to create a more just and free society: they would criticize society in order to change it for the better. Their criticisms of European society were more-or-less Marxist, including their acceptance of the thesis that the social, especially economic, order shapes the personalities and thoughts of the participants so that they willingly participate in reproducing that order even where that is against their interests. Said differently, the economic system produces an *ideology* in terms of which the masters justify their domination and the dominated accept and even assist in their own subjugation. "The defrauded masses . . . insist unwaveringly on the ideology by which they are enslaved" (DE, p. 106).

The ideology thesis raises a fundamental problem: if our personalities and thoughts are shaped by the social system, how can the social critic gain the necessary independence to criticize that system? How can criticism escape ideology? The Critical Theorists hoped that being critically aware of the social determinants of theory would allow them to break out of that determinism (See Finlayson, 2005, pp. 1-8; McCarthy, 1988, pp. xviii-xxii). Even so, the dominating force of ideology

would have robbed them of any independent and objective set of standards by which to evaluate society. Their solution was what they called "immanent criticism". Immanent criticism criticizes society (or, for example, art) on its *own* terms, thus revealing inconsistencies and contradictions. Finlayson suggests that immanent criticism is rather like the Socratic method of tentatively accepting the opponent's argument in order to show the incoherence of its presuppositions (Finlayson, 2005, p. 9). "The Culture Industry" chapter of *Dialectic of Enlightenment* seems to me a good example of immanent criticism. For example, part of the ideology of the electronic mass media (at that time, radio) is that it "democratically" gives access to everyone. But that is a democracy that subjects them "in authoritarian fashion to the same programs" (DE, p. 95). Part of the ideology of mass entertainment (radio and movies) is that it provides the consumers with what they freely choose. But what the consumers want is manipulated, "steered", *by* the media: "the pretext of meeting the public's spontaneous wishes is mere hot air" (DE, p. 96). In these cases, immanent critique takes specific elements of the ideology of freedom and applies them to something that the ideology is used to justify (electronic mass media), revealing the ideology of freedom as a cover for actual unfreedom.

The rise of the Nazis and the ensuing war, as well as their exposure to American society while in exile, convinced Adorno and Horkheimer that there was something fundamentally wrong with the Enlightenment itself, that the aspiration to emancipation through reason somehow led to enslavement and ignorance. This is the thesis put forward in *Dialectic of Enlightenment*. In particular, their critique turns against reason itself; at least, the modes of reason they felt had become dominant since the Enlightenment. The hope of inspiring a more just society, however, seems

lost in the vehemence of their criticism of the existing order (see, for example, Borradori, 2003, p. 69).

The book is a series of somewhat disconnected essays, including, for example, discussions of Homeric epics and de Sade's fiction. Much of the work reads more like an impassioned rant against Western civilization than a coolly reasoned discussion of Enlightenment thought. But indeed, written in the midst of the horrors of World War II, having themselves fled the Nazi terror for the United States, and by the arguments of the book itself, a coolly reasoned discussion would have amounted to capitulation to the fascist machine. Still, one cannot quite take them seriously when they write, for example, that syncopation in jazz is a ritual act of stumbling in a rite of submission to oppressive power (DE, p. 124). Nevertheless several coherent and pertinent themes may be extracted from the book, some of which seem to apply to early 21st century Thailand as much as they did to the mid-20th century West.

2.2.1 *Myth is Enlightenment: the Mastery of Nature*

> Enlightenment, understood in the widest sense as the advance of thought, has always aimed at liberating human beings from fear and installing them as masters.... Enlightenment's program was the disenchantment of the world. It wanted to dispel myths, to overthrow fantasy with knowledge. (DE, p. 1)

There seems nothing objectionable with the definition of Enlightenment with which Adorno and Horkheimer opens *Dialectic of Enlightenment*. But the ellipsis in the above quote covers the words: "Yet the wholly enlightened earth is radiant with triumphant calamity." In their preface they write, "Myth is already enlightenment, and enlightenment reverts to mythology," (DE, pp. xviii), which the editor of the 2002

edition, Gunzelin Noerr, takes to be the "fundamental thesis of the book" (Noerr, 2002, p. 218).

Somehow, then, Enlightenment is the very thing in disguise that it pretends to liberate us from. The "calamity" they were thinking of was no doubt, first, the Nazi terror and the horrors of the Second World War. But they mean to implicate all of modernity, and indeed Western civilization as well (Noerr, 2002, p. 218); the myth of (anti-mythical) Enlightenment, they maintain, visits terror upon all modern humanity. What did they mean?

That reason is a tool for the extraction of man from nature and the concomitant suppression of nature is a theme repeated throughout the book. Indeed Enlightenment itself is understood not as a uniquely 18th century European phenomenon, but as any historical moment in which man is more thoroughly de-natured and nature more thoroughly suppressed. They give much attention to the ancient Greek epic, the *Odyssey*, Homer's recounting of Odysseus' sea voyage, on his return home after the Trojan War. They interpret the epic as an allegory of man's extricating himself from the world of myth and memory, from a living nature populated by ancient spirits of earth and sea with which one lived, negotiated, and wrestled. When the myth is overcome, nature is "disenchanted", reduced to impersonal matter for domination by men, its mythical spirits trumped, as it were, by the rational deities of the sky, the gods of Olympus. Odysseus is a land owner, thus a master of the land and of herds and men who he "controls from a distance" (DE, p. 10); he is a General, master of one of the armies that participated in the siege of Troy, that is, a master of men, of their lives and deaths; he is the ship's master on the voyage home, again, master of the men

in his crew, challenging, and finally mastering the forces of nature and of the sea that would bar his return.

Odysseus prevails, achieving home and taking possession of his land, serfs, and his wife and children, thus achieving the image of the bourgeois autonomous individual. Yet there is a price: to take mastery over nature is to cut it off from oneself, to make it *other* and to suppress all that does not lend itself to human purposes; inasmuch as Odysseus, as all human beings, is irrefutably part of nature, to take mastery over nature is also to cut himself off from himself and to suppress all that is not utilitarian: a kind of self-mutilation. That self-mutilation, that exorcism of what one inescapably is, cannot be achieved through physical strength (which is but another force of nature) but only through reason (DE, p. 44). In Odysseus' case, reason manifests itself as cleverness. "The formula for Odysseus's cunning is that the detached, instrumental mind, by submissively embracing nature, renders to nature what is hers and thereby cheats her" (DE, p. 45). For example, he outsmarts the cannibal Cyclops by denying his own existence (DE, pp. 52, 53). Reason, in extracting the self from nature, also manifests itself as violent domination. In the adventure of the "lotus eaters", Odysseus' crew has been drawn into a simple life of forgetful bliss, that is, into nature, by eating enchanted lotuses. "Self-preserving reason [cannot] tolerate this bliss" (DE, p. 49), and Odysseus forces his crew back to the ships, and chains them to the benches (DE, p. 50).

For Adorno and Horkheimer, the most telling sequence in the *Odyssey* seems to be that of the Sirens. The Sirens are female nature spirits who sing irresistibly beautiful songs of the past and of pleasure. The songs are so irresistible that anyone who hears them, even though forewarned, cannot resist steering his ship towards

them, thus smashing his ship on the rocks and drowning in the sea. They are the call to return to the past, to unreflecting nature: to the old myths. Odysseus must sail past and thus overcome the lure of return to nature in order to arrive at home and take possession of his land as master. But overcoming requires that he indeed hear the songs and resist their irresistible appeal. His stratagem is to plug the ears of his crew with wax so that they cannot hear and to have himself bound to the mast so that he can hear but not respond. He thus contends with the nature spirits, the old myth, by listening to the songs, yet cheats them by having himself bound. But that is to cheat himself as well, by forcibly restraining his natural impulses. Meanwhile, the crew, ears plugged so that they hear neither the songs nor Odysseus' commands to steer the ship towards the Sirens, are reduced to instruments of Odysseus' struggle, without relevance except as the engine propelling the ship with their oars. Nature here is overcome by a defiance of her attraction made possible by a denial of one's own freedom and of the full humanity of other humans (DE, pp. 25-27).

In the Homeric epics, on Adorno and Horkheimer's interpretation, then, the domination of the mythical powers of earth and sea, and of the priests and shamans who demand human sacrifice on their behalf, is displaced by the domination of the rational deities of the sky, and of the landowners who rule over nature and other men. One mode of domination and its associated mythology is replaced by a new mode of domination and a new legitimating mythology. In order to rule over them, the landowner must separate himself from nature and other men, who, as it were, remain part of nature. That separation, however, is never complete, inasmuch as a human being remains a physical body, and nature, both inner and outer, continue to tempt with the power of simple pleasure, of the past, or of violence. The temptation is the

greater the more it is suppressed, but the reason that wrested its freedom from irrational nature will not permit the Sirens to sing, or the Cyclops to rampage. It hates that which has been superceded and will, indeed, employ whatever force is necessary, no matter how brutal, to suppress resurgent nature. This forcible suppression is symbolized in the *Odyssey* by the murder/execution of the maidservants that Odysseus discovers to be sexually licentious upon his return home (DE, p. 61). The suppression of overcome nature was horribly actual in the Nazi terror, but so too in the personality-crushing, sometimes life crushing-discipline of the factory floor, and the violent suppression of the labor movement. Thus enlightenment, as the rational overcoming of myth, reverts to the very human sacrifice it had overcome, and does so in the name of enlightenment's new myths.

That is the dialectic of enlightenment: enlightenment gives rise to anti-enlightenment.[5]

2.2.2 The Depopulation of Nature and the Denaturing of Man

An oversimplified summary of the above may run as follows: Enlightenment seeks to free man *from* nature by gaining control *over* nature. But since man is himself part of nature, Enlightenment seeks also to control man, and that control may take brutal form. The Enlightenment pursuit of freedom, then leads to unfreedom. Enlightenment's instrument of emancipation is reason, which imagines itself outside and above nature, and which, in a sense, outsmarts nature, whether via the cunning of

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[5] Like Hegel and Marx, Horkheimer and Adorno posit a "dialectical" historical process in which thesis gives rise to its antithesis (Hegel) or in which a social-economic condition gives rise to its social-economic contradiction (Marx). Unlike them, Horkheimer and Adorno have given up the assumption that the dialectic would necessarily lead to synthesis or reintegration on a higher or more humane level. Rather, the synthesis may be no more than a descent back to prior levels of inhumanity in new forms.

an Odysseus or the methodologies of a scientist. But reason is, by its own nature, comprehensive, embracing all in its system: what does not fit does not exist for it, and what nevertheless insists on existence must therefore be annihilated. Reason, in other words, is totalitarian. Thus, the nature spirits that Odysseus overcame have by now been eliminated altogether, as have, subsequently, the gods of Olympus; as were the Jews and Gypsies in Hitler's Germany; as are those who cannot or will not march in lock step to the drum beat of industry, performing assigned tasks, mechanically, by the clock; as Bangkok's street people were forced into military camps outside the city for the duration of the 2003 APEC meeting: their presence did not fit the image of a rational, modern nation.[6]

Mythology has always been ideology in that it justifies and demands, that is, makes rational, current modes of domination. Peoples have submitted willingly to human sacrifice, serfdom, slavery, made rational in each case by a mythology; just as they now submit to wage labor made rational by ideology.

Enlightenment reason is twofold. It is critical in that it unmasks the fallacies of existing mythology; it is instrumental in that it aims at the most effective means of controlling nature. Inasmuch as the former clears the way for the latter, it too is instrumental. With the 18th century Enlightenment, rationality itself became the myth. The role, for example, of Fate, has been taken by Abstraction: In previous mythologies things and events, including domination and oppression were fated, were as they must be, repetitions of founding events. In the myth of rationality, things and

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[6] "Bangkok to round up homeless", BBC News, September 17, 2003: http://news.bbc.co.uk/2/hi/asia-pacific/3115668.stm. Retrieved October 27, 2007. Interestingly, reports of this incident and others like it appear to have been purged from internet sources within Thailand, although international reports still available refer to the Bangkok Post and the Nation.

events are as they must be; they are abstractions, repetitions of general principles. In abstraction's material counterpart, industry, the emancipated become the herd (DE, p. 9). Today, we willingly submit to what has been made rational by the Enlightenment, by the mythology of reason: the rationally planned structures of production and consumption, factory and market. Persuaded that reason makes us free and that industry is rational, and in the absence of *de jure* control, we are persuaded that our unfreedom within industry is freedom. More: persuaded that rationality is equivalent to freedom, we enthusiastically support the increasing rationalization of society that makes us increasingly unfree.

Reason deals in universals and instances, the particular being understood as no more than an instance of the universal. Reason thereby places itself at an infinite distance from actually existing beings. Magic and science both are instrumental in that they both aim at goals *via* manipulation, but in magic the manipulation is *via* greater identification with the living forces of nature, for example by imitation or representation. In science the manipulation is achieved through an absolute distance, from which the world is "the chaotic stuff of mere classification" (DE, p. 6). Things thus lose their individual reality, being seen as merely instances of universal classes: "An atom smashed is . . . a specimen of matter, and the rabbit suffering the torment of the laboratory is seen . . . as a mere exemplar" (DE, p. 7). The immediately real, in other words, is no longer granted reality. "The autonomy of thought [from actuality] in relation to objects . . . was a prerequisite for the replacement of the localized practices of the medicine man by all-embracing technology" (DE, p. 7). Everything and everyone is, then, the same: but that means also that nothing and no one is uniquely itself (see DE, p. 8). In the rationalized market, differences of birth are

negated, all are equal, but the egalitarianism consists simply in the fact that all are forced into conformity to the market, made to fit the goods and their production. As for those who fail to conform, the myth of rationality "amputates the incommensurable" (DE, p. 9).

This goes well beyond the common criticism that industrialization is de-humanizing. Adorno and Horkheimer's critique charges that the problem is not only in the way that factories are organized, but also in the very modes of thinking that have grown out of the Enlightenment. As we have seen, Kant's solution to the problem of both factual and moral justification included the presumption that everyone is the same. That sameness has come now to imply interchangeability: every individual is no more than a replaceable instance of the universal. Ideological-mythological dehumanization of human persons as identical abstractions of the universal is a precondition of industrialization. Enlightenment rationality makes men into things within an engineered rationalized society, a machine (see, for example, DE, pp. 116-117). Thus, they can claim that the forced conformity to the market under fascism is not a regression to pre-Enlightenment barbarism, but an enactment of the Enlightenment myth (DE, p. 9).

2.2.3 Loss of the moral realm

If men are things, then they have no meaning beyond their utility. In particular, their acts have no meaning outside the rationally constructed schema of production and consumption. Nevertheless, persons are individuals in Enlightenment reason: distinct units each bearing absolute rights. But the absolutization of the individual implies the destruction of family, community, friendship; each *one* exists

only alone and vis-à-vis the state (or the economic system) and that is actual totalitarianism (DE, p. 92). In advanced capitalism, even the individual personality of the shop owner is lost, as more rational, that is, more efficient, corporations, discount stores etc. take over all commerce, forcing small businesses to close: everyone becomes an employee, a production unit dominated by the clock, the manager, the dictates of the market (DE, p. 168). In order to control the irrational boom and bust cycles of the free market, states step in to regulate and administer the economy and finally, even corporations become components in the global machine, run by CEOs and board chairmen who, no less than the check-out girl, are replaceable. Human meaning, human community, the moral realm, is wholly displaced by the system and the demands of production and consumption, regulated by a state administered market (DE, pp. 123ff). In this situation:

> The individual no longer has to decide what he or she is supposed to do . . . in a painful inner dialogue between conscience, self-preservation, and drives. . . . As wage-earner the decision is taken by a hierarchy extending from trade associations to the national administration; in the private sphere it is taken by the schema of mass culture. . . . Today the functioning of the economic apparatus demands that the masses be directed without the hindrance of individuation. (DE, pp. 168-169)

The apparatus of the administered economy, in this view, has extended itself into more and more spheres of human life, thus dominating and weakening the social bonds among friends and family. Human relations tend now to give way to the controlling disciplines of the factory, the army, the bureaucracy, the schools, and the culture industry. The loss of autonomy is compensated by a loosening or elimination of restrictions on private (that is off the job) behavior:

> In [fascist] Germany those entrapped by the existing order now demonstrate their obedience to it by promiscuity, as earlier by modesty, affirming by indiscriminate performance of the sexual act their rigid subordination to the dominant reason. (DE, p. 207)

Modern man, it would appear, has become a collection of self-contained units that may do each whatever it likes as long as that does not interfere with the smooth functioning of the system of production. Those likes, of course, are integrated into the system, so that each must labor to perpetuate the system in order to satisfy her likes. Even those likes, however are manipulated by the system through the "schema of mass culture, which appropriates even the most intimate impulses" (DE, p. 168). The medium of enforcement, of course, is money: one wants to see a movie, lie on the beach, join a celeb party—these things cost money. Doing what one likes is economic consumption driving the machine. Increasingly, raw survival may not require labor, as the welfare state administers the system so as to guarantee a minimum to all citizens. But not to labor and not to participate in the frantic aimless pursuit of likes, is to become superfluous, hardly to exist. Thus, one labors at what he may not like in order to do, at other times, what he likes. With advances in technology, less time is required at labor, more time becomes available for pursuing likes, consumption, and there is less and less possibility of breaking from the system. Benhabib, commenting on this subordination of the individual to the economic machine writes, "The responsibility of long-term planning for himself and his family has given way to the ability to adjust himself to mechanical tasks of the moment" (Benhabib, 1986, p. 161). But given the high rates of divorce in developed countries and what appear to be interchangeable spouses, it may soon no longer be meaningful to speak of families at all.

But also, the wide range of "freedom" to indulge even deviant desires "on one's own time" is rendered, meaningless, by the logic of universalization: in deviating from the universal it does not exist. Thus what is sometimes called "real life", time away from one's job, is rendered unreal.

I noted above that the Enlightenment, by elevating the individual above society at the same time as calling into question religion and tradition, threatened to remove any basis for moral norms. Kant's solution was the categorical imperative, whereby each rational individual would autonomously arrive at the same moral norms. Yet as individualism is increasingly radicalized, behavior would seem to be regulated not by personal rational decisions, but by a kind of administered market of manipulated likes, in which the best way to satisfy those likes is to conform to the system. But the categorical imperative was questionable as soon as Kant formulated it: by what imperative *should* autonomous individuals "So act that the maxim of your will could always hold at the same time as a principle establishing universal law"? Rather, as Adorno and Horkheimer point out, the novels of the Marquis de Sade, whose protagonists engage in whatever activities please them, including torture and murder, realize Kant's ideal of "'understanding without direction from another'—that is to say, the bourgeois subject freed from all tutelage" (DE, p. 68). Enlightenment, they suggest, leads to "organized anarchy" (DE, p. 71). Reason, in fact, is neutral as regards good and evil, as shown by the fact the criminal can be perfectly rational in the planning and execution of a crime (DE, p. 75). Pity and such emotions, on the other hand, are irrational, as in reason everything and everyone are equal, that is to say, neutral; there is no *reason* for pity, there is no *reason* to prefer the particular over the universal (DE, p. 80), and "any emotion is finally embarrassing" (DE, p. 149).

Thus, even if Jacobi, Hitler, and Pol Pot did not have reason on their side, neither was reason as such against them.[7]

Said more succinctly: Reason as such posits no goals (DE, p. 70) and is, as the positivists claim, value-neutral. When reason itself becomes the ruling mythology, therefore, there remain no goals to pursue, no values to uphold, and no justification for moral norms. There remains only the imperative to enact the myth, to structure the world as a rational machine, in which nothing is left to the irrational messiness of humanity. As the disenchantment of nature, enlightenment eliminates first animism, then the gods, and finally even ideas. Meaning is discarded and concept is replaced by formula (DE, p. 3). Nature comes to be experienced as no more than "undifferentiated resistance" to the "empty authority" of the human individual (DE, p. 70). The banishment of spirit from nature culminates in the banishment of spirit in man. Man in the end, then, is re-united with nature, but a nature that has been de-natured, a nature of particles interacting according to fixed patterns in space. As Adorno and Horkheimer put it: "Objectifying thought . . . depopulates nature and finally nations themselves" (DE, p. 159), and Enlightenment's "own ideas of human rights then fare no better than the other universals" (DE, p. 3) of overthrown mythologies.

2.2.4 The Culture Industry

Adorno and Horkheimer agree with the standard Marxist critique that the structure of the economic system itself, including patterns of ownership, production and distribution, generate legitimating ideologies that justify and perpetuate the

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[7] It may be argued that Pol Pot, at least, was positively irrational, but ultimately there is no *reason*, independent of rationality itself, to be rational. Rationality has no claim over one who chooses irrationality.

system. They emphasize also the not unrelated role of the mass media in generating and supporting ideologies, and in motivating people to subordinate themselves to the system. Most obviously, our desires are manipulated towards consumption of products that not only are unnecessary, but of which we would not even have conceived on our own. That kind of manipulation helps to maintain patterns of consumption and production: we have to work for the money necessary to consume the products that we are made to desire.

But the effect of the mass media runs deeper. The very nature of mass media is that everyone listens to the same music, enjoys the same programs, the same dramas, with no interaction, no input, no participation. Moreover, the entertainment provided is no longer pure amusement, pure and simple escape (DE, p. 107). "Organizational reason", requires that everything be justified, and the mass media spoils the fun of its own entertainment by harnessing it to the purposes of profit, success, and self-promotion (thus also promoting those virtues in its consumers) (DE, pp. 107, 114). More, the mass media purveys an ideology of the ultimate value of work, consumption, and class (DE, pp. 96-7). Non-commercial programming, then, is also commercial. The popular song played on the radio is an advertisement for record sales; the movie star's appearance promotes the star herself. The movie is an advertisement for itself. More broadly, movies, television, and radio programming promote the system as a whole (DE, p. 115). In terms of content, the patterns of employment and work, leisure and consumption are presented as the good and natural rhythms around which our lives must inevitably be structured. However, the system as a whole is promoted not only by content but also by the fact that culture is mass produced and mass disseminated in economic markets (DE, p. 115). In other words

the mass media manifests a culture *industry* that produces and markets cultural commodities. In as much as those commodities are entertaining, the rationalized structure of industry and markets is itself promoted, and inasmuch as we participate in the culture industry via entertainment and consumption we participate in legitimizing the industrial-market system.

Horkheimer and Adorno suggest that the technology of the mass media impresses the masses with the social power that dominates them (DE, p. 108). "Entertainment is the prolongation of work . . . sought by those who want to escape the mechanized labor process so that they can cope with it again" (DE, p. 109); entertainment has become so mechanized that it resembles the work process and leads directly back to the world of work (DE, pp. 112ff). While in the realm of the culture industry, that is on "our own" or "free" time, the role of the living human being is that of a bundle of needs. Those needs are both promoted and satisfied by the culture industry. That is, the individual person experiences himself as a consumer, a creature of the culture industry (DE, p. 133).

How we dress and eat, how we spend our leisure, and in general, our personal style is, then, largely shaped not through autonomous choice or through face-to-face human interaction, but rather by the culture industry. Our desires are manipulated by those who stand to profit by them, to the extent that, absurdly, my desires are not my own. Thus individuality becomes no more than a style promoted by the culture industry, the individual is no more than "the intersection of universal tendencies" (DE, p. 125). In the "ready-made faces of film heroes . . . magazine-cover stereotypes" imitation replaces individuation (DE, p. 126). In a more communal culture such as Thailand, we may say that the imitation of media supplied stereotypes

replaces communal socialization. Similarly, autonomy comes to mean no more than to choose among prepackaged options. "All are free to dance" (DE, p. 135), Horkheimer and Adorno remark, or "to join any of the countless [religious] sects" (DE, p. 136), and that freedom amounts to the "freedom to be the same" (DE, p. 136).

We might say that the culture industry substitutes the Enlightenment ideals of individual autonomy with an easy pseudo-individuality and pseudo-autonomy, and serves the belief in a universal human essence by attempting to make us all the same. Too, in connecting each person to the world economic system and making every cultural product available to all, the culture industry replaces community with conformity so that "the national community apes the human one" (DE, p. 126).

The culture industry and meaning. Perhaps most insidious is the effect of the culture industry on language and on thought. The time which, even in an industrialized society, would be reserved as my own (or *our* own in communal societies) comes to be filled with mass entertainment. This means, first, that communication, which until very recently was inseparable from conversation, is now virtually severed from it. "Communication" rather has suddenly come to mean the one-way dissemination of cultural commodities from a source to the receptive masses. The mass media "democratically makes everyone equally into listeners, in order to expose them in authoritarian fashion to the same programs" (DE, p. 95). The masses respond with enjoyment or obedience as appropriate, but not with meaningful words. I have already noted the tendency for Enlightenment rationality, in its focus on universals, to become divorced from the actual: the particular thing (or person) actually in front of me comes to be conceived as no more than an instance of a universal type. The culture industry accelerates this tendency. Horkheimer and

Adorno note that the similarity of cultural products at all levels, for example architecture in housing developments and corporate headquarters reflects "the false identity of universal and particular" (DE, p. 95).

In such an environment, language, to the extent that it is more than a commodity, is reduced to an instrument for commerce and propaganda. According to Horkheimer and Adorno, through the culture industry, words are robbed of truth and become mere instruments. The meaning of words comes to be reduced to the end to which they are the means and "Language which appeals to mere truth only arouses impatience to get down to the business behind it" (DE, p. 118). The culture industry "exploits the cult of facts", substituting fact for truth, meaning, and even justice, implying the "immutability of the existing circumstances" (DE, p. 119). Words harden into formulaic designations without meaning. Thus Hitler, (or Pol Pot) comes to be just "Hitler" (or "Pol Pot"), genocide, just "genocide". Words are thus robbed of the meanings that might arouse passionate response. Yet, robbed of passion; words can still lie (DE, p. 133). Language, then, becomes de-contextualized and de-historicized, no longer part of humanity's self-interpretation and self-creation, but an instrument for conveying information or for achieving goals. The folk song, for example, expressing, interpreting, and creating generations of human experience, that is, a living history, is replaced by the pop tune, instantly produced and distributed, and as instantly forgotten. Speech comes to be flooded with commercial and political slogans, motivational fads disconnected from lived experience. Finally, communication comes to be a de-contextualized moment of entertainment, and with our words separated from experience and history, we no longer understand what we say (DE, pp. 134-135).

Reason, they suggest, has been robbed of thought (DE, p. 23). On a perhaps deeper level, the fundamental schemata by which we comprehend the world have been re-programmed, as it were, by the culture industry. Kant believed these schemata to be universal in human consciousness, constituting a universal human essence. The way that we perceive and comprehend the world, of course, is more likely to be historically and culturally determined. Nevertheless, Kant was right in that we do not and cannot perceive and comprehend things just as they are, but rather in terms of pre-existing schemata. The culture industry, in effect, re-programs those schemata, rationalizing consciousness, as industrialization rationalizes production and labor, accommodating our very thoughts to the economic system (DE, p. 98). Thought and discourse then become incapable of grasping the actuality of particular beings, each, person or thing, can only be thought and spoken of as instances of universal types, interchangeable, and disposable as long as there are available replacements. But thought is suppressed even within the schemata supplied by culture industry. In mass-produced dramas, for example, effect often substitutes for logic (DE, p. 109). The overall movement of the story may be incoherent, but the incoherence is concealed by the excitement of the chase or the surprise of the special effect. By virtue of the fact that thinking would reveal the incoherence and spoil the fun, thinking is suppressed. Language has degenerated to the point that, "The medium of traditional bourgeois intelligence, discussion, is in decline. Even individuals can no longer converse, and know it" (DE, p. 174).

2.2.5 Limits of Enlightenment: Bigotry

The final section of *Dialectic of Enlightenment*, titled "Elements of Anti-Semitism: Limits of Enlightenment", is of interest in that it discusses the failure of post-enlightenment Europe to integrate divergent ethnic groups. In particular, the universalistic ideals of the Enlightenment produced no common ethics between the Jewish minority and the Christian majority, even as secularization made this less of a religious distinction and more of a purely ethnic one. Indeed, as Horkheimer and Adorno were writing, the German Nazis were attempting the extermination of the entire Jewish population, murdering some 6 million, including Gypsies, homosexuals and others they considered undesirable. That fact alone gives pause to any expectation of a universal ethic emerging from the Enlightenment. I give here only a brief and rather truncated summary of their arguments of how universalistic ideals can lead to bigotry and terror.

Bigotry is hatred of the *other*. Our hatred of the *other* not hatred for the content of their difference, but hatred of the difference that we foist upon them. The fact that we do not, will not, or cannot understand them makes them a convenient place to locate all that we fail to understand, and in particular that which we hate in ourselves. We *project* our own failings on the *other* in order to despise and crush those failings in the *others* (DE, pp. 153ff). Thus, for example, people in Isan accuse the people of the North of selling their daughters into prostitution, and *vice-versa*; Thais often say that all Burmese are criminals, although Thais commit a large number of crimes. But, indeed, the qualities hated in the *other* tend to be the very passions of nature that Enlightenment reason attempts to suppress (DE, p. 151). In the United States, for example sexuality was so suppressed, that the dominant White population

projected their irrepressible sexual instincts onto the Blacks, a group that was both available and vulnerable. Blacks were, as a consequence, not only reviled as being sexual animals, but were hunted down and murdered by white lynch mobs, often for imagined sexual infractions. The lynchings were blood-orgies against which the supposed sexual infractions of the victims pale.[8]

A closely related source of bigotry is *scapegoating*, in which powerless groups are blamed for shortcomings in the society. Thus, for example, Jews were blamed for the existence of poverty, or accused of fomenting political instability. A repeated theme of *Dialectic* is that bigotry is rage against the ruling class misdirected against powerless groups. Since Jews were often merchants in pre-war Europe, for example, they were blamed for the high prices that were caused, rather, by the fact that factory owners paid lower wages than the value of the products of the labor (DE, p. 172).

In both projection and scapegoating, it need not be the case that the despised group actually exhibits the traits for which it is reviled (DE, pp. 154ff). To the extent that it is seen as different, *other*, it is a convenient receptacle for unfounded accusations.

But the very fact of being different may felt as a provocation, since that difference demonstrates that the dominant way of life is not the only way of being human (DE, p. 150). Bigotry, then, can be understood as the drive to make everyone the same, whether by crushing supposed deviance (projection), eliminating troublemakers (scapegoating) or in efforts at forced assimilation, for example France's recent policy forbidding Muslim women to wear the headscarf in public

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[8] The example is mine based on conversations with Americans.

schools, or the attempt to deny ethnic Malays in Southern Thailand the use of their own language.

But enlightened liberalism rejects bigotry, challenging the reality of the difference of the *other*. This is an expression of the familiar Enlightenment faith in a universal human essence, but it conceals a more subtle form of bigotry. The insistence that everyone is *already* the same may simply become a defense of the status quo: once equal rights are legally granted, no other corrective measures are required, and the previous patterns of discrimination may continue. Inevitably, actual differences come to the fore giving the lie to the presumption of sameness. The reality of differences, in turn, can lead to a return to more open forms of bigotry; the reality of differences may lead to marginalization of the different group through making their ways irrelevant; it may lead to criminalization of assertive difference, for example, by labeling any who resist assimilation as common criminals.

We may say that both open bigotry and the presumption that we are all the same follow from the Enlightenment faith in a universal human essence. Naturally, the dominant group understands itself as human and thus as representing the universal essence. For open bigotry, the difference of the *other* shows that they do not fully participate in that essence, and are thus not fully human. But to take it that the *other* is fully human is to take it that they are just like us. When they turn out not to be just like us, we may feel that as a kind of betrayal. Both positions fail to question the premises, first, that there *is* a universal human essence, and, second, that *we* fully represent it.

Horkheimer and Adorno, nevertheless retain the Enlightenment dreams of human emancipation and universal harmony. In articulating a way beyond bigotry

they articulate a theory of thought and of perception that is significant to this study as a whole.

Kant was right that we perceive the world in terms of pre-existing schemata; concepts are already present in the perception. Those schemata are neither universal nor rigidly fixed as Kant thought, however, but experientially constructed, through tradition, history, latterly the culture industry, and the like. But we perceive the *external world* in terms of those schemata. That is to say, neither is it the case that the world is no more than a projection of our preconceptions, nor is it the case that the world simply is what it is, such that true knowledge consists in enumerations of facts. Horkheimer and Adorno write of the antithesis between self and world, indicating a dialectical relation moving toward a synthesis that is never final. *Either* taking the world as settled fact, independent of us, *or* taking our preconceived image of the world as already true, they say, is a form of pathological projection (DE, pp. 154ff). The way toward truth is rather reflection on the self-other antithesis (DE, p. 156), through thinking that continually questions its own judgments (DE, pp. 160-1). Genuine thought, for them, is thinking that even as it makes assertions of truth, makes also the negative assertion (DE, pp. 160-1). All positive assertions of truth, then, are pathological, "the absolute claim always fails" (DE, pp. 160-1) and insistence on the truth of universals arrests thought.

Both projection and scapegoating participate in pathological projection. For open bigotry the despised *others* are taken to be as we conceive them, with no need to investigate. For the egalitarian, they are taken to conform to our preconceived notions of the fully human, again with no need for investigation. At the same time, or in alternation, the *other* is taken to be simply as it "is", a collection of facts to be dealt

with, excluded or included, eliminated or assimilated, by whatever means are expedient.

We may now say that insistence on the truth of universals (no less human rights than racial superiority) arrests thought and projects a frozen schema on the world in terms of which those who do not conform are fundamentally threatening to our world. This would be the source of such constructs as George W. Bush's "Axis of Evil" and of labeling resistance to assimilation in Thailand's South, "criminal" and "terrorist". Any presumption to full comprehension is bigoted, in that those who are excluded (as well as those who exclude themselves) are hated for their exclusion— their very presence makes the comprehension non-comprehensive (see DE, pp. 162-163). But this suggests that even anti-bigotry formulae, and the policies based on them are bigoted: formulae *per se* are bigoted; anti-bigotry policies that assume sameness, must rage against those who are, stubbornly, not the same.

2.2.6 *Beyond the Dialectic of Enlightenment*

The way beyond this conundrum is genuine thought: reflection on the self-other antithesis (DE, pp. 156, 165). That would be an engagement with the *other* in which there may be a convergence of understanding, but in which no achieved understanding would be taken as either complete or final.

> Only the liberation of thought from power, the abolition of violence,
> could realize the idea which has been unrealized until now: that the Jew
> is a human being. This would be a step away from the anti-Semitic
> society, which drives both Jews and others into sickness, and toward the
> human one. (DE, p. 165)

Thus, the reflective movement is the way beyond the dialectic of enlightenment. That, however, is increasingly unlikely, as with the degeneration of language, communication, and thought that we have indicated above, the failure to reflect has become the "objective spirit" of the times (DE, p. 163).

To whatever scraps remain of humanity, Enlightenment rationality can now appear only as terror—whether in directly lethal form as in Iraq and Cambodia (Saddam Hussein and Pol Pot were no less modernizing than is George W. Bush), or in the form of wage-labor and the shopping Mall that makes of us all-too-willing robots. "One cannot abolish terror and retain civilization," Horkheimer and Adorno write. Yet other than fascism or hell, "There is one other possibility: to scorn logic, if it is against humanity" (DE, p. 180). In our situation, in which rationality itself has become the oppressing mythology, "there is only one expression for truth: the thought which repudiates injustice" (DE, p. 181).

2.3   A Question About Autonomy: Individual and Society

Horkheimer and Adorno criticize contemporary society for a lack of autonomy. The individual personality, they complain, is now constructed from the schemata supplied by society and even individuals can no longer converse. In true Enlightenment fashion, it is clearly the *individual*, they charge, that lacks autonomy, having now only "psuedoindividuality" and "psuedoautonomy". But this is a criticism of *society*, inasmuch as social forces, rather than, say, personal "tutelage", have robbed persons of individuality. At the same time it is abundantly clear that society always and necessarily structures the personalities of its members. Horkheimer and Adorno recognize this. For example, societies always evolve ideologies or

mythologies that justify the existing order and through belief in which the individuals perpetuate the existing order, even where that order subordinates them. It is not at all clear, then, what an autonomous individual would be. It would seem, first, that individuals who were fully autonomous from social influence would have no personalities *at all*. Second, it would seem doubtful whether *any* social order, of any scale, could exist and reproduce itself without ideology/mythology.

Clearly, the individual is not and cannot be independent of society, either in fact or in the argument of *Dialectic of Enlightenment*. To be human is also to be social. Yet the call for individual autonomy, both in the *Dialectic* and in much other modern social criticism, seems to call for independence precisely from society—and to that extent for dehumanization. As social criticism, to call for society to cease influencing individuals is to call for the cessation of human personality; to call for society to produce individuals who are independent of society is a contradiction.

The problem here, I suggest, is ambiguity in the concept of autonomy based in ambiguities in the concept of man inherited from the Enlightenment. That is, a failure to clarify the relations between individuals and societies on the one hand, and between such sociological concepts as *individual* and *society* and such moral concepts as *man* on the other.

2.4 Enlightenment Redeemed: Jürgen Habermas

Horkheimer and Adorno's critique is often compelling, but does their pessimism go too far? The criticism that they offer no way forward is untrue, but the way forward, thought, critical reflection, is, by their own analysis, highly unlikely. Worse, perhaps, it is unclear how entire societies would engage in critical reflection;

that would seem to be the province of autonomous individuals. What is perhaps the same thing, it is unclear how critical reflection would translate into emancipating social, political, and economic changes and prevent the creation of a new mythology/ideology. Indeed, *Dialectic of Enlightenment* seems to give no conception of emancipation at all. I found myself constantly having to ask: but what would life without mythology/ideology be? *That* feels almost like asking: what would speech without language be? Inasmuch as the critique is immanent, that is, made from within the ideology-bound situation, it may be that no positive conception of emancipation is possible, but the critique is so thoroughgoing that emancipation itself begins to seem an impossible, perhaps even incoherent, ideal. But surely, some possibility of genuine thought remains. Surely, in spite of the continuing human catastrophes that plague our modern and modernizing world, the continuing efforts to achieve the Enlightenment dreams of universal emancipation and dignity are not utterly doomed. Surely, reason is not *necessarily* an instrument of dehumanization.

That would be the position of Jürgen Habermas, who, while fully accepting the distance that the Enlightenment project has diverged from its ideals, and while accepting much of the critique of *Dialectic of Enlightenment*, has sought a concrete and possible means of breaking through that dialectic and recovering the hopes of the Enlightenment. For him, the Enlightenment is an unfinished emancipatory project that is to be completed through reason.[9] For example, Habermas maintains that Adorno's sustained critique of the culture industry is essentially correct, but that it overstates the case (TCII, pp. 390-391). He agrees that contemporary society is in crisis; but, he

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[9] He entitled the paper published on his acceptance of the 1980 Adorno prize, "Modernity: An Unfinished Project".

believes, previous critiques have been based on inadequate conceptions of the human, both social and personal. Those inadequate conceptions lead to inadequate critiques, inadequate understandings of the crisis, and hence the failure to find a way to recover the project of emancipation. A deeper analysis, he claims, shows that the emancipatory project is neither the struggle between reason and non-reason nor the struggle between individual and society, but between different modes of reason and different aspects of sociality "between communicative and instrumental reason, lifeworld and system" (Coole, 1996, p. 224).

In order to show that the pathologies of modernity are not *necessary* results of Enlightenment (TCII, p. 330), and to suggest directions toward emancipation, Habermas broadens the concept of reason to include what he calls *communicative reason*, and develops a distinction between *lifeworld*, the world as lived and experienced by persons in their everyday lives, on the one hand, and *system*, society understood as an impersonal functioning organization on the other. He can then reinterpret the dialectic of enlightenment as an *irony* (my term) of enlightenment. Briefly stated, the rationalization of the lifeworld emancipates human beings from mythology and ideology; Ironically, however, it also makes possible more complex systems that become self-maintaining and turn back to make debilitating demands on the lifeworld, tending to reduce human beings to no more than functional units in the system (TCII, p. 155). Lacking the conception of communicative rationality and the distinction between system and lifeworld, Horkheimer and Adorno's critique of *instrumental* rationality could yield no working remedy, and they could only envision the continued breakdown of identity formation, socialization and cultural reproduction (TCII, p. 333). Indeed, in failing to distinguish *functional* rationality, that is, the

impersonal logic of *systems*, from *action* rationality, that is the human logic of action in lifeworlds, they could envision no other form of rationality than instrumental, and hence could imagine freedom only in *ir*rationality (TCII, p. 333). For Habermas, the problem is not instrumental rationality *per se*, but the functional rationality of systems that overrides the communicative rationality of human beings in the lifeworld (TCII, pp. 398-399). Habermas finds in communicative rationality the possibility of remedies for the dialectic—or irony—of enlightenment, and possible means of pursuing the Enlightenment project of emancipation through reason.

2.4.1 *Monological/Dialogical: Habermasian Enlightenment*

I have already referred to ambiguities in the Enlightenment conceptions of *man* and *autonomy*. Habermas goes a long way toward resolving those ambiguities by shifting from a monological to a dialogical perspective. In his magnum opus, *The Theory of Communicative Action*, in fact a profound *re*thinking of Enlightenment conceptions, Habermas proposes a new understanding of rationality and of autonomy. Habermas' rethinking of enlightenment is sufficiently different from what had gone before that we may refer to "Habermasian Enlightenment".

Kant's conception of human action and human morality may be characterized as monological. In other words, for Kant, autonomy is an internal capacity of a freestanding subject independent of interference from the external world. Given the Kantian view of autonomy, an individual's decisions are made, in Habermas' words, "in the loneliness of his soul" (MC p. 203) and Kant's emphasis on individual, subjective rationality "reduced the motives and aims of action, as the interests and value orientations on which individuals depended, to inner states or private episodes"

(TCII, p. 95). The Enlightenment project could then be understood as a battle between an *inner* power of freedom that liberates and *external* powers that dictate and thus deviate man from emancipation. If we take this view, according to Borradori in *Philosophy in a time of Terror* (Borradori, 2003, p. 4), "Freedom [would be] measured by the degree to which we become able to gain control over the forces which otherwise would control us" . This conception, according to Strong and Sposito's "Habermas's Significant Other" (Strong & Sposito, 1999, p. 268), results in "a politics of exclusion, the same politics that has been the focal point of so much postmodern criticism of Enlightenment". But the monological emphasis, they hold, "takes reason out of context, removing it from its inherent social embeddedness" (Strong & Sposito, 1995, p. 268). The bitter fruit of that emphasis is that the individual is now, as Habermas wrote in *The Philosophical Discourse of Modernity*, "suffering from the disfigured totality of social life, from alienated inner and outer nature" (DM, p. 306). When inner personal rationality is separated from the rationality of the external world, "inside and outside are linked with domination and subjugation," and since reason appears to be the power holder, emancipation appears to require "overcoming reason" thus gaining "release into an indeterminate freedom" (DM, p. 309). That sounds much like *Dialectic of Enlightenment*, and such analyses seem inevitable when the only concept of reason is monological, that is, uniquely an activity of isolated, self-sufficient individuals. The normative ideals of the Enlightenment, however, Habermas wrote in *Justiication and Application*, "become intelligible . . . when we cease to regard freedom as merely subjective" (JA, p. 40). To do so requires a shift away from the philosophy of consciousness, from the Cartesian position that the starting point of all knowledge is individual consciousness, and away

from the Kantian position that universal moral norms will be achieved through *individuals reflecting on what laws they, individually, would be willing to have* universally obeyed. This, of course, would provide opportunity to escape the problem that, as Horkheimer and Adorno (and de Sade) pointed out, there is no rational imperative to *follow* Kant's categorical imperative, however rational it might in itself be.

Habermas achieves the shift away from the philosophy of consciousness by making language prior: for him it is no longer to be thought that pre-existing consciousnesses engage each other (somehow) in discourse, but rather that consciousness and thought are structured *by* language. As Ciaran Cronin wrote, in his introduction to Habermas' *Justification and Application*, consciousness then is *essentially* social, and the subject "must be relocated in the social space of communication where meanings ... are matters for communal determination" (Cronin, 1994, pp. xii). At the same time, Habermas refuses to subordinate the individual to society, or to submerge the person in a totalized Humanity, insisting instead on retaining a Kant-inspired deontological ethic guided by rational autonomy (Cronin, 1994 pp. xii). To do so he requires dialogical rather than monological conceptions of autonomy "that give structures of intersubjectivity their due" (TCII, p. 389). But making language prior already accomplishes this. If language is prior, then autonomy cannot be achieved in isolation, but only in interaction with others. Thus, as Habermas emphasizes, autonomy and the process of socialization are contingent upon each other and developmentally linked. Autonomy is social. As he points out, "the free actualization of the personality of one individual depends on the actualization of freedom for all" (MC, p. 207). In other words, to cite Strong and

Sposito, autonomy implies "'communicative competencies' that cannot exist as individual properties, but only as a part of a shared fabric of communicative understanding" (Strong & Sposito, 1995, p. 174). According to *The Theory of Communicative Action*, we learn to become autonomous only through relations with others, most fundamentally through everyday communication. Autonomy, then, no longer means independence from external limits to self-assertion, but rather, "unconstrained coordination of actions and consensual resolution of conflict" (TCI, pp. 14-15). The conception of a plurality of isolated consciousnesses is, then, replaced by the conception of inter-subjective *lifeworlds*, that is, the world as we experience it in ordinary personal life, mediated, produced, and reproduced, again, by communication. Note that the shift in priority from individual consciousness to intersubjectivity yields the possibility of conceiving emancipation as a *social* condition rather than as an incomprehensibly total separation of the individual *from* society. Note too, that making language prior also yields a dialogical conception of reason. Reason becomes a matter of discourse, of achieving mutual understanding based on the best arguments, or reasons.

It may be worth noting here that while Kant's metaphysics were thoroughly monological, his popular writing on the Enlightenment already hints at a more dialogical approach. As we have seen, he suggests that it is more likely that the "entire public" will enlighten itself than "separate individuals", and he goes on to suggest that public discourse will be an instrument of what we now call social justice.

2.4.2 Language

Note that the turn from the priority of consciousness to the priority of language entails an expansion of the concept of language.

Habermas understands language and its use not *only* as the conveyance of information, and speech not *only* as a series of propositions to be evaluated as true or false. Rather, speech is for him also a series of variously motivated acts, that is, *utterances*, with various functions, to be evaluated in correspondingly various ways. It is, for example, largely through multiple speech acts that children are socialized, given their identities, their background assumptions, and their worldview. The lifeworld is acted out and reproduced largely through language acts. Indeed, in making language prior to individual consciousness, communicative acts are seen as constitutive of both society and of persons. Habermas identifies three broad modes of speech, each with its characteristic mode of reasoning: *propositional*, *moral*, and *expressive*. *Propositional* speech includes statements of what is believed to be the case. The mode of reasoning characteristic of propositional speech is cognitive-instrumental: reasoning about what is the case, about the current state of affairs and about how to bring about a desired state of affairs. Cognitive-instrumental utterances are evaluated as true or false, and as effective or ineffective. *Moral* speech includes statements about what should be done; its characteristic mode of reasoning is the search for norms, or principles of behavior that apply in particular kinds of situations. Moral utterances are evaluated as right or wrong. *Expressive* speech acts reveal to others something of the speaker's inner life. Expressive utterances are evaluated as sincere/truthful or insincere/untruthful. A distinct "world" in Habermas' terminology corresponds to each mode of reason, respectively: the material objective world, the

social objective world, and the subjective world to which the individual subject has privileged access (TCI, pp. 96-101).

2.4.3 *Communicative action and communicative reason*

What does it mean to be rational in a dialogical rather than monological way? Habermas' answer is his concept of *communicative reason,* which, in turn, is a mode of *communicative action.*

Communicative action is action that is coordinated through a "cooperative process of interpretation" leading to a common understanding of a situation (TCI, p. 101). That is, communicative action is action coordinated through communication in which agreement is sought on goals, how to achieve them, values, ethics and the like. The theory of communicative action supplements rather than replaces the purposive action theories (individuals pursuing private goals) that have dominated social theory. At the same time it supplements functionalist theories of social coordination.

Communicative action, however, is not necessarily rational. An achieved common understanding may be unduly influenced, for example, by the status or unquestioned wisdom of particular participants. Moreover, communication typically relies on a multitude of unexamined presuppositions, perhaps supplied by unquestioned mythologies. Communicative *reason* is communication that challenges and defends the validity of statements given in communicative action. To be rational in this sense is to be able to give *reasons* for behavior and for utterances (TCI, pp. 16-17). To claim that an utterance or action is rational is *first* to claim that it is valid, for example, that it is true, in a way that is *criticizable*; *second* it is to be able to defend

that claim in open discourse (TCI, p. 9). Rationality as the criticism and defense of such *validity claims* is extended beyond cognitive-instrumental (for example factual claims) statements to include normative and expressive utterances as well. Cognitive-instrumental statements make validity claims to truth, normative statements make validity claims to *rightness*, and expressive statements make validity claims to authenticity or sincerity (TCI, p. 15). By Habermas' definition, then, to be rational is to raise criticizable validity claims that can be defended in discussion, *argument* (see TCI, pp. 9-10). With this notion of rationality supplementing the notion of instrumental rationality, inter-subjective community and the lifeworld become conceivable: through argument, individuals transcend private views, and reaffirm the "unity of the objective world and the intersubjectivity of their lifeworld." That affirmation is due to "the mutuality of rationally motivated conviction" (TCI, p. 10).

The conception of communicative rationality, offers a more realizable conception of emancipation, I suggest, than does monological and purposive rationality, because:

1. It transcends the struggle for existence between my rationality, your rationality, and the rationality of the world.

2. The reciprocal interconnection of individuation and socialization opens up opportunities for the individual's private needs to be expressed in that previously unspoken needs become not only articulable but also negotiable vis-à-vis the demands of the modern world.

3. To the extent that one communicative subject knows certain of her needs and linguistic capacities to be recognized by, and thus reconciled with other communicative subjects, perspectives become interchangeable; they come to

value each other as responsible participants, capable of coordinating their actions through the *inter-subjective* character of rationality in the language games of morality. Once this is accomplished, we have come to the gateway of Habermas' concept of enlightenment rationality.

2.4.4   System and Lifeworld

Communicative reason is grounded neither in isolated individuals nor in impersonal social systems, but in "a symbolically structured lifeworld that is constituted in the interpretative accomplishments of its members and only reproduced through communication" (TCI, p. 398). Yet the existence and influence of those impersonal social systems cannot be denied. Habermas' critique of the modern world depends on the distinction between the two.

Lifeworld. The lifeworld is the world as lived and experienced by human beings. As such it includes the subjective experiences of individuals—the inner world, along with other people, society and the world of nature, *as experienced.* The lifeworld is the *site* of communicative action, but is also maintained by communicative action. As McCarthy put it in his introduction to *The Theory of Communicative Action,* the lifeworld is "a necessary complement to the concept of communicative action" (McCarthy, 1984, p. xxv). From this perspective, intentions, motivations, felt needs, and the like are among the fundamental forces that drive the dynamics of society. Understood as lifeworld, then, society is coordinated through communicative action. The lifeworld, then, is never a whole that can be contemplated objectively, that is from the outside, and in its entirety. Rather it can only be

contemplated from within, a realm bounded by an ever shifting *horizon*, by the participants who both live within it and continually reconstitute it.

The concept of lifeworld was first articulated by Husserl and worked out within phenomenology, that is, within the presuppositions of the philosophy of consciousness. Accordingly, cultural aspects, that is, knowledge, assumptions, and the like, that could be thought of as belonging to individual subjectivity were emphasized (c.f. TCI, pp. 12-14). Habermas breaks out of the strictures of the philosophy of consciousness and locates the lifeworld within a communicative, inter-subjective framework. He is then able to identify three "structural components" of the lifeworld: culture, society, and person (TCII, p. 138). By *culture* he means "the stock of knowledge from which participants in communication supply themselves with interpretations as they come to an understanding about something in the world"; *society* refers to "the legitimate orders through which participants regulate their memberships in social groups and thereby secure solidarity", that is, social integration; *personality*, finally, refers to "the competences that make a subject capable of speaking and acting, that puts him in a position to take part in processes of reaching understanding and thereby to assert his own identity" (TCII, p. 138). The lifeworld in these three aspects is produced and reproduced through communicative action, *culture* through communicative action oriented to mutual understanding, *society* through communicative action oriented to coordinating action, and *persons* through communicative action oriented to socialization (TCII, p. 137). Socialization has a particular interest for Habermas as the process in which new members, (typically children) are given the background cultural knowledge and the behavioral dispositions to participate appropriately in social groups. In doing so socialization also

perpetuates the society and culture through historical time. Without socialization of new members, the society cannot sustain itself.

The lifeworld "stores the interpretive work of preceding generations" (TCI, p. 70). It necessarily includes (some would say *is*) a rich background of knowledge, assumptions, pre-interpretations, patterns of behavior and the like, with and through which we understand, interpret, and act (TCI, pp. 13, 100). The background rarely comes into question, is rarely thematized. It is rather taken for granted, experienced as already given (TCI, p. 335). Nevertheless, that background is continually reinforced and reproduced through communication. The lifeworld itself is "constituted in the interpretative accomplishments of its members and only reproduced through communication" (TCI, p. 398). As such, then, elements of the lifeworld *can* be thematized and thus come under communicative criticism and reinterpretation (TCI, pp. 70, 340).

I shall attempt to illustrate the cultural aspect of lifeworld with language, perhaps its most important element. We interpret the world, formulate plans of action, coordinate actions among ourselves *with* language and in terms made possible *by* language; the language is always already *given*, we do not invent it. Yet languages are never *fixed*: with every use, we both maintain the language and potentially alter it. But we are rarely aware of language as such; it is that with and through which we speak, not what we speak *about*. Even when we do speak about language, we necessarily speak from the perspective *of* language, hence never *objectively* from outside. Language is not normally thematized; yet features of it *can* be thematized.

System. But society can also be understood, from an objective, observer's point of view, in terms of self-regulating, self-maintaining *systems*, in which actions

and institutions are understood strictly in terms of their functions in maintaining the system, irregardless of personal intentions (TCII, p. 151). In fact, according to Habermas, the lifeworld perspective is inadequate, since "actions are coordinated not only through processes of reaching understanding but also through functional interconnections that are not intended by [the participants] and are usually not even perceived within the horizon of everyday practice" (TCII, p. 150). Originally, system and lifeworld are simply two ways of understanding the same thing. According to McCarthy, "From one point of view, society is conceptualized as the lifeworld of a social group in which actions are coordinated through harmonizing action orientations. From another point of view, actions are coordinated through functional interconnections of action consequences" (McCarthy, 1984, p. xxviii). Habermas himself insists that in tribal societies lifeworld and system, communicative and functional integration are so intertwined that they can be disaggregated only analytically (TCII, pp. 156-160). As societies become more complex, however, the demands of coordination exceed the capabilities of communicative action and the system aspects of society become "uncoupled" from the lifeworld aspects to form independent, self-sustaining systems, especially in the economic and political-administrative realms. For example, in capitalist economies the market stabilizes "nonintended interconnections of action" (TCII, p. 150). Communicative modes of organization are replaced, in this view, with non-linguistic, non-communicative media of control, such as money and power, that "steer" individual decisions, integrating their consequences in terms of the imperatives of system maintenance (TCII, pp. 150-152). From this perspective, human beings are seen as no more than functional parts

of larger impersonal systems, and the lifeworld appears as a subsystem among several with the particular function of socialization and reproduction (TCII, p. 153).

Modernization as rationalization. It should be emphasized that Habermas does not consider the uncoupling of systems from lifeworlds as necessarily dehumanizing. On the contrary, the "mediatization" of certain realms, that is the conversion of some, especially economic, realms into media-steered systems, potentially frees communicative resources for other tasks (TCII, p. 185). The rapid increase in the differentiation and mediatization of economic and administrative realms is part of what Habermas calls the "rationalization" of society since the Enlightenment.

Habermas follows Max Weber, as do Adorno and Horkheimer, in holding that the rationalization of society has been a process of differentiation in which truth, morality, and aesthetics have been differentiated into distinct "value spheres", each with its characteristic institutions. Thus the sphere of science and materially pragmatic concerns, the sphere of moral-legal-social-political concerns, and the sphere of art and art criticism have become disentangled, each free to develop in its own direction unencumbered by the others (MU, p. 162). Weber, and subsequent critics such as Adorno and Horkheimer, tends to see in this development a dehumanizing specialization, institutionalization, and bureaucratization. The danger is that truth, norms, and aesthetics will more and more become the provenance of experts isolated in distinct institutions. While each sphere would then be able to develop unhindered in its own proper direction, the isolation of each from the others may impoverish all. At the same time, these essential areas of discourse may become disassociated, or

removed, from everyday life thus impoverishing the lifeworld. Habermas recognizes those dangers, and agrees that such impoverishment has indeed occurred:

> The differentiation of science, morality, and art . . . results not only in a growing autonomy for sectors dealt with by specialists, but also in the splitting off of these sectors from a stream of tradition. . . . This split has been repeatedly experienced as a problem. (TCII, p. 355)

Habermas notes other significant features of modernization, such as a differentiation within the lifeworld of culture, society, and person along with an increasing complexity of the system (TCII, p. 152). Central to his overall analysis of modernization is the uncoupling of system from lifeworld noted above.

None of this, in Habermas' view, is *necessarily* dehumanizing. Just as the mediatization of system aspects of society frees up communicative resources for other, potentially humanizing, purposes, the differentiation of value spheres and the differentiation of the personal, cultural, and social aspects of the lifeworld, release far greater potentials for communicative rationality. We can now communicatively *question* the validity of the mythological, religious and ideological claims that compelled us to participate in our own domination (TCII, p. 189). With differentiation, it becomes possible, for example, to question the validity of norms that justify domination, and the authenticity of myth and ideology. It is now possible, moreover, for the *person* to question her own culture and society.

Enlightenment as disenchantment liberates human beings from the old oppressive myths. In Habermas' view, that liberation does not necessarily entail either a total loss of meaning or a turn to new myths or ideologies. Rather, through communicative rationality, *we* (neither *I* and *I* and *I* nor *Man*) can construct our own

meanings while continually calling into question the mythologies and ideologies that

arise (see MU, pp. 166-167).

2.4.5   *The Irony of Enlightenment*

Habermas nevertheless agrees that dehumanization and a turn towards

meaninglessness and new mythology/ideology has in fact accompanied

modernization. The question, for him, is: why? Part of the answer is that with the

differentiation of value spheres, modernization, especially in its capitalist forms, has

followed

> a pattern such that cognitive-instrumental rationality surges beyond the
> bounds of the economy and state into other, communicatively structured
> areas of life and achieves dominance there at the expense of moral-
> political and aesthetic-practical rationality. (TCII, p. 305)

This "surge" of cognitive-instrumental rationality may be variously explained,

for example, by the demonstrable power and effectiveness of that mode of reasoning,

for example in science; or by the pervasiveness of an instrumentally structured

economy that forces humans, for their very survival, to conform to its premises. This,

of course remains reminiscent of Adorno and Horkheimer for whom a society

structured by instrumental reason (and legitimated by faith in reason) makes "souls

into things"; or of Weber, for whom the rationalization of society created a society of

bureaucracies and corporations in which individual human beings were but cogs in the

machine. From Habermas' dialogical rather than monological perspective, however, it

remains possible for balance to be restored among the value spheres and for them to

be reintegrated in the lifeworld without losing the rationality potential of the

differentiation, (TCII, p. 330). That possibility is grounded in the dialogical notion that knowledge in any sphere is a matter of discussion rather than a matter of private thought.

But Habermas' most powerful explanation for how modernization went wrong, and hence his most powerful critique of modern society draws on his concept of the uncoupling of system from lifeworld. What has happened, he maintains, is that systems, having becoming self-maintaining, have at least partially integrated lifeworlds within system dynamics. To the extent that this happens, relations within the lifeworld are "mediatized": actions are no longer communicatively integrated, but come rather to be integrated by steering media. That is, in effect, a radical dehumanization in which communicative action, let alone communicative rationality, plays less and less of a role, and people indeed become things, cogwheels in the machinery. That amounts to the destruction of the lifeworld:

> Steering media such as money and power attach to empirically motivated ties. They encode purposive-rational dealings with calculable amounts of value and make it possible to exert generalized strategic influence on the decisions of other participants while bypassing processes of consensus formation in language. Because they not only simplify communication in language but *replace it with a symbolic generalization of negative and positive sanctions,* the lifeworld context in which processes of reaching understanding always remain embedded gets *devalued:* the lifeworld is no longer necessary for coordinating actions (TCII, pp. 280-281).

Habermas refers to this process with the metaphor of *colonization*: "The imperatives of autonomous subsystems make their way into the lifeworld from the outside—like colonial masters coming into a tribal society—and force a process of assimilation upon it" (TCII, p. 355).

What is different here from previous critiques, is that, with the conception of communicative action and the lifeworld, a *human* realm, independent of systems, becomes visible that could conceivably assert itself and remain as a human and humanizing realm of which systems are instruments, rather allowing human beings to become instruments of systems. But that possibility is more than merely conceivable in Habermas' conception, it is ever-present: system cannot fully destroy lifeworld without destroying itself. The lifeworld "defines the pattern of the social system as a whole. Thus, systemic mechanisms need to be anchored in the lifeworld" (TCII, p. 154). Systems are, after all, composed of *persons* behaving in specific ways. In general, this is the problem of *legitimacy*, developed particularly by Weber. People have to believe that the systems that rule their lives are right and proper. But they also have to have expectations, aspirations, fears, and behaviors that are coherent with the systems. Habermas notes that persons have to be *taught* to behave in those ways. In his terms, they have to be taught to respond to steering media in the "appropriate" ways: they have to be socialized, and socialization occurs in the lifeworld. That is, systems have only the legitimacy that is granted them by the lifeworld. Money, for example, is the steering medium of exchange in the economy. But money has exchange value only because we *agree* to give it exchange value, and that agreement occurs only in the lifeworld, mostly in the socialization of children, a *communicative* activity. To the extent that the communicative practices of the lifeworld are displaced by the non-communicative medium of money, there is no basis for that agreement, and money ceases to function. In other words, system depends on lifeworld to such an

extent that it could not fully displace the lifeworld without destroying itself (TCII, pp. 151ff, 173).[10]

In Habermas' words: multiple "potentials for protest" remain (TCII, p. 391).

2.4.6 The Problem of Ideology

But does ideology not infect the discourse itself? Even if the individuating, humanizing "painful inner dialogue between conscience, self-preservation, and drives" (DE, p. 169) moves, as Habermas might claim, from monologue, to genuine dialogue among living persons, and even if reason is understood in terms of multi-faceted actions, the problem of ideology/mythology would seem to remain. If the prevailing economic system and its concomitant ideology, assisted by the culture industry, distort communication to the extent suggested by Adorno and Horkheimer, is the kind of intersubjectivity envisioned by Habermas still possible? As Habermas himself acknowledges (PC, p. 140), "The dominant patterns of socialization transmit the functional imperatives of state and economy from the level of institutions to the level of personality structures" as the socialization functions of family and friends are invaded by economic-administrative controlling apparatus. When the inter-subjective rationality of individuals is not taken into account, the power of the economic apparatus appears to be unchallenged, making the juggernaut of *Dialectic of Enlightenment* seem irresistible. Habermas has to acknowledge that the destructive effects of instrumental rationality have not left the communicative infrastructure untouched. Individuals in advanced capitalist societies may well be mistaken about

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[10] The dependency of system on lifeworld is worked out in full detail in *Legitimation Crisis* (Habermas, 1992).

their own true needs and motives and their mutual communication may become systemically distorted. Yet "not untouched" and "distorted" need not mean "destroyed". But to blame the distortion on *ideology* is to misunderstand the situation.

Habermas agrees that the dominated have participated in their own domination because the prevailing mythologies defined the existing social structure as necessary, right, and good. What is against their interests, the mythology convinces them, is rather *in* their interests. That is false consciousness. But why, Habermas asks further, writing of pre-modern societies, could have such mythologies "be sustained against all appearances of barbaric injustice" (TCII, p. 189) given that the intellectual capability of recognizing the deceit was readily available. He answers that mythologies could be believed only because communication was systematically restricted. The unity of what *is*, what *should be*, and of *who* one is, (the true, the right, the authentic—Weber's three value spheres) in the sacred, prevented critical discourse about them (TCII, p. 189). Thus, for example,[11] the social-political role of serf on a medieval manor, what *is*, is mythologically identified with a divinely ordained cosmic order, what *should be*, in which one's authentic place is on the bottom. In such a situation, to question ones own oppression is ultimately to question the existence or goodness of God, but also, one's own reality. With the differentiation of the value spheres critique becomes possible: what *is* is not necessarily what *should* be, and *who* one is is separable from one's social position. In tribal societies, he writes, social control is enforced by a "mythical worldview that immobilizes the potential of speech for negation and innovation, at least in the domain of the sacred" (TCII, p. 159).

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[11] These are my examples, not Habermas'.

We encounter here once again the central role of communicative reason: mythologies, ideologies, and oppressive structures can now be and are called into question. It is in this sense that the Enlightenment offers whole new possibilities of emancipation—through reason, but with a broader concept of reason than the *philosophes* were able to articulate.

As a result, Habermas maintains that ideology/mythology has lost its force in advanced capitalist societies. The "disenchantment" of enlightenment has disempowered mythologies to the extent that though individual groups may espouse particular mythologies, none has a chance of fully defining the lifeworlds of society, indeed, mythology, with religion, has retreated to the private realm, being an affair, for example, "between the individual and his God" with no real social force. However distorted, communicative reason, as the ability publicly to criticize every policy, every action, every ideology of the state, has generated a transparency in which mythology and ideology cannot survive (TCII, pp. 344-5). Why, then, has the "competition" between system and lifeworld not "openly come to the fore"? (TCII, p. 355). Why do we continue to permit, and participate in, the colonization of the lifeworld? Habermas suggests that the problem is not a new ideology, but fragmentation of knowledge. Everyday knowledge of the social whole remains diffuse and inarticulate, "robbed of its power to synthesize" (TCII, p. 355). With no concept of the whole, we are unable to challenge the whole. Part of the problem here, of course, is the differentiation of value spheres. This is an instance of the irony of enlightenment, in that the very differentiation that allowed the mythologies that supported domination to be questioned, now functions to support a dehumanizing status quo. Habermas envisions discovering "the conditions for recoupling a rationalized culture with an everyday

communication" (TCII, p. 356). He does not claim yet to have discovered those conditions, but the direction clearly is toward greater, not lesser, rationality, specifically, communicative rationality.

2.5   Summary

The reader will perhaps object that the differentiation of value spheres, secularization, and transparency that Habermas assumes, are not characteristic of much of the world, including Thailand. We are not, after, children of the Enlightenment. That is an important point. In this chapter, however I have endeavored to elucidate Habermas' theories in the European context in which they were formed and in which they have their primary meaning.

For Habermas, the dialectic of enlightenment is more of an irony. Historical development has been such that some of the rationalizing features that have emancipated Europeans from mythology and superstition have then contributed to dehumanization and new forms of domination. Those negative results are, however, neither necessary nor irreversible. If the lifeworld has been subordinated to systemic constraints, it is also possible that the system could be subjected to the normative constraints of the lifeworld (TCII, p. 185). The problem is not reason as such, neither is it modernity, nor the growth of systems, but the failure to develop *communicative* reason and the lifeworld. Habermas envisions a revitalized lifeworld that is itself modern, developing its own institutions external to economic and administrative systems. Against, or rather, in addition to, the experts in the various value spheres he speaks of the integrative potential of "the person who is an expert in everyday life" (MU, pp. 166-7). Against the loss of meaning and anomie that the various

decouplings of modern society have led to, he places the integrating and humanizing potential of communicative rationality, wherein the human community would reclaim the task of defining meaning, value, and ethics—wherein reason could once again be emancipatory. In a rationalized lifeworld, both cultural assumptions and social structures can be questioned and one form of domination is not simply replaced with another, but subjects any new form of domination to potential critique as well.

The fundamental role of language and hence of communication in structuring the lifeworld suggests to Habermas that, "The utopian perspective of reconciliation and freedom is . . . built into the linguistic mechanism of the reproduction of the species" (TCI, p. 398).

With this insight, we may approach the possibility of a truly universal ethic.

Chapter III

Habermas' Discourse Ethics

In the previous chapter, we sketched very briefly a critique of modernity and of the Enlightenment program with which it is so closely associated. Rationality, according to that critique, rather than emancipating humanity, has worked rather to enslave it. We then sketched Habermas' argument that the path to emancipation calls for *more* not *less* rationality, in particular, the assertion of communicative rationality against the instrumental rationality that has become dominant. Or, what amounts to the same thing, the assertion of the lifeworld, against the systems that threaten to engulf the lifeworld, making persons into things. The essential turn here is away from the Enlightenment concept of man as an *individual* whose autonomy entails emancipation from society (thus subjective isolation) towards a communicative concept of the "man" who is to be emancipated as *social,* and autonomy as an emancipation *within* society-as-lifeworld, and thus *inter*-subjective. Note that intersubjectivity also avoids the conception of man as the single undifferentiated subject of history. Habermas is able to articulate the social nature of autonomy and emancipation by basing his philosophy not on individual consciousness, but on language.

Our concern here is with but one, albeit very important, aspect of Habermas' program—that of the possibility of a universal ethic. It may be noted here that modernity has halted neither its development nor its projection into every corner of

the earth in deference to the many critiques against it. The march of modernization, that is, globalization, indeed, seems hardly aware that Horkheimer, Adorno and the like ever existed. Modernization through globalization brings about the urgent *necessity* of a universal ethic; at the same time, modernity as the realization of Enlightenment ideals holds out the promise of the *possibility* of a universal ethic.

3.1   A Short Extension of the Critique of Modernity

There is a duality to the necessity of a universal ethic: a dialectic, irony, or at least ambiguity in the process of globalization of which the critiques we have reviewed address only one side. There are, on the one hand, the conflicts *within* modernity that we have discussed. On the other hand, there are multitudinous conflicts *between* cultures. These include conflicts between modernity and the non-Western cultures that globalization draws into its network and conflict among cultures that are themselves neither modern nor Western, but that globalization/modernization brings into contact with each other. From my perspective in a non-Western context, it seems odd that the many critiques, from Adorno and Horkheimer to the postmodernists seem blind to the relations with and among non-Western cultures. In spite of their frequent evocation of the *"other"*, the *other* remains an abstract *not-us* that seems to serve as no more than a foil for returning to the internal critique of the pathologies of the modern West. I should like to sketch briefly here the problems that come with the modernization of the non-West.

Globalization, under the Enlightenment presumptions of a universal human nature, has brought people of widely different cultures into contact with each other. Contact has been direct and personal in cases of student exchanges, but perhaps more

so when housekeepers and factory workers from less developed countries take work in more developed countries. Thus, for example, Burmese, Laotians, and Cambodians work in Thailand, while Thais seek work in Singapore and Taiwan. Such contact has not, typically, brought differing peoples closer together, but rather often exacerbates antagonisms, as each acts in ways that are incomprehensible to the other. Contact between cultures also takes the form of greatly intensified economic relations, as deals are made and contracts are signed between corporations, that, even if multi-national, may make very different assumptions about fair-play, contracts and the like. As economies become more interlinked, meanwhile, nation-states become more and more concerned with the internal affairs of other countries and may attempt to manipulate those internal affairs to favor market and labor forces that are beneficial to themselves.

Intertwined with all of these is the fact that as globalization integrates local economies into itself, it forces alterations in local cultures and social structures. To adopt Habermas' terminology, this can readily be understood as colonization: the invasion of the *system* into multitudinous lifeworlds, destroying local cultures and converting farmers, weavers, hunter-gatherers, into the identical units of labor and consumption demanded by the economic machine. At the same time, the introduction of technology and international exchange economies has freed many from the vicissitudes of nature, reduced disease, and made labor-saving conveniences available. The enthusiastic embrace of modernity by many attests to its real appeal, even if modernity is not comprehended and the appeal turns out to be a false promise. For example, the commodification of land does not *merely* make it possible to buy and sell land, but *also* fundamentally alters the social structures arrayed around land

use and distribution as well as cultural attitudes toward land. A field is *ours* in a totally different sense once the land changes over to an exchangeable commodity. Failure to make the cultural shift leads to bewilderment when *our* land is foreclosed a year of two after borrowing money against it, for example, to purchase modern appliances.

These few examples are meant to illustrate the fact that globalization often initiates a contact between and interpenetration of cultures that is a confrontation of incommensurabilities. It is not necessary to characterize this confrontation as always Western versus non-Western; it is rather the confrontation of the culture and structures of global capitalism with cultures and social structures that are different. Globalization also brings disparate groups into proximity and potential conflict, where neither group is Western. Indonesia's abuses in East Timor, for example, were driven by Indonesia's need for natural resources to support its integration into the global economy. I want to add here, that even the "emancipating" promotion of human rights and democracy throughout the world, for example by the United Nations, may be experienced by many as an assault on their ways of life, and may in fact be destabilizing.

Globalization also has a cultural leveling effect, inasmuch as the smooth functioning of the economic machine demands similar modes of behavior among participating peoples (and non-participation is less and less of an option). Nations eager to participate fully in the global economy then may exert pressure on their populations to assimilate to a dominant pattern. A common language, for example, facilitates the smooth flow of commerce, and states may attempt to suppress all but the language chosen as standard. In Thailand, for example, although standard Thai is a

minority language, all other languages are suppressed in the sense that all State business and education is, by law, conducted in Thai. English, indeed, tends to be privileged over local languages. The dismantling of the Southern Border Provincial Administration Center, which granted a degree of *de facto* autonomy to the ethnic Malay provinces, followed by heightened efforts to force assimilation to national patterns, including language, may be seen as part of Government efforts to further integrate the Thai economy into the global economy.

The "colonization of lifeworlds" leads potentially to dehumanization, loss of meaning, and loss of values, manifested, for example, in high rates of suicide among traditional cultures invaded by modernity. The "confrontation of incommensurabilities" may lead to open resistance and warfare. That the World Trade Center was the prime target of the September 11, 2001 attack was no accident: as a leading symbol of globalization, it had been the target of previous attacks as well.

Assuming that the progress of globalization is irreversible (or, possibly that it is more desirable than undesirable and *should* not be reversed), *part* of what is necessary is a universal ethic. By that, I mean commonly held moral norms by which behavior on the interfaces of cultures will be non-dominating, non-colonizing, and will respect the integrity of all. Moral norms would also supply just means of resolving conflicts. But since cultures not only come into contact, but also *interpenetrate*, minimizing conflict would also require values and concepts of the good life that are sufficiently commensurable among cultures, at least at the interfaces.

3.2   The Problem of Legitimation

To be effective, norms require *legitimation*, by which I mean, that there is *consensus* that they are right, or just, and binding, that they are *in fact* right, or just,[12] and that they characterize actual habitual *behavior*. For norms to be universal they must be applicable as much *among* divergent societies as *within* any given society. Said differently, universal norms require legitimation *among* the divergent cultures, cross-culturally, as well as within them.

The need for legitimation suggests that it will not be sufficient simply to articulate a set of norms, no matter how adequate they may be to the task. The effort to implement them would be the effort to persuade people first to accept them as just, and second to make them habitual. Such efforts, however, could appear as just another attempt at forced assimilation. Evidence of the impossibility of enforcing a set of preconceived norms may be seen in Iraq's refusal of the norms of participatory democracy. But even when a society may recognize the abstract legitimacy of a set of norms and attempt to adopt them, it may have difficulty in making them habitual; that difficulty is manifest in Thailand's inability, thus far, to maintain a functioning democracy for more than a few years at a time.

Even norms that are already widely held may be inadequate to the task. Hans Kung has noted, for example, the near universality of some version of the Golden Rule among the religions of the world, and proposes it as the foundation of a universal ethic. One problem that comes immediately to mind, however, is this: the Golden Rule is *already* commonly held, and yet dehumanization and warfare, all the ills of

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[12] In his earlier writings, Habermas referred to the validity of moral norms in terms of "rightness", "right", and "wrong", in his more recent writings he tends to use "justice", "just", and "unjust", though he continues occasionally to use the earlier terminology.

modernization/globalization continue apace. The problem may be that the Golden Rule, while held by all, is not universal in the sense of applying to all, including those outside one's own culture. One may hope to persuade religious leaders of all faiths to persuade their followers—including states and corporations—to extend the Golden Rule to all. There are at least two problems with such a strategy. First, how are the religious leaders to be persuaded? What is the legitimation strategy by which they would be made to promote a cause of religionists and ethicists from outside their own tradition? Second, modernity is inherently secular and as globalization/modernity proceed, values and norms grounded in religion lose their force and religious leaders lose their influence. There is another problem here: just how is the Golden Rule to be applied? A Muslim may want to live under Shari'a law and thus with a good conscience impose it on others. A Christian would want to be saved from eternal damnation and with just as good a conscience attempt *by all means* to convert the Muslim to Christianity.

I would like to suggest in addition, that much of the inability of preconceived norms to attain universal legitimacy resides in the fact that the *others* toward whom norms orient our actions remain abstractions rather than flesh and blood human beings. Receptacles, perhaps, of rights and of value, but *viscerally* no more than the object of a rule, a unit with which one is to deal in a certain way, as one is to handle a book with care, and avoid overloading the washing machine. We, states, corporations, producers, consumers, then reach across the global economic networks with no notion of the humanity at the other end, with no encounter with the specificity of *these* persons with *their* needs, concerns, and, especially *their* responses to *us*. This denial of humanity indeed becomes mutual.

I would like to suggest that the problem of legitimacy may be summed up as follows:

- Norms must not only win consensus on their validity, but also must come to characterize habitual behavior.

- The religious basis for grounding a set of norms is lacking, both in the fact of a multiplicity of religions and in the fact of the secularization that modernization brings with it.

- Even if commonly acceptable norms could be found to exist, their legitimization *as universal*, that is, *among* as well as *within* societies lacks legitimation.

- The application of any accepted norm may be so different in different cultures as to render it, in fact, multiple incompatible norms.

- The possibility that any proposed norm may function to deny the humanity of the *others* to whom it grants putative rights and value.

The very notion of a universal norm, then, would seem to be impracticable.

3.2.1 *Post-conventional Morality*

What we have rather is the impossibility of legitimating *preconceived* universal norms. In Habermas' terms, we live in an age of post-conventional morality. That is, the conventional rules of morality have all come into question as the traditional religious and metaphysical means of grounding and legitimating them have lost their unquestioned authority. The commands of priests and kings and the supposed word of God are no longer sufficient, or indeed even relevant. Post-conventional morality is not a bad thing, however. Rather, it is the condition in which

humanity formulates its own norms, rather than blindly following mythology. Habermas takes the term from Kohlberg, for whom post-conventional is the final stage in the moral development of the autonomous individual: the individual develops through a series of stages from simply doing what he is told, to formulating rules of behavior based on received norms, and finally to formulating norms and rules through his own reasoning. Habermas generalizes this individual development to a historical development whereby humanity (and he is thinking, of course, of Europe) develops, finally, a post-conventional morality, emancipated from myth and superstition by *reasoned* norms, *rationally* grounded. This, of course, is directly implied by the Enlightenment, and Kant's categorical imperative was an attempt at a rational grounding for norms. The difference between today and Kant's time, is that post-conventional morality has become a social fact, rather than an Enlightenment ideal, making it urgently necessary that humanity create and legitimate its own norms. After several centuries of experimenting and self-tutoring in rationality and in rationally constructing society, the Western world seems to have a chance of meeting the challenge within its own purview. Thus, norms and values of human rights, the work ethic, honoring contracts, and the like require no metaphysical or religious grounding and no threat of divine retribution. I merely note here that for non-Western societies that lack a long period of schooling in rationality and whose lifeworlds have not been shaped by the Enlightenment, the sudden overthrow of conventional morality by the advance of globalization and modernization may be considerably more difficult (and even traumatic): the overthrow of conventional norms may tend toward the *absence* of norms and values rather than the formulation and legitimation of new ones.

3.3   Discourse Ethics

I have identified legitimation as a central problem in the production of a universal ethic. For Habermas, too, legitimation is a central problematic, and indeed, as a moral philosopher he is concerned with how norms are to be legitimated, rather than with the specific content of norms. Norms are *socially* legitimated when there is broad acceptance and habituation in the lifeworld, in which socialization plays a large role. If mythology and convention were the media of that acceptance and habituation in the past, then modernity's rejection of mythology and convention demands new ways of generating acceptance and habituation. But also, changing social conditions and the confrontation of dissimilar cultures may render existing norms dysfunctional, with the resulting requirement that *new* norms must be articulated and legitimated. However, if general acceptance and habituation were all that were demanded of norms, then whatever norms happened to be accepted at a given moment would, by default, be fully legitimate. Thus, for example, two hundred years ago, slavery would have been legitimate in Thailand simply because it was generally accepted. Such a conclusion is unacceptable: the full legitimation of a norm must include its validation, that is, the determination that it is in fact just. As the slavery example shows, our validation of a norm can be mistaken, moral knowledge, like scientific knowledge of the objective world, is fallible. In other words, existing norms, even where *socially* legitimated, must be criticizable. It must be conceivable that any given norm, though now accepted as legitimate, may be found to be unjust and to require alteration.

Habermas' proposal for meeting the requirements of post-conventional morality is, in one sense, obvious: discourse. The proposal and testing of moral norms, general acceptance, and the continuing critique of norms may all be achieved

through discussion. The motivation for actually following the norms, that is, for making them habitual, is partially to be found in the fact that actors autonomously agree to them, so that the norms are felt as *ours* rather than as impositions. The details and difficulties of this general picture are worked out below.

3.3.1   *Characterizing Discourse Ethics: Habermas and Kant*

Habermas' discourse ethics[13] is firmly within the Kantian tradition, although he also distinguishes his ethics from that of Kant in important ways. As for Kant, so for Habermas, morality is *deontological, universalist, cognitivist,* and *formalist* (MC, p. 196).

Breaking with the Aristotelian tradition in which ethics has to do with the good life, prudence, and the pursuit of happiness, Kant sharply distinguishes the concept of the just or the morally *right,* from the good or beneficial. Whether a given act is or is not good for oneself has nothing whatsoever to do with whether it is morally right or not. Rather, those acts are morally right that are consistent with norms that are, in turn, just. That is the deontological position. Similarly, for Habermas valid moral norms are not those that are beneficial, that lead to a happy life, but rather those that are *just* (MC, pp. 196-197). Thus the various utilitarian proposals, for example, for grounding moral norms are rejected. With the separation of the moral (what *ought* I to do?) from the factual (what do I *want* to do, and how *can* I do it?) it becomes possible to imagine that a situation might be harmonious, such as manorial feudalism, but at the same time immoral, inasmuch as human beings, serfs, are

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[13] Habermas is not the only thinker to have proposed an ethics based on discourse. For simplicity, however, I shall henceforth use "Discourse Ethics" to refer to Habermas' version, unless otherwise specified.

dominated and exploited. In other words, the deontological position holds open the possibility of moral criticism of existing conditions even where those conditions are experienced as beneficial.

But what is it that makes a norm just? Kant himself insists that men, as bearers of consciousness and rationality, must always be treated as ends, never as means alone. That is, man is the purpose of existence, not an instrument of it. Habermas would not disagree, although the metaphysical grounding in the intelligible realm is no longer available (MC, p. 203). But the question for both him and Kant is how to evaluate the validity of *specific* norms. For Kant, norms are just by virtue of their rational universality, articulated in the categorical imperative as: act according to maxims that you would willingly make into *universal* norms. Like Kant, Habermas associates validity with universality; indeed the very meaning of *moral* for Habermas includes the idea of universality. "*All* variants of cognitivist ethics take their bearings from the basic intuition contained in Kant's categorical imperative" (MC, p. 63), that is, universal impartiality. But Habermas construes universality differently from Kant, rephrasing the categorical imperative as: "submit my maxim to all others for purposes of discursively testing its claim to universality" (MC, p. 67). The shift, as noted in the previous chapter, is from a monological rationality and a radically individual autonomy, to a dialogical rationality and a social autonomy. Both forms of universality can be understood in terms of an ideal of impartiality (JA, pp. 5, 36): all rational beings should be treated equally, their needs and interests equally respected. Kant believed that the categorical imperative would achieve impartiality because of the identical rational structure of all rational beings and the related notion of the "intelligible realm" that renders a world that is identical in its fundamental structures

for all observers. That all rational beings are structured identically in a world that is identical for all is no longer a defensible position, however, and Habermas rejects these features of Kant's metaphysics. The individual in monological reflection cannot achieve impartiality, because he cannot but judge "in the light of his own individual understanding of the world and of himself" (JA, p. 48). But in relinquishing Kant's metaphysics, Habermas also forgoes the metaphysical grounding for the principle of universality itself. He maintains, rather, that the principle of universality is grounded in principles of discourse that, in turn, are included in necessary, hence universal, structures of language and communicative action (MC, pp. 203-205).

Note that in construing the process of moral decision making as rational, Habermas directly challenges the claim by Horkheimer and Adorno that reason is morally neutral, that, for example, there is no *reason*, strictly speaking, that murder is wrong (see Chapter II). To say that Discourse Ethics is a rational procedure is to say that, like Kantian ethics, it is *cognitive* (MC, p. 197). That norms are to be legitimated cognitively, thus, rationally, rescues them from the arbitrariness of emotion, personal preference, decisionism and the like. Cognitivism also potentially rescues ethics from the cultural relativism that issues from grounding norms in tradition, with the consequent impossibility of resolving cultural conflicts. One central objection to a cognitivist ethics has been that normative statements cannot be evaluated as true or false in the same way that assertions of fact are. Given the deontological standpoint, norms also cannot be validated as effective or ineffective. Norms are not facts, in short, and since cognition has largely been understood in terms of true and false (or effective and ineffective) assertions about facts, it is not clear how cognition about norms would proceed. Habermas reviews the arguments of several moral philosophers

that norms do have truth-values and finds that those arguments fail. To over simplify, they fail because statements about norms are not descriptions of the objective world but rather statements about the regulation of social action (MC, p. 57). Habermas is able to maintain a cognitivist orientation to morality by arguing that moral reasoning proceeds in a way that is closely analogous to reasoning about facts. Whereas assertions about the objective world, are judged as true or false, proposed norms are judged to be *right* or *wrong* (just or unjust), and as with judgments of the truth of assertions, *reasons* can be given for judgments of the justice of norms.

Another feature of Discourse Ethics similar to Kant's ethics is that it is *formal* rather than substantive. In other words, it advances no ethical rules or moral norms. Rather Discourse Ethics, like the categorical imperative, is a formal procedure for testing and, ultimately, legitimating norms that are brought to the procedure from outside (MC, p. 103). Habermas, in other words, does not give us the norms that we require to create world at peace; neither does he give us a means of generating them. This lack of substantive norms is a necessary feature in a post-conventional age. As noted, any attempt to impose preconceived norms, no matter how well conceived, will face problems of legitimation, and may end, in spite of good intentions, in dehumanizing cross-cultural relations. For example, Habermas recognizes that the universality of norms has been used to force conformity on those who are different from the dominant group, thus denying their right to their own way of life; Discourse Ethics is structured to avoid that possibility (JA, p. 15). What is needed is a norm-free means of evaluating and accepting or rejecting proposed norms. Habermas proposes Discourse Ethics as that method.

To summarize, Discourse Ethics is 1) *deontological*, making a sharp distinction between just and unjust, on the one hand, and beneficial and harmful on the other, and being concerned only with the former; 2) *universal*, in that an essential feature of the validity of norms is their universality and that the formal decision procedure itself, discourse, is universal; 3) *cognitive*, the procedure of validating norms is rational, with just and unjust taking a role analogous to that of true and false; 4) *formal*, not a norm or set of norms, but a procedure for validating norms that are proposed from *outside* the procedure. In all these, Discourse Ethics is Kantian. Habermas differs from Kant most importantly in the way that universality is construed, and in that the cognitive procedure is consequently conceived as dialogical rather than monological: reason is communicative, thus social, rather than private and individual. That shift involves giving up "Kant's dichotomy between an *intelligible* realm comprising duty and free will and a *phenomenal* realm comprising inclinations, subjective motives, political and social institutions, etc." In other words the radical split of the intelligible and the empirical (MC, p. 203).

We may note too, that with the shift from monological to dialogical reasoning, and from subjectivity to intersubjectivity as the agent of moral reasoning, morality is no longer only a matter of individual behavior. Collectivities can be moral and immoral as well (FN, pp. 109-110), but in a way that does not submerge the individual in a universal Subject of History.

3.3.2   *Discourse*

The principle of Discourse Ethics, abbreviated (D), is succinctly expressed as:

(D) Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as *participants in a practical discourse*. (MC, p. 66)

Where "practical discourse" is an attempt to answer the question, "What should I/we do?" (see JA, p. 2). Note that the task of constructing a substantive morality, that is, of generating and defending a system of norms, is no longer exclusively that of philosophers, theologians, or priests. Rather that task is dispersed among the general population, whose task it becomes to discuss and come to consensual approval of norms. Habermas is not proposing a worldwide discussion in which a new set of norms would be constructed, as it were, from the ground up; rather, he would have us begin with the norms that are already given in the lifeworld. Neither does he suggest that norms should, or could, be legitimated in ordinary daily conversation. Indeed, we do not ordinarily discuss norms as such, nor do we ordinarily think much about them: they are part of the lifeworld and, as such, tend to become explicit topics of thought and discussion only when there is some problem in their application (MC, p. 103). Such problems often come in the form of a conflict between norms.

To the extent that action is coordinated through communication and mutual agreement, a conflict of norms may disrupt the normal flow of action. The participants cannot continue to coordinate their common efforts where they do not agree on which norms should regulate their individual and collective efforts. It is at this point that discourse, in Habermas' sense of the term, becomes possible. The participants may now step back from the task at hand, suspending action in order to discuss the impasse and attempt to reach an agreement that will permit them to

continue (or alter, or abandon) their projects. Such discussion, motivated by the need to reach agreement but suspended from the urgency of effective action is what Habermas means by *discourse*. When agreement is reached, discourse ceases, and communication returns to its more usual function of coordinating ongoing action. "By entering into a process of moral argumentation, the participants continue their communicative action in a reflexive attitude with the aim of restoring a consensus that has been disrupted" (MC, p. 67). Of course, there are other ways of resolving conflicts of norms. One is through simple coercion: if an employee refuses to follow an order that she believes is immoral, for example, the employer may simply fire her and hire someone new. Other ways of resolving the impasse include for example, appeals to religious authority. Given the autonomy of the subject and the secularism of modernity, neither of these resolutions can be considered adequate, or even ethical in modern societies.

Of course, Habermas is proceeding here from the theory of communicative action and the concept of communicative rationality (see Chapter II). Even if much action is individually purposive and strategic and even if reason is often instrumental, according to the theory the lifeworld is maintained in a fundamental way through communicative action (TCII, pp. 140ff). Action is occasionally interrupted by disagreement and resumed only after some resolution that is most fundamentally reached communicatively (MC, pp. 66-67). This communicative structure, moving from coordination to disruption through discursive resolution back to coordination is not Habermas proposal of how we *should* proceed in society. Rather, he insists that it is implied in the very nature of communicative social beings. This is how human beings *do* proceed and have always proceeded—though perhaps never in pure form

(TCI, pp. 100ff). What Habermas calls for is the privileging of communicative *rationality*, that is that the discourse proceed by the criticism and redemption of validity claims, in discussions where the only force is the force of the best argument.

Habermas approvingly cites R. Alexy's characterization of such rational discourse:

> Every subject with the competence to speak and act is allowed to take part in a discourse.
> Everyone is allowed to question any assertion whatever.
> Everyone is allowed to introduce any assertion whatever into the discourse.
> Everyone is allowed to express his attitudes, desires, and needs.
> No speaker may be prevented, by internal or external coercion, from exercising his rights as laid down [above].
> (MC, pp. 89, citing Alexy 1978, p. 40)

I will refer to these as the "rules of discourse". A background assumption or characterization is that the participants speak truthfully and in good faith; one argues for her own position, but without deceit (MC, pp. 88-90). Habermas acknowledges that these rules are counterfactual in that they are rarely, if ever, fully realized in actual discourse. Yet, he insists that they are implicit in the very fact of communication oriented toward reaching understanding, which, in turn, is fundamental to the way that human existence proceeds in the lifeworld and to the means by which the lifeworld reproduces itself (MC, pp. 88-90). As "inescapable presuppositions" (MC, p. 89) of argumentation, these rules can be seen as an ideal toward which human discourse may reach while not having the status of imposed norms. Although I am not aware that Habermas uses this image, it occurs to me that the realization of these rules would be the perfection of what is already there, rather like the Aristotelian notion of entelechy stripped of its metaphysical associations.

Discourse proceeds by way of the criticism and redemption of validity claims, as discussed in the preceding chapter. In short, in moral discourse, one invokes a norm; the other challenges the rightness of the norm, essentially asking, "*why* is that norm right?" Habermas writes of taking a yes or no position *vis-à-vis* validity claims, but the essential feature of a "no" is the challenge to defend the claim with reasons. In short, in discourse, the interlocutor does not simply reject the other's claims, but challenges the other to convince him. Suppose, for example, that a supervisor tells a salesperson to promote sales by lying about the safety of a product. The salesperson may refuse, saying that it is wrong to lie; the supervisor may respond that it is wrong to disobey one's employer. Assuming that the dispute continues discursively rather than by force or appeal to convention, they will soon cease talking about selling the specific product, and turn to discussing the norms of honesty and obedience.

3.3.6   The Principle of Universalization

But rules of inference are needed to guide decisions. For example, in discourse concerning the objective world—facts and processes—empirical experience is central to agreeing on the truth or falsity of assertions. What kinds of reasons can be brought forward in evaluating claims of rightness? What rules of inference are available to guide discourse about norms? As for Kant, and indeed, according to Habermas, all moral philosophers who take a cognitivist position (MC, p. 63), Habermas invokes the principle of universality as the test of the validity of norms. This is suggested by the Principle of Discourse, (D), cited above. Yet without further elaboration, (D) would seem to be only a means of *in*validing norms: "Only those norms can claim to be valid that meet . . . with the approval . . . ", only says that those that fail to gain approval are

not valid. It does not entail that every proposed norm that gains general approval is valid (Finlayson, 2005, p. 80); think, for example, of swimming at the beach—though it may gain universal approval, we would not consider it a moral norm. More importantly, (D) does not clearly specify what kinds of reasons might lead to approval. As Habermas puts it, (D) simply *assumes* that norms can be justified (MC, p. 66). The intuition that links universality with validity, Habermas writes (MC, p. 65), includes that, "valid norms must *deserve* recognition by *all* concerned." Those norms deserve recognition that "can count on universal assent because they perceptibly embody an interest common to all affected." Habermas expresses these insights in the Principle of Universalization, (U), that must be fulfilled by every valid norm:

> (U) *All* affected can accept the consequences and the side effects its *general* observance can be anticipated to have for the satisfaction of *everyone's* interests (and these consequences are preferred to those of known alternative possibilities for regulation). (MC, p. 65)

Habermas intends (U) to constrain "*all* affected to adopt the perspectives of *all others* in the balancing of interests" and to "compel the *universal exchange of roles* that G. H. Mead called 'ideal role taking' or 'universal discourse'" (MC, p. 65). He refers to (U) as a "bridging principle" that makes general consensus possible. It is important to realize that what Habermas has in mind is not a strict logical principle through which participants may be compelled to assent to norms through a demonstration of their validity. He has in mind rather an "informal logic" (MC, p. 63) guiding actual discussion through which genuine subjective and inter-subjective agreement is reached: "only an intersubjective process of reaching understanding can

produce an agreement that . . . can give the participants the knowledge that they have collectively become convinced of something" (MC, p. 67).

Given (D) and (U), then, moral discourse as Habermas conceives it is a procedure for discovering whether a given norm is or is not valid, that is whether it is universal in the sense of being in everyone's interest. The procedure of discovery, however, itself generates the consensus required along with validity for legitimacy. Like theories validated by scientific method, norms validated through moral discourse remain fallible: we can never be sure that in the future conflicting interests will not show the norm to require alteration or elimination. Nevertheless, like scientific method, moral discourse is, in Habermas' view, the best procedure for discovering the validity of norms. Two of the three components of legitimacy as defined above are thus provided. The third, that the norm comes to represent actual habitual behavior, can be discussed in terms of the problem of motivation.

3.3.7 The Problems of Motivation and Application

Deontological and cognitive morality, from Kant to Habermas, has been criticized as neglecting the question: why *would* people behave in accordance with moral norms? In radically separating moral norms from considerations of the good, or beneficial, deontological morality would seem to remove any motivation for following the norms. More generally, deontological morality decontextualizes moral norms from concrete society, so that acting justly may be disconnected from successfully negotiating the requirements for a happy and unfailed life. Kant's answer in the *Critique of Practical Reason* is that the autonomous will is, as it were by definition, directed by moral insight. In essence, for Kant, practical reason, that is,

reasoning about moral duty, is identical with the autonomous will, or, moral reasoning is how the will decides what to do. Within Kant's system, then, there can be no problem of motivation. The empirical fact, however, is that we often do behave in ways counter to our own moral insight; we sometimes pursue what we feel is good for us even where that contradicts our moral convictions.

Habermas at first sidesteps the problem by saying that the task of moral philosophy is only to articulate the moral position, and the means for validating norms: the problem of motivation is beyond its scope (JA, pp. 75-76). He nevertheless recognizes that there is a problem. While he agrees with Kant that moral insight is in itself motivating, he also agrees with the critics (for example Hegel) that such insight is *insufficiently* motivating. He notes the phenomenon of guilt as indicating both the motivating force of moral norms (without that motivation we would not feel guilty for violating them), and the fact that we often violate them (JA, p. 14). The autonomy of the will, by which Kant meant full *independence* from external influences of need, interest, desire and the like, requires for Habermas, *strength* of will, or "resolve", to choose what is right over what is desired, what is just over what is good-for-me/us (JA, p. 14). What is required for the success of moral norms, and of Discourse Ethics, Habermas repeated insists, is a way of life that meets it "halfway" (MC, p. 207). In other words, a culture that supports morality (MC, pp. 107-109).

The problem of application is related, and derives from the universality of moral norms. As universally valid, that is, binding in and among all societies, in all places, and at all times, moral norms are decontextualized, robbed of the context of actual cultures and concrete situations (MC, p. 206). "Don't steal!" may be a universally valid norm, but in a given culture taking food from your neighbor's

kitchen may be considered stealing, while in another it may not. As people from different cultures come into interaction with each other, different interpretations of the same universally valid norm may lead to conflict. Moreover, it happens that valid norms *within* a culture come into conflict in actual situations (FN, p. 217). One must keep one's word; one must assist one's neighbor in an emergency. These separately valid norms come into conflict, when, for example, helping ones neighbor requires breaking an appointment.[14] Even if a given norm may have conditions attached to it that anticipate concrete situations, it is impossible to anticipate all situations and the nuances of custom. "An additional effort is needed" Habermas recognized early on, to determine how to *apply* norms (MC, p. 206).

In order to understand Habermas' approach to these problems we must take a detour through his analysis of practical reason.

3.3.8   *Practical Reason and Discourse*

Partly in response to the problems of motivation and application, and partly as a continuation of his general project of expanding discourse theory to include the political realm (JA, pp. 147-50), Habermas extends his analyses, for example in *Justification and Application* and *Between Facts and Norms*. In these books he more fully analyzes practical reason, clearly differentiating pragmatic, ethical, and moral reasoning and their associated forms of discourse. Finlayson writes that in his initial formulations of Discourse Ethics, Habermas used the terms "ethics" and "morality" interchangeably, only later drawing a sharp distinction between them (Finlayson, 2005, p. 91). However, Habermas does in fact sharply distinguish the terms in his

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[14] The example is from K. Gunther (1989) cited in FN, p. 539 (note 37).

early formulations with the "ethical life" involving "unproblematic cultural givens", "habitual behavior", "questions concerning the good life", differentiated from moral argumentation putting all that "at a distance" and transforming "familiar institutions" into "instances of problematic justice" (MC, pp. 107-109). His concern at that time was to delimit the moral and to articulate the moral point of view, and he thus did not deal extensively with the ethical. Finlayson is right, nevertheless, that Habermas' continued use of the term "discourse ethics" gives occasion for some confusion. By "discourse ethics", Habermas means primarily *moral* discourse, not *ethical* discourse. To minimize confusion I will use the terms "moral discourse" and "ethical discourse" in what follows.

Practical reason, on Habermas' account, attempts to answer the question, "What should I/we do?" The question can have three very different senses: pragmatic, ethical, or moral. Each sense of the question requires a distinct mode of reasoning (JA, p. 2).

The pragmatic sense of the question asks how to achieve goals that are already set, or it asks what goals are conducive to an already fixed set of values and preferences. In other words, as pragmatic, "What should I/we do?" means, "what techniques will be effective?" The mode of reasoning is, then, purposive and instrumental (JA, p. 3). Note, however, that with the shift to intersubjectivity, purposive and instrumental reason can be pursued discursively: we can and do discuss means and ends (JA, p. 2).[15]

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    Or: the empirical fact that purposive and instrumental reason are often pursued discursively becomes philosophically comprehensible with the shift from the radical individualism of philosophies of consciousness to one of intersubjectivity.

Ethical reasoning asks more deeply about values and preferences themselves, about the *good*, both individually and collectively. It asks questions such as "Who am I and what would I like to be?" and is thus tied in with life history, culture, and tradition (JA, pp. 4-5). Where an individual asks these questions concerning herself, Habermas refers to "ethical-existential" reason. While ethical-existential reason may be carried on monologically, it is often dialogical and discursive as well, as individual self-understanding is bound up with others in the lifeworld: we seek *self*-clarification in discussions with *others* (JA, pp. 11-12). "Ethical-political" reason, on the other hand, concerns the collective self-understanding of a group (society, nation, people, etc.) and the balancing of competing values and interests. Ethical-political *discourse* seeks resolutions, including compromises, that are acceptable to all members of the group (FN, p. 108); they seek the "clarification of a collective identity that must leave room for the pursuit of individual life projects" (JA, p. 16) and of the "ideals they feel should shape their common life" (FN, p. 160). It is evident that ethical-political discourses can *change* the self-understanding and identity of the group (FN, p. 163). Indeed, it is an empirical fact that in modern societies, the identities of nations, cultures, peoples is *debated*: we must now *choose* which traditions to keep, which to discard, which to alter (FN, pp. 96-97). The current debate over whether Buddhism should be designated the national religion of Thailand, is an obvious example, as is, perhaps, the conflict between rapid capitalization and globalization on the one hand ("Thaksinomics"), and sufficiency economics on the other.[16]

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[16] This is not to say, of course, that these issues are being addressed *discursively* at present, only that important features of the identity of the Thai nation are not *given* and cannot, evidently, be dictated with lasting force. The very fact that a tradition must be advocated indicates that it has lost its traditional force.

The ethical *should* indicates what behavior will lead to a good and happy life. It is, therefore not absolute: it may be imprudent to act otherwise, but it is not necessarily *wrong* or *unjust*. Ethical values and the *good* are not necessarily universal: two societies may very well value different things and have different ideals of the good life, and these differences need not be reconciled. Ethical discourse clarifies values within societies, not between them. Even within a society, the ethical *should* may be addressed to the individual in her particular situation and thus not be universally binding, even within the group (JA, p. 5). Finally, in Habermas' view, determining the ethically good is not the task of philosophers; rather it is the task of the members of the group to work out these issues in discourse (JA, p. 75).

The third type of practical reason is moral reason. Since I have discussed this extensively above I confine myself here to discussing the relation of moral reason with ethical reason. Ethical reason is concerned with values and identity, with what is good for *me* or for *us*. Moral reason, in contrast is concerned with impartially regulating conflicts in the interests of *all*. Ethics is concerned with self-respect and the respect of others for me/us (for example, I avoid stealing because I would not respect myself if I stole). Morality is concerned with equal respect for all and for the integrity of all (for example, I avoid stealing because it violates the integrity/trust of others (who I may not know), and is therefore wrong) (JA, p. 6). In ethical-political discourse we may debate what is absolute *for us*, while in moral discourse we debate what is absolute *for all* (FN, pp. 161-162). Thus, moral norms take precedence over ethical decisions; what is just overrides what is good: rights, for example, override values (FN, p. 259). The results of ethical-political discourses then, "must at least be compatible with moral principles" (FN, p. 167). Ethical discourse is "oriented to the

telos of my/our own good (or not misspent) life"; moral discourses "aim at the impartial evaluation of action conflicts" from a "perspective freed of all egocentrism or ethnocentrism" (FN, p. 97). Thus, while moral norms remain decontextualized, or de-situated from any actual society and culture, ethical principles are firmly situated within a social-cultural context: "Participants in processes of self-clarification cannot distance themselves from [their] life histories and forms of life. . . . Moral-practical discourses, by contrast, require a break with all of the unquestioned truths of an established, concrete ethical life" (JA, p. 12). Habermas insists that (U) "makes razor-sharp cuts between evaluative statements and strictly normative ones, between the good and the just" (MC, p. 104). Nevertheless, in spite of the decontextualization implied by the deontological and universalist perspective, discourse itself takes place within socio-cultural contexts and addresses concrete socio-cultural concerns. Indeed, "It would be utterly pointless," Habermas writes,

> to engage in a practical discourse without a horizon provided by the lifeworld of a specific social group and without real conflicts in a concrete situation in which the actors consider it incumbent upon them to reach a consensual means of regulating some controversial social matter. (MC, p. 103)

Each of these three distinct kinds of reason may be pursued in discourses based on principles that are at least analogous to the Discourse Principle (D) (FN, p. 109), and therefore characterized by the rules of inclusiveness and non-coercion. However, in Simone Chambers' words, "Only moral discourse sets itself the high standard of rational consensus" (Chambers, 1995, p. 238). Ethical and pragmatic, but not moral, discourse allows, for example, for compromise. Habermas insists on a sharp distinction between ethics and morality. Nevertheless, he notes that the rules by

which we live our daily lives, maxims, can be evaluated either ethically or morally, as to whether they are good for me/us, on the one hand, or as to whether they are just, on the other (JA, p. 7). In practice, indeed, the three kinds of practical discourse are often mixed. For example in the formulation of laws, the law-making body must take all three into account in order to produce laws that will be accepted as legitimate (FN, pp. 153-4): "The more concrete the matter in need of regulation ... the more the acceptability of norms *also* expresses the self-understanding of a historical form of life" (FN, p. 152).

3.3.9 *Motivation*

We now have the conceptual resources to return to the problem of motivation. "Moral commands are valid regardless of whether the addressee can also summon the resolve" to act accordingly (JA, p. 14). Again, moral insight is in itself partially, if insufficiently, motivating. Discursively derived norms may have additional motivating force in that they are arrived at by genuine agreement of the actors to whom they apply. In other words, as a participant in moral discourse, I experience the validated norms as *my own*. Yet more is required. When Habermas writes that the success of moral norms, depends not only on their validity but also on a form of life that meets them halfway, he has in mind several features of the lifeworld:

> There has to be a modicum of congruence between morality and the practices of socialization and education. The latter must promote the requisite internalization of superego controls and the abstractness of ego identities. In addition, there must be a modicum of fit between morality and socio-political institutions.... Morality thrives only in an environment in which post-conventional ideas about law and morality have already been institutionalized to a certain extent. (MC, p. 208)

In the following paragraph, he writes of the West that, "the gradual embodiment of moral principles in concrete forms of life [has been] chiefly a function of collective efforts and sacrifices made by sociopolitical movements" (MC, p. 208). Similarly, Habermas points out that correcting our understanding and application of moral norms often requires "social movements and political struggles" (JA, p. 15).

He has in mind too, that the motivation toward morality is learned "*prior* to all philosophizing," through feelings of sympathy, and the "inarticulate, socially integrating experiences of considerateness, solidarity, and fairness" (JA, pp. 75-76).[17] In post-conventional societies, where norms are open to renegotiation, it is not sufficient that persons be socialized to follow given customs. Rather persons must be socialized to act according to *conscience* (FN 113), to approach morality *cognitively* and to form their own judgments (FN, p. 114), and to engage in discourse toward consensual resolutions of conflict (FN, p. 115). In other words, for the success of Discourse Ethics, persons must not only be motivated to conform to moral norms, but also to engage in discourse validating those norms, to listen, respond, justify impartially, to put themselves in others' positions, and to change their behavior in conformity to norms that have changed through such discourse (Chambers, 1995, pp. 239-40). Simone Chambers writes:

> If participants are unwilling to make a sincere effort to assess their motives, ends, and needs in light of the motives, ends, and needs of their interlocutors, the discourse process, no matter how structurally equal, will go nowhere. (Chambers, 1995, p. 240)

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[17] He also has in mind the motivating force of law (see, for example, FN, p. 117), but this is beyond the scope of my present concern.

Given the fact that ethical-political discourse changes societies, and that these may take the form of social and political movements, the picture that begins to emerge is one of continuing long-term mixed discourses restructuring society in ways that bring about a convergence of the pragmatic and ethical with the moral. In other words, as long as moral principles are given precedence, discursive resolutions of ethical, and pragmatic, issues would move towards consistency with discursive resolutions of moral issues. The answers to "who are we and who do we want to be?" and to "what do we value and how can we best structure our collective life to embody those values?" will increasingly be channeled along lines that are also equally in the interests of all human beings. But children socialized in a world in which such discourse is widely engaged, would be expected also to exhibit an increasing concern for the interests of all others, the felt motivation to act in accordance with universalistic, discursively validated moral norms, and the predisposition to resolve conflict discursively. Ethical and pragmatic discourse, then, would work to supplement the weak motivation supplied by moral discourse alone.

3.3.10 Application

Habermas suggests that the justification of norms in discourse presents few problems, that people agree on the basic principles of "equal respect for each person, distributive justice" etc. The greater difficulty is how to apply these norms in cases of conflict, either of norms or in the interpretation of a norm (FN, p. 115). Following closely the work of Klaus Gunther, Habermas holds that the moral discourse discussed above, discourses of *justification*, must be supplemented by discourses of

application. Once consensus has been reached on the validity of a norm, it need not be re-discussed as long the consensus holds. However, since norms are abstract and universal, in concrete, particular cases it is often unclear which of two or more competing norms apply (JA, p. 13). Said differently, a norm comes to be validated if its anticipated consequences can be accepted by all, but it is not possible to anticipate the consequences in all situations, many of which are unforeseeable (JA, p. 37). "For this reason, the application of norms calls for argumentative clarification in its own right" (JA, p. 13) to determine *which* norms are appropriate to a given case. Discourses of application, then, can be carried out only from the point of view of problematic situations as they occur (JA, p. 37).

In discourses of application, the appropriate norms gain "concrete significance in light of the salient features of the situation" (JA, p. 37). Because the application is to a *particular* case, there can be no principle of *universalization* in resolving the question. Rather discourses of application must appeal to a principle of *appropriateness* (JA, pp. 13-14). In cases of multiple conflicting norms, the norm that is applicable to the situation is the one "most appropriate to the situation, described as exhaustively as possible in all its relevant features" (JA, p. 38). In the example of the supervisor and salesperson arguing over whether to tell the truth to customers or to obey the order to lie, if both parties accept both not lying and not disobeying the employer as valid norms, their discourse becomes a discourse of application, exploring the details of the situation, the intent of the norms, the likely effects of enforcing the one or the other, etc., in order to determine which norm is most appropriate to this particular situation.

It is important to realize that the validity of norms is not called into question by problematic, unforeseen situations—their validity is taken as already established— rather only appropriateness is in question (JA, p. 37). The fact that norms may conflict in actual situations, in other words, does not constitute a logical contradiction (FN, p. 217). Thus, norms that are rejected by a discourse of application are not thereby invalidated but rather take their place in a *"coherent normative order"* of valid norms (JA, p. 38). Or rather, application discourses, in choosing which norms apply to specific situations, in effect produce an interpretation of the initially "unordered mass of valid norms" through which the totality of valid norms more and more closely approaches a "coherent order" (JA, p. 38). In other words, discourses of application clarify how valid norms relate to *each other* (c.f. FN, pp. 217ff).

Habermas suggests that discourses of application must be open to pragmatic and ethical reason as well as moral reason. Ethical reason is included because the interests of those affected in a particular situation are likely to be bound up with a particular form of life and sense of the good (FN, p. 154). Georgia Warnke points out that cultural values may be more decisive (and contentious) in discourses of application than Habermas is prepared to acknowledge (Warnke, 1995. p. 131). Pragmatic reason is included (I presume) at least partly in order to predict the actual consequences of the application of the norms. It would appear, then, that discourses of application would take their place among the general mixed discourses discussed above that not only validate norms and rank values, but also generate motivation and restructure society and culture in ways that more and more integrate moral, ethical, and pragmatic concerns. This is suggested especially by Habermas' own idea that

discourses of application function to impart a coherent order to the system of norms: *that* would be expected to contribute to a more morally coherent *culture*.

3.4   Discourse Ethics in Practice

The above discussion suggests that practical discourse serves not only to resolve conflicts so that action may proceed, but that it also serves to restructure culture, society, and personality towards a convergence of morality, ethics, and pragmatics. Simone Chambers in her paper, "Discourse and Democratic Practices" asks, "what it would mean for real people living real lives to engage in discourse as a face-to-face practice" (Chambers, 1995, p. 234). She is specifically concerned with the application of practical discourse to democratic processes, but much of her discussion would appear to apply to practical discourse in general. Habermas himself writes that "practical discourses resemble islands threatened with inundation" (MC, p. 106). Clearly he has in mind not only the deliberations of official bodies, but also, and more so, the unofficial conversations of citizens. Chambers writes that there is "no need for a special mandate to set up discourse. . . . Discourse does not take place [only] in any specially designated institutions," but "wherever public opinion is formed," from informal one-on-one discussions to parliamentary debates (Chambers, 1995, p. 246).

One repeated criticism of Discourse Ethics is that general discussions aimed at consensus on contentious issues are not likely to lead to decisive resolutions (see Finlayson, 2005, pp. 87-88). This is especially so in moral discourse, given the rigorous demands of the Principle of Universalization, (U). Chambers does not disagree. Acknowledging, as does Habermas, that "the conditions of the ideal

conversation can never be met in the real and less than ideal world" (Chambers, 1995, p. 234), Chambers holds that the closer discourse comes to the ideal, the less likely it is to lead to actionable decisions in a reasonable amount of time (Chambers, 1995, p. 241). This is because, by the definition of consensus and by the rules of discourse, no one may force closure, deliberation must continue until all freely agree. "The larger and more diverse the group, the more difficult and drawn out the process" (Chambers, 1995, p. 248). Moreover, because no discourse could be genuinely all-inclusive, no question can be settled "once and for all" (Chambers, 1995, p. 248). Thus discourse is "open ended and fallible," "always open to revision" (Chambers, 1995, p. 248). Much of this is acknowledged or at least hinted at by Habermas himself. Chambers deflects the criticism by suggesting that "the problem here is that we are [mistakenly] imagining practical discourse as a decision procedure with a determinate outcome" (Chambers, 1995, p. 248). She cites Habermas' own characterization of actual discourse as typically "diffuse, fragile, continuously revised and only momentarily successful communication in which participants rely on problematic and unclarified presuppositions and feel their way from one occasional commonality to the next" (TCI, pp. 100-101). Chambers characterizes actual discourse as a web of small conversations with no decision point, to which consensus comes gradually and only partially as the "product of many criss-crossing conversations over time" (Chambers, 1995, p. 249). People do come to new understandings and change positions through discourse (otherwise, of course, the idea of discourse leading to consensus would be nonsensical), but often they change their minds *between* conversations rather than actually *in* them (Chambers, 1995, p. 249-250). Rather than leading directly to consensus, then, discourse, may be understood as

a long-term process of learning and self-clarification, of gaining awareness of others' positions, and of forming reasoned convictions (Chambers, 1995, p. 238-239). I suggest, then, that we may imagine a general and gradual *convergence* toward a single legitimated set of moral norms and a common collective self-understanding; a convergence, however, that may never be complete. As Chambers puts it, in post-conventional societies, discourse is "a regenerating process, not simply at our disposal but constantly in use [without which] the shared background to our social world would fall apart" (Chambers, 1995, p. 242). She elaborates:

> Thus, the image is one of a world where we continually renegotiate, in small and sometimes big ways, the normative backdrop to our actions. . . . We reach partial understandings through symbolic interaction in which we justify, convince, defend, criticize, explain, argue, express our inner feelings and desires while interpreting those of others. Without partial understandings between members of a community, normative regulation cannot be said to take place. (Chambers, 1995, p. 242)

3.5   Discourse Ethics and Enlightenment

Practical discourse as conceived by Habermas, with moral principles validated by moral discourse always taking precedence, would appear to be not only a means of resolving moral, ethical, and pragmatic conflicts so that action can be resumed; it would appear also to be a process of structuring and restructuring society, culture, and personalities in ways that are emancipating, inasmuch as the norms, values, social structures are ones that *we* have constructed, and inasmuch as the personality structures are those of autonomous participants in discourse. But inasmuch as discourse is an exercise of (communicative) rationality, that emancipation is brought about through the exercise of reason. Discourse Ethics, then, constitutes Habermas'

continuing defense of the Enlightenment project, on the one hand, and, on the other,

his program for pursuing the as yet "unfinished project of modernity." As "an activity

that already has a place in our lives" what is needed is clarification of the process and

institutions facilitating discourse on all levels and on wider and wider bases

(Chambers, 1995, p. 241).

3.6   Affirmations and Reservations

Discourse Ethics, together with Habermas' later expanded discussion of

practical discourse in general, would appear to resolve the legitimation problems of a

universal ethic that we noted at the beginning of this chapter. The lack of substantive

content means that Discourse Ethics would not be a set of imposed rules. Ultimately,

of course, actual rules are required, but these are to be validated by potentially

universal consent arrived at in general discourse among all those affected. That such

rules are grounded in general agreement, removes the necessity for a theological or

metaphysical foundation that has become unavailable. To the extent that members of

divergent cultures participate in the discourse, norms would come to be validated not

only for each culture but among cultures as well, as the discourse would thereby

include all who participate as members of the same moral community. The same

process would tend to validate a uniform set of norms multi-culturally, especially

where discourses of application are available to allow for the different situations

presented in different societies. Finally, multi-cultural participation in discourse

would serve mutually to humanize those of different cultures, again, as participants in

the same moral community. At the same time, validation through multi-cultural

discourse would impart a sense of ownership so that norms would not be experienced

as alien impositions. As we have seen, the expectation that moral, ethical, and pragmatic discourse would be mixed and taking place in an overlapping network of small discourses over time, leads to the expectation of a convergence of accepted moral norms, ethical values and goals, and means of achieving the "good life", such that norms and values would come to be both cognitively accepted and habitual.

Again, as Habermas presents it, Discourse Ethics is not a set of universal norms or a common ethic that would guarantee world harmony if only everyone adopted it; it is rather only a procedure for approaching such norms and values. From this perspective, proposals for universal norms and values, such as Kung's "global ethic" and Rawl's "justice as fairness" have their place as part of the discourse, as would the competing normative and value systems of divergent cultures, to the extent that they enter the discourse. I believe, therefore that Habermas' proposals offer the best chance for legitimating universal norms capable of regulating the relations between nations and cultures. I mean by this, not only international relations as such, but also relations at the interfaces between cultures, whether that occurs between nations, between different ethnic groups within nations, or between individuals with different cultural backgrounds. Habermas' proposal offers also the possibility of non-modern societies negotiating the apparently unstoppable process of modernization in ways that minimize its destructive effects on lifeworlds. Through moral, ethical, and pragmatic discourse newly modernizing societies could manage the changes in culture and social patterns in such a way that the emerging patterns do not become alien to the human beings who must live in them. Discourse offers the possibility of negotiating cultural differences in ways that do not force uniformity or assimilation, but through which divergent cultures may come to complement each other. In other

words, just as practical discourse in which moral norms take precedence may lead to a convergence of norms, values, and means in which, indeed, they do not become the *same* but come to support each other, so among cultures, practical discourses in which moral norms take precedence, may lead to a convergence of cultures in which they do not become the same, but come to complement each other in a single global moral community. It must be acknowledged that this would likely be a process of several generations.

3.6.1 Reservations

However, I have to acknowledge that I have reservations that temper, and somewhat alter the above affirmation. These reservations concern the imputed pure formality of Discourse Ethics and the sharp distinction between morality and ethics.

Formality. The formality of Discourse Ethics is important to Habermas' program because the post-conventional and post-metaphysical state of modernity, as he understands it, forecloses any possibility of a prior grounding for norms. Theological grounding is long since unavailable and the consequent necessity, according to Kant, for a metaphysical grounding for morality is simply out of reach. It would seem, then, that any substantive norms that the moral philosopher might propose could only be grounded in the values of a particular culture. Such norms would thereby lose their universality legitimacy and be experienced by other cultures as impositions. Habermas must insist then, that Discourse Ethics, and his general theory of practical discourse, contains no substantive norms, is purely *formal* and thus requires no normative grounding. Two questions immediately come to mind. First,

why should we be motivated to employ a purely formal program: how is it justified? Second, much of Discourse Ethics certainly *seems* to be normative, in particular the rules of discourse, but also the Discourse and Universalization Principles themselves seem to call for grounding. Habermas' answer to both these questions is that discourse is a necessary feature of communicative action and communication oriented towards mutual understanding, and thus of language, and that practical discourse, as he describes it, is therefore a universal feature of human communities (MC, p. 76). What about the Principle of Universalization, (U)? Horkheimer and Adorno pointed out that for all its rationality there appears to be no necessary reason why one should regulate her actions by the categorical imperative. Habermas acknowledges that the same reservation applies to (U), and answers the reservation by arguing that "the idea of impartiality [i.e. (U)] is rooted in the structures of argumentation *themselves* and does not need to be *brought in* from the outside as a supplementary normative content" (MC, p. 76). Even if we often use language in ways that are not oriented toward mutual understanding, for example, strategically, Habermas is able to argue, based on his theory of language, that communication oriented towards mutual understanding is the most fundamental use of language, and that all other uses are parasitic on it (MC, pp. 75-76). In what he evidently considers his winning goal in competition with moral skeptics, he argues that anyone who rejects the rules of argumentation—that is the rules of discourse—commits a performative contradiction. The rules of argumentation, he argues are necessary presuppositions to all argumentation, hence accepted be anyone who engages in argumentation. But to reject those rules *verbally* is to engage in argumentation, and hence to *affirm* them *performatively* (MC, pp. 95, 99-102). Habermas' justification of Discourse Ethics comes down to the

argument that this is how human beings, as communicative creatures, always and already (if imperfectly) coordinate action, socialize children, and resolve disputes. Habermas presents his theory as more descriptive than prescriptive (Chambers, 1995, p. 233) and the theory is, indeed, "an analysis of the everyday intuitions of modern moral agents" (Finlayson, 2005, p. 86).

Finlayson notes, however, that, although Habermas' repeatedly insists that (U) can be derived from non-moral premises, in particular, the rules of discourse, he does not actually provide such a derivation (Finlayson, 2005, p. 86). The rules of discourse, in turn are implied by the theory of communicative action and, in particular, the premise that communication oriented towards mutual understanding is the most fundamental use of language. The question of the derivation of (U), then, may be rephrased, at least partly, as: how does the theory of communicative action preclude *we* from excluding *them* from discourse? Even given (D) for the in-group, why, on Habermas' presuppositions, *should* every out-group be included? It would appear that Habermas has sneaked in at least one moral presupposition. Often, in fact, he seems to say that "norm" means "universal rule" by definition and that to be moral *means* to follow universal rules (MC, pp. 197-198), thus, he seems implicitly to *assume* an egalitarian ethic. However, even if (U) could be derived from premises in the theory of communicative action, I am not convinced of the premises. Finlayson writes that, "Habermas's programme of discourse ethics is closely tied to a whole bundle of controversial philosophical views about meaning, communication, and so forth" (Finlayson, 2005, p. 103). It would take us too far afield to go into the details of Habermas' theory of language, but I believe that it is important to acknowledge that the theory of communicative action is an important contribution to our understanding

of language, meaning, reason, and "so forth", as well as extending the list of the uses and functions of language and the types of reason. I question, however, whether strategic and communicative (oriented towards mutual understanding) uses of language constitute an exhaustive list. It is difficult, as a result, to affirm that communication oriented toward mutual understanding is universally the most fundamental use of language, or to be convinced that "cultural tradition, social integration, and socialization. . . operate only in the medium of action oriented toward reaching an understanding. There is no other. . ." (MC, p. 102). From observing parents with their young children, it seems possible that another, and wholly distinct, function of language is the *evocation* of a world and simultaneous *constitution/incorporation* of the child as a particular kind of being in that world. I will not develop this idea here, as it is only meant as a hint that that there may be other uses of language that, in turn, would be candidates for most fundamental status.

The suspicion arises, then, that Discourse Ethics is itself dependent on a particular form of life, in particular, modern-Western cultures. I am not, of course, the first to harbor such a suspicion. But even Habermas' defenders and Habermas himself repeatedly hint, while denying it, that Discourse Ethics is based on culturally specific presuppositions. Chambers acknowledges that the requirements of discourse "contain substantive moral assumptions about how we should be talking to each other", but maintains that Discourse Ethics remains formal, "in that [those requirements] do not determine how the conversation will turn out" (Chambers, 1995, p. 240). But it is the non-moral yet universal status of those requirements *themselves* that are in question. Donald J. Moon, moreover, argues that the *form* of the discourse may very well affect norms, values, and means that are validated in discourse (Moon, 1995, p.143), in

other words, how the conversation turns out. Ciaran Cronin, in his introduction to *Justification and Application* argues for the *de facto* universality of the presuppositions of Discourse Ethics, hence that they do not require moral justification: "The lifeworld we moderns inhabit is already pervaded by the universal principles of justice and corresponding abstract personality structures outlined by discourse ethics". (Cronin, 1994, p. xxvii). But from a non-Western perspective such arguments cut the other way, suggesting that non-modern lifeworlds may not be pervaded by such principles and personality structures, hence that Discourse Ethics is tied to modern (and thus Western or Westernized) cultures. Habermas himself insists that the success of Discourse Ethics depends on a lifeworld that meets it halfway, even going so far as to specify personality structures, socio-political institutions and ideas about law and morality. Such statements constitute an implicit, if unintended, admission that Discourse Ethics is culture-specific and to that extent neither purely formal, nor universal.

But on the face of it, the rules of discourse (*everyone* may speak, make and question *any* assertion, express his *own* attitudes) neither describe universal characteristics of discussion aimed at resolving conflicts, nor universal ideals of such discussion. Indeed, in many cultures, Thai included, it would be considered *wrong* for a subordinate (for example a child) to question the assertions of her superior (for example, her parent) (see also, for example, Finlayson, 2005, p. 89). Moreover, as noted, it is not at all clear that the theory of communicative action itself precludes any *we* from excluding any *them* from discourse.

Discourse Ethics, in short, is biased toward modern-Western culture. From a non-Western perspective it must appear as a preconceived, potentially alien, set of norms, with the danger that its promotion might be experienced as imposition.

But in saying so, are we falling into a performative contradiction? No. Not even if we acknowledge (and that is a big "if") that by engaging in this argument we have already accepted the rules of discourse, and that withdrawing from the argument is an "existential dead end" (MC, pp. 99-100). *That* only shows that *we* accept those rules, *not* that the rules are human universals. There may very well be entire societies, and even sub-groups in Western societies, that are not inclined to engage in argumentation in the first place—and even for whom the pursuit of mutual understanding is not the most fundamental use of language.

The distinction between morality and ethics. My second reservation has to do with the sharp distinction Habermas makes between morality and ethics. It is not always immediately evident why he insists on the sharpness of this distinction. Finlayson suggests that since ethics is a matter of values that are culturally relative, Habermas fears that any overlap of morality with ethics would threaten the concept of the universality of moral norms and thus the entire basis of Discourse Ethics (Finlayson, 2005, pp. 104-5). From the point of view of inter-cultural relations, the distinction is important because it holds the door open to cultural *differences* even in the context of the pursuit of a universal, hence, *uniform*, set of moral norms. A further implication is that without the sharp distinction, Discourse Ethics itself might be open to charges of effective cultural bias in that actual discourse would be infused with cultural values. In that sense my reservation here is related to the one about formality: the cultural neutrality of the procedure of Discourse Ethics is brought into question.

Others have questioned the sharp distinction between ethics and morality. Thomas McCarthy, for example, notes that personal interests are an integral part of moral discourse, but that interests are shaped by cultural values, and thus, he argues, ethics influences morals (Finlayson, 2005, p. 104). Warnke has shown that the understanding of the same normative expression can vary depending on cultural values (Warnke, 1995, p. 133). But if the norm is *understood* differently, then it is, in effect, a different *norm* and discourses of application would miss the point. Habermas writes, "Moral norms, of course embody values or interests, but only such as are universalizable" (FN, p. 153). But, how, in the midst of discourse, are we to know that a value or interest is universalizable? Or: As a participant in moral discourse how could I possibly understand the *interests* of the others (*all* others) if I know nothing of their *ethos*? But when we begin to discuss that, are we not in the realm of *ethical* discourse, and does not ethical discourse then become a necessary part of moral discourse?

We have seen that moral and ethical discourses may typically be mixed. I would like to suggest further, that we may often have no way of knowing whether a particular dispute is properly moral (and that we should therefore be considering the interests of all human beings) or ethical (and therefore concerned only with what is good for *us*). Might there not be times when what we thought was a moral norm turns out to have been an ethical value, and the other way around? That would happen when a universally accepted practice in one culture is found to be universally rejected in another. Is monogamy (polygamy), for example, a moral norm or an ethical value? Habermas himself sometimes gives the rough sense that moral discourse is an *extension* of ethical discourse (JA, pp. 13, 50-54), which would mean, conversely, that

ethics are *localized* morals. In *Justification and Application*, he writes that morality is an "idealizing extension" of ethics (JA, p. 51). In *Between Facts and Norms* (FN, p. 154) he writes that laws, which combine moral, ethical, and pragmatic elements, are like moral norms in that they obligate all within the community—a circumscribed universality, as it were.

Is a moral norm then little more than an ethical value writ large? The conclusion seems inescapable, on Habermas' presuppositions, that validated moral norms as defined by (U) are ethical values that have come to be accepted by all humanity.

3.6.2   Reaffirmation

What then becomes of the affirmation with which I opened this section? The two reservations point to the concern that Discourse Ethics is culturally biased: it is *itself* a normative proposal expressing modern-Western cultural ideals and practices, that *yields* normative standards that express the cultural values of the participants.

To the extent that I am right, the imputed universality of Discourse Ethics conceals yet another Westernizing influence on non-Western cultures. I do not thereby accuse Habermas of being a neo-colonialist, but only of being Eurocentric (but as a European, how could he be otherwise?). Neither do I suggest that non-Western cultures resist the importation of Discourse Ethics. On the contrary, discourse recommends itself to the modernizing non-West as a means by which the West has ameliorated the destructive effects of its own modernization, and generated

greater harmony among its own divergent cultures.[18] Inasmuch as modernization (through globalization) is, as now appears, an unstoppable process, it would seem wise to adopt Discourse Ethics, along with the whole program of practical discourse, as a means of navigating and managing that process. Rather than repeated failures at adopting Western political models of the nation-state, for example, Thailand might be better served by continuing public discourse, concerning what kind of nation we want to be. A particularly relevant example at the moment has to do with the relative weight of the norms of harmony and of freedom of political expression. Both could probably be considered universal norms by Habermas' standards yet they just as universally conflict. In Habermas' program, determining their relative weight in particular situations requires discourses of application, but also political-ethical discourses as to how much we, as a people, value harmony on the one hand and political freedom on the other. Part of that discourse would be defining what we mean by "harmony": unanimity, absence of dissent, complementary lifestyles, dissent that respects the opponent, come to mind as different ways in which Thais understand it. In the process of such discourses we would not only approach consensus on particular issues, but move towards becoming a single *people* with a coherent set of values, expectations, ideals, and so forth. Part of the problem with harmony as unanimity is that it has suppressed *expression* of the differences among the several ethnic groups that live within the borders of the Kingdom, and thus prevented any possibility of

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[18] I have been writing of Western culture as though it were a single way of life. Of course, it is not, but is more of a family of cultures, with differences and a history of extremely violent warfare among them.

resolving those differences and integrating the different ethnicities within the same *people.*[19]

The problem is that, if I am right that practical discourse as Habermas presents it is a specific feature of Western-modern culture, adopting such discourse in non-Western contexts would *not* be a matter simply of promoting a "more reflective and widespread undertaking of an activity that already has a place in our lives." Adopting practical discourse, rather, would mean promoting an activity that in some cases and contexts goes *against* our habitual behavior. On the other hand, even if communication oriented toward mutual understanding, with discourse as the means of resolving misunderstandings, is not the most fundamental use of language, it probably represents uses of language that are employed at least occasionally by virtually everyone in all societies. As such, discourse would not be wholly unfamiliar and most people would have at least a minimal competency to engage in it.

Promoting practical discourse would involve opening up channels of political expression far wider than governments have been willing to do in the past (*de jure* freedom of speech in Thailand, has been easily contravened by libel laws that allow political dissenters to be charged with libel), and creating forums for *continuing* public discussion of any and all political and economic issues (the Thai-language newspapers, for example, typically to not have "letters to the editor" pages). I stress "continuing" because moral-ethical issues are never definitively closed, but require continuing renegotiation as conditions change and as populations shift through

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[19] A friend recently attended a government-mandated seminar on democracy in a remote village in Isan, where the local language is a dialect of Lao. The seminar was conducted in standard Thai, thus excluding the significant number of villagers, perhaps a third, who are not fluent in standard Thai.

immigration-emigration and the arrival of new generations. Such a widening of discourse would no doubt involve a leveling of hierarchical authority structures with which some would be uncomfortable (students challenging teachers, citizens challenging traditional leaders, etc.). Widespread public discourse challenges authority such that, thenceforth "reverence and respect must be earned" (Chambers, 1995, p. 244). Yet such leveling is part and parcel of modernization, since, for example, in order to survive in a capitalist economy one must make decisions based on the market, regardless of traditional authority. Discourse provides a possible means of negotiating such leveling, of arriving at a form of egalitarianism with which *we* are comfortable, and which we could call *ours*. Chambers writes that political discourse might be promoted:

> by opening up opportunities to participate, by including excluded voices, by democratizing media access, by setting up "town meetings," by politicizing the depoliticized, by empowering the powerless, by decentralizing decision making, by funding public commissions to canvas public opinion. (Chambers, 1995, p. 247)

She continues to say that such efforts will fail "if citizens are unwilling to or uninterested in acting discursively." She is writing of modern-Western societies. The caveat is the more difficult when thinking of non-Western societies in which the habit of discourse may be much less of a cultural given. How do we persuade Thais, for example, to resolve their conflicts through discourse? I am thinking in part of the pro-Thaksin/anti-Thaksin, pro-junta/anti-junta dispute, which conceals highly significant issues of attitudes towards law and legal process, of human rights *versus* majority rule, of human rights *versus* economic development and so forth, that can only be

resolved discursively (we have modernized to that extent: no authority figure could pronounce a resolution that would be effective in the long term). Such issues will not be resolved, or even addressed, by one side winning over the other. I am thinking also of conflicts on the interpersonal level, that, in Thai custom, are often "resolved" either by avoiding the issue or by breaking off relations. As Thai society becomes steadily more pluralistic and complex, personal lives from diverse cultures inevitably become entangled and such strategies may fail.

That moral discourse and its results necessarily reflects the values of the participants suggests that it is urgent that non-Western peoples enter into the international discourse in large numbers (and not only, or even primarily, Westernized intellectuals who often may be out of touch with the practices of the peoples they represent), to ensure that "universal" does not become (or remain) a cover for the imposition of *Western*. Myanmar's insistence that human rights is a Western concept that the West attempts to impose in neo-colonialist fashion, is, no doubt, self-serving and in bad faith. Yet the near absence of genuinely non-Western voices in the discourse that led to and supports the norms of human rights, guarantees, first that human rights *appear* to be Western values not universal norms, and second that human rights as articulated and understood are *in fact* biased by Western ideals. The work of Amartya Sen ("human capabilities"), United Nations discussions of "human security" as an extension of human rights, and the Assumption University-Adenaur-Stiftung seminars are encouraging developments in this direction.

But if it is the case that moral discourse is always also ethical discourse, then moral discourse on a global scale is also concerned with values. Warnke (1995, pp. 120-142) indicates the possibility and importance of multi-cultural *ethical*

discourse, despite Habermas' belief that value conflicts may be unresolvable. If it is the case, moreover, that moral norms are ethical values that are accepted in all cultures, and that discourse not only discovers norms and clarifies values, but that it also shapes them, then global discourse leading to the evolution of human-universal norms would also lead to the evolution of a human-universal culture, a global *ethos*.

In short, I believe that in a world inundated by modernization-Westernization and all its attendant crises, that Discourse Ethics, and Habermas' program of practical discourse, although itself rooted in Western culture, offers the best chance for developing, albeit over the course of several generations, a genuinely universal ethic.

Chapter IV

Challenges to Discourse Ethics and Modernity

In Chapter II I discussed a critique of the Enlightenment and of Modernity by Max Horkheimer and Theodor Adorno. They remained men of the Enlightenment, in that emancipation through reason remained an ideal for them. Yet their analysis found that Enlightenment ideals had become just one more deceiving and enslaving mythology, that *reason* had become *instrumental* reason, so that the very means of emancipation made human beings into mere things. German Jews writing during World War II while in exile in the United States from the Nazi terror that attempted the total extermination of Jewry, their pessimism was perhaps inevitable. Habermas, a German of the first post-war generation and horrified at what his countrymen had done, began his work in the Critical School tradition of Horkheimer and Adorno and was, in fact, Adorno's personal student. His work may be understood as a search for a resolution to Horkheimer and Adorno's dialectic of enlightenment and an attempt to recover the Enlightenment hope of emancipation through reason and to resume the unfinished project of Modernity—in a way that would not lend itself to horrors like those perpetrated by the Nazis. It is important to understand the work of philosophers concerned with Modernity and the Enlightenment in the context of the Nazi (and Stalinist) horrors. Those events called the entirety of Western civilization into question, but especially its course since the Enlightenment.

If Habermas' theory of communicative action and Discourse Ethics answered Horkheimer and Adorno's critique of Modernity, a new generation of criticism has

been directed, not only at Modernity and the Enlightenment, but also directly at Habermas' proposals. These tend to focus on consensus as the goal of discourse, with the concern that too much emphasis on consensus could lead to conformity and/or forced uniformity. In this chapter I review the criticisms of two writers, Nicholas Rescher and Jean-François Lyotard, and find that discourse ethics as proposed by Habermas, but with some modifications, remains the best hope for a peaceful world. It should be kept in mind that I am not here giving a full critique of these writers, but endeavoring only to understand and respond to their criticisms of Habermas and discourse ethics.

4.1 Nicholas Rescher: Pluralism

In *Pluralism: Against the Demand for Consensus*, Nicholas Rescher mounts a frontal attack on the valorization of consensus in epistemology, ethics, and politics, specifically the "consensualist" position that consensus is the ultimate goal of human endeavor: "'Do whatever is needed to avert discord. Always and everywhere work for consensus'" (Rescher, 1993, p. 5). He maintains that "consensus is not something on which we should insist so strongly as to make it a pervasive imperative" (Rescher, 1993, p. 43). Rescher launches his polemic by arguing that there is no necessary connection between consensus and truth (or, by extension, justice): consensus can be mistaken (Rescher, 1993, pp. 44-64). He argues that dissensus is an important element in the search for truth (Rescher, 1993, pp. 51-56) and often unavoidable (Rescher, 1993, pp. 65-78). He argues finally, that consensus is not necessary to a "benign social order", arguing rather for dissensus and pluralism mediated by "acquiescence" (Rescher, 1993, pp. 156-199). His protest specifically targets Habermas, although he

gives most of his attention to epistemology, thus, the relation of consensus to truth, rather than to Habermas' central ethical and political concerns. One implication of his argument is that the premise of the present Thesis, that a universal (thus, *consensual*, by one of Rescher's definitions) ethic is necessary for the welfare of humanity, is mistaken.

Rescher's argument is flawed in multiple ways. He fails to articulate and stay with a single coherent concept of consensus, shifting definitions as convenient in the course of the argument. He seriously misreads Habermas (I suspect that he has not, in fact, read Habermas extensively) and other social theorists, arguing against positions that he ascribes to them, but that they do not hold. Nevertheless a discussion of Rescher's misconceptions will serve to better delineate discourse ethics—both Habermas' proposal, and the modified form that I advocate here, and to better define what I mean by a universal ethic.

Rescher is concerned to refute two theses about the relation of consensus to truth. First, that consensus on the truth of a proposition guarantees its truth. Second that a truth will necessarily, given sufficient time and rational inquiry, command consensus.

Does consensus guarantee truth? Said differently, is consensus a decisive criteria for truth: is it the case that (A) "When and if all (or most) people of the group *S* agree in accepting a certain contention as true, then it indeed is true." (Rescher, 1993, p. 47)? Of course not, and it is baffling that Rescher devotes so much space to refuting that proposition. I am not aware that any thinker of repute maintains such a

thesis.[20] Habermas certainly does not hold such a thesis, recognizing both the fallibility of consensus and the objectivity of truth (see Cooke, 1998, pp. 13-15). But the proposition, as Rescher puts it, seems a non sequitur if "consensus" includes the notion of universal agreement: I would not believe *that p* because there is consensus *that p*, but rather there is consensus *that p* because I, along with everyone else, believe *that p*. Or more accurately: to say that there is consensus *that p* means that I, along with everyone else, believe *that p*. That is to say, consensus is a state of affairs, not a logical premise or a rule of inference. Objectively, as observers of group *S* we would change the last phrase of (A), "then it indeed is true", to the tautological "then they have achieved consensus." As members of the group we would change the last phrase of (A) to, "then we will proceed by agreement *as if p*." It is true that there are cases in which the consensus of experts is accepted as true by people who are not experts. For example, non-biologists accept the theory of evolution based on the consensus of biologists. Rescher refutes the absolute reliability of such a consensus and, in particular the inference that a theory would be true *because* experts agree that it is. But, in fact, no one to my knowledge imagines that consensus strictly implies truth. The consensus of experts suggests to non-experts the *probability* of a truth; but that acceptance of probability is itself a matter of consensus among non-experts. And indeed there are many who do not accept the truth of the theory of evolution. Who is Rescher refuting?

Does objective truth necessarily lead to consensus? Is it the case that (B) "If *X* is an authentic factual issue, then rational people will, of necessity, come to reach

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[20] Even an extreme relativist would, I suspect, feel constrained to modifing the last phrase to "indeed it is true *for us*".

agreement about it"? (Rescher, 1993, p. 48). Rescher refutes this thesis by, essentially, appeal to perspectivism (Rescher, 1993, p. 49ff). Although truth is one, rational agents have access to different sets of data which they interpret through different sets of presuppositions, and thus may legitimately come to incompatible conclusions. But again, who is he refuting? Certainly not Habermas, for whom, again, consensus is fallible. Again, consensus is a state of affairs. If there is consensus *that p* then we proceed on the assumption *that p* until *p* is challenged in a sufficiently robust way to make us doubt *p*. The scientific project may well be motivated by the hope of a coherent and true Grand Unified Theory. Such a theory, if it were demonstrable, would be expected to survive every effort to refute it and to come to command consensus among scientists. Rescher does not disagree. What he objects to is the assumption that *every* truth will *necessarily* command consensus. But no one, to my knowledge, seriously maintains such a belief. Lyotard, in *The Postmodern Condition*, itself a radical critique of the valorization of consensus, makes the claim that within the "game" of scientific method "Not every consensus is a sign of truth; but it is presumed that the truth of a statement necessarily draws a consensus" (PMC, p. 24). But he does not mean the truth of *any* statement, but only of those concerning referents that are "susceptible to proof and can be used as evidence in a debate" (PMC, p. 24). Scientists realize very well that there may be truths, about the internal dynamics of black holes, for example, that they will never know, and it is generally accepted that no one will ever measure precisely both the position and momentum of a subatomic particle.

Rescher's argument that there is no necessary connection between consensus and truth is an argument with phantoms. Planes fly, space vehicles reach their targets,

computers compute, all according to principles upon which there is scientific consensus. They would not have been funded without that consensus. Rescher seems to be arguing, on the one hand, against the belief that airplanes would fall out of the sky should the consensus on aerodynamics be broken, and on the other hand against the belief that the truth of aerodynamics *compelled* its discovery and subsequent consensus. He has no opponent, and these arguments with phantoms can only be explained by a misconstrual of how consensus is understood by writers such as Habermas. He believes, for example that Habermas *equates* rationality with consensus, that for Habermas, a decision is rational *because* it is consensual (Rescher, 1993, pp. 13, 26), and that the salient question for Habermas is therefore, "Does the process at issue facilitate or hamper the movement towards a consensus?" (Rescher, 1993, pp. 13, 26). This, of course is nonsense. Habermas knows very well that consensus is often not rational (TCII, p. 70). What he is concerned to do is to articulate rules for *rational* discourse and thus procedures through which consensus, if it is reached, can be reached *rationally*. As has been frequently, noted, such rules and procedures make consensus more difficult—hamper rather than facilitate it.

Rescher notes the importance of dissensus in the scientific project (Rescher, 1993, pp. 39-42). But this is trivial. Scientists do not pursue consensus *per se*, they pursue true propositions about the objective world, and part of that pursuit is challenging each other's propositions and attempting to falsify them. When A) scientists agree widely on a proposition *p*, then B) there is consensus *that p*, and C) *p* is accepted as true. A), B), and C) are simply different ways of saying the same thing: not that *p* is *true*, but that it is *accepted* as such (with the realization that it may eventually be shown to be otherwise). Allowing for postmodern reinterpretations of

science, I am not sure that anyone thinks otherwise. In science, dissensus leads sometimes to consensus. When it does, textbooks are changed accordingly and applications are launched. The consensus then becomes the target of dissensus, that is, attempts to disrupt it, and through that process theories are refined or, possibly discarded. Who is Rescher refuting?

We may suspect Rescher of a lack of clarity in the concept of consensus. A few of his passing definitions are that: consensus is "homogeneous uniformity" (Rescher, 1993, p. 136), agreement (Rescher, 1993, p. 154), intolerance of dissent (Rescher, 1993, p. 162), "intellectual uniformity, a homogeneity of thought and opinion" (Rescher, 1993, p. 163), "disagreement removal" (Rescher, 1993, p. 182), and by repeated implication, agreement on *everything* (for example, the implication that there is no consensus in science because scientists disagree on *some* things, Rescher, 1993, pp. 39-42). Consensus comes about, he imagines, through a "communally cooperative search for consensus" (Rescher, 1993, p. 161), which would explain his expectation of intolerance. With these definitions it is no surprise that Rescher sees striving for consensus as producing a "sometimes debilitating uniformity" (Rescher, 1993, p. 162), as "An impediment to creativity" (Rescher, 1993, p. 163), "An invitation to mediocrity", (Rescher, 1993, p. 163), and as "A disincentive to productive effort" (Rescher, 1993, p. 163). He sets up an either/or opposition between consensus and pluralism (dissensus) with pluralism and dissensus fostering creativity, excellence, and productivity (Rescher, 1993, p. 158-161).

Rescher accordingly advocates social pluralism with individual and group differences mediated by "acquiescence" (Rescher, 1993, p. 164), or mutual tolerance, the only demand being to keep differences "beneath the threshold of outright conflict"

(Rescher, 1993, p. 164). The question is what to do when conflict is inevitable, or at least felt to be preferable to acquiescence. It is here that discourse comes into play. Rescher writes of managing rather than attempting to eliminate dissensus, a matter of "accepting and even welcoming it in so far as this can be productive of good in the larger social scheme of things" (Rescher, 1993, p. 163). But managing dissensus is what Habermas' notion of discourse hopes to do and the rules of discourse are aimed at ensuring the plurality of voices, of *not* suppressing dissensus. Besides, Rescher's notions of tolerance and avoiding outright conflict sound suspiciously like norms proposed for consensus. He writes,

> A benign social order can and must be able to exist and thrive despite diversity. It need not be predicated on agreement, but can exist on the basis of restraint and forbearance, a willingness to live and let live and to respect the due rights and claims of others irrespective of whether we agree with them or not. (Rescher, 1993, p. 182)

But "due rights" would be norms, and the mutual willingness to respect them would involve consensus on what they were. Where such a consensus is lacking or is challenged, that is, where there is conflict over what the rights are, and what constitutes respect for them, discourse is Habermas' preferred means of seeking resolution and new consensus. But such a new normative consensus would be binding, not because of the consensus itself, but because it represents "the achievement of mutual understanding, . . . their own words" (TCII, p. 82). Dissensus typically aims at resolution (we dissent because we want some change etc.) which often takes the form of consensus.

Of course, uniformity of opinion and suppression of dissent is not at all what Habermas (or probably anybody else) envisions as consensus. Rather, as we have seen, he is concerned to protect differences of opinion, to ensure that everyone has the right to speak. He recognizes the fallibility of any achieved consensus, and cautions against the possibility that norms that are believed to be universal can be used to repress those who are different (JA, p. 15). Rational consensus for Habermas is not simple unanimity, but general agreement arrived at through open deliberation. Rescher completely neglects what is, in fact, Habermas main idea, not consensus, but discourse. Discourse as a process of making and challenging validity claims seems to be what Rescher calls dissensus and pits *against* consensus, while for Habermas such dissensus, or argumentation, is a necessary feature *of* any rational consensus that may emerge. Communicative ethics, as Habermas understands it, cannot function without conflict (LC, p. 92). There is no choice between dissensus *or* consensus: rather rational consensus *depends* on dissensus in its formation and dissensus often tends toward consensus.

Rescher, indeed, would seem to be caught in a performative contradiction, writing a book against consensus and for acquiescence. Surely, he hopes for general agreement on his thesis, a consensus, not mere acquiescence. Why, indeed, would we acquiesce in his thesis, unless we were convinced of its wisdom, unless there was consensus? His problem is a far too limited and one-dimensional concept of consensus, the mistaken idea that Habermas advocates consensus for its own sake, as the highest good, and a neglect of the processes by which rational consensus is, or is not, reached.

4.1.1   Rational consensus

I may now hazard a definition of *rational* consensus (see TCI, p. 287). I understand consensus as a general agreement on a *single* issue. Rational consensus is general agreement on a single issue achieved through free and open deliberation. Any achieved consensus, rational or otherwise, is fallible, that is, it is possible that it will be later sown to have been mistaken, but by virtue of having genuinely agreed that it is so, we proceed as if it were so. Consensus in itself is neither a value nor a norm, let alone the highest; rather it is a state of affairs that is necessary for the effectiveness of *some* values and norms. Thus human rights are norms that require consensus both for their validation and for their implementation. The rights are the norms, not the consensus.

Given this definition, what Rescher argues against is not consensus, but enforced uniformity, bland conformity, and the like, as opposed to a free and pluralistic society in which a multiplicity of dissenting voices are tolerated. As far as it goes, Habermas wants something very close to the same thing as Rescher. Indeed among four "salient emphases" presented in "contrast to a sanctification of consensus", Rescher includes:

> *Respect for the autonomy of others:* . . . that we concede their right to go their own variant way within the framework of such limits as must be imposed in the interests of maintaining that peaceful and productive communal order that is conducive to the best interests of everyone alike. (Rescher, 1993, pp. 3-4)

Not only does that, along with his other "emphases" read like the proposal of a norm for consensus, Habermas' (U) is incorporated as well.

I should like to register one reservation with Rescher's proposed norm of acquiescence. When you insist on *tolerating* my dissent, I begin to feel that you are not taking me seriously. I want my dissent to be heard, engaged, answered. If necessary, I welcome conflict. A Habermasian forum of discourse seems a far preferable arena of struggle than does a society of acquiescence.

"Is Consensus a Valid Ideal?" Rescher asks (Rescher, 1993, p. 195). Hardly. The ideal is rather justice (or, truth etc.), in the pursuit of which consensus may play a positive or negative role. But indeed, Rescher's insistence notwithstanding, Habermas does not posit consensus as the explicit goal of discourse, nor does he call for the pursuit of consensus for its own sake. He writes that discourse is "not restricted except with reference to *the goal of testing the validity claims* in question" (LC, pp. 107; emphasis added). Habermas may or may not be correct in writing that mutual agreement is the "telos" of human speech, but what that means is that speech as such tends toward mutual agreement, not that my personal intent in speaking is mutual agreement. My personal intent may be to convince you of the truth or justice of my particular view, or even to engage in a common search for a truth or a norm, or just to get my way, and so forth, depending in part on whether I am acting strategically or communicatively. If my personal intent were to achieve mutual agreement, I would simply agree with you straightaway. Rather, the goal of moral discourse is the formulation of common norms. Such norms as achieve consensus, are by definition generally accepted. The goal of ethical discourse is for a community to come to a mutually acceptable definition of the common good and of identity within the community. Again, the articulation of a norm, the definition of the common good and the like are the explicit goals of discourse, not consensus. Such discourse, moreover,

is never initiated for the abstract purpose achieving uniformity, but rather only in cases of conflict where action cannot continue without resolution. Indeed discourse ethics, according to Habermas, cannot function without conflict (LC, p. 92). Thus we may say that the goal of moral discourse is not even the formulation of norms, but the resolution of otherwise intractable conflicts in ways that are applicable beyond the individual case.

Having said this, I, and Habermas, would maintain, contrary to Rescher, that there are certain areas in which consensus is necessary, for example to legitimate social structures in which acquiescence would be a workable strategy. Habermas writes:

> To the degree that the basic religious consensus gets dissolved and the power of the state loses its sacred supports, the unity of the collectivity can be established and maintained only as the unity of a communication community, that is to say, only by way of a consensus arrived at communicatively in the public sphere. (TCII, p. 82)

The dissolution of the non-rational traditional consensus, then, initiates a crisis of legitimation and the need for a new consensus on a new basis. Habermas may be overstating the case in holding that the new consensus can *only* be communicatively based, but it is hard to imagine what else would ground it in any sustainable way, especially as communicatively achieved consensus would be continually renegotiable as conditions changed. Consensus, however, would be necessary only in limited areas. Examples include the boundaries of a nation: both geographical and demographic, who is a citizen and who are members of the national community; what, if any, language(s) may be officially be used by members of the national community; what

constitutes legitimate authority; what the legitimate means are for the transfer of authority. Rescher simply asserts, without much supporting argument, that acquiescence without consensus is adequate for mediating conflict (Rescher, 1993, p. 166-167). The current crises in Thailand reflect failures of legitimacy grounded in the absence of consensus (and of forums of discourse) on these questions. But again, not *any* consensus will do, and state efforts to dictate consensus have failed.

It should perhaps be noted that, as Rescher fails to notice, discursively achieved consensus has a closer relationship to normative questions of justice than it does to factual questions of truth. This is because the validity of norms concerns the interests of the discussants, and those interests will be articulated and clarified in the course of the discourse. Thus agreement on a norm has a stronger relation to a commonality of interests than agreement on a proposition has to its referent, which is external to the discussants. Nevertheless it is not the agreement alone that legitimates the norm, but also the genuiness of the agreement and the process by which it comes about.

4.1.2 Clarifications

Our discussion of Rescher's book suggests clarifications of the place of consensus in Habermas' thinking. First, discourse, not consensus, is Habermas main idea. Consensus, though it may be necessary in limited areas, is not itself a goal. Rather the goal is the formulation of ethical and moral norms, or, more generally, justice (as well as truth etc.). Where it becomes necessary to seek consensus, that is, in cases of conflict, Habermas dos not advocate seeking consensus at all costs, but rational discourse in which the plurality of voices are guaranteed their say, and

through which *rational* consensus may (or may not) be achieved. Rational consensus implies neither uniformity nor conformity. Neither does it suppress dissent. On the contrary the discursive approach advocated by Habermas seeks to preserve diversity and to remain open to dissent. Consensus, then, however achieved is fallible, and rational consensus remains criticizable.

What then about the implication that there is no need for a universal ethic? With the understanding that universally accepted norms would be few, and only concerning issues for which conflict dictates the necessity of resolution, the objection falls flat. The minimum of "limits as must be imposed in the interests of maintaining that peaceful and productive communal order" (Rescher, 1993, pp. 3-4) fairly describes what I mean by a universal ethic. I would not, however, "impose" limits, but would rather seek for norms discursively, involving as much as possible, all effected in the discourse. In short, I am arguing for a universal ethic of discursively mediated conflict at all levels (political, economic, cultural, inter- and intra-national), which may be expected to generate norms of international and intercultural interaction and even, in the long term, some sense of the global common good and who we want to be as a global human community.

4.2   Jean-Francois Lyotard: Difference

Jean-Francois Lyotard mounts a more nuanced critique of Habermas, also involving the desirability of consensus. Simplistically put, Lyotard fears that any single "regimen", whether rules of discourse or achieved consensus, will unjustly suppress those who are different. A simplistic reading, however, does injustice to

Lyotard, and we must read him with greater finesse than we employed in reading

Rescher.

Writing partly in refutation of Habermas' *Legitimation Crisis* (Jameson, 1984,

pp. vii), Lyotard agrees in *The Postmodern Condition* that there is a crisis of

legitimation, but he positions the cause of the crises in an "incredulity toward

metanarratives" (PMC, pp. xxiv). What he means, in short, is that "we" can no longer

believe in the ideals of the Enlightenment: emancipation, reason, progress, a single

humanity with a single history and destiny (PMC, pp. 37-41). Although he writes that

"Most people have lost the nostalgia for the lost narrative" (PMC, p. 41), it is not at

all clear whether he means seriously to claim that *in fact* Europeans (with the

exception, of course, of Habermas), no longer believe in those ideals or that they

ought not to believe in them. In either case, Habermas' program of rebuilding

legitimacy through communicative reason, according to Lyotard, depends on those

narratives, and is thus, at best, a losing game. But indeed, for *The Postmodern

Condition*, all fields of knowledge and of human endeavor are no more than language

games, and any game that interferes with other games, as do the games of the

metanarratives of modernity and the discursive search for consensus, is thereby

totalitarian (PMC, pp. 65-66). The more one reads Lyotard, however, the more clear it

becomes that he does not give straightforward arguments for definite theses in the

way that Habermas does.

The argument in *The Postmodern Condition* is easily demolished in the same

manner that Habermas demolishes the arguments of other "postmodernists" such as

Derrida and Foucault in *The Philosophical Discourse of Modernity*: totalizing

critiques of reason invalidate themselves. If *all* use of reason is suspect then the

statement "all use of reason is suspect", together with the arguments leading to that statement, are *also* suspect, and we may as well suppose that the use of reason is often *not* suspect. For Lyotard: the various fields of knowledge, and human activity, are no more than so many language games each with its own rules; they cannot, without injustice, encroach one upon any other (as the rules of chess cannot be imposed upon the game of checkers); the incredulity toward metanarratives means that there is no master game or meta-language to coordinate the others (PMC, pp. 40-41); but if such a master game still existed, it could only be totalitarian and unjust. However, if that is the case, then the argument of *The Postmodern Condition* is only a move in a particular game with no legitimate bearing on the many other games. Lyotard's critique of the legitimation of the physical sciences, for example, can have no bearing on the physical sciences since they are a different game. His incredulity toward Habermasian discourse is irrelevant to the desirability of that discourse, because it is a different game from the one he is playing (or, if it is the same game,[21] then he is involved in a performative contradiction). But this is too easy, suspiciously easy. In *Just Gaming* published the same year, he develops, in dialogue with Jean-Loup Thébaud, the thesis that all fields of human activity are games and that each game must avoid interfering with the other games. In the last line of the dialogue, Thébaud points out that in saying so, Lyotard has made *this* game, the dialogue, the book, a totalitarian, unjust master game: "Here you are talking like the great prescriber himself..." followed by the final word in the book: "(laughter)" (JG, p. 100). Samuel Weber makes much of the corner that Lyotard has backed himself into, and the

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[21] We might well argue that *The Postmodern Condition* is one of Lyotard's many contributions to the discourse seeking just resolutions to contemporary problems of legitimation.

"unease" of the laughter (Weber, 1985, p. 104). But, again, the criticism is too easy—

Lyotard *knew* what he was doing, and that suggests a less direct approach to reading

him. Indeed, at the very beginning of *Just Gaming*, he hints at how he should be read

when he remarks that in writing a book he intends to make an *impression*, and, in

some cases (*L'Économie libidinale*), not expecting any response from readers (JG,

pp. 3-5). Similarly, in the preface to *The Differend* he writes that he "will never know

whether or not the phrases [of this book] happen to arrive at their destination, . . . he

must not know" (TD, pp. xvi).

In "Answering the Question: What is Postmodernism" Lyotard gives implicit

instructions for reading his work. Postmodern art, including literature, he maintains, is

the attempt to present the unpresentable, the "differend" (WP, p. 81). If this applies to

Lyotard himself ("it is *our* business", he writes, to allude to the unpresentable (WP,

p. 81, emphasis added)), then we should not expect to read him as a series of

propositions and inferences for which he directly claims validity. His arguments are

labyrinthine, bending and twisting into paradoxes such that when one traces his way

to the end, he finds himself back at the beginning. But perhaps an impression has been

made, or an allusion, that could not have been put into propositional form. The text of

Just Gaming with its self-conscious laughter should perhaps be taken as just a game.

There is nothing but games Lyotard insists; what he means is: *look to what is* not *a*

game, but between *the games.*

Reading Lyotard in this way, his central idea comes down not to a proposition,

but to a question: *What are we to do after Auschwitz?*[22] "We", of course refers to

post-Enlightenment, modernizing Europe. The project of modernity, of

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[22] See, for example, Bergoffen, "Interrupting Lyotard: Whither the We?".

Enlightenment, whether or not it can be blamed *directly* for Auschwitz, whether or not, that is, it led *inevitably* to Auschwitz, led, in some measure at least, *to* it and must end there. In particular, the totalizing, universalizing notion of humanity as a single subject of history, either as fact or ideal, led to, or at least justified, the attempted total extermination of those not part of that "universal" subject, the *others*. Thus, Lyotard's: "Let us wage a war on totality" (WP, p. 82). Thus, we cannot, or *should* not, be credulous towards the metanarratives of the Enlightenment (see, for example, TD, p. 89). At the same time, the European "we" who survived continue to exist, to eat to sleep to love, and hate, "we" who were and are, in spite of everything, nurtured on the Enlightenment: there is no last moment, no final end. Or as Lyotard has it in *The Differend*, there is no first and no last phrase: every phrase of necessity must be linked to a next... and a next (TD, pp. 11, 29). Having phrased Auschwitz, what can European modernity phrase now? Nothing, obviously, and yet it cannot *not* phrase. This impossible necessity is what Lyotard calls the *differend*—what cannot be said, what cannot be shown, yet which is real and *necessary* to reality. Auschwitz, then, does not supply the only differend, differends abound, especially in what we call injustice, *wrongs* in the diction of *The Differend*. Injustice, because what cannot be spoken of is nevertheless spoken of, necessarily in a way that conceals, denying its reality. Anything we *say* about Auschwitz (or, for example, Takbai), for example, denies it. But for Lyotard, all actions are phrases, every action is speaking (even non-human nature phrases: in perception, "an unknown addressor speaks matter" (TD, p. 63)). Thus, the Nuremberg war-crimes trials constitute a phrase following, commenting upon, the phrase that is Auschwitz. But in commenting upon it, the phrase of the trials conceals and denies the reality of Auschwitz (TD, pp. 56-58): *as*

though justice could be restored, *as though* the wounds could be healed, *as though* modernity could resume its forward march. Rather: the ideals of the Enlightenment, the metanarratives, expired in the gas chambers, fell to ashes in the crematoriums. All that remains are the husks of those chambers swept clean and maintained at Auschwitz, now, as a memorial.

Auschwitz is not the only differend, I would say that it is emblematic, except that to say so threatens to conceal and deny the reality of other differends; one impossibility is not the same as other impossibilities. Lyotard's, as it were canonical, definition of a differend is a conflict of genres (similar to language games) that must be resolved, but for which there is no language capable of representing the reality and concerns of both. Any resolution, then, necessarily suppresses something of one, of the other, or of both (TD, p. 9). In a capitalist economy, for example (TD, pp. 11-12), labor is treated as a commodity, bought and sold like other commodities. But labor is human-reality: human effort in the irreplaceable time of human life, people in their actual lives; human-reality is not and cannot be a commodity.[23] Now, in a capitalist democracy, labor disputes can only be adjudicated in terms of labor-as-commodity; thus, even when the workers win litigation (say, a demand for compensation for on-the-job injuries), injustice is done to them as *human beings*. As another example: the victims of the Nazi genocide cannot testify to their own murders, thus the genocide can be, and is, denied (TD, pp. 3ff). What *must* be said *cannot* be said. Auschwitz is an example, but not just an example, it is rather the central differend for European modernity: What do "we" do now?

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[23] For example, I cannot buy back the hours of life that I have sold on the labor market.

And in all this it seems clear to me that, as with games, in defining all of existence as phrases, Lyotard presents as forcefully and purely as possible what is *not* a phrase, or phraseable. "Purely" because to write the phrase, as I just did, "what is *not* a phrase", is already to miss and miss-present the unphraseable. The human-reality of labor, or of death, *cannot* be said, yet is of the very foundation of our existence; yet are vulnerable. "Vengeance [as the unphraseable response to injustice] disavows the authority of any tribunal of phrases" (c.f. TD, pp. 30-31). Reality entails, or is composed of, differends (TD, pp. 55; Ross, 2002, p. 165).

4.2.1 Contra Habermas

Habermas work is very much an attempt to answer questions similar to Lyotard's: How can we avoid totalitarianism in all its forms? How can we ensure that the horrors of the Nazi extermination campaign never recur? How can we recover the project of emancipation, recognizing, now, that there are features of that project that easily, if paradoxically, slip over into totalitarianism (universality) and extermination (uniformity)? Writing after the reconstruction of Europe, when life and work had returned to normalcy, Habermas reinterpreted the paradox, as we have seen, in terms of the colonization of the lifeworld by the system. That process turns human beings into units of production, but also leads to a crisis of legitimation, as the socialization processes in the lifeworld that legitimate the system are disrupted by the system. His hope that the process of "colonization" could be countered by rationalizing and strengthening the lifeworld led, in part to the development of Discourse Ethics.

And to Lyotard's criticism. In *What is Postmodernism?*, Lyotard notes that Habermas hopes that it will be possible to "bridge the gap between cognitive, ethical,

and political discourses, thus opening the way to a unity of experience." (WP., pp. 73-74)

He continues, "My question is to determine what sort of unity Habermas has in mind," whether of an organic socio-cultural whole or some "passage between heterogeneous language games" that may or may not lead to synthesis. If an organic whole is what he means, then Lyotard believes that Habermas would be moving toward a Hegelian totalization, and possible totalitarianism. A "passage" between "games", on the other hand, seems to assume the Enlightenment ideas of "a unitary end of history and of a subject," ideas that have been seriously called into question, for example by Adorno. Lyotard says little more here, but it seems that he is reading too much into Habermas' concern, and/or perhaps reading Habermas too little. Habermas, of course, is concerned with overcoming the radical differentiation of value spheres that has removed important life issues from the lifeworld of ordinary people, and given them to specialists. He calls neither for an organic socio-cultural whole (and consequent totalitarianism), nor for synthesis of diverse games (and a universal subject of history etc.), but for a reintegration of the life functions of ordinary people. Lyotard seems to think that the distinct spheres (he names cognitive, ethical, and political, while Habermas would say conative, ethical, and aesthetic) are simply different language games that should not be mixed. But Habermas is not suggesting mixing them; in fact, he *would not* mix them (TCII, p. 330). Rather, truth and justice are matters of real concern (not just games) to ordinary people that have, to some extent, been taken out of their hands, but in which they must have the opportunity to participate if they are to resist domination by the system (see Chapter II). Surely, Lyotard would not maintain that one person can play only one game, that a

mathematician, say, should not, as *also* a citizen, concern himself with issues of justice.

Lyotard extends his critique of the supposed pursuit of unity, to object to Habermas' use of consensus to underwrite legitimacy, and to call into question the ability of discourse to generate legitimating consensus. His direct criticisms are very similar to Rescher's,[24] for example writing of discourse as if it were "argumentation with a view *only* to consensus" (emphasis added; PMC, p. 28), and pointing out that actual consensus is often irrational and counter to the interests of those who participate in it (PMC, p. 60). Like Rescher after him, Lyotard points out the importance of dissensus in the scientific pursuit of truth and the contingency of any discursively achieved consensus, "Consensus is a horizon that is never reached" (PMC, p. 61). He demands too much of consensus, for example, that it define *everything*, then declares it impossible (TD, p. 56). He demands too much of discourse, for example, that it regulate *all* of human society, then declares it inadequate (PMC, p. 65).

To the extent that these criticisms are meant for Habermas, Lyotard, in a way that exactly parallels Rescher, misunderstands him. I refer the reader to the section on Rescher for responses to these criticisms. However, to leave it at that would be to misunderstand Lyotard. Lyotard mounts no point-by-point refutation of Habermas and it is not always clear that he means a critique of Habermas himself so much as an impressionistic caution against putting too much faith in consensus and discourse.

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[24] Though he never refers to Lyotard, Rescher's *Pluralism* reads like a point-by-point attempt to explain *The Post Modern Condition*, shorn of Lyotard's more fundamental critique.

More importantly, these cautions are embedded in (and perhaps not necessary to) Lyotard's wider argument.

Lyotard opens that argument in *The Post Modern Condition* with an exploration of legitimacy. Legitimacy is not grounded in consensus, he writes, but is always and everywhere *necessarily* grounded in narratives (PMC, p. 30). For traditional societies the narratives are the stories of origins and exploits of heroes, and society legitimates itself by making itself a part of those stories (TD, pp. 152-156), "In a sense, the people are only that which actualizes the narratives" (PMC, p. 23). For modern societies, the narratives are the metanarratives of the Enlightenment, that is, *ideals*: "the name of the hero is the people, the sign of legitimacy is the people's consensus, and their mode of creating norms is deliberation" (PMC, p. 30). Even in modern societies, however, he argues, narrative-as-story continues to legitimate activities on a small scale (see, for example, PMC, pp. 27-29, 60). The small-scale narratives, or "mini-narratives", that legitimate the actual life-conduct of men and women are subordinated to, and forced into conformity with, the metanarratives; in that sense, the metanarratives are unjust, inevitably generating differends. In the just (postmodern?) society, there would be no all embracing *master* narratives, whether metanarratives or otherwise, leaving the mininarratives to legitimate human activity in its multiple manifestations, without any one dominating any other (see, for example, PMC, pp. 66; WP, p. 82). Consensus, on Lyotard's reading, would be universality, and the, by definition unjust, imposition of a single master narrative over the mininarratives: The "hero" of the modern narrative, the people, is "entirely different from what is implied by traditional narrative knowledge which requires [no] deliberation, no cumulative progression, no pretension to universality" (PMC, p. 30).

The argument here, if we substitute "myth" for "narrative" closely parallels that of Horkheimer and Adorno in *Dialectic of Enlightenment*: Traditional myth/narratives (non-discursive, non-rational, non-criticizable) are overcome by Enlightenment rationality and the attendant ideals (universality, emancipation, progress). Those, however, turn out to be only a new myth/narrative complex, oppressive in new ways. The modern metanarrative, with its pretensions to universality, lead, for example, to the destruction of the traditional knowledge of peoples (PMC, p. 30). More fundamental yet, Lyotard holds that legitimacy through discursively achieved consensus is itself legitimated by modern narratives of legitimation (PMC, pp. 31-32): what legitimates the consensus? Answer: the metanarratives of the Enlightenment, that, *as narratives*, are uncriticizable. That, in turn, suggests that the structure of discourse that, for Habermas, rationalizes consensus and prevents it from becoming repressive, is itself a kind of "meta-level" of consensus (Vogt, 2002, p. 114) that is *imposed*, with the attendant possibility of repressing other ways of life. That is to say, it is not only the content of the consensus that may be repressive, but also the process of deliberation itself. There are, then, three objections to be addressed. First, that consensus is not legitimating; second, that consensus, even if discursively achieved, is repressive; and finally that the discursive processes itself is repressive.

Legitimation and consensus. If consensus is not integral to legitimation, then my definition in Chapter II is invalid (or else, Lyotard is using the word in a radically different way from Habermas and the dispute between them dissolves). I am prepared to concede, at least provisionally, that narrative is always and everywhere an ineradicable element of legitimation (PMC, p. 30). Indeed that seems consistent with Habermas' point that the unarticulated and unquestioned background of the lifeworld

is always present. Lyotard's insistence that the ideals of the Enlightenment are *no more* than new narratives (albeit "meta") strikes me as a rhetorical trick allowing him to universalize (!) his analyses by way of narrative, but I will not argue the point here. Lyotard writes that the legitimating narratives of modernity involve either: the people as the subject of history marching toward emancipation, or: the people as the goal of history, to be formed by the work of the Spirit of Reason (PMC, p. 33). We may grant that such narratives have legitimated science and the state, but we ask what Lyotard never asks: Legitimate for *whom*? He cites a number of instances. Science itself, he writes, is legitimated through the narratives of progress and emancipation according to which science emancipates man from superstition and shows the way to become human (PMC, p. 28). The question "what proof is there that my proof is true?" is answered, or deflected, by reference to those narratives. But in the face of the failure of those narratives, science loses that legitimation. Now, "the only legitimation [for a change in science's presuppositions] is that it will generate ideas" (PMC, p. 65). Again: legitimate for *whom*? As if in answer, he writes "the conditions of truth—the rules of the game of science, are immanent in that game . . . there is no other proof that the rules are good than the consensus extended to them by the experts" (PMC, p. 29). Lyotard seems inadvertently to have fallen back on the concept of consensus. But note that it is not a general consensus, but only of the experts. Still, one imagines that the process of reaching consensus would include discourse. Two observations: Lyotard seems close to conflating truth with legitimacy—and indeed he never actually *defines* legitimacy. Second, in treating science as a closed language game (see also PMC, p. 46), Lyotard cannot account for the facts (indeed ignores them) that, for example, computers compute, airplanes fly, and that smallpox has been eradicated. He

seems oblivious, moreover, to the fact that such actual contributions to human progress, however conceived, may contribute to the legitimation of science. Science is a game; but it is not wholly self-referential like chess or checkers. Rather its rules and its "moves" are a mode of engagement with what is *not* the game and those rules and moves are specifically intended to reveal patterns within what is not the game. In sum, science is a game only by an analogy, as a metaphor that Lyotard takes far too literally. (Or perhaps that is his implicit point: science engages something inexpressible that is not itself. The early pages of *The Differend* make it abundantly clear that self-enclosed language games *lie*.) I would like to suggest here that other language games, and in particular the game (or genre or narrative) of the discursive search for universal norms, likewise engages what is not that game, in particular, human relations in general, and gains its legitimacy in part from how well that engagement functions.

But the question remains: legitimate for whom? The only possible answer is: for the people impacted. Thus to say that science is "legitimate" must mean, at least in part, that the population that pays for it and benefits or suffers from it accepts that it is important enough to support. That is to say: it is legitimated by consensus. I would add that legitimacy also requires that science *is* important enough to support. Part of that importance may be that science produces truths, and that depends on its relation to a world beyond the boundaries of its "game". Lyotard would retort that the legitimacy of *truth* and of the search for it depends on narrative. But that in turn would depend on consensus in accepting the narratives. At bottom, narrative may well guide consensus, but consensus at the same time empowers narrative: a narrative that

is not told and accepted legitimates nothing. Thus, again, consensus is necessary, but not sufficient, to legitimacy.

Our concern here is with the legitimacy of norms, both moral (universal) and ethical (local). There can be no question that traditional, or pre-Enlightenment, norms were legitimated by narratives. These include both local narratives such as those discussed by Lyotard, that make no pretensions to universality and thus produce and legitimate norms only for the group that recounts them (PMC, pp. 23, 27; TD, p. 157), and master narratives such as those of Christianity that claim validity for all humanity, indeed all of existence, and in doing so imagine a single unified humanity. Lyotard would argue that what Habermas calls post-traditional norms are similarly legitimated by the narratives of the Enlightenment. But even granting that, the question remains: legitimate for *whom*? Legitimacy *means*, in part, acceptance by those affected, consensus. If we construct a concept of legitimacy disconnected from the idea of consensus, we end up with a "legitimacy" that has no force. In fact, legitimacy disconnected from consensus, would at best be what Habermas means by validity. A norm (say, *slavery is wrong*) could very well be valid but lack the force of legitimacy because there is no consensus on its validity. For Lyotard, legitimacy would seem to mean: it is included in the narrative. If we asked "which narrative?" he would, I suspect, be forced to answer: "The one which is current for the group in question" thus implicitly invoking consensus. Indeed, Lyotard cannot consistently evade the centrality of consensus to legitimacy. He writes: "Consensus has become an outmoded and suspect value. But justice as a value is neither outmoded nor suspect. We must thus arrive at an idea and practice of justice that is not linked to that of consensus" (PMC, p. 66).

"*We* must arrive at an idea and practice of justice. . ." In writing "we" Lyotard is calling for consensus on a new idea and practice of justice. But his most basic ideas assume already that consensus is integral to legitimacy. If the incredulity toward metanarratives de-legitimates those metanarratives, then credulity towards them, consensus, was part of their legitimacy and of their power to legitimate.

Consensus, discourse, and repression. For Lyotard, "the principle of consensus as a criterion of validation seems to be inadequate" for two reasons (PMC, p. 60). First, consensus understood as agreement among intelligent free agents is "based on the validity of the narrative of emancipation." Second, public opinion, and hence consensus, can be engineered by the system, in which case the *de facto* legitimating force is power. The second "inadequacy" amounts to a terse restatement of Habermas' thesis of the colonization of the lifeworld. There is no question that manipulated consensus can be repressive, but this is precisely what consensus achieved by discourse is meant to counteract. Only rational consensus counts as a criterion of validity; manipulated consensus does not. But manipulation is only an instance of a more general pattern. I suggested above that, adopting Lyotard's terminology, narrative guides consensus but that at the same time the efficacy of narrative depends on consensus. This is a pragmatic-hermeneutic circle with the possibility of unjust narrative and non-rational consensus reinforcing each other, leading to injustice against those who are different and to our own embrace of injustice against ourselves. Habermasian discourse breaks out of the circle in that every statement (including narratives and prior consensus) become criticizable by *anyone*. It is not that there is a neutral position from which to judge social practice, etc. (that could only be a universality of the sort feared by Horkheimer, Adorno,

Lyotard etc.), but that criticism from within initiates a search for justice in which all may participate. Achieved consensus on a norm constitutes a kind of universality, yet it always remains possible to criticize the norm, so that the universality is contingent. In Habermas, the immanent criticism of the early Critical School has become pragmatic and public.

But indeed, in writing that "We must thus arrive at an idea and practice of justice that is not linked to that of consensus", Lyotard is critiquing a (non-Habermasian) concept of consensus, and engaging in discourse towards rational consensus on a new idea of justice. That is, he is, in spite of himself, employing the Habermasian means of breaking the narrative-consensus circle.

The first inadequacy, that validation by rational consensus depends on the prior validity of Enlightenment narratives of emancipation bears discussion. First, if the principle of consensus as a criterion of validation" is "based on the validity of the narrative of emancipation" then the criterion must already be valid in order to validate its presuppositions. Habermas escapes this logical circularity inasmuch as he does not conceive consensus as a decisive criteria, but rather of open discourse as the search for validity; again, consensus that *p* does not strictly imply *that p*, but rather that we agree to accept that *p* until *p* is called into question by good reasons. Second, is it the case that communicative reason depends on Enlightenment narratives? And second, even if it does, does that necessarily invalidate consensus as a criterion of validation? Habermas, of course, very much embraces the values of the Enlightenment, though in profoundly modified form, and it is true that the idea of legitimation by rational consensus (for example, law is legitimate that is made by the people who must obey it) is based in Enlightenment ideals. But it is by no means clear that the concept of

legitimation by rational consensus continues to depend on those values and ideals in their original form. On the contrary, consensus is, as I have shown, inseparable from legitimacy with or without those or any other ideals. *Rational* consensus is structured so as to prevent the domination of *any* set of ideals, values, etc. and that would include those of the Enlightenment. That consideration suggests that having roots in the Enlightenment cannot necessarily invalidate a practice. Rather Enlightenment, in Habermas' reconstruction, is self-critical and hence overcomes itself, much as in Lyotard's first definition of postmodernism as tomorrow's modernism: modernism continually overcomes itself, or is postmodern before it is modern (WP, p. 79). Again, rational consensus is not imposed upon people, rather it is the agreement *of* those people on the validity of some statement and that agreement is always open to challenge. That alone would seem to answer the charge that consensus is repressive, since it seems nonsensical to say that the people repress themselves.

For Lyotard such answers only betray fealty to Enlightenment narratives (PMC, p. 35). However, his repeated suggestion that rational consensus is to be rejected *because* it is based in Enlightenment narratives reads as though the Enlightenment had taken on the narrative role of Satan, such that whatever is of the Enlightenment is for that reason evil. Let us, for a moment, accept Lyotard's premises: Every legitimation depends ultimately on narrative; New narratives then come into being as the old ones become incredible; The (meta)narratives of the Enlightenment have been discredited. I see no objection in all this, either rational or narrative, to encouraging rational discourse as a means of seeking consensual legitimation of norms. What Lyotard would have to do is to show how rational discourse leading to consensus is unjust. I address that possibility below.

Another line of argument is that genuine universal consensus is impossible, and that any apparent consensus is therefore illusory and imposed unjustly on those who are different. Habermas as we have seen is aware of this danger (JA, p. 15), and that is part of the reason that he has been writing more recently about ethical in addition to moral discourse. Moral discourse seeks to identify valid universal norms and to legitimize them with the help of consensus. But such norms are few and highly abstract, leaving broad range for local interpretation and implementation. Ethical discourse seeks to identify local norms, applicable to a restricted group, with no need for consistency with other groups. Thus in Habermas' vision there is ample provision for "mininarratives" with only the proviso that they must not violate the interests of any others (that is, must not violate universal norms).

Room for injustice nevertheless remains, first, in the restricted area in which ethical/local norms must conform to universal/moral norms. A deeper concern is the possibility that rational discourse leading to consensus is unjust. Vogt suggests that the discursive process constitutes a kind of "meta-level" of consensus that is *imposed*, with the attendant possibility of injustice to other ways of life. (Vogt, 2002, p. 114). These are discussed below.

4.2.2   *Lyotard and Habermas*

Lyotard is Habermas. Many of Lyotard's objections to Habermas' program dissolve when Habermas is better understood. In a number of statements, Lyotard even sounds like he is advocating Habermas' analyses, and I have indicated some of these in passing. There are others. For example, he writes in *The Post Modern Condition* (PCM, pp. 46-47) that with the technological value of "performativity",

that is efficiency, and the ascendancy of capitalist economic power, both science and

law have come to be legitimated on the basis of efficiency. Even the university,

previously legitimated by the emancipation narrative, he complains, has come to be

legitimated by performativity, charged to produce "so many doctors, so many teachers

. . . engineers . . . administrators, etc." (PMC, p. 48), thus subordinating the university

to existing powers (PMC, p. 50). In addition to what seems a nostalgia for the

"emancipation narrative" Lyotard is here describing impressionistically what

Habermas calls the mediatization and strengthening of the systems of economy and

power and their incursion into, or absorption of, the realms of law, science, and the

university. Lyotard writes, citing Luhman, that "decisions [of the system] do not have

to respect individuals' aspirations: the aspirations have to aspire to the decisions, or at

least to their effects" (PMC, p. 62). That, of course, is a restatement of the ideology

problematic, but put with the preceding, Lyotard's analysis of performativity

displacing narrative seems a repetition of Habermas' thesis of the system's

colonization of the lifeworld.

Finally, Lyotard writes:

> Most people have lost the nostalgia for the lost narrative. It in no way follows
> that they are reduced to barbarity. What saves them from it is their knowledge
> that legitimation can only spring from their own linguistic practice and
> communicational interaction. (PMC, p. 41).

That is, discourse has the potential of replacing the lost non-reflective, non-

criticizable legitimating narrative. Or, since as I have shown, legitimation is

inseparable from consensus, Lyotard is here arguing that discursively achieved

consensus has the potential of replacing consensus that is dictated or manipulated by

narrative in a way that supports justice, or, at least, non-barbarity. Indeed, the passage reads like a paraphrase of Habermas in *The Theory of Communicative Action* (TCII, p. 82).

Vogt, however, cautions against "toning down the differend between Habermas and Lyotard" (Vogt, 2002, p. 120). Our effort so far has perhaps only cleared the air of some misunderstandings, thus allowing us to see real differences.

Habermas is not Lyotard. Vogt feels that communicative ethics includes an assumption of an "unproblematic continuation of business as usual" and is incapable of recognizing differends, incapable of recognizing that business as usual was "vaporized in the Nazi crematoria" (Vogt, 2002, p. 123). He chides Manfred Frank in his defense of Habermas *vis-à-vis* Lyotard for reducing differends to dissensus; that is, to differences that *can be* formulated and discussed in the same terms (Vogt, 2002, p. 114). In doing so, Frank dissolves the very concept of differend. To ask whether or not Habermasian communicative ethics is capable of recognizing differends (and whether there are such things as differends), is to address the residual issues alluded to above. First, does the demand that ethical (local) norms not violate moral (universal) norms entail a violation of the local? Second, is the discursive process itself only a particular culture-bound game that thereby excludes non-Western/modern groups? If so, then to the extent that discourse is given the task of legitimating universal norms it would seem to commit injustices against those groups. Similarly, are there conflicts of difference even within cultures that cannot be expressed and mediated in a single genre/language game? If so, then discourse aimed at resolving those conflicts would do injustice to one or more faction.

The first question is interesting in that it leads us directly to the paradox that Lyotard encountered in *Just Gaming*. We recall that universal norms are those that protect the interests of all, both individually and collectively, and typically take the form of rights. Universal norms, then, mirror Lyotard's prescriptive that no language game interferes with the conduct of any other language game. The paradox for Lyotard is that such a descriptive is an interference of the very sort that the prescriptive forbids, and thus, at least in the abstract, an injustice, a differend. Is it in fact the case that the rule not to interfere (to protect the interests of all) is sometimes an interference (counter to the interests of some)? Unhappily for Habermas, it is easy to imagine such cases. It is in the interests of the United States to interfere in the internal affairs of other countries, for example, to anticipate and prevent terrorist attacks against itself. To forbid such interference would interfere with the United States and thus violate the non-interference rule. Evangelical Christians believe that it is both in their interests and in the interests of others, as well as a religious duty, to use every possible means to convert those others to Christianity, even when those others have similar beliefs about another religion. A non-interference rule forbidding Christians to attempt to convert others would interfere with the practice of their religion. But the key to calling these situations differends is that there is no common language in which the differences can be discussed and resolved. An Evangelical Christian, for example, is not permitted by his religion or his personal identity to come to agreement with a Muslim to "live and let live". Those with a modern secular perspective simply *cannot* comprehend the theological politics of much of the non-Western world, for example, of Iran (Lilla, 2007). There remain, then, differends,

non-negotiable differences that apparently cannot be discursively resolved without injustice.

Is the discursive approach to consensus as imagined by Habermas a culture-bound practice that by its very structure excludes much of humanity no matter how open it is to participation? I have already expressed my own reservations in this respect: the rules of discourse may well not be the universal presuppositions of human speech. Nevertheless, as I have argued, argumentation in accord with those rules is probably among the linguistic competencies of nearly everyone everywhere. Thus widespread moral and ethical discourse should be possible. Is there a differend here? I suspect that there is. Again, for fundamentalist Christians and Muslims to submit questions of faith, including conflicting claims to universality for norms, to the type of discourse that Habermas envisions would be for each to betray their faith. The failure of the United States to institute participatory democracy in Iraq may be due to an incompatibility of Iraqi culture (or of its several cultures) with modern discursive decision-making practices. As already indicated, Habermas himself seems tacitly to acknowledge the differend here in writing that the success of communicative rationality to resolve broad areas of social conflict requires a culture that meets it halfway.

And finally, can there be differences within the same culture such that conflicts cannot be mediated discursively without injustice? *The Differend* endeavors to show that there are. The example mentioned above of labor as a differend between the human-reality of the workers and the performativity demands of the economic machine is, to my mind, sufficiently convincing that such differends exist.

Generally, we may say, summarizing the arguments of *The Postmodern Condition* and *What is Postmodernism*, that any assumption that *every* difference can be mediated through discourse (that every reality is expressible) automatically denies the reality of differences that cannot be so mediated (realities that cannot be expressed). That denial then justifies elimination of differences, and of those who are different, by the state (the school, the corporation etc.) by making the elimination invisible (for example: the people in the South of Thailand have no legitimate grievances, therefore there are no insurrectionists, only common criminals).

Lyotard's program. I acknowledge then that differends are real and that Habermasian discourse would appear to be unable to resolve them. In one sense, this is hardly a criticism, however, since the very meaning of differend includes unresolvability. What, then, is Lyotard's program for coping with differends?

Such as I can reconstruct a program, it involves the rejection of the very idea of norms. Justice cannot be reduced to norms Vogt, speaking for Lyotard, insists (Vogt, 2002, p. 119), rather we must judge *without criteria* (JG, pp. 14-18). Roger Foster (1999, p. 93) puts it: "Justice necessarily lacks a language of its own." In other words, in each situation we must act *justly*, without being able to define justice. This is partly because each situation is unique and prior norms/criteria cannot be adequate to any specific situation: the universal is inadequate to the particular. But the objection to norms goes deeper in a way that is reminiscent of Levinas, who Lyotard cites approvingly (TD, pp. 110-116). For Levinas, the human other by his very presence makes a fundamental, inexplicable demand upon me—for unconditional support, acceptance, defense. In the presence of any human other, I am inexplicably but fundamentally and ineradicably responsible for his existence. For Lyotard (TD,

pp. 107-127), then, to act in conformity to criteria or norms is to fail to respond to the demand of the presence of the other. It is not only that norms are not adequate to the situation: even if they were adequate, norms permit me to act mechanically, the way a computer executes program instructions (my metaphor), without ever engaging the actual situation, without "being there" as it were: norms are alienating, they evade the "anxiety, namely the nothingness of a 'what-is-to-be-linked'" (TD, p. 143). We may put it this way: because each situation (potentially) includes differends, responding according to norms (potentially) commits injustice; one must therefore act according to the, as yet undefined, justice of the situation, potentially in radically new ways that may violate established norms. We must be free, Lyotard writes, to create new genres for linking onto phrases where existing genres entail differends (TD, p. 13).[25] To construct an example: if a soldier is ordered by his officer to fire on fleeing, unarmed boys, the norms that rule his life tell him to open fire; the only possible just action, however, may be to refuse. I want to emphasize that I do *not* mean that the soldier is faced with multiple conflicting norms. Rather, I am imagining a situation in which the immediate situation places an immediate human demand that conflicts with accepted norms. The norm says, "fire!" the terrified back of the running boy commands "hold fire!" Or if you prefer: the soldier is faced with the norm to follow orders and the norm not to kill; He has no criteria (meta-norm?) to decide between them, and no leisure for discourses of application. Or even to think it through. He must shoot or not shoot. Now.

I readily concede to Lyotard that in many situations there are unique factors that require judgment for which there are no existing criteria, and that living *only* by

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[25] On this subject see also Foster, "Strategies of Justice".

norms would alienate the actor from actual situations. But taken as a demand to eliminate norms and criteria, Lyotard's position is untenable on the face of it. To imagine actors acting without criteria is as absurd as to imagine speakers speaking without grammar. Grammar is employed in the generation of meaning, and in the creative generation of new meaning. The same is true of criteria and norms; they are necessary to meaningful action and to creative action. As Paul Fairfield puts it,

> The political actor is never without criteria. We are always already oriented as political agents by the traditions and forms of life to which we belong . . . our orientation toward practical situations is informed by the training and education we receive as members of an historical and political community. (Fairfield, 1994, p. 72).

But also, "Appropriate forms of action involve appropriating, applying, extending and transforming our historical traditions in a creative and prudent manner" (Fairfield, 1994, p. 72). In other words, criteria and norms orient us toward situations in which we may have sometimes to make unanticipated decisions for which there are no criteria—criteria and norms are necessary but ultimately inadequate. But such judgment without criteria contributes to the creation of new criteria. Granted, that in a special sense doing justice to the reality of the event requires breaking through the schema of criteria and norms, the criteria and norms are nevertheless the inevitable means by which we engage the event. It may well be the case that fundamental norms like "tell the truth!" address us immediately in the presence of a human other, as obligations and independently of any deliberation, independently, even, of socialization, but how I enact (or refuse) that obligation will depend on the behavioral "grammar" of my culture. Too, what objection could there be to putting such

obligations as frequently arise into words and to socializing children in honesty, compassion, and the like? And discourse over which felt obligations should be canonized as norms is not only unobjectionable, but should be encouraged as a corrective to possible abuse of an ethic of immediate feeling, for example to prevent a paranoid legislator from enforcing what *he* feels as obligations. Moreover, refusing either to form or to follow criteria, how could we learn from our mistakes?

Because it is obvious, I have neglected to mentioned that Lyotard's program would "obviously" include "a renunciation of terror" (PMC, p. 66). Perhaps, also because it is obvious, Lyotard neglects to notice that he thus proposes as a universal norm the renunciation of terror.

Request for clarification. I should like to address a few clarifying questions to Lyotard concerning his program.

Would you, Achan Jean-Francois, have had France hold on to its colonies, say Algeria and Vietnam, as a result of refusing to form norms that would prefer liberating them? Would you have the United States continue invading other countries (Iraq) for failing to put its experience (Vietnam) into the form of norms? Would you doom Thailand suffering major political crises every ten years or so for the lack of consensus on democratic norms?

Might not insisting on judging without norms and without correction from others lead to subjectivism and totalitarianism? I can easily imagine that judging without criteria and without correction may have led the young Pol Pot to become the monster that he did, all the while believing his judgments to be just. It is necessary, then, to allow for correction from others, but wouldn't such corrections amount to criteria, norms? Indeed might not correction from others take the form of discourse

ethics? For example, suppose that one steals a memory stick, judging without criteria that his need outweighs the profits of the corporation. His friend says, "Why did you do that?" etc.

We may agree that the Nuremberg trials as the phrase linked to the Nazi genocide were an injustice in that they pretended to a justice that *could not* be done. But would you prefer that the trials had not taken place? And the likelihood that genocide would have come to be seen as part of the normal (and thus tolerable) course of war?

With your rejection of Enlightenment narratives, do you then *oppose* emancipation, equality and the rest? Are you then eager to accept domination of one group by another or of all by one? You answer, I imagine, that what you advocate is *beyond* the metanarratives: they posit an emancipation and equality that is totalitarian because the same for all. You advocate, rather the mininarrative, an emancipation that is the absolute independence of each (but: each *what*?) from the others. Overlooking what you already know, that the rule of independence violates the independence of all, I should like to imagine a situation. An ethnic Thai and an ethnic Chinese, both Thai citizens, fall in love and wish to marry. The customs (genre, mininarratives) of one dictate that the couple will live with the girl's family, the customs of the other, with the boy's. Would you then, forbid their relationship because it entails a mixing, an interference, a conflict of mininarratives? Would you not really permit a Habermasian type of discourse to come to some consensus between the two families and the couple as to where they will live?

Lyotard is Lyotard. But to take Lyotard so literally is, I suggest, to miss his point. He is not so unimaginative as to fail to anticipate such problems. Rather he

wants to say: something is inevitably broken here. Whether or not there is resolution something is necessarily broken. He would insist on recognizing the anguish, the loss, of that brokenness, but also, and more, that the reality of the situation is *in the brokenness* (the reality of Auschwitz, of Takbai, is shown in the impossibility of expression, the brokenness of the phrasing. See TD, pp. 57-58).

Lyotard's question, again, is: *How do we proceed after Auschwitz?* His concern, on my reading, is not to answer that question but adequately to ask it, to do justice, as it were, to the fact that justice cannot be done and to "bear witness" (TD, p. 13) to the multiple injustices that are attendant upon modernity, but that modernity because of its pretensions of universality, humanity etc. cannot acknowledge or even see. He points out the inadequacies in Habermas' program not in order to propose a better way, and not as an argument that discourse and rational consensus should be banished from the political landscape. He does mean to point out the dangers of a universalistic ethic—but more than that, he means to insist upon the realities that are not and cannot be addressed in *any* program. He has no program, in other words, except the continual search for new genres, to be always, always prepared to go beyond the strictures of *every* program, beyond the rules of *every* game. The ethical for him, as for Levinas, according to Aylesworth, does not effect us as "the moral law, which would be a unifying rule for the disposition to act but as an openness to alterity and to responsibility toward the other." (Aylesworth ,2002, p. 93). In each event, one decides anew, and justice is never accomplished, but can only be repeatedly recreated (Aylesworth, 2002, p. 94). The soldier, regardless of the norms, no matter how discursively formed, of obedience or of national security or..., must refuse the order to murder this fleeing boy whose human-reality is denied by the labels: "criminal",

"insurgent", "separatist". (But this little story about the soldier, the order, and the boy must be read only as a story, not as a rule to be obediently followed, not as a narrative grounding a norm).

Lyotard and Habermas. Again, as an ethical theory, Lyotard's position is untenable. Aylesworth writes that it is "hardly applicable when we are called upon to make moral judgments in specific cases." (Aylesworth, 2002, p. 98). I should like to point out another set of problems, that of public policy, law, jurisprudence etc. Policy makers and legislators are not *in* the events for which they are making decisions; indeed, they can only anticipate what kinds of situations may occur based on past experience. Even judges are not involved the events about which they judge. For legislators to legislate and judges to judge without criteria but rather based only on their feelings of the moment would clearly be disastrous. Indeed, without criteria and norms of governance, the university in which Lyotard worked and wrote would be impossible. The criteria by which we judge, moreover, are not permanently fixed, as Lyotard seems to fear. In Paul Fairfield's words, criteria in actual public life "are contested"

> not only with respect to their meaning but also with respect to their relative priority within a broader fabric of political concerns. Whether we choose, for instance, to award a higher priority to individual liberty or to the common welfare, to equality of opportunity or of economic condition, will have far-reaching policy implications. (Fairfield, 1994, p. 73)

Habermas' theory is specifically concerned with these issues and with the *procedure* for identifying and legitimating norms for regulating public life.

But as Aylesworth also writes, "Mere procedure (contra Habermas) is not enough: the right word occurs as a free intuition." (Aylesworth 2002, p.91). I do not understand Habermas as claiming that procedure alone is enough, although he hardly writes about anything else. What is missing in Habermas is a satisfactory discussion as to what kinds of reasons might be brought to moral and ethical discourse. (U) really only provides a rule of inference without real moral content except the negative requirement that "interests" not be violated. On a deeper level Habermas provides no account of fundamental moral intuitions or to questions such as why, fundamentally, we *should* be moral. Those omissions are to be expected in a rigorously formal theory. Such writers as Lyotard and, for example, Levinas, attempt to fill this gap by identifying the immediate human experience of ethical choice. Since that experience cannot be discursively explained or justified, Lyotard's work comes across rather as moral demand and challenge, than as workable theory.

These considerations suggest that while serious disagreement remains between the two, those disagreements do not amount to a "differend" as Vogt believes. Their work is rather complementary, each filling in what the other lacks. Lyotard is concerned with how we, as persons, respond in each unrepeatable moment, each unique situation; Habermas is concerned with how we regulate our ongoing life together. For example, Lyotard would insist that the soldier under orders to kill must break through received norms in responding to the order and to the person (victim? criminal? insurgent? boy?) in front of him. Habermas is concerned to implement norms such that soldiers would not be ordered to commit murder.

Lyotard (through Vogt) is quite right that justice cannot be reduced to norms. But he is wrong if he really insists that we should, or even could, live without norms.

He is quite right to caution that making consensus alone the basis of legitimacy can justify oppression. He is wrong if he seriously rejects the fact that discursively achieved and always-criticizable rational consensus, as Habermas conceives it, is not only compatible with, but also *necessary* to, a just social order.

4.2.3 Discursive exclusion

There remains the problem that the process of discourse may, first, exclude certain regions of human-reality and second, that it may exclude, by incompatibility, some non-Western cultures. Vogt expresses the problem as "discursive ethics' metalinguistic pretension to the domination and mastery of other language games" (Vogt, 2002, p. 120).

But this is the reality: the multiplicity of language games inevitably intrude upon each other and some sort of discussion necessarily ensues—even if the phrases take the form of bullets. It is not a matter of discourse coming in and imposing itself, but of what sort of discussion will ensue, and whether or not discourse is a preferable option. Granted that human-reality is often in fact excluded in specific discourses, for example in labor negotiations: Is such exclusion necessary to discourse as such, or is it possible for the process of discourse to modify itself into (borrowing Lyotard's terminology) new genres capable of including formerly incompatible phrases in dispute? Habermas specifies that, in the ideal discourse, all affected are free to express any and all relevant concerns, but that all must be prepared to give reasons for their statements and only the force of the best argument may prevail. Does this provide sufficient flexibility in the restricted area of our interest, the search for valid norms? I cannot attempt here a decisive answer, but surely much depends on what

sorts of contributions to the discourse count as "reasons" and since the rule of inference (U) turns on interests, what counts as "interests". My impression is that Habermas would rather narrowly restrict these, and indeed he has been slow to acknowledge that interests are largely culturally determined and that (U) thus brings local ethical concerns into the search for universal norms (see Warnke, 1995; Finke, 2000). I believe, however, that the discursive arena can be loosened sufficiently to reduce intractable differends to a minimum.

The cross-cultural question is more difficult. Many non-Western societies are clearly not structured along discursive lines. Even in a nation as modernized as Thailand the idea of discursively achieved norms seems foreign, and perhaps even sacrilegious to the vast majority who look to the narratives of Buddhism or of Islam to validate the norms to which they grant consensus. Yet, saying so forces upon us the necessity of mediating these two narratives. Where the norms of Islam conflict with the norms of Buddhism, how are we as a nation to choose the norms by which public life is to be regulated? The only alternative to domination and force would seem to be discourse aimed at formulating principles acceptable to both. I submit that the potential differend entailed by adopting discursive practices at odds with our hierarchical customs, would be preferable to the terroristic imposition of the one upon the other. Such discourse would require a broadening of what counts as reasons and interests to include religious beliefs.

To make discourse ethics an effective approach to the search for universal, that is, globally legitimated, norms, then, I would expand the range of permissible interests and reasons to include those that are religious, cultural, local-narrative, etc. Habermas has already gone some distance in this direction in recent writings, in

allowing that religion remains and is a growing force in public life. Still, he holds that religionists must ultimately learn to translate their religious concerns into secular terms in order to enter into public discourse (Holberg Lecture, Habermas, 2005). I would not make that requirement. That God forbids homosexuality can be accepted as a reason by non-theists inasmuch as they understand that it is in the Muslim's and Christian's interest to follow the dictates of their religion. Others, may well have what they feel are better reasons for not forbidding homosexuality, with the result that there will be no universal rational consensus and hence no universal norm on the issue, while each community is free to keep its own norms. While Evangelical Christians would not consent to a norm banning efforts at conversion, they might assent to norms limiting the means.[26] Since different communities will have different, often incompatible reasons for supporting the same norms, I would accept Rawls idea of overlapping consensus, historically rejected as genuine consensus by Habermas. Farid Abdel-Nour (2004) has argued that Habermas has tacitly dropped his rejection of overlapping consensus. By opening up the field of reasons and interests, moral-ethical discourse would be expected sometimes to move into meta-discourse on what constitutes reasons and interests in the particular context. Here discussions of what fundamentally constitutes morality, including the contributions of such thinkers as Lyotard and Levinas would become directly relevant. For example, reasons in a discourse on the death penalty could include the human situation of executioner and condemned and whether executions put the entire society into the position of executioner. In other words discourse is the arena in which Lyotard could (and

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[26] The issue of whether and how to include religious statements in public discourse is far more complex than I can indicate here. Habermas' "Religion in the Public Sphere" (2005) includes an excellent review of the discussion.

already does) bring his ethical concerns—along with those of widely different persuasions. At the same time Lyotard—along with others of different persuasions—could (and do) breath the life of real ethical experience into the formal procedure that feels rather cold and sterile in Habermas' writings.

Such relaxations of rationality and of admissible interests would be expected to enhance the possibility of cross-cultural discourse. Yet it is evident to me that there are sometimes such vast differences that the rationality and interests of one culture simply cannot be expressed in the terms of the other. In such cases genuine discourse in specific areas cannot occur. The problem is not only in the incompatible content of specific beliefs, but rather in the incommensurability of lifeworlds, of the general background of implicit assumptions, expectations, action patterns etc. that are taken for granted and most of which are rarely or never thematized and discussed. Much of what is conflictual, then, cannot become the topic of discourse without first being made explicit; but making some things explicit may fundamentally change them. Yet, like Lyotard's phrases that cannot *not* link, diverse cultures and lifeworlds *are* in contact with one another, and cannot *not* interact. Habermas does not seem to notice the depth of difference between cultures. Lyotard notices, of course, but oddly seems to imagine that cultures and lifeworlds are rigid, static, and self-contained to the extent that the differends between them are forever ineradicable (Aylesworth, 2002, pp. 98-99). I would like to suggest, though I cannot explore the issue in any further depth, that imperfect discourse, though initially shot through with misunderstandings may, if structured along the lines sketched here, lead in time to a mutual accommodation of lifeworlds sufficient to allow the emergence of genuine discourse

and the common search for shared norms.[27] I want to emphasize that I am not imagining here a recovery of the Enlightenment ideal of a single humanity, a subject of universal history, either already existing or to be achieved, but rather means of mediating conflict and of managing from within the incessant, inevitable, and not necessarily undesirable intrusion of different lifeworlds upon one another, assimilations and diss-assimilations, mergings and separations, and, always, changes.

Vogt (2002, pp. 115-6) makes much of the fact that Jews were denied a voice in the German discourse leading up to Auschwitz. He would seem *therefore* to prefer shutting down discourse as even an option, than to allowing for even the possibility of Habermas' program of opening discourse up to *all*. But that leads me to finally address what Lyotard (TD, pp. 1-14) and others (for example, Vogt 115-117) seem to feel as their decisive criticism of discourse ethics. The victims of Nazi genocide are dead. They cannot, therefore, enter into discourse no matter how constituted. Discourse, therefore, cannot restore justice. That is true, of course, but that is to demand far too much of discourse ethics. The purpose of discourse ethics is not to *restore* justice, nor does Habermas or any advocate of discourse ethics to my knowledge expect it to do so. Rather the purpose of discourse ethics is to come to agreement on norms that will minimize injustice in the future.

4.3   Conclusion

In the several decades since the publication of *The Dialectic of Enlightenment*, when Auschwitz was a fresh, open wound in the flesh of Western history, the tone of

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[27] See Chambers, 1995, "Discourse and Democratic Practices", referenced in the previous chapter, on the role of partial consensus and imperfect discourse in leading to the possibility of genuine discourse and consensus.

discussion has become considerably more subdued and reasoned. Perhaps it is just this reasonableness that such writers as Lyotard would resist, as it seems to indicate a forgetting, a softening of the memory, an impermissible return to business as usual. Yet Lyotard himself cannot avoid being more reasonable than were Horkheimer and Adorno—they crying out in the pain and horror of the moment. Lyotard's is no longer a raging attack on reason itself, but only on totality, on universalization. But if universalization is to be blamed for Auschwitz, is particularism necessarily the solution? Do not particularisms rage against each other, seeking (as they do today) mutual extermination? Open discourse and rational consensus as conceived by Habermas suggests itself as a resolution of the universal-particular dichotomy: the universal is constructed from and by the particular while the particular takes its meaning from that process of construction (which is never complete). The universal and particular mutually imply, define, and redefine each other in continuing historical processes.

But it is just this sort of high abstraction that conceals the face of the human and makes persons expendable. *Persons* and *peoples* come into conflict, enter into discourse, find their way toward new consensus—in the process redefining themselves.

In summary, Lyotard has a valid concern that the emphasis on consensus and excessive faith in the regime of discourse, may fail to overcome, and may even perpetrate, differends, or injustices issuing from the interaction between differing "genres". His seeming call in *The Postmodern Condition* to keep the "genres", or "games", separate is paradoxical, and in any case, already and inevitable violated. In *The Differend* he speaks of creating new genres capable of doing justice to all parties

to conflict. Discourse as envisioned by Habermas and relaxed in the ways mentioned, I suggest, offers the best arena for creating such new "genres".

From my perspective, Lyotard's most telling indictment of the modernity in which Habermas' advocacy of discourse and rational consensus has its roots, and in particular the celebration of "the people" as hero of universal history, is that it tends to destroy traditional, that is to say non-modern, cultures. The reality, however, is that the destruction is already well advanced and modernization is irreversible. While Lyotard's demand, addressed to Europeans, may include that Europe cease interfering in non-Western cultures, the question, for *us* is, how are we as non-Western, non-modern peoples to resist destruction? Lyotard's valorization of the mininarrative is unhelpful. Discourse, on the other hand, offers a concrete means of asserting our cultures while coming to an acceptable, that is, consensual, accommodation with modernity. That is, a way, not of resisting modernization, but of constructing our own modernity. That need involve neither recapitulating the European Enlightenment, nor remaining rigidly the same, but reconstructing ourselves to meet radically changed and rapidly changing circumstances. As argued in Chapter III, then, discourse remains our best hope and unlike Lyotard's critique, advocacy of discourse yields specific policy proposals, such as creating public forums for discussion and guaranteeing freedom of expression.

As for the specific concern of this thesis, the formulation of universal norms to regulate relations among different cultures, Lyotard's rejection of criteria directs us to the living reality of morality and supplies the moment of human moral choice that Habermas' formality misses. Nevertheless, criteria and norms are necessary and

discourse ethics supplies a procedure for formulating them in a way that allows for the freedom and immediacy that Lyotard demands.

Lyotard's protests against consensus and discourse represent protests against the great historical injustices of the twentieth century. The justice and necessity of the protest, however, must not deter us from seeking means of avoiding repetitions of such injustices in the twenty-first.

Chapter V

Conclusions

5.1 Summary

In the preceding chapters I have taken as self-evident the urgent need for a universal ethic as a necessary component of non-lethal mediation of the conflicts that wrack our world at every level. Given the failure of every effort to impose a preconceived ethic regulating the relations of multiple incommensurable cultures, I have presented and argued in favor of a formal procedure of validating norms, rather than on a specific set of rules. That is discourse ethics as conceived by Jürgen Habermas, to which I have proposed some modifications to facilitate cross-cultural implementation. I have presented discourse in the context of the modernity-postmodernity debate, from Kant to Horkheimer and Adorno through Habermas to Lyotard, since Habermas' proposal is very much part of that debate. Nevertheless, I have tried to maintain focus on the pursuit of a universal ethic and to avoid plunging into, or taking sides, in the modernity-postmodernity debate itself.

In response to the radical critique of reason as engendering dehumanization in modern society, Habermas, recognizing the dehumanization, developed his theory of communicative reason, making rationality a dialogical rather than monological activity. According to that theory, when the communicative coordination of action is disrupted by conflict, actors suspend the activity and engage in discourse, hoping to achieve a consensus that will allow a resumption of common activity. Participants in discourse make statements with implicit validity claims, others criticize those

statements (approve or reject the validity claim) and the statements are defended. The ideal discourse is open, one in which every interested party participates and is free to make and to question any assertion, and in which the only force is the force of the best argument. Consensus achieved in this way is what I have called "rational consensus". Habermas believes that discourse and rational consensus can enable the lifeworld to resist the dehumanizing influences of the system.

Communicative rationality leads directly to discourse ethics. When conflicts over moral norms arrest continuing action, participants may suspend action to engage in discourse over which norms are just. The rule of inference for validating a norm, in effect, takes Kant's categorical imperative, which is monological, and makes it dialogical: only those norms are just that everyone would in fact agree are in the interests of all. Habermas later added to moral discourse, which seeks universal norms, ethical discourse, which defines values and the good within particular societies, and pragmatic discourse, which seeks means of achieving goals. I have argued that mixed discourses involving all three and over perhaps long periods of time will lead to a convergence of the particular ethics of societies with universal norms and even to a global convergence of complementarity among different cultures.

Against postmodernist critiques of Habermas' concern with consensus, I have argued that legitimating just norms, not consensus *per se* is the goal of discourse ethics. More serious is the postmodernist suspicion that discourse ethics amounts to a specific "language game" that may be incapable of mediating some conflicts with perfect justice. I agree that such conflicts exist and have proposed relaxing Habermas ideas of what constitutes reasons and what constitutes genuine rational consensus. In particular, I would allow religious convictions and the like as genuine reasons and

would recognize overlapping consensus as genuine. Still, conflicts may remain that cannot be discursively resolved with perfect justice, both between different cultures and within the same culture. Such conflict often cannot be avoided. I suggest that discourse as described by Habermas and with the relaxations proposed here is the best, if imperfect, arena for the inevitable battles of the modern world.

An even more serious concern is that discourse ethics depends on specifically Western/modern cultural constructs and that therefore it is not strictly formal and universal as Habermas claims. Habermas answers the concern by maintaining that the structures of communication on which discourse ethics is based are necessary and universal in human linguistic activity. His argument is less than fully convincing and I agree with the criticism that discourse ethics may be culturally biased in favor of Western modernity. My advocacy of discourse ethics in the non-West, then, may seem like an advocacy of cultural imperialism. The fact is, however, that through economic globalization, the non-West is being forced into a precipitous Westernization with which it can hardly cope. Perhaps like fighting fire with fire, Western inspired discursive practices may be the most effective means of managing the changes so as, not to become a poor imitation of the West, but to re-define ourselves on our own terms as conditions change.

5.2   Policy proposals

How might discourse ethics be implemented? Of course discourse (ethical or otherwise) is a free activity of autonomous agents and cannot be mandated, but state policy can encourage discourse and increase the likelihood that it will occur.

First, a high level of freedom of expression must be guaranteed, giving also a high level of certainty that people will not be penalized in any way for expressing opinions that may be unpopular or disapproved of by the government. In Thailand, that would include changing the libel laws so that criticism of political leaders and policies would never incur legal action. Similarly, there should be no threat of legal action for criticizing the judiciary.

Second, existing forums of public discourse should be expanded and new ones created. For example, newspapers could include a letters-to-the-editor page. There already exist radio call-in talk shows in which political issues are discussed. These should be encouraged and expanded, with similar programming implemented on television. A friend recently attended a state-sponsored seminar on democracy in a small rural village, in which the residents were encouraged to participate in discussion. Such seminars on a variety of topics should be conducted widely and frequently, not only to ascertain the interests, hopes, and desires of the people, but also to draw more and more people into the discursive political process. The danger of state-sponsored seminars or other forums is that the government in power may attempt to manipulate the outcome to its own interests. Safeguards must therefore be put in place in order to prevent such manipulation and to guarantee the openness of forums to *all* views. In this connection, it should be recognized that many languages are spoken in Thailand and that many are not fluent in, or comfortable with, standard Thai. The seminar just mentioned, for example, was held in Isan, but was conducted in standard Thai, thus excluding a significant number of the villagers. For discourse to flourish in Thailand, it must be possible to participate using one's native language.

Third, as Habermas indicated, discourse cannot function without conflict (LC, p. 92). Rather, discourse is invoked by conflict and proceeds by way of criticism and defense of validity claims. That suggests that the myth of a homogenous, harmonious Thai people should be dispelled. That myth has brought disaster in the south, and the recent political crises had strong regional overtones, suggesting that the myth of homogeneity has meant, in practice, the neglect of Isan and the North and that the myth of harmony has perpetuated that neglect. Rather, for discourse to function, and for real differences to be resolved requires recognizing the fact of the differences and inviting into the discourse the different groups, with their differences from each other and from the center. One policy change in support of discourse would accordingly be to relax the continuing efforts to force linguistic and cultural assimilation on the various regions. Offering bi-lingual education, employing both the local language and standard Thai, and permitting the use of the local language in local state offices would do much to generate a sense of participation in the national community and hence to draw more and more citizens into the national discourse. Similarly the myth of a single common history (Sukhothai, Ayutthya, Thonburi, Ratanakosin) rather than uniting everyone born within the present-day borders of Thailand, serves to exclude those with a different history (for example the Northeast, East, and South). Discourse among the various ethnic-linguistic peoples in Thailand, with the possibility of critiquing the official myths and narratives, may be expected to go much farther in forging a single Thai people than has denial and forced assimilation.

On the international scale, Thailand must insure that its representatives, diplomatic, academic, business etc. participate as much as possible in international forums. Such representatives must include not only the most highly educated and

most Westernized Thais available, but also those who share the interests of the ordinary people of the various ethnic groups. I sometimes have the impression, though it is only an impression, that Thailand and other non-Western countries participate in international forums not in order to discuss interests and needs, and to make, criticize, and defend validity claims, but rather in order to present Thailand on the "world stage" as an advanced, modern nation. In other words, there needs to be less concern with presenting ourselves as "world-class" and more concern with participating publicly in actual discourse addressing actual issues.

Habermas has written extensively about discourse and ways of facilitating it in Western societies. Research is needed in ways of facilitating discourse in non-Western societies, recognizing that different societies have different cultural assumptions and expectations and different patterns of life and thus may require different means of facilitating discourse.

5.3   Modernity/Postmodernity

I have avoided the modernism-postmodernism debate except as necessary to elucidate the idea and potential of discourse ethics. I do not now wish to take sides in the debate, but to add a dimension to it by asking a question: What is the meaning of these debates, or, for that matter, of Habermas' "unfinished project", for those of us who are not Western? Neither the Enlightenment nor Auschwitz is part of our history. The long history of Greece, Rome, the Middle Ages, and the Renaissance that led to and give meaning to the Enlightenment are not our history, and thus, to the extent that we modernize, modernity cannot have the same meaning for us as for the contemporary West. For the West modernization has been the self-liberation from

superstition, tyranny, and disease, and the shock of Auschwitz, and the sense that the dehumanization of modern life is a pathology is that self-liberation has brought new tyrannies and new diseases. For us, in contrast, modernization has been the adoption, by a mixture of choice and force, of Western technology and economic and political structures, without, however, the lifeworld background ideals of democracy, liberty, equality, and the like that those structures are meant to embody. Said differently: what does it mean to be Thai (for example) in political, economic, and social structures that are ostensibly mine, yet based on ideals that I neither hold nor thoroughly understand?

The modernity-postmodernity debates are internal to the West and the concern to respect the *other* is a concern for Western attitudes, leaving the *others* an undifferentiated abstract mass. Those debates may have relevance to the non-Western world inasmuch as we suffer the pathologies of dehumanization and totalitarianism in the wake of modernization. But just what that relevance is has, I believe, been inadequately explored. Or rather, that debate needs to be broken out to include voices and issues of the *others* for whom the problem is not only a dialectic internal to modernity but also the manifest conflict between modernity as *other* and their ways of life.

Many non-Western societies have attempted to adopt modern technology, including, necessarily, modern political and economic patterns while keeping traditional ways and values intact, to modernize their systems while insulating their lifeworlds from modernity. Such efforts fail, and *must* fail, because the economic and political systems necessary to support modern technology and wealth generation require personality, social, and cultural structures that are incommensurable with traditional structures. At best, traditional norms and values no longer function to

regulate social interactions and to impart meaning, and thus lose their necessity and, gradually, their legitimacy. But traditional norms and values may often be self-destructive in a modernized system. For example, a family that continues in traditional norms governing the use and sharing of land may be in danger of losing their land in a modernized system in which the spiritual bonds of ancestral lands are utterly meaningless. In any case, modernization/globalization opens up horizons of possibility to which traditional norms and values are simply irrelevant, complete with examples of existing societies that thrive *without* what had seemed to be eternal truths, values, and norms; indeed, without the very gods.

I have suggested that discourse ethics can be part of the process of *managing* the process of modernization. But the implementation of discourse ethics would itself be an element of modernization—and require a prior degree of modernization in order to function (a culture that "meets it halfway"). This is one area in which the modernity-postmodernity debate may be relevant, bringing out the dynamics between liberation and tyranny, of imposition and emancipation. I believe that extending the exploration beyond the internal dialectics of the West to include the external dynamics of modernity's imposition/adoption in non-Western societies could make important contributions to our understanding and management of modernization. Possible areas of research might include: The impact of modernization on narratives and narrative processes, and whether Lyotard's incredulity towards metanarratives translates to a collapse of narrative and loss of any possible legitimacy; To what extent do Western/Enlightenment ideals retain their meaning when they are adopted by modernizing societies and to what extent does official adoption of those ideals, for example in constitutions, lead to popular consensus? To what extent does post-

conventional morality translate to a complete absence of morality in societies that did not have a long period of development through the various stages hypothesized by Habermas?

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Biography

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