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Habermas and the Feminist Engagement with Communicative Ethics: Solidarity and Utopian Interests as a Corrective to Normative Political Problematics

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HABERMAS AND THE FEMINIST ENGAGEMENT WITH COMMUNICATIVE

ETHICS: SOLIDARITY AND UTOPIAN INTERESTS AS A CORRECTIVE TO

NORMATIVE POLITICAL PROBLEMATICS

A Dissertation

Submitted to the McAnulty College & Graduate School of Liberal Arts

Duquesne University

In partial fulfillment of the requirements for

the degree of Doctor of Philosophy

By

Taine Duncan

August 2010

HABERMAS AND THE FEMINIST ENGAGEMENT WITH COMMUNICATIVE

ETHICS: SOLIDARITY AND UTOPIAN INTERESTS AS A CORRECTIVE TO

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By

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ABSTRACT

HABERMAS AND THE FEMINIST ENGAGEMENT WITH COMMUNICATIVE

ETHICS: SOLIDARITY AND UTOPIAN INTERESTS AS A CORRECTIVE TO

NORMATIVE POLITICAL PROBLEMATICS

By

Taine Duncan

August 2010

Dissertation supervised by Dr. James Swindal.

My dissertation subjects Habermas to a critique inspired by ethical and political feminist philosophy. Whereas Habermas believes particularized political interests are foundational for communicative ethics, neo-Marxist feminists argue that he makes naïve assumptions about the separation of public from private interests. Habermas, on one hand, sees communication as politically oriented dialectics that culminates in rational consensus and normative guidelines. Seyla Benhabib, on the other hand, claim that Habermas' notion of consensus is obtained through false dialectical syntheses. In her view, Habermas cannot preserve the utopian goals cherished by diverse and marginalized members of society. Benhabib thus attempts to reconcile contemporary Critical Theory with the utopian nature of a neo-Kantian inspired ethics. My first three chapters argue that this feminist notion of utopianism is a helpful corrective to Critical Theory.

My next chapter moves to Habermas' most recent explorations of the nature of rational human beings themselves. Despite his interests in the individuating effects of the lifeworld, he gives an increasingly formalistic account of human nature—one that is all but solidified in the prenatal stage of life and thus determines potential political action in the public sphere. From a feminist standpoint, I argue that his strictures limit what normative ethics should actually engender, a notion of autonomy that contributes to emancipation and political participation.

My final two chapters argue more positively that a relational ethics contributes to an expansive understanding of human nature and intersubjective possibility. I explain how conceptions of diversity and relationality can supply a rich formulation of solidarity as the model for political action. I use Amy Allen, Drucilla Cornell and Judith Butler to reimagine an Arendtian inspired notion of solidarity, suggesting that the utopian spirit of normative ethics can be only fairly achieved through a fluid process of working together for shared interests. By synthesizing the feminist hopes for utopian ideals with the concept of solidarity emergent from a relational ethics, I attempt to salvage Habermasian concerns for a feminist project of cosmopolitanism and the foundation of an emancipatory ethical society.

DEDICATION

For George.

ACKNOWLEDGEMENT

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There was no strain between them and that cannot be explained. Better not. For either to try to. Not everything between two people can be laid before The Table for resolution. That's it.[1]—Nadine Gordimer.

Nadine Gordimer's *The Pickup* (2001) tells a thoroughly contemporary transnational and intercultural love story. Gordimer weaves an elegant tale of the meeting and relationship of Julie and Abdu (Ibrahim), spanning continents, traditions, and a process of maturation and growth. This story illuminates the complexity of intersubjective relationships, exposing the fundamental sharing of vulnerability at the heart of any human relationship. Simultaneously, their relationship highlights the irreconcilable differences that make every individual unique. Thematically, the novel also works through issues of gender, class, race, religion, and nationality. These complex and interwoven themes help to illuminate the core philosophical problems I deal with in this dissertation. In my research and writing, I hold that philosophy works best as an ever-developing and ever-changing dialogue with itself. In both Critical Theory and feminism, this methodology of self-critical examination and evolution is not merely a method, but integral to their respective philosophical systems. In what follows, I attempt a critical examination of the dialogue between Habermas and feminist philosophers, but

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[1] Gordimer, Nadine. *The Pickup*. New York: Farrar, Straus and Giroux, 2001. p. 229.

also among various feminist perspectives, ranging from Amy Allen and Bonnie Honig, to Judith Butler and Carole Pateman. However, keeping in mind the requisite development of critical reflection, I also offer an original analysis of substantive normativity, to which Habermas' argument in *The Future of Human Nature* seems to lead. This analysis culminates in a re-evaluation of autonomy in contemporary ethics. I contend that autonomy is relevant to the feminist concerns of participation, universalization, and innovation, which are all threatened by overly normatively conceived interests.

The general question that I am interested in answering is how to reconcile autonomy and power in human freedom. More specifically, I address the intersection between the theories of Habermas' communicative ethics and various feminist analyses of problems emerging from such a normative ethics, in order to account for a positive notion of autonomy founded in relational ethics. In my first chapter, I engage the neo-Marxist feminist critique of Habermasian normativity as reifying the distinction between public and private interests. In my next two chapters, I claim that Habermas' definition of normativity depends on an overly optimistic account of rational consensus. Here, I am most interested in uncovering the possibility for a utopian dimension in Habermasian ethics. In chapters 4 and 5, I synthesize these feminist critiques to lay out my original ethical position: a notion of human nature as embedded inextricably in relational ethics, dependent on solidarity and the utopian imaginary. In chapter 6, I address the relationship of the current movement in feminist philosophy to adopt and adapt Arendtian theory, and I demonstrate the link Arendt affords between Habermas and feminist theory on the basis of her conception of solidarity. Finally, I conclude by showing how revised notions of human nature, autonomy, and ethics can restore Habermas' own project, as

well as address the most important feminist concerns regarding normativity and rationally based autonomy.

Let me outline my argument in a bit more detail. I begin chapter 1 by exploring the relation between Habermas' depiction of particularized political interests as foundational for communicative ethics and the neo-Marxist feminist critique of his naïve assumptions about the separation of public from private interests. I am interested here in critiques ranging from the relatively established radical critique of contractualism espoused by Carole Pateman and Catherine MacKinnon, to the more nuanced views of someone like Bonnie Honig, who is sympathetic to Habermas' interest in preserving a clearly defined notion of rationally motivated society. I use these critiques as grounding for my analysis of Habermas' overly Hegelian conception of a communicative and politically oriented positive dialectics that culminates in rational consensus and normative guidelines. Critical theoretical feminists like Seyla Benhabib believe that Habermas—to his detriment—abandons the utopian goals of a Kantian inspired ethical system, in favor of false dialectical syntheses. Benhabib especially attempts to reconcile contemporary Critical Theory with the utopian nature of a neo-Kantian inspired ethics—salvaging Critical Theory for a feminist, cosmopolitan, and global society. Once I have made the argument that this feminist notion of utopianism could be a helpful corrective, I move to Habermas' most recent explorations of the nature of rational human beings themselves, in his books *The Future of Human Nature* and *Between Naturalism and Religion*. Here Habermas argues that human nature is circumscribed by the individual's ability to employ reason. Habermas continues to argue for an increasingly formalistic account of human nature—one that is all but solidified in the prenatal stage of biological life, and

determinate of potential political action in the public sphere. It is at this stage that I introduce my original feminist analysis of Habermas' increasingly substantive normativity. I argue that his strictures limit what normative ethics should actually engender; namely, a notion of autonomy that contributes to emancipation and political participation. I contend that Habermas' recent preoccupation with biological constraints and reason undermines his own interests in the intersubjective nature of lived experience and the ongoing process of subject formation. Instead, I argue that a relational ethics, grounded first in the intersubjective, rather than the biological, formal, or abstract-rational, contributes to an expansive understanding of human nature. I then explain that this concept of human diversity and relationality, can ground a rich conception of solidarity as the model for political action. Using feminist Critical Theorists like Amy Allen and Drucilla Cornell, I explore the possibility that the utopian spirit of normative consensus is fairly achieved only through a fluid process of working together for shared interests. By synthesizing the feminist hopes for utopian ideals with the concepts of solidarity that emerge from relational ethics, I then explore the possibility for salvaging Habermasian concerns for cosmopolitanism and an emancipatory ethical society by providing an inclusionary and proactive feminist grounding.

Introduction: Why Habermas and the Feminist Engagement with Communicative Ethics?

In the current academic atmosphere of theories concerning global politics, terrorism and economic hegemony, an understanding of political discourse seems not only important, but integral, to any attempt at understanding contemporary philosophy. Issues of language, politics, freedom and human interaction which have been central to

German philosophical thought throughout the history of philosophy are yet the subjects with which contemporary philosophers are most concerned. Meanwhile, contemporary philosophy is often faulted for being compartmentalized, with each theory or school acting as though completely isolated from every other theory. When theories intersect, generally they fail to fully engage one another, generating little or no productive dialogue. Out of this contemporary climate and philosophical heritage, scholars such as Habermas, Benhabib, Butler and Cornell reach beyond isolation and compartmentalization to productively engage in critically challenging dialogue. Similarly interested in intersubjective experience, political representation and the construction of "society," political feminism and Critical Theory have recognized their shared background in Marxist and Socialist interests and created theories which lend themselves to continuous debate.

On the side of Critical Theory, there is perhaps no more influential figure than Habermas. Habermas' interest in theories of democracy, American pragmatism, and his roots in The Frankfurt School of Critical Theory afford him a unique perspective on ethics, politics, and the future of philosophic debate. His magnum opus *The Theory of Communicative Action*, explains a system of discourse involving two equal interlocutors whose discussion, situated in a normative sphere, produces the possibility for social and political action. Several feminists contribute the other side of the dialogue, including, but far from being limited to, Carole Pateman, Catherine MacKinnon, Seyla Benhabib, Bonnie Honig, Nancy Fraser, Amy Allen, Judith Butler and Drucilla Cornell. These feminist political scholars are interested in the problematics of equal socio-political dialogue, especially in a world where the distinction between public and private spheres

still takes precedence. The research presented here allows me to address several philosophically important questions: How and why are these feminist critiques interrelated? What might the shared interest in Habermas/Critical Theory indicate about current trends in political feminism? Does the feminist confrontation with Habermas offer a unique insight into a synthesis of various feminist ideals, issues and concerns?

By constructing a theoretical dialogue wherein these various feminist positions can simultaneously engage one another, as well as Habermasian Critical Theory, I argue that I can best relate to the core problems concerning discourse, autonomy and intersubjectivity today. A cursory evaluation of the constructed Pateman-Benhabib engagement indicates that the relationship of Habermasian communicative action to political feminism is complex and potentially productive. Through my project, I seek to uncover the complexities of this relationship. On a first order level, I offer a philosophical exposition of Habermas' theory of communicative ethics and action as it relates to political feminism. On a deeper level, through my analysis of the pervading critiques of Habermas and normativity, I provide crucial linkages connecting the disparate feminist theories to one another.   As I explored the relationship between the various feminist positions, I discovered the possibility for an innovative and integrative approach to a Critical Theoretical feminist ethics.

Chapter 1: Feminism as Meta-Critical: The Redemption of the Other Major Antinomy in Critical Theory

Whereas, traditional Critical Theory attempts to restore the primacy of the antinomy between subject and object with society as mediation, political feminism,

particularly that represented by Carole Pateman, attempts to restore the missing

antinomy—a critical approach to society itself via a recognition of the tension between

public and private. Feminists often recognize an internal problem of Marxist theory as

reinforcing the separation of public and private. However, this problematization usually

falls short of requiring a critical reinstatement of the antinomy between public and private

as potentially productive for the feminist critical position. Reinvigorating the project of a

critical approach to the private sphere, Pateman and MacKinnon have addressed the

specific concerns of the separation of a feminine/private dimension of society. As

Pateman writes in *The Sexual Contract*: "The civil individual and the public realm appear

universal only in relation to and in opposition to the private sphere, the natural foundation

of civil life."[2] Applying this notion of the importance of the private realm to a critique of

Habermas' system of communicative action, several tensions between Habermas' theory

and feminist concerns emerge. Pateman, MacKinnon and others contrast Habermas'

notion of egalitarianism, universalization, and an emphasis on public discourse as

exclusionary of marginalized, individual and private concerns. However, this feminist

perspective may be limited as well; by developing a Critical Theory of the private as

foundational for the public, Pateman, in particular, risks a false reconcilement of the

antinomy in favor of the private sphere. Preserving the productive nature of this

antinomy, while ensuring that private interests do not collapse under the weight of the

generalized public sphere, requires a synthetic approach to Habermas' democratic realism

and feminist considerations of difference. In chapter 1, I make the argument that such a

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[2] Pateman, Carole. *The Sexual Contract*. Stanford: Stanford University Press, 1989. pp. 113-114.

synthetic approach is an integral part of productive feminist critique in contemporary

Critical Theory.

Chapter 2: Raising the Stakes: Normativity and the Problem of Feminist Belonging

Exploring autonomy and intersubjectivity through feminist lenses requires an

analysis of power, representation, and an exploration of political legitimation.   For

Habermas, these concepts are constrained theoretically by his narrow definition of

normativity as both the foundation for social relations, and the means through which

ethical society is ensured. In this chapter, I argue that Habermas' definition of

normativity is uniquely influential for feminist theories of autonomy, as both a challenge

to, and an inspiration for, feminist notions of difference, individuation, and participation.

The tension between feminist theories and a Habermasian notion of normativity further

exposes an internal tension within feminist Critical Theory: How can an emancipatory

theory simultaneously respect difference, while ensuring justification for social

participation? This dilemma develops explicitly in the influential feminist work *Feminist*

Contentions: A Philosophical Exchange (1995), with contributions from Seyla Benhabib,

Judith Butler, Drucilla Cornell, and Nancy Fraser. Ostensibly a debate between feminist

theorists on the usefulness of postmodern philosophy to feminist ethics and political

philosophy, this exchange is indicative of this central dilemma in establishing a feminist

Critical Theory. In order to develop this position, I articulate the progression of

Habermas' conception of normativity. Then, I relate this concept of normativity to both

the postmodern positions espoused by Butler and Cornell, as well as the more

conservative theoretical positions articulated by Benhabib and Fraser. I uncover how

even the most stringent postmodern position Butler puts forward is still dependent on a notion of discursivity with normative understanding at its core. Simultaneously, the most sympathetic and Habermasian argument maintained by Benhabib exposes the difficulty normative theory faces with particularity and difference. I end this chapter by analyzing case studies, embodying the Critical Theoretical emphasis on relating theory and practice. With both women's health care, and transnational feminist concerns for Afghani emancipation, normative theories provide valuable means for evaluation and justification, while at the same time tending towards anonymous universalization and disguising particularized needs and problems. The theoretical alternative begins to emerge as a relationally grounded ethics, neither abstracted in an absolute postmodern sense, nor leveled by overly rationalist normative Critical Theory.

Chapter 3: Seeking Utopia: A Feminist Critical Analysis of Habermas' Consensus

Orientation

In another vein of feminist discourse and debate, Seyla Benhabib and Bonnie Honig approach the limitations of Critical Theory from a utopian perspective. Benhabib studied under Habermas at the University of Frankfurt, and much of her work is influenced by the time she spent there. Benhabib's work is uniquely important to my own understanding of the debate between communicative action theory and American feminists, because contrary to many feminist philosophers, Benhabib espouses a modified version of Habermas' theory. For Benhabib, a system of Habermasian communicative action resolves conflicts, answers moral and political questions, and balances self-interest (private) with mutual understanding (public), albeit in a limited way given his emphasis

on normativity. Benhabib believes Habermas recognizes and addresses the dichotomy between public and private, but that his application and extension of political discourse is limited by its consensus orientation. In this chapter, I emphasize these unique critical, neo-Kantian perspectives by analyzing the tension between this consensus orientation and utopian ethics in Habermas' discourse theory. According to Benhabib, and others, Habermas—to his detriment—abandons the utopian goals of a Kantian inspired philosophical ethics. Benhabib and Honig attempt to reconcile contemporary Critical Theory with the utopian nature of a neo-Kantian inspired cosmopolitan ethics—salvaging Critical Theory for feminist and global social considerations.

In her essay "The Utopian Dimension in Communicative Ethics"(1991), Benhabib offers a critique using Habermasian ideas against Habermas himself. Her critique rests on the grounds that Habermas over-determines the normatizing power of communicative action in *fulfilling* truth ideals to the detriment of the utopian and emancipatory transfiguring powers of critique. Explicit in her claims is a neo-Kantian and feminist formulation of utopian universalization and emancipation as the primary outcomes of critical philosophy. However, implicit in her claims lies a potentially illuminating reconstruction of Habermasian communicative ethics as a philosophy of spirit rather than critique. In this chapter, I uncover Habermas' Hegelian tendencies in *Moral Consciousness and Communicative Action* (1990). Then, by examining Benhabib's critique of fulfillment-oriented philosophy, I argue that Habermas' description of normativity is not only linked more to his Hegelian heritage of philosophies of spirit than to his critical allegiance with Kantianism, but that it also abandons the central critical theoretical goal of emancipation. It is precisely emancipation and transfiguration that

allow for a feminist Critical Theory to emerge, and by recreating the philosophical

historical lineage of Habermas' thought, I reconfigure a contemporary Critical Theory

that synthesizes Habermasian concepts with the ethical, political, and practical theoretical

aspects of feminist critique. I end this chapter with an analysis of practical and

theoretical issues illuminated by a case example of immigration legislation, culminating

in a developed feminist utopian position using Honig's, Benhabib's, and Pateman's

theories of cosmopolitanism.

Chapter 4: The Future of Human Nature: A Critical Analysis of Habermas and the

Ethics of Expanding Human Nature

In this chapter, I contend that Habermas' concerns with normativity and

autonomy become too restrictive when it comes to controversial issues such as pre-

implantation genetic diagnosis. In this case, his strictures limit normatively guaranteed

autonomy by constricting parental decision-making and confining the free choice of the

individual within biological and genetic constraints. Using critical theorists Amy Allen,

Cristina Lafont, and Nikolas Kompridis, in conjunction with care ethicists such as

Virginia Held, I propose that in order to evaluate the ethics of medical enhancement, the

definition of "human nature" must be expanded to recognize the cultural, psychological,

and self-constitutive forces that contribute to the creation of personhood.

In *The Future of Human Nature* (2003), Habermas' argument hinges on the

notion of biological nature—he proposes that genetic interference is ultimately

irreversible and final in the constitution of a person. However, Habermas' strict

definition of human nature and its future possibilities restricts the potential for

reevaluating the very notion of human nature, and subjectivation. A feminist revision of the notion of existential personhood simultaneously respects the decision-making ability of the individual, while recognizing the expanded notions of human nature and parental responsibility. In this chapter, I begin with a careful analysis of Habermas' core argument in *The Future of Human Nature*, providing an examination of challenges to his project, notably from Lafont on the role of parental responsibility and Kompridis on normativity. Once the core argument is established, I provide an analysis of an alternative ethical foundation through a modification of relational care ethics. In this way, I challenge the fundamental assumption that genetic enhancement limits autonomy by proposing that a responsible medical ethics including genetic enhancement may instead expand existential freedom. This deeper understanding of the relation between bodies, social recognition and our self-identity is of important concern to a feminist project of Critical Theory. Genetic intervention may have a determinative influence on physiology, but Habermas' account also indicates his belief that it is determinative of subjective identity. This position undermines his own acceptance of communicative action as self-empowering, and ultimately intersubjective.

Chapter 5: Mourning and Vulnerability: What Butler and Cornell Offer to Habermas'
Theories of Human Nature

Central to Habermas' conception of autonomous subjects is not only the genetic formation of the biological self, but also the psychological development of the ethical/moral adult. These themes were most important for Habermas' reflections on Lawrence Kohlberg and psychology, but returning to these ideas is additionally useful for

feminist correctives to the overly normative and biological-formal accounts Habermas

has more recently espoused. In this chapter, I continue the exploration of human nature I

began in chapter 4, focusing predominately on Habermas' arguments in *Between*

Naturalism and Religion (2008). Here Habermas contends that subjectivation is

motivated by the recognition that comes from rational consensus. This overly rationalist

version of Habermas' theory of autonomy seems to occlude the dynamic and complex

psychological characteristics of Habermas' earlier conceptions of subjectivity. Here, I

use Cornell and Butler to reintroduce a psychological component of subjectivity. Unlike

the overly rationalist conception of subjectivation, the subject Cornell and Butler propose

is primarily dynamic and future oriented. It is continually in a process of subjectivation,

one which relies on both intersubjective recognition, and on personal imagination. With

this fuller conception of intersubjectivity and imagination, I contend that participation in

the public sphere becomes not only possible, but additionally meaningfully oriented

towards a utopian future of greater emancipation.

As an alternative to recognition through rational-consensus, Butler proposes a

Levinasian conception of recognition through vulnerability and mourning. The Other is

an embodied subject, and like oneself, that body and that psychology is vulnerable to

harm. This fundamental vulnerability connects all subjects, across national, cultural and

gender divides, ensuring that subjects are recognized even when we cannot make rational

sense of them. By combining this conception of vulnerability to Cornell's conception of

imagination and forgiveness, which allow us to conceptualize new and illimitable

emancipatory ideals, subjectivation and intersubjectivity are redefined. Highlighting the

potentials for emancipation, and future possibility, I argue that these theories allow for

the development of a new concept of autonomous participation. Through recognition and imagination, the desire for change becomes real. With this desire, I argue, comes a motivation for solidarity. I then articulate how a concept of solidarity functions as an alternative to public participation through rationally motivated normative consensus, working to combine the impulse to relational ethics I found emergent in feminist critiques of rationality, with a utopian conception of subjectivation and autonomy.

Chapter 6: Arendtian Solidarity: What Hannah Arendt Offers to a Feminist Critique of the Public Sphere

For the development of a utopic and relational ethics of solidarity, I trace the formulation of solidarity to another historical line of development from German political philosophy. Highlighting the ways in which Hannah Arendt has been reimagined for an explicitly feminist project of contemporary Critical Theory, in this chapter I work to define Arendtian solidarity in contradistinction to Habermasian normativity. In order to do so, I first identify the affinities Habermas' and Arendt's theories have with one another; not only are they both indebted to a thoroughly German conception of the public sphere, wherein the weight of the history of the Holocaust features prominently (explicitly and implicitly), but they are also both theorists that emphasize the material and practical in relationship to theory. This affinity ties them to one another, as well as to the feminist theoretical positions which, I argue, will reinvigorate Critical Theory for 21st Century thought.

This construction is not only viable as an abstraction of theoretical affinities; contemporary feminist philosophers have reclaimed Arendtian theory explicitly. Amy

Allen, as well as Honig and Benhabib, find Arendt a kindred theorist. Additionally, Arendt's careful articulation of a theory of solidarity combines sensitivity to a utopic future with a pragmatic groundedness in material reality. Arendt I contend that this synthesis can be interpreted to function as the important linkage between the feminist theories of difference and postmodernism with the feminist theories of universalism and pragmatism.

In order for a neo-Arendtian conception of solidarity to accomplish this weighty task, however, the characteristics and applications of solidarity must be carefully laid out. In chapter 6, I provide the philosophical history of Arendtian solidarity, and working from this groundwork, I articulate a particular formulation of a relationship of solidarity. By highlighting the pluralistic possibilities of solidarity, I argue that a contentious relationship of intergendered, international, or intercultural solidarity may serve to both ensure autonomous difference and universal emancipatory possibility.

Keeping in mind the notion of concerted activity as a specific application of political power, solidarity fits well into the sort of transfiguration Benhabib calls for in a system of utopian Communicative ethics. If transfiguration is the "new and imaginative constellation of the values and meanings of the present,"[3] is solidarity not also a transfigurative power? Solidarity, as a political activity, is directly opposed to the notion of unchallenged fulfillment of norms. Additionally, to remain true to Arendtian theory, constellations of political agents working in the interests of solidarity must remain fluid constellations. Solidarity retains its full power by opening itself to as-yet-unseen

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[3] Benhabib, Seyla. "The Utopian Dimension in Communicative Ethics." *Critical Theory: The Essential Readings.* Ed. by David Ingram and Julia Simon-Ingram. St. Paul, Minnesota: Paragon House, 1991. p. 389.

interests and as-yet-unheard voices in the political arena. Following Honig, if Arendtian politics maintains a Derridean duality, than a refreshed concept of Arendtian solidarity would also provide the "double-gesture"—solidarity works towards the protection of generalizable interests; however, as a form of ongoing political *action*, rather than ideal fulfillment, solidarity is also open to the influence of individual political actors.

A Future for Feminist Critical Theory: "Not everything between two people can be laid before The Table for resolution."

In *The Pickup*, Gordimer gives a fictionalized account of a complex and fluid intergendered love relationship. *The Pickup* illustrates the necessity for change, even when the intersubjective relationship is only between two people. Although the changes are precipitated by the development of psychological needs rather than overtly political needs, Gordimer draws a parallel between the psychical and the political that I contend is central to understanding autonomy and intersubjectivity. At the beginning of the novel, Julie and Abdu are motivated to begin a sexual relationship in order to fulfill reciprocal needs for belonging and family. Julie feels distant from her own South African family and feels explicitly expelled by her wealthy, White, and patriarchal father. In order to construct a familial bond outside the confines of her privileged categories of race and class, Julie seeks companionship from Abdu. As an illegal immigrant day laborer, Abdu seems to need the same sort of sense of belonging. In a foreign place, under an assumed name, and with no permanent address, Abdu is cut off from social and family relations of belonging. So Abdu and Julie work together to fill these needs for one another. This relationship works only because Abdu and Julie recognize a mutual vulnerability and a

reciprocal need in one another. Equally importantly, they do not allow this recognition to fool them into absolute understanding of one another, or to allow the relationship to consume them. Instead, Julie and Abdu misunderstand one another at times, have hidden motivations for some of their actions, and strive to keep an autonomous individual existence. Julie keeps a group of friends that she knows Abdu does not particularly understand or approve of, while Abdu maintains certain Muslim cultural practices, for example, by not drinking alcohol. However, once the desire for familial belonging has been met, at least in a qualified sense, both Julie and Abdu develop other needs and seek to have them fulfilled by the other.

By the end of the novel, Julie and Abdu are married and living in Abdu's—now Ibrahim's—home country. There, Ibrahim is reunited with his immediate family, and rekindles traditional familial bonds, particularly with his mother. Meanwhile, Julie forms her own bonds with his family and her newly adopted community. The need for belonging slowly develops and changes into a desire for individual fulfillment. Ibrahim desires a challenging and more fulfilling job, and wishes to emigrate again. Julie desires to invest in an oasis in the desert, so she can cultivate her own crops, wishing to stay in Ibrahim's homeland. After various misunderstandings, disagreements, and fights, Ibrahim and Julie tacitly agree to let Ibrahim immigrate to the U.S., while Julie remains. The novel ends ambiguously, leaving the reader unsure if Ibrahim and Julie will reunite in either the U.S. or the desert, or even if either of them would wish to reunite. To my mind, this is the perfect ending for illustrating the necessity for truly intersubjective relationships to remain fluid. Now that Julie and Ibrahim are attaining individual

fulfillment, the potentials for their relationship remain open to accommodating future needs and the corresponding changes that will be required of their relationship.

Meaningful life is both grounded in a historically contingent present and oriented towards a transfiguring future. In feminist Critical Theory, this combination is of utmost concern, resulting in debate, dialogue, and contention. However, in the lived human relationships we find reflected in good literature, this apparent antagonism is a central component to understanding the meaning of lived experience. Gordimer's Julie ruminates:

> No, no…that's not what I'm trying to…Water's—water is change; and the desert doesn't. So when you see the two together, the water field of rice growing, and it's in the desert—there's a span of life right there—like ours—and there's an *existence* beyond any span. You know?[4]

Although Ibrahim misinterprets Julie as attempting to argue for God's existence, I believe that Gordimer's point, through Julie, is that human existence must encompass past, present, and future. Life must be grounded, like the desert, and open to transfiguration, like an oasis of water. And the real magic occurs where both elements occur together. This essential revelation mirrors the feminist philosophical attempt to reconcile that-which-is with the yet-to-come. This supports Cornell's point that human imagination is central to Critical Theory, that openness to future possibility is necessary for emancipation. But this also supports Benhabib's more Habermasian claim that emancipation rests on human rights, which must emerge in a specific historical-political time and place.

Not only must the feminist theorist be mindful of the relationship of present and future to contingency and change, but for Critical Theory reemerge consistent with feminist theories of solidarity and utopic concerns, then particularization and

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[4] Gordimer, *Pickup*, p. 214.

universalization must be similarly accounted for. Butler makes this possible through her

theory of recognition in mutual vulnerability. Gordimer also expresses the feeling of this

destabilizing intersubjectivity. She describes the psychological reflection on physical

intimacy:

> The capacity returned to him, for this foreigner makes him whole. That night he made love to her with the reciprocal tenderness—call it whatever old name you like—that he had guarded against—with a few lapses—couldn't afford its commitment, in this situation, must be able to take whatever the next foothold might offer. That night they made love, the kind of love-making that is another country, a country of its own, not yours or mine.[5]

For me, this passage expresses that, not only is recognition a result of seeing the

vulnerability of the Other, but that it is equally the result of sharing in that vulnerability—

making a shared space from that vulnerability. Here the metaphor of a country of its own

highlights how important this recognition is, not only for feminist considerations of

intergendered[6] relations, but also how important recognition is in the face of an

increasingly cosmopolitan and transnational society.

Despite this optimism for the potential for feminist philosophy to account for

theoretical tensions in Critical Theory, feminist philosophy must be wary of settling for

an absolute or final Theory-as-such. Feminist Critical Theory must be oriented toward

critique, evaluation, and reinterpretation to retain its essential critical and emancipatory

potential. In general, philosophy works best as an ever-developing and ever-changing

dialogue with itself. In both Critical Theory and feminism, this methodology of self-

critical examination and evolution is not merely structural, but integral to their respective

philosophical systems. To this end, I hope to provide a critical examination of the

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[5] Ibid., 96.

[6] Although I use intergendered intersubjectivity as an example throughout my dissertation, the forms of interaction I argue for would work in intragendered communication as well. I simply wish to highlight the importance of accounting for specific difference, in this case sexual and gender difference.

dialogue, not only between Habermas and feminist philosophers, but also among various feminist perspectives. Employing the critical methodology, I will offer a historically relevant explanation of the contemporary Critical Theory and feminist engagement; however, keeping in mind the requisite development of critical methodology, I will also offer my own original analysis of substantive normativity and the possible reevaluation of autonomy in a contemporary ethics—a notion of autonomy which is relevant to the feminist concerns of participation, universalization, and innovation, otherwise threatened by overly normatively construed interests. In this way, this dissertation offers something new to the discourses of Critical Theory and feminist theory, and to applications of both in the field of ethics.

Chapter 1

Feminism as Meta-Critical:

The Redemption of the Other Major Antinomy in Critical Theory

Working from a Marxist feminist perspective, Carole Pateman has written
extensively on critical appraisals of contract theory and the situation of private life in the
contemporary political state.   The intersection between the theories of Habermas'
communicative action and Pateman's analysis of contract theory is particularly
interesting from both sides of the Critical Theory and political feminism dialogue.
Following one vein of a constructed theoretical intersection, in this chapter I seek to
provide the framework for Habermas' treatment of society as a constitutive component of
his theory of communicative action, compare that to Pateman's problematization of the
public/private distinction and, finally, to evaluate this comparison within feminist
scholarship both supportive of and critical to Habermas' usefulness for feminist analysis
of the antinomy between public and private.

Habermas' Indebtedness to Adorno

To understand fully the framework within which Habermas develops his notion of
society in communicative action, it is necessary to provide a brief exegesis of Adorno's
theory of negative dialectics. In his theory of negative dialectics, Theodor Adorno

reinforces the productive possibilities of philosophical critique based on the recognition of irresolvable antinomies. Rather than proposing a theory of dialectics based on "reconcilement"—as Adorno accuses the Idealists of doing—Adorno rejects a totalizing trajectory of philosophy in favor of a critical analysis of the tension between subject and object.[7] Proper employment of the negative dialectic involves the understanding that neither reconciliation nor absolute separation is fully appropriate to Critical Theory:

> The separation of subject and object is both real and illusory. True, because in the cognitive realm it serves to express the real separation, the dichotomy of the human condition, a coercive development. False, because the resulting separation must not be hypostasized, not magically transformed into an invariant.[8]

In his humbled approach to philosophy, Adorno claims he "redeems" theory by introducing a critical approach. Although Adorno recognizes that the antinomy cannot be resolved, he contends it can be restructured and reformulated. This restructuring and recognition of the tension necessary for irresolvable antinomies is "one of the strongest motives of nonidealist [negative] dialectics."[9]

If one were to take Adorno's system of negative dialectics most seriously, then critical philosophy must be performed on his own work in order to redeem the theory of negative dialectics itself. Taking up this task, Habermas critically engages the system of negative dialectics. Analyzing the efficacy of this system, Habermas is most concerned with the prospects of a critical understanding of society. Initially, Habermas agrees with the negative dialectical emphasis on the mediating capacity of society; however, Habermas identifies problems with Adorno's treatment of mediation as incomplete:

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[7] Adorno, Theodor. "Negative Dialectics and the Possibility of Philosophy," in *The Adorno Reader*, ed. Brian O'Connor. Malden, Massachusetts: Blackwell Publishing, 2000. p. 58.

[8] Adorno, "Subject and Object," in *The Adorno Reader*, ed. Brian O'Connor. Malden, Massachusetts: Blackwell Publishing, 2000. p. 139.

[9] Ibid., 149.

> This dialectic makes us aware of the untruth of both positions, and this raises the question of their mediation. The thesis developed in *Dialectic of Enlightenment* does not direct our thought to the path that is nearest at hand, a path which leads through the inner logics of the different complexes of rationality and through processes of societal rationalization divided up according to universal aspects of validity, and which suggests a unity of rationality beneath the husk of an everyday practice that has been simultaneously rationalized and reified.[10]

Habermas indicates that although Adorno and Horkheimer do not themselves follow the trajectory "nearest at hand," a path utilizing "societal rationalization" would be more direct and productive for negative dialectics. In his critique of Adorno, Habermas claims that Adorno's notion of society and its operations is incomplete—it does not maintain enough interest in the role of communication as a productive element of society.[11] According to Habermas, Adorno manages simultaneously to downplay the productive role of communication, while falsely elevating the role of reified consciousness in place of true intersubjectivity in society:

> After this, if you will, 'idealist' retranslation of the concept of reification into the context of the philosophy as consciousness, Horkheimer and Adorno give such an abstract interpretation of the structures of reified consciousness that it covers not only the theoretical form of identifying thought but even the confrontation of goal-oriented acting subjects with external nature…With this they take back in part the abstraction they made at first, namely the detachment of thought from the context of reproduction. Instrumental reason is set out in concepts of subject-object relations. The interpersonal relation between subject and subject, which is decisive for the model of exchange, has no constitutive significance for instrumental reason.[12]

In Habermas' estimation, the concept of societal subjects is necessarily split in Adorno's theory; just as subject is differentiated from object, so too is society differentiated from nature.[13] Habermas claims that his own notions of communicative action would provide the proper mediation between societal subject and the natural world—allowing for both natural materialism and intersubjective discourse. In other words, for Habermas

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[10] Habermas, Jürgen. *The Theory of Communicative Action, Vol.1: Reason and the Rationalization of Society*, trans. Thomas McCarthy. Boston: Beacon Press, 1984. p. 382.

[11] Ibid., 372.

[12] Ibid., 379.

[13] Ibid., 389.

communicative action is the proper goal of intersubjective communication in society:

"This model has ushered in a *communications-theoretic turn* that goes beyond the

linguistic turn of the philosophy of the subject. What interests me in the present context

is not the philosophical significance of this turn, but the caesura that the end of the

philosophy of the subject means for the theory of society."[14] By replacing a theory of

absolute subjectivity with a theory based on intersubjectivity, Habermas proposes a

system he claims to be free of marginalization, relativism and misunderstanding. Further,

this understanding of intersubjectivity creates the grounds for what Habermas deems the

lifeworld. For Habermas, the lifeworld represents the environment and outcome of

intersubjective experience. Recognizing the importance of both the environmental

foreground against which cultural practices and interactions are established, as well as the

cultural environment that develops from such interactions, Habermas suggests the

concept of a lifeworld to represent this complex interaction between subjects, their

environment, and one another.

<center>*Universalization in the Public Sphere*</center>

Intersubjectivity for Habermas includes both the notion of actual intersubjectivity,

as well as the discursive possibilities of intrapsychic communication. In making a call

for a critical understanding of both the intersubjective and intrapsychic, Habermas seems

to indicate his own interest in both private and social interests.[15] In fact, Habermas

explicates a desire to analyze critically the reciprocal relationships between private and

public interests in *Between Facts and Norms* when he writes: "We will see that the social

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[14] Ibid., 397. Original emphasis.

[15] Ibid., 392. Emphasis added.

<center>4</center>

changes leading to an awareness of the paradigm shift make it necessary to conceive the *relation* between private and political autonomy no longer as an opposition but as a nexus of reciprocal connections."[16] According to Habermas, private law is traditionally conceived of incorporating a "certain set of rights and institutions"; these rights originally included personal rights, freedom to enter into contracts, and property rights.[17] He goes on to say, however, that private law has changed to correspond with socio-ethical interests—indicative of reciprocity between the private and public. He recognizes the conceptual importance of making a formal distinction between the public and private, but, using the changes in the reciprocity of private law and public interest as examples, Habermas argues that the relationship between the public and private is more complicated than an actual separation.[18] In other words, although the public and private are increasingly collapsed as a result of the development of reciprocity in contemporary society, Habermas understands that the public and private can neither be entirely synthesized, nor completely distinguished.

In his attempt to provide evidence for reconciliation in a system of intersubjective communication, Habermas returns again to the notions of universal accessibility and compulsion-free society:

> The structures of reason to which Adorno merely alludes first become accessible to analysis when the ideas of reconciliation and freedom are deciphered as codes for a form of intersubjectivity, however utopian it may be, that makes possible a mutual and constraint-free understanding among individuals in their dealings with one another, as well as the identity of individuals who come to a compulsion-free understanding with themselves—sociation without repression.[19]

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[16] Habermas. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* trans. William Rehg. Cambridge, Massachusetts: MIT Press, 1996. p. 397.

[17] Ibid.

[18] Ibid., 399-400.

[19] Habermas, *Theory*, 391.

The idealistic concept of "sociation without repression" seems incompatible with the

contemporary understanding of power relationships; however, Habermas does not

altogether abandon the notion of actualizing compulsion-free understanding. Instead,

Habermas places the onus of responsibility on free citizens to determine the functional

relationship between the private and the public.[20] In actual, material existence agreement

and universalization must be determined in specific, particular instances. As Habermas

explains: "It must therefore be decided from case to case whether and in which respects

factual (or material) equality is required for the legal equality of citizens who are both

privately and publicly autonomous."[21] Based on his theory that universalization can be

determined for each particular instance of communicative action, Habermas believes that

any problems with the reciprocity of public and private stem from forced normalizations,

and could be avoided through careful expression of agreed-upon boundaries. Habermas

clarifies this concept of normativity:

> This nexus of reciprocal references provides an intuitive standard by which one can judge whether
> a regulation promotes or reduces autonomy. According to this standard, enfranchised citizens
> must, in exercising their public autonomy, draw the boundaries of private autonomy in such a way
> that it sufficiently qualifies private persons for their role of citizen. This is because
> communication in a public sphere that recruits private persons from civil society depends on the
> spontaneous inputs from a lifeworld whose core private domains are intact. At the same time, the
> normative intuition that private and public autonomy presuppose each other informs public dispute
> over the criteria for securing the equal autonomy of private persons, that is, criteria that specify
> what material preconditions of legal equality are required at a given time.[22]

For Habermas, therefore, what constitutes the public and private realms is determined by

communicatively-participating citizens. Through discourse, citizens determine the

historically constituted criteria for the equal autonomy of private individuals. In this

theory, then, not only are the public and private realms determined by communication,

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[20] Habermas, *Between*, 414.

[21] Ibid., 415.

[22] Ibid., 417.

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but also the autonomous capacity of participants is communicatively dictated. With his recurrent emphasis on the role of universal participation ensuring universal agreement and equality, Habermas indicates that the validity of norms is determined by the universal appeal of practical discourse: "According to discourse ethics, a norm may claim validity only if all who might be affected by it reach (or would reach), *as participants in a practical discourse*, agreement that this norm is valid."[23]

In addition to the notion of universalization, Habermas claims that reflexivity is also necessary to achieve the goal of consensus, indicating a positive relationship with dialectic reasoning: "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."[24] Habermas admits that his notion of reflexivity, however, can only occur within a publicly constituted discourse: "Only these *public* presuppositions are comparable to the transcendental preconditions on which the Kantian analysis was focused. Only of them can one say that they are inescapable presuppositions of irreplaceable discourses and in that sense universal."[25] Despite his recognition of public and private elements of society, and his emphasis on the necessity for a critical appraisal of society, Habermas continually reiterates the importance of universalization via public discourse—a leveling that arguably eliminates the importance of the private. Not only is the public element of society granted a greater importance in a Habermasian system of communicative action, but the effective system is also necessarily

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[23] Habermas, "Discourse Ethics: Notes on a Program of Philosophical Justification," in *The Communicative Ethics Controversy*. Eds. Seyla Benhabib and Fred Dallmayr, Trans. Shierry Weber Nicholsen and Christian Lenhardt. Cambridge, Massachusetts: MIT Press, 1990. p. 71.

[24] Ibid., 72.

[25] Ibid., 81.

controlled by institutional forces in public society. Even when not actively participating

in communication, an individual is subject to the ethical foundations and ramifications of

public communicatively-oriented society. Habermas makes the further claim that

individual choice is merely an abstraction from a socially constituted lifeworld: "As long

as he is alive *at all*, a Robinson Crusoe existence through which the skeptic could

demonstrate mutely and impressively that he has dropped out of communicative action is

inconceivable, even as a thought experience."[26]

Anticipating feminist criticisms of discursively constituted autonomy, Habermas

carefully lays the groundwork for a discussion of political feminism within the

framework of communicative action. Habermas concisely describes the feminist view in

terms of the legal debate in defining private and public spheres. Habermas claims that

this feminist perspective is part of a movement he calls the "women's struggle for

equality."[27] For Habermas, feminist concerns are all related to notions of public equality.

According to his reading of feminist theory, women <u>must</u> speak in the public realm to

ensure proper treatment of the private notions of gender identity and difference. The

onus of responsibility is again placed on active participants; feminist equality is ensured

by women's public participation.

Despite Habermas' careful consideration of intersubjectivity, the lifeworld, and

social interests in his theory of communicative action, many feminists view Habermas'

treatment of society as a leveling force, rather than the appropriate grounds for a critical

appraisal of the dichotomy between public and private. In her book *The Sexual Contract*,

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[26] Ibid., 97.   Emphasis added.

[27] Habermas, *Between*, 425.   Original emphasis.

Carole Pateman provides a compelling argument for the necessity of reinstating a productively motivated understanding of this missing critical antinomy in social theory.

Pateman and the Foundation of the Private

Like Habermas, Carole Pateman recognizes the distinction in legal and social society between public and private. However, unlike Habermas, Pateman believes this dichotomy to be much more philosophically relevant to emancipation than universalization; in fact, Pateman believes that political society inherently neglects aspects of private society because of the incorrect assumption that private society is irrelevant to the public sphere.[28] Pateman recognizes that the missing critical appraisal of the private is necessary for understanding the actual state of affairs in political discourse. Marie Fleming notes the importance of Pateman's analysis, claiming that, "In an impressive analysis she demonstrates that, notwithstanding the objections made by some feminists—Okin, for example—the coexistence of public equality and private inequality is not a contradiction of the modern 'fraternal' patriarchy, but part of a 'coherent social structure'."[29] For Pateman, and many other feminists, a critical analysis of the private sphere is not merely theoretically relevant, but relevant for consideration of actual social inequality. As in Adorno's recognition of the dual relationship between subject and

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[28] "Patriarchal civil society is divided into two spheres, but attention is directed to one sphere only. The story of the social contract is treated as an account of the creation of the public sphere of civil freedom. The other, private, sphere is not seen as politically relevant," Carole Pateman, *The Sexual Contract*. Stanford: Stanford University Press, 1988. p. 3.

[29] Fleming, Marie. "The Gender of Critical Theory." *Cultural Critique* 13 (Autumn, 1989). p. 122.

object, Pateman recognizes the reciprocal relationship two sides of the social antinomy

have with one another:

> The two spheres of civil society are at once separate and inseparable. The public realm cannot be
> fully understood in the absence of the private sphere, and similarly, the meaning of the original
> contract is misinterpreted without both, mutually dependent, halves of the story.[30]

This reciprocal relationship, according to Pateman, extends beyond merely providing two

sides of a basic concept of society. The reciprocal interaction of public and private is

exactly that point on which political society has been founded. On the surface, Pateman's

description of mutually dependent halves of the social sphere seems analogous to

Habermas' characterization. However, Pateman goes on to argue that traditional

characterizations—including those quite similar to Habermas—tend to oversimplify the

private sphere in order to account for private interests *within* the public sphere. Instead,

Pateman suggests that the private sphere is complex and although dependent upon, not

collapsible into, public society.

Understanding this reciprocal relationship as the foundation for society, Pateman

recognizes that the exclusion of women from the public realm rests on the simultaneous

relationship and distinction that exists between public and private, a complex relationship

which is not only critically ignored, but often misrepresented to the detriment of the

private realm:

> The private sphere is 'forgotten' so that the 'private' shifts to the civil world and the *class* division
> between private and public. The division is then made within the 'civil' realm itself, between the
> private, capitalist economy or private enterprise and the public or political state, and the familiar
> debates ensue.[31]

For Pateman, the legal debate over private interests in a public society camouflages the

actual distinction between public and private. 'Private interests' in the legal realm are

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[30] Pateman, 4.

[31] Ibid., 12.

merely capitalist interests within the narrow spectrum of private businesses, opposed to

the 'public interests' of larger corporations or politics. The actually existent private

realm of society, however, is much more closely connected to the notions of "nature,"

"woman," and the "individual":

> Women are incorporated into a sphere that both is and is not in civil society. The private sphere is part of civil society, but is separated from the 'civil' sphere. The antinomy private/public is another expression of natural/civil and women/men. The private, womanly sphere (natural) and the public, masculine sphere (civil) are opposed but gain meaning from each other, and the meaning of the civil freedom of public life is thrown into relief when counterposed to the natural subjection that characterizes the private realm…What it means to be an 'individual', a maker of contracts and civilly free, is revealed by the subjection of women in the private sphere.[32]

By recognizing the reciprocal relationship of the private and public spheres, and by

offering a critical analysis of this relationship, Pateman reintroduces the importance of a

relationship between nature and civil society. Habermas, too, recognized this

relationship; he criticized Adorno for ignoring the importance of the societal subject

against the natural world. However, Habermas' notion of lifeworld as the proper

reconciliation of the societal subject and the natural world serves as another leveling of

the differences between intersubjective experience in public society and the personal

experience of the private world.[33]

Pateman's notion of subjection reintroduces the possibility of mediation between

the two sides of the private/public antinomy. Where Adorno identified the subject being

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[32] Ibid., 11.

[33] I am intentionally alluding to the second-wave feminist concern for the importance of respecting natural difference here, a concept I see connected more to Adorno's notion of emancipation than to Habermas' lifeworld. The lifeworld seems to collapse natural difference into phenomenological experience. However, I do not want to belabor the concept of natural difference, as I am aware of the practical concerns of reinforcing essentialist gender constructions. Over the rest of the dissertation, I attempt to navigate a constructed intermediary, where real difference is important for future change and where "feminine" concerns for care and situated ethics are viable options, but also a space where individuation is not biologically predetermined, by sex or any other marker.

socially constructed and the object being socially named, Pateman identifies the structure

of society in which the initial subjugation of women in the private sphere of the home

parallels the subjugation of women in political discourse of the public sphere: "Women

are subject to men in both the private and public spheres; indeed, men's patriarchal right

is the major structural support binding the two spheres into a social whole."[34] The notion

of patriarchal subjugation in both realms finds support in the misunderstanding for the

role of sexual difference in society:

> The structure of our society and our everyday lives incorporates the patriarchal conception of
> sexual difference. I shall show how the exclusion of women from the central category of the
> 'individual' has been given social and legal expression and how the exclusion has structured the
> contracts with which I am concerned. Despite many recent legal reforms and wider changes in the
> social position of women, we still do not have the same civil standing as men, yet this central
> political fact about our societies has rarely entered into contemporary discussions of contract
> theory and the practice of contract.[35]

Contrary to Habermas' view that the public realm can allow for political equality

regardless of gender difference, Pateman's reintroduction of subjugation as mediating

both the private and the public suggests that difference and subjugation necessarily

impact all aspects of society.

Despite the seemingly altruistic and equality-based interests of Habermas' theory,

his claims for political equality obviate the underlying existence of inequality in the

private realm—an inequality which seeps out into the inherently related political/public

aspects of society. Pateman goes on to claim that theories of the kind to which Habermas

seems to subscribe, at best relegate issues of patriarchy to private consideration, and, at

worst, completely ignore the reciprocal impact of patriarchal subjugation in both realms:

> To argue that patriarchy is best confronted by endeavoring to render sexual difference politically
> irrelevant is to accept the view that the civil (public) realm and the 'individual' are
> uncontaminated by patriarchal subordination. Patriarchy is then seen as a private familial problem

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[34] Ibid., 13.

[35] Ibid., 6-7.

that can be overcome if public laws and policies treat women as if they were exactly the same as men…The most dramatic example of the public aspect of patriarchal right is that men demand that women's bodies are for sale as commodities in the capitalist market; prostitution is a major capitalist industry.[36]

By refusing to acknowledge the role of patriarchal domination in the public sphere, and by attempting to level any notion of sexual difference, Habermas is guilty of allowing his theory of communicative action the power to misappropriate the power of creativity. For Pateman, as a neo-Marxist, all humans are fundamentally creatively productive. Additionally, in her particular feminist reading, women are *re*productive, and so, by her account, even more fundamentally creative. Although Habermas wants to claim that the productive and creative aspects of communicative action correspond to the needs and desires of society at large, without the understanding of sexual difference and subjugation, Habermas' theory necessarily forgets that the maternal power for creativity and production underlies the male-generated power of public political discourse. Pateman faults theories that forget this relationship; these theories not only forget the power of maternal reproduction, but they forget any powers unique to specific individuals as they are defined in the private realm.[37] The forgetting of uniqueness, and the overemphasis on political equality, serves as its own form of a false reconciliation; a problem not only defined by Carole Pateman, but which Adorno identified in his own theory of negative dialectics.

Recognizing the potential problems of a theory presupposing equality and reconciliation, Catherine MacKinnon provides critical arguments which, in conjunction with Carole Pateman's theory, could prove detrimental to Habermas' theory of communicative action. Specifically addressing Kantian-based systems of

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[36] Ibid., 17.

[37] Ibid., 88.

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universalization, toward which Habermas' theory for communicative action self-admittedly strives, MacKinnon exposes the faulty misconception that a move to universalization would be equalizing and productive:

> Many readers (in the Kantian tradition) say that if a discourse is not generalized, universal, and agreed-upon, it is exclusionary. The problem, however, is that the generalized, universal, or agreed-upon never did solve the disagreements, resolve the differences, cohere the specifics, and generalize the particularities. Rather, it assimilated them to a false universal that imposed agreement, submerged specificity, and silenced particularity.[38]

The problem with ignoring the private sphere, or of subsuming it into analysis of public society, emerges in the leveling of difference and the disregard for non-political (or de-politicized) concerns. Additionally, even if recognition of the private sphere is addressed (as in Habermas' theory), the problem of false or imposed universalization can still misrepresent the role of the private/individual/natural sphere. As MacKinnon explains:

> In approaches that equate and collapse, women's problems are given no specificity or cross-class commonality at all. They are totally subsumed under, telescoped within, assimilated to, a class analysis. To the extent women exist at all within the theory [Marxist or post-Marxist], their problems are eclipsed by those of the working class and their remedy is collapsed into socialism.[39]

Communicative action rests on the ideal of equitable consciousnesses engaging as active subjects in a constructive dialogue indicating desire for agreement; by this definition, to which Habermas repeatedly lays claim, communicative action is necessarily exclusionary where it intends to be universal.[40] The collapse of individual rational interests into a theory of (public) social agreement disavows the important differences between private

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[38] MacKinnon, Catherine A. *Toward a Feminist Theory of the State*. Cambridge, Massachusetts: Harvard University Press, 1989. p. xv.

[39] Ibid., 61-62.

[40] This exclusion applies to all sorts of particularities and individual interests: race, class, and gender. Although I do some work to incorporate a critique on behalf of class interests, through the use of neo-Marxist theories, I do not have the space here to address racial and ethnic concerns. It is my hope, however, that the culmination of this project—a feminist inspired ethics of solidarity and utopianism— would have applications for a wide range of particularized interests.

interests and public society. Additionally, this collapse further distances women from the public realm of society. Because of their historical relegation to subjugation, women have never been able to constitute themselves as active, rational subjects in discourse.[41] Rather, according to MacKinnon, women are necessarily conceived of as objects: "For women, there is no distinction between objectification and alienation because women have not authored objectifications, they have been them. Women have been the nature, the matter, the acted upon to be subdued by the acting subject seeking to embody himself in the social world."[42]

In her work on critical approaches to political feminism, Nancy Fraser recognizes that not only does the existent antinomy between the public and private remain untheorized in political thought, but also that a reinstated antinomy could offer a positive alternative to current conceptions of gender (in)equity in society. A reinstatement of the tension between public and private could provide for what Fraser considers, a "universal caregiver" alternative to society. In this model, men and women would each adopt traditionally private (caregiving) *and* public (breadwinning) roles, splitting the demands of each position in order to ensure gender equity (but not the leveling concept of 'equality') for all of society.[43] In Fraser's view, the antinomy between public and private interests must exist and not-exist simultaneously, and so she provides a deconstruction of

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[41] This is a particular feminist perspective and critique. It is not, however, shared by all feminist perspectives and runs contrary to many standard feminist positions, i.e., Simone de Beauvoir's existential argument that all consciousness beings participate in the objectification of women, including other women. See *The Second Sex*. Trans. by H. M. Parshley. New York: Vintage, 1989.

[42] Ibid., 124.

[43] Fraser, Nancy. "Gender Equity and the Welfare State: A Postindustrial Thought Experiment," *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib. Princeton, New Jersey: Princeton University Press, 1996. p. 235.

private and public interests. In her estimation, the initial step consists of deconstructing the private role of caregiving and the public role of breadwinning and would encourage further deconstruction of additional aspects of the private/public antinomy.[44] Fraser models this deconstructive work through analysis of traditional gender roles' correspondence to particular economic roles. This position leaves open the necessity for a critical appraisal of individual caregiving and breadwinning roles. The need for preserving a productive antinomy via deconstruction should not be confused, however, with a move to divide the public and private even further apart.

Bonnie Honig reinforces the concept of the productive aspect of a two-sided dilemma (or antinomy), indicating that the productivity of identity/difference would correspond to the productivity of the tension between public and private.[45] In her analysis, Honig proposes that the inherently conflictual enables and constitutes the subject—as well as the world:

> Indeed, we might think of the subject as positioned on multiple, conflictual axes of identity/difference such that her agency itself is constituted, even enabled—and not simply paralyzed—by dialing dilemmatic choices and negotiations. The perspectives of this subject suggest that we ought not to think only in terms of dilemmas as discrete events onto which unitary agents with diverse commitments stumble occasionally…but perhaps also in terms of a dilemmatic space or spaces that both constitute us and form the terrain of our existence.[46]

Honig's notion of dilemmatic space serves as a more productive concept of the Habermasian "lifeworld." Whereas the lifeworld necessarily constitutes a shared horizon, Honig's dilemmatic space is based on the actual tensions of the material world, reemphasizing the importance of productive difference.

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[44] Ibid., 241.

[45] Honig, Bonnie. "Difference, Dilemmas, and the Politics of Home," *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib. Princeton, New Jersey: Princeton University Press, 1996. P. 260.

[46] Ibid., 259.

Similar to Honig, Susan Gal recognizes that the reinstatement of the antinomy would also be much more realistic, in addition to restoring productive power to Critical Theory. Mirroring Pateman's claims that the reciprocal relationship between separate public and private spheres is foundational for the actual existence of society, Gal claims that:

> Despite the assumption of 'separate spheres', most social practices, relations, and transactions are not limited to the principles associated with one or another sphere. Empirical research shows that monetary transactions of various kinds are common in social relations that are otherwise understood as intimate interactions within families: love and money are often intertwined. Similarly, the 'personal in political' in part because private institutions such as families often operate, like the polity, through conflict, power hierarchies, and violence.[47]

Basing her analysis on empirical research and transactions, Gal reinvigorates the notion of materiality in understanding the relationship between public and private spheres. Where Habermas criticized Adorno for disregarding the material in favor of an idealized natural, so, too, can the political feminists level claims against Habermas' neglect of the private sphere as ignoring important material actuality.

A Partial Reappraisal

Not all feminists are so critical of Habermas' project, however. Many, in fact, recognize the importance of his conception of lifeworld as complimentary to feminist theorizing. In one such alternative reading, Marie Fleming proposes that Habermas' own theory of communicative action can provide something closer to a productive mutually-dependent interaction: "Accordingly, the theory seems to illuminate how system and lifeworld—the public and private—are inextricably linked and mutually supportive; thus

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[47] Gal, Susan. "A semiotics of the public/private distinction." *differences: A Journal of Feminist Cultural Studies* 13.1, (2002), 78.

it undermines any position based on absolute division."[48] If system loosely corresponds

to the public dimension of communicative outcomes and lifeworld is intended as a

conceptual placeholder for private interests, then the reciprocal nature of system and

lifeworld actually supports an appropriate productive tension between public and private

spheres.

Another critique of the feminist perspectives espoused by Pateman, MacKinnon,

Fraser, Honig and Gal focuses on the possibility that these feminist theories

overemphasize the antinomy between public and private. According to Noëlle McAfee's

analysis of the "Two Feminisms," the political feminism espoused by these scholars

resembles an agonistic feminism which focuses too much on confrontation and over-

thematizes the "private sphere."[49] She explains that there are real limitations in focusing

on struggle and *agon* in politics:

> The making of the public sphere always involves difference, struggle, discord, and tension; but
> this agonistic dimension of politics is not the meaning of politics per se. In my many years of
> observing political processes, I see that central to politics, central to my motivation of anyone who
> cares to enter into the fray, is the hope that some kind of agreement might be reached. Without
> such hope, there would be no will to enter.[50]

According to MacAfee's interpretation, some feminists' emphasis on the role of gender

difference and private inequality necessarily prioritizes the private realm of society over

the public. This type of reversal would undermine the possibilities for these theories to

provide a positive critique of Habermas' treatment of public and private; essentially,

these women would be enacting the same type of leveling of which they accuse

Habermas, with an overemphasis on the private rather than the public. Additionally, the

prioritization of the private realm potentially reintroduces the problem of subjective

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[48] Fleming, 123.

[49] McAfee, Nöelle . "Two Feminisms," *The Journal of Speculative Philosophy*, 19.2 (2005). p. 141.

[50] Ibid., 148.

instrumental reason, which Habermas worked diligently to overcome within his own theory.

Conclusion

Whereas Critical Theory attempts to restore the primacy of the antinomy between subject and object with society as a filter, political feminism, particularly that represented by Carole Pateman, attempts to restore a missing antinomy—a critical approach to society itself via a recognition of the tension between public and private. Feminists often recognize an internal problem of Marxist theory as reinforcing the separation of public and private.[51] However, this problematization usually falls short of requiring a critical reinstatement of the antinomy between public and private as potentially productive for the feminist critical position. Reinvigorating the project of a critical approach to the private sphere, feminists such as Pateman have addressed the specific concerns of the feminine/private dimension of society. Applying this notion of the importance of the private realm to a critique of Habermas' system of communicative action, several inconsistencies between Habermas' theory and feminist concerns emerge. Pateman, MacKinnon and others contrast Habermas' notion of egalitarianism, universalization, and an emphasis on public discourse as being exclusionary to marginalized, individual and private concerns. However, this feminist perspective may be limited as well; by developing a Critical Theory of the private as foundational for the public, Pateman, in particular, risks a false reconcilement of the antinomy in favor of the private sphere. Fleming and McAfee, for example, believe Habermas recognizes and addresses the

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[51] Fleming, 121.

dichotomy between public and private. But is this recognition and critical appraisal merely implicit? Or does Habermas productively address the dichotomy?

Through the preceding discussion, I have implicitly suggested the value of a feminist position between neo-Marxist and Habermasian theories. In the following two chapters, I articulate the role of feminist positions that exist in this middle-ground. I propose a hybrid theory in which Habermas' concepts of intersubjectivity and the lifeworld are read alongside feminist critiques of public interest and increasingly formal normativity. By offering a positive critical analysis of Habermasian theory in these feminist terms, it is my hope that Habermas' project can be enlivened and reinvigorated for an increasingly complex, differentiated, and cosmopolitan world.

Chapter 2

Raising the Stakes: Normativity and the Problem of Feminist Belonging

Although Habermas is even today the leading figure in contemporary Critical Theory, Axel Honneth as his Frankfurt School successor developed a 'third generation' in Critical Theory. Whereas Habermas emphasizes normative foundations, Honneth returns to issues of subjectivity and power. For example, in Honneth's *The Critique of Power: Reflective Stages in a Critical Social Theory* (1993), he argues that Critical Theory should not follow Habermas' aversion to Foucaultian critiques of power, but instead should share in its emphasis on socio-political relations. This understanding of power informs many feminist critical theorists, as well. Amy Allen, for example, in her book *The Power of Feminist Theory: Domination, Resistance, Solidarity* (1999) argues explicitly that a Foucaultian conception of power would make Critical Theory more palatable and applicable for feminist theory.[52] It would seem that Honneth's emphasis on power relations and subjectivity would mark closer and continued engagements with feminist critical theorists; however, Habermas' lasting impact in the discipline has overshadowed much of the potential dialogue between feminist theory and Honneth. There are exceptions, of course; notably, Nancy Fraser and Seyla Benhabib have engaged explicitly with Honneth's theory.[53] However, even these engagements are infused with

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[52] Despite this potential affinity, Allen does not reference Honneth, nor engage explicitly with his theory. Instead, Allen appeals to Arendt, Foucault, and Judith Butler as constructed respondents to Habermasian Critical Theory.

[53] See for example: Axel Honneth and Nancy Fraser, *Umverteilung oder Anerkennung? Eine politisch-philosophische Kontroverse*, Frankfurt: Suhrkamp Verlag, 2003. This volume explicitly establishes the potential for an exchange between Honneth and Fraser on the issue of power. See also, Seyla Benhabib,

the tension emergent from Habermas' continuing influence.[54] It is my contention that the

secondary status granted to Honneth's theories is indicative of the feminists'

understandable preoccupation with Habermas' devaluation of issues of power and

valorization of the normative foundations for emancipatory ethics.[55]

As a challenge to feminist aspirations for a kinship with Habermasian Critical

Theory, many contemporary feminist philosophers recognize an inescapable tension with

ethical theories founded in normativity as such. Drucilla Cornell, voicing concerns

shared by many feminists, explains her take on a qualified postmodernist feminist

position in her essays, "What is Ethical Feminism?" and "Rethinking the Time for

Feminism."[56] For Cornell, Critical Theory gets the questions right: How should we

understand the relationship between theory and practice? How do we create/maintain

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Another Cosmopolitanism, New York: Oxford University Press, 2006. Here Benhabib diagnoses Bonnie
Honig as sharing a view of Foucaultian power with Honneth, rather than engaging with Habermasian
critiques of power as Benhabib herself does (163).

[54] It is my impression that the lack of interaction between Honneth and feminist theorists is due in part to
the near isolation of Honneth's theories to German political theory and philosophy. For various reasons, it
seems that Habermas has more readily translated to an increasingly global debate on critical and normative
issues, while Honneth has been compartmentalized into a category of "German" thought. As feminist
theory has become increasingly concerned with transnational and global issues, the separation between
Honneth and feminist theory has become more acute. Whether this is mere coincidence or a partial cause, I
do not know, but there seems to be a correspondence.

[55] I do not, however, intend to belittle Habermas' importance. Despite the potential for an affinity between
Honneth and feminist theory on the issue of power, in terms of developing notions of intersubjectivity and
cosmopolitanism, Habermas' position still provides a more challenging and fruitful engagement.

[56] "The time for feminism" seems to allude to a future-orientation for Cornell's theory, especially in her
conception of utopianism and the importance she places on rethinking the relationship between history and
philosophy. (See pages 146-148 in *Feminist Contentions*.) For me, this shift towards future-orientation
solidifies the ethical foundation in utopianism that I will argue for at the end of this dissertation. However,
it also marks an unusual parallel to Habermas' more recent work—far from the work Cornell was dealing
with at the time of this writing—in *The Future of Human Nature* and *Beyond Naturalism and Religion*.

emancipatory and inclusionary social practices? And even the more Habermasian

questions of how to theorize the relationships between political participation, linguistic

expression, and lived experience. However, Cornell is suspect of the answers given

through contemporary Critical Theory grounded in notions of rationality, morality, and,

of greatest interest here, normativity. In this chapter I address the potentially productive

tension between Habermas and feminists explicitly engaged with Critical Theory, as well

as among various feminist positions on the issue of normativity. I argue through this

analysis that as Habermas developed his theory of communicative ethics, and his notion

of normativity emerged, feminists found further fertile ground for a critical engagement.

As in his theory of system and lifeworld, which feminists found both productive and

challenging to an understanding of private interests in the public sphere, Habermas'

theory of normativity is both vexing and inspiring for many theorists. I begin by

outlining Habermas' general conceptualization of normativity. I then address how

normativity is critically important for feminist ethics. Once this affinity is established, I

trace two contemporary feminist concerns to problematize the Habermasian normative

framework: from the perspective of socioeconomic interests, and from the perspective of

transnational feminist interests.

What is Habermasian Normativity?

The concept of normativity and the notion of normatively guided society in

Habermas stems logically from the development of his theory of communicative action

and his corresponding theory of discourse ethics. In what follows, I sketch an outline of

communicative action and discourse ethics as they relate to normativity. In order to

articulate normativity's initial emergence, as well as give a brief exegesis of its development, in this section I will deal primarily with *The Theory of Communicative Action* (1981), *Communication and the Evolution of Society* (1979), and *Justification and Application* (1993). I start with an analysis of the relationship between reason, the lifeworld, and communication so as to provide sufficient background for the development of normativity. Then, I outline the correspondence between communicative action and discourse ethics precisely upon the basis of normativity. Finally, I suggest that Habermas' own treatment has necessarily grown with the expansion of his theoretical and practical interests.

There are two foundations for rationality. The first is the notion of rationality as based in an *intersubjective* lifeworld. This notion of rationality is distinct from traditional philosophical notions—it is not centered on abstract logic or on metaphysics. Instead, for Habermas, rationality is socially constituted through validity claims in the lifeworld. The second foundation is the idea of rationality based in *communicative acts*. Validity claims in an intersubjective lifeworld can only be evaluated through the medium of communicative action. Reason in an intersubjective world involves reaching understanding and agreement with at least one other participant in communication. Rationality is not exclusively dependent upon others, however. Early in *The Theory of Communicative Action*, Habermas identifies rationality as being heightened by self-reflection and self-awareness—one of his many allusions to Hegel.[57] For Habermas the telos of communicative action is not merely understanding, but rational agreement, which depends on the individual's commitment to a position, as well as the eventual consensus

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[57] Habermas. *Theory of Communicative Action, Volume 1: Reason and the Rationalization of Society*. Trans. by Thomas McCarthy. Boston: Beacon Press, 1985. p. 21.

orientation. The end goal of communication should be agreement between two members

of a linguistically united lifeworld, so communicative action can offer a real possibility

for social integration: "I have called the type of interaction in which *all* participants

harmonize their individual plans of action with one another and thus pursue their

illocutionary aims *without reservation* 'communicative action'."[58] In this way, the height

of reason is a situation in which rationally motivated actors come together to form

consensus. Importantly, for Habermas, agreement cannot be forced or imposed:

> Agreement rests on common convictions. The speech act of one person succeeds only if the other
> accepts the offer contained in it by taking (however implicitly) a 'yes' or 'no' position on a
> validity claim that is in principle criticizable. Both ego, who raises a validity claim with his
> utterance, and alter, who recognizes or rejects it, base their decisions on potential grounds or
> reasons.[59]

Agreement then is a more or less normalized rational process of accepting the possibility

of understanding and recognizing the communication itself, in addition to being a

normalized rational process for consensus formation. These validity claims can take

three forms in Habermas' theory, as constative truth, normative rightness, or as subjective

truthfulness. Constative truth is what we generally conceive of as a truth, or a true fact,

and forms the foundation for speech acts. For example, "The sky is blue," has constative

truth.[60] Normative rightness is based on the regulative constructs of a given society.

Regulative ideals and laws express normative rightness in validity claims. And finally,

subjective truthfulness is based on the speaker expressing herself truthfully, rather than

being deceptive or misleading. The interrelationship between reason, validity, and

normativity ensures that communicative acts are oriented toward understanding as much

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[58] Ibid., p. 294.

[59] Ibid., p. 287.

[60] For Habermas, strictly logical truth is not as important as truth that can be evaluated through validity
claims. Even constative truths are based on statements that can be made to others.

as consensus, by establishing rational linguistic boundaries as well as social interpretive

boundaries. This establishes a philosophy of communication for creating and

maintaining intersubjective relationships that provide the basis for a socio-ethical system.

In his essay "Historical Materialism and the Development of Normative

Structures," Habermas articulates the importance of understanding justificatory structures

in creating a socioethical philosophy:

> In its developmental *dynamics*, the change of normative structures remains dependent on
> evolutionary challenges posed by unresolved, economically conditioned, system problems and on
> learning processes that are a response to them. In other words, culture remains a superstructural
> phenomenon, even if it does seem to play a more prominent role in the transition to new
> developmental levels than many Marxists have heretofore supposed. This prominence explains
> the contribution that communication theory can, in my view, make to a renewed historical
> materialism.[61]

Apropos of themes I articulated in Chapter 1, Habermas asserts that his theory of

communicative action links Marxist historical materialism with lifeworld analysis.

Normative structures are constantly created and re-created according to systemic

development and changing conditions; particularly, for Habermas, changes in economic

conditions. The responsiveness to change ensures justification on a macro-scale for the

normative structures.

Following a developmental psychology model of subject identity-formation,

Habermas contends that normative structures emerge in society in homologous ways.

Using Piaget and Kohlberg's particular analyses of childhood development, Habermas

explains that as humans grow and develop the process of subjectivation leads us to

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[61] Habermas. "Historical Materialism and the Development of Normative Structures," in *Communication and the Evolution of Society*. Trans. by Thomas McCarthy. Boston: Beacon Press, 1979. p. 98.   Originally published as "Einleitung: Historischer Materialismus und die Entwicklung normativer Struckturen," in *Zur Rekonstruktion des Historischen Materialismus*. Frankfurt: Suhrkamp Verlag, 1976.

universalizable moral understanding.[62] This universalizable moral understanding does

more for Habermas than it would appear to do for the developmental psychologists,

however. Whereas developmental psychologists are most interested in how children

grow and move from one stage to the next, Habermas is interested in what social,

cognitive, and linguistic capacities mean for the relationship between the individual and

society:

> To begin with, the *concept of ego development*, ontogenesis, can be analyzed in terms of the capacity for cognition, speech, and action. These three aspects of cognitive, linguistic, and interactive development can be brought under one unifying idea of ego development—the ego is formed in a system of demarcations. The subjectivity of internal nature demarcates itself in relation to the objectivity of a perceptible external nature, in relation to the normativity of society, and in relation to the intersubjectivity of language. In accomplishing these demarcations, the ego knows itself not only as a subjectivity but as something that has 'always already' transcended the bounds of subjectivity in cognition, speech, and interaction simultaneously.[63]

For Habermas, then, ontogenesis is indicative of the importance of understanding the

lifeworld in relation to the ethical, or what he will later call the "ethical-existential."[64]

This relationship to psychological development becomes further articulated with a move

from justification to application in Habermas' *Justification and Application*, which I will

detail at the end of this section.

    The relationship between norms and communicative acts, however, is further

complicated by the possibility for confusing purposive-rational acts with communicative

acts. Purposive-rational actions are guided by means-end rationality: "The rationality of

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[62] Kohlberg's theory of moral development in children has itself been problematized as exclusionary and sexist, rather than universal. These critiques form the very foundation for the development of Care Ethics, and an alternative understanding of subject-formation. In chapter four, I use the Care Ethical paradigm to both criticize and provide an alternative to Habermas' understanding of bioethics and parental ethics.

[63] Habermas, *Communication and the Evolution of Society*, 100.

[64] Habermas. *Justification and Application*. Trans. by Ciaran P. Cronin. Cambridge, Mass.: MIT Press, 1993. p. 12. Originally published in German as *Erläuterungen zur Diskursethik*. Frankfurt: Suhrkamp Verlag, 1991.

means requires technically utilizable, empirical knowledge; the rationality of decisions requires the explication and inner consistency of value systems and decision maxims, as well as the correct derivation of acts of choice."[65] Communicative action is distinct from this form of action, since its consistency is guaranteed through "intersubjectively binding norms that guarantee the fulfillment of the motivational conditions."[66] This means that even in Habermas' earliest incarnations of normatively guided communicative action, there was expressed the possibility of intersubjectively grounded consensus, not only in the outcome orientation of communicative action, but also in its very grounding for possibility. This indicates additionally that norms are established by intersubjectively engaged ethical actors, who then participate in the normative grounding for communication oriented towards rational consensus. Normativity is for Habermas developmentally grounded and materially, historically ensured. It is also rationalizable, albeit neither by empirical knowledge, nor by internal logic. Instead, norms are rationalized through generalization in social justificatory procedures.

This early account of Habermas' theory of the reciprocal exchange between norm development and communicative action is further developed in Habermas' ever-expanding theory. At this stage, it seems as though norms are still quite abstract from application. Communicative action in this early instantiation is more or less a way of differentiating from purposive-rational action, where communicative action is ensured consistency through intersubjectivity, while purposive-rational acts have internal rational consistency. As Habermas' theory develops, and he seriously considers the application of such a system, communicative action grounds a discursive ethical system. In

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[65] Ibid., 117.

[66] Ibid., 118.

Justification and Application (1994), Habermas distances himself from the abstract

concerns of idealism by asserting that, unlike ethicists in the tradition of the Kantian

categorical imperative, he is an ethicist concerned with both justification and *application*.

Idealized ethics always runs into the problem of fairly applying ethical norms: "Once

moral justifications rest on a principle of universalization constraining participants in

discourse to examine whether disputed norms could command the well-considered assent

of all concerned, detached from practical situations and without regard to current

motivations or existing institutions, the problem of how norms, thus grounded, could ever

be *applied* becomes more acute."[67] In contradistinction, Habermas contends that the

historical contingency of each application of a norm confines the justification:

"Moreover, every justification of a norm is necessarily subject to the normal limitations

of a finite, historically situated outlook that is provincial in regard to the future."[68] The

relationship between communicative action and discourse ethics is in this particular

application. Communicative action is oriented towards norms that are open to challenges

given the historical context and current emancipatory merit of such norms.

   In addition to highlighting the historical contingency of the justifiable application

of norms, Habermas also highlights that the psychological processes of individuation play

a major role in how ethical norms are taken into practice: "The standpoint of morality

differs from that of concrete ethical life in its *idealizing extension* and reversal of

interpretive perspectives that are tied to particular, established cultural lifeforms and are

the result of individual processes of development."[69] In this way, Habermas asserts his

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[67] Habermas. *Justification and Application*. p. 13. Original emphasis.

[68] Ibid.

[69] Ibid., 51.

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own recognition of individual contingency, and founds his ethical paradigm on psychological development. Additionally, as a critic of Kant's transcendental idealism, Habermas suggests that ethics cannot be grounded in egocentrism—"Do unto others as you would have them do unto you"—but instead that ethics must be founded intersubjectively in the lifeworld.[70] However, unlike feminist ethical theorists, who also understand the specificity of individuation, Habermas still sees individual psychological development culminating in the grasp of universalist principles.[71]

Normativity, then, seems to progress gradually from an abstract theoretical concept that Habermas uses to unify reason with intersubjective justificatory processes to a concrete, historically contingent, and individually contestable, means of applying ethics in society. However, just as Habermas seems to become more attuned to individuation and individual concerns, he returns to the universalizable appeal to reason, consensus, and stable systems. He intimates that the ethical, which is particularized in the act of individuation in relation to society, is distinct from both the moral and the legal. For Habermas, the ethical is a highly contextualized normative application of universalizable moral principles. The moral is therefore simply the generalized and universalized concept of those normative structures. The legal is the application of the moral structures as socially agreed upon and enforceable norms. However, all three concepts are organized finally into a deontological moral theory that ultimately differentiates ethical, moral and legal questions only by degree. He explains that a tenable deontological theory:

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[70] Ibid.

[71] The notion of intersubjective ethics parallels many feminist theories of ethics, which I will discuss in further detail in chapters four, five and six.

> …[N]eed only maintain that ethical discussions, in contrast to moral arguments, are always already embedded in the traditional context of a hitherto accepted, identity-constituting form of life. Moral judgments differ from ethical judgments only in their degree of contextuality.[72]

With this reconstruction of a universalized notion of judgment, Habermas implicitly extends his conception of normativity to universal application as well. This generalized and universalized normativity informs an increasingly formal notion of normativity in Habermas' theory. This move to generalization and universalization is both a liability and an ally for feminist concerns with normativity.

Feminist Critical Theory and the Dilemma of Normativity

In Chapter 1, I constructed a dialogue between neo-Marxist and critical theoretical feminists, identifying Habermasian themes as means for understanding their shared engagements with the philosophical and socio-ethical problem of private interests. In this section of Chapter 2, I would like to take an already established philosophical debate among various feminist perspectives and demonstrate that the fundamental issues at stake are again best represented in relationship to Habermas. In an attempt to understand the relationships between intersubjectivity, reason, and the justification for ethical frameworks, Seyla Benhabib, Judith Butler, and respondent Nancy Fraser came together for a symposium on feminism and postmodernism in the fall of 1990. This debate was expanded, with the additional contribution of Drucilla Cornell, to a book first published in German in 1993, and then finally in English in 1995.[73] Although the debate presented in this book is ostensibly on what relationship postmodernism may have with socio-

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[72] Ibid., 105.

[73] *Feminist Contentions: A Philosophical Exchange*, Seyla Benhabib, Judith Butler, Drucilla Cornell, Nancy Fraser, Introduction by Linda Nicholson. New York: Routledge, 1995.

ethically concerned feminist philosophy, I would like to recast the exchange in terms of normativity. I contend that what is really at stake when Benhabib, Butler, Cornell, and Fraser are disputing the merits of postmodern methods is precisely the issue with which Habermas attempts to grapple in the development of his theory of the justification and application of norms. By constructing the debate in this way, it is not only more apparent which philosophical and social issues are most relevant to the feminist project, but it also becomes clear that the feminist engagement with Habermas' influence is complex and potentially fruitful.

Why is Normativity Problematic for Feminist Concerns?

Judith Butler and Drucilla Cornell voice the most direct anti-normative positions in *Feminist Contentions*. According to Butler and Cornell, normativity and the corresponding determinate notions of the individual foreclose differences and fluidity. In this foreclosure, otherwise emancipatory processes of subjectivation and resignification are limited, thereby stifling rather than preserving emancipatory goals. Cornell begins distancing herself from this characterization of contemporary Critical Theory by articulating a sharp distinction between ethics and morality. For Cornell, ethics is grounded in non-violent respect of difference, without appropriation. Morality, on the other hand, is systematic, not interested in difference, but ultimately interested in political, social and juridical universalism. She writes:

> For my purposes, morality designates any attempt to theoretically spell out how one determines a system that absolutely governs the 'right way to behave.' As Niklas Luhmann has succinctly defined it, 'morality is a special form of communication which carries within it indications of approval or disapproval.' The ethical as I define it is not a system of behavioral rules, nor a system of positive standards by which to justify disapproval of others. It is, rather, an attitude towards what is other than oneself. This attitude shares much in common with those which Charles Peirce called fallibilism and musement. Fallibilism implies a challenge to one's basic

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organization of the world, while musement indicates the stance of amazement before the mysteries and marvels of life.[74]

In contradistinction to morality based theories, Cornell advocates a feminist theory of ethics. As she intimates, ethics is defined by the following characteristics: It is, first, a theory to guide attitudinal orientation. Ethics is necessary because of the otherness of others; it is grounded precisely in what is not us. Ethics must also allow for theoretical instability, both in regards to challenges to our own beliefs, theories, viewpoints, but also in regards to the unknown.[75]

Cornell's insistence on the ultimate respect of and deference to alterity aligns her with a postmodern theory of difference: the Other is that which we cannot fully understand, although it is also that over-and-against which we formulate ourselves as subjects. This ethical grounding not only shapes her notion of subjectivity, but it also shapes Cornell's understanding of Critical Theory. For Cornell, Habermasian Critical Theory attempts to create "positive standards by which to justify" if not disapproval, then the correct method of intersubjective interaction. She later refers to this system of normatively guided ethics as a theory of "causal appropriateness":

> A classic example of the introduction of a theory of causal appropriateness into an account of practical reason is Habermas's attempt to incorporate Kohlberg's cognitive psychology into his theoretical justification of a dialogic conception of justice. Rawls, on the other hand, correctly argues that we should not and cannot borrow from theoretical concepts of objectivity and incorporate them into the field of practical reason we call justice.[76]

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[74] Cornell, "What is Ethical Feminism?" 78. Interestingly, Cornell makes an appeal to Luhmann, one of Habermas' most outspoken critics, to defend a starker separation between the moral and the ethical. Luhmann, despite collaborating with Habermas in the 70's, was critical of Habermas' slippage between moral and ethical concerns. See, Luhmann, N. *Social Systems: Outline of a General Theory*. Trans. by John Bednarz, Jr. with Dirk Baecker. Stanford: Stanford University Press, 1996.

[75] Cornell develops this theory of ethical behavior in more detail in *Moral Images of Freedom: A Future for Critical Theory* (2007), which I will explore in more detail in Chapter 5.

[76] Ibid., 81.

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"Causal appropriateness" is Cornell's term for the scientific acceptance of theories which seem to explain correspondence adequately in terms of causal chains. In other words, Cornell sees danger in Habermas' willingness to accept the explanatory power of objective causation as theoretically sufficient.[77]

Rather than focus on the normative guidelines that would dictate moral-ethical behavior, Cornell understands the goal of Critical Theory in terms of feminist ethics as "consciousness raising." Consciousness raising is not simply a political program for indicating another way of thinking, however. It is instead a process of problematizing, of breaking apart meaning and signification in order to "re-imagine and re-symbolize the feminine within sexual difference so as to break the bonds of the meaning of Woman that have been taken for granted and that have been justifiable as fate."[78] Cornell not only differentiates herself from Habermas in this respect, but also from those feminists who take up, unquestioned, Habermasian normative guidelines. She identifies a productive tension with such feminists, finding kinship with their utopian spirit, but disenfranchisement with their conservative understanding of morality confined to normative limits. Cornell finds Seyla Benhabib to be a prime example of this type of feminist. She writes, however, "Like Benhabib, I believe that feminism demands the thinking of the 'wholly Other' and thus must retain, and proceed through, an unerasable moment of utopianism."[79] On the other hand she disagrees with Benhabib because of her commitment to the rational normative morality of the present:

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[77] Although, to be fair to Habermas, Habermas is also wary of accepting scientistic arguments as philosophically rigorous. For Habermas, Kohlberg's theory is helpful for describing ontogenesis, but it is ultimately the ego's relationship to society that completes the justificatory process.

[78] Cornell, "What Is Ethical Feminism?" 82.

[79] Cornell, "Rethinking the Time of Feminism," 148

> I take issue with Benhabib because she is not a utopian, in the specific sense that she thinks that feminism can operate within the philosophical tools provided by Habermas's attempt to theorize the legitimacy of a normative rational sphere of nature…Feminism is radical because it demands that we re-think the 'origins' and the 'limit' of philosophical discourse, even as we are challenged to do so philosophically, which is why feminism finds itself in alliance with thinkers such as Jacques Derrida and Emmanuel Levinas, as well as with Adorno and Benjamin.[80]

For Cornell it is particularly the notion of limit that replaces the notion of normativity as the critical theoretical move. Whereas Habermas sees the critical power of justification and application embodied in normativity, Cornell identifies the promise of a future, a time that has not yet come and cannot yet be theorized, as the critical space for ethical articulation.

Judith Butler also suggests that feminist theory should be critical and utopic in the specific sense of future orientation. She suggests that subject formation is an intersubjective process of recognizing alterity and reconstructing subjective identity. She explains: "What is 'outside' is not simply the Other—the 'not me'—but a notion of futurity—the 'not yet'—and these constitute the defining limit of the subject itself."[81] More obliquely, Judith Butler shares Cornell's concerns about Habermas' theoretical foundations. For Butler, theories that universalize normativity, like Habermas', reinstate the political hegemony of colonialism into the very social theories that should serve as challenges to social hegemonic institutions. She writes:

> Within the political context of contemporary postcoloniality more generally, it is perhaps especially urgent to underscore the very category of the 'universal' as a site of insistent contest and resignification. Given the contested character of the term, to assume from the start a procedural or substantive notion of the universal is of necessity to impose a culturally hegemonic notion on the social field. To herald that notion then as the philosophic instrument that will negotiate between conflicts of power is precisely to safeguard and reproduce a position of hegemonic power by installing it is the metapolitical site of ultimate normativity.[82]

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[80] Ibid., 149.

[81] Butler, "For a Careful Reading," 142-143

[82] Butler, "Contingent Foundations: Feminism and the Question of 'Postmodernism'," 40.

Rather than highlight the universal normative component of a socio-ethical theory, Butler contends that feminists should work to express the processes of subjectivation and resignification—the continual procedures by which subjects create themselves and meaning in a contextualized world.[83]

Just as Cornell identified with Benhabib's utopic moment, as she criticized simultaneously her normative complacency, Butler is sympathetic to the process of the productive power of discourse at the heart of Habermas' theory, even as she is most opposed to his hegemonic inclinations. For Butler, it is precisely through discourse that subjects re-iterate and re-constitute themselves:

> 'Agency' is to be found precisely at such junctures where discourse is renewed. That an 'I' is founded through reciting the anonymous linguistic site of the 'I' implies that citation is not performed by a subject, but is rather the invocation by which a subject comes into linguistic being. That this is a repeated process, an iterable procedure, is *precisely* the condition of agency within discourse. If a subject were constituted one and for all, there would be no possibility of a reiteration of those constituting conventions or norms. That the subject is that which must be constituted again and again implies that it is open to formations that are not fully constrained in advance.[84]

The productive power of discourse is, in fact, the very ground by which Butler articulates her postmodern position. For Habermas, discourse is rooted in reason, marking discourse as decidedly modernist. However, for Butler, discourse is the procedure through which the ongoing process of subjectivation takes place. It is not reason that gives power to discourse for Butler, but iterability and re-signification. According to Butler's overarching theory, subjects are continually in a process of subjectivation through

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[83] As Butler puts it, "That subject is neither a ground nor a product, but the permanent possibility of a certain resignifying process, one which gets detoured and stalled through other mechanisms of power, but which is power's own possibility of being reworked. It is not enough to say that the subject is invariably engaged in a political field; that phenomenological phrasing misses the point that the subject is an accomplishment regulated and produced in advance." Ibid., 47.

[84] Butler, "For a Careful Reading," 135.

performativity. Performativity is a linguistic theory by which identity is constructed through the continued reiteration of certain discursive utterances and practices. In Butler's estimation, there are specific discursive acts that work to create subjects. For example, gender is a performative construction. Through the repetition and recreation of certain discursive acts and ways of representing the self, an individual creates his or her own gender identity. However, as discourse, these performative utterances and acts are contextualized in society, which provides an interpretive lens and framework for understanding the meaning of performativity.

Why Normativity is Important for the Feminist Critical Theoretical Project?

Despite Cornell and Butler's reservations about normativity's role in feminist ethics, a Habermasian concept of normativity provides compelling theoretical grounding for feminist appeals to universal rights for democratic participation, recognition, and cooperation. It is to these appeals that Benhabib and Fraser make recourse in their respective qualified support of a normative ethical system *qua* Habermas.

In her position defending a critical theoretical approach to feminist philosophy, Benhabib defines an almost modernist notion of the rational individual, who she then describes as engaged in universalization-seeking emancipatory pursuits. She criticizes the postmodernist position that would suggest that subjects are simply the products of language:

> Along with this dissolution of the subject into yet 'another position in language' disappear of course concepts of intentionality, accountability, self-reflexivity, and autonomy. The subject that is but another position in language can no longer master and create that distance between itself and the chain of significations in which it is immersed such that it can reflect upon them and creatively alter them.[85]

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[85] Benhabib, "Feminism and Postmodernism: An Uneasy Alliance," 20

Here Benhabib obviously has Butler in mind. Despite Butler's assertion that the possibility for resignifying and reconstructing the self through discourse *is* emancipatory, Benhabib contends that autonomy is lost, making freedom irrelevant.

The issue of subjectivity is important for Benhabib's characterization of the feminist project. Feminist philosophy is, for Benhabib, oriented toward the real emancipation of women in society. Without the ability to appeal to an autonomous self, the important characteristics that make that self unique are also meaningless. This means that not only is selfhood lost, but any appeal to a solidarity based in shared identification is also lost. For Benhabib, over-determination of a fluid postmodern subject brings only the detriment of women's movements and practical emancipatory procedures: "The postmodernist position(s) thought through to their conclusions may eliminate not only the specificity of feminist theory but place in question the very emancipatory ideals of the women's movements altogether."[86] This practical appeal to a modernist subject is more closely allied with Habermasian rational individuals, than Butlerian subjectivation processes.

Benhabib extends her affinity for Habermasian constructs to a theoretical level. In addition to arguing that a postmodern feminist ethics denies subjectivity on the level of practice, Benhabib argues that postmodern social criticism is empty of necessary formal theoretical structures. Without the ability to appeal to normative legitimating criteria, postmodern feminists find themselves in a dilemma. Either there is no justificatory criterion, in which case ethical relativism prevents productive critique, or the justificatory criterion is assumed, in which case postmodernists are more hegemonic in their uncritical acceptance of normative justification:

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[86] Ibid.

> I am now arguing that the practice of immanent social criticism or situated social criticism has two defects: first, the turn to immanent or internal criteria of legitimation appears to exempt one from the task of philosophical justification only because the postmodernists assume, *inter alia*, that there is one obvious set of such criteria to appeal to. But if cultures and traditions are more like competing sets of narratives and incoherent tapestries of meaning, then the social critic must herself construct out of these conflictual and incoherent accounts the set of criteria in the name of which she speaks. The 'hermeneutic monism of meaning' brings no exemption from the responsibility of normative justification.[87]

Benhabib does recognize, however, the concerns that postmodern feminists have with normative Critical Theory. Normativity is universalizing, which threatens to level any number of differences in society, including gender difference. Normativity, at least in the Habermasian vein, is also limited to a particular historical framework—one that highlights the current state of affairs, rather than the utopian desire for that which is to come. However, Benhabib adopts a pragmatic-utopic attitude regarding the capacity for feminist theory. She writes:

> The retreat from utopia within feminist theory in the last decade has taken the form of debunking as essentialist any attempt to formulate a feminist ethic, a feminist politics, a feminist concept of autonomy, and even a feminist aesthetic. The fact that the views of Gilligan or Chodorow or Sara Ruddick (or for that matter Kristeva) articulate only the sensitivities of white, middle-class, affluent, first-world, heterosexual women may be true (although I even have empirical doubts about this). Yet what are we ready to offer in their place? As a project of ethics which should guide us in the future are we able to offer a better vision than the synthesis of autonomous justice thinking and empathetic care? As a vision of the autonomous personality to aspire to in the future are we able to articulate a sense of self better than the model of autonomous individuality with fluid ego-boundaries and not threatened by otherness? As a vision of feminist politics are we able to articulate a better model for the future than a radically democratic polity which also furthers the values of ecology, nonmilitarism, and solidarity of peoples?[88]

For Benhabib, feminists should be charged with developing a truly critical ethics. This means that despite the potential normative constraints of such a theory, such a theory has emancipation as its goal. Normative feminist theories open themselves up for critical reappraisal by including evaluative measures in the theory. At the same time, these theories open themselves into utopian goals by articulating a means for working towards

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[87] Ibid., 28.

[88] Ibid., 30.

these goals; namely, for Benhabib, democratic participation. Her vision of democratic

participation owes as much to Habermas' theories of justification and application as it

does to feminist care ethics and notions of solidarity.

Although Benhabib is herself skeptical of the affinity she shares with Nancy

Fraser, Fraser's own commitment to Habermasian theory allies her more with Benhabib's

utopic goals than with Butler's discursive mode of (re)iteration.[89] For Fraser, normativity

is integral to feminist ethical practice, as much as feminist theory. Fraser identifies the

normative framework as a pragmatic tool for solidarity. Interestingly, for Fraser this is

not simply a tool for macrolevel feminist concerns, but also for bringing together the

theoretical positions represented in the *Feminist Contentions* volume. She contends that

it is theoretically productive to ally Butlerian conceptions of individuation with

Benhabib's emphasis on the critical.[90] Despite her optimism for theorizing *with*

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[89] Benhabib accuses Fraser of equivocating on specific conceptual terms, in order to act as a middle ground between Butler and Benhabib: "Fraser can reconcile her political commitments with a theoretical sympathy to postmodernism, only because in effect she has replaced "postmodern" by "neo-pragmatist" historiography and social research. As opposed to the pragmatic pluralism of methodological approaches guided by research interests, as advocated by Fraser, what postmodernist historiography displays is an 'aesthetic' proliferation of styles which increasingly blur the distinctions between history and literature, factual narrative and imaginary creation." Benhabib, "Subjectivity, Historiography, and Politics: Reflections on the 'Feminism/Postmodernism Exchange'," 112.

[90] Fraser articulates why such a theory would be productive when she writes: "How, then, should we resolve the Benhabib-Butler dispute over 'the death of man'? I conclude that Butler is right in maintaining that a culturally constructed subject can also be a critical subject, but that the terms in which she formulates the point give rise to difficulties. Specifically, 'resignification' is not an adequate substitute for 'critique,' since it surrenders the normative moment. Likewise, the view that subjectivation necessarily entails subjection precludes normative distinctions between better and worse subjectivating practices. Finally, the view that foundationalist theories of subjectivity are inherently oppressive is historically disconfirmed, and it is conceptually incompatible with a contextualist theory of meaning. The upshot, then, is that feminists need to develop an alternative conceptualization of the subject, one that integrates Butler's poststructuralist

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postmodernism, rather than against it, Fraser does not offer an outline for the necessary

theory. In what follows at the end of this chapter, I attempt to articulate the need and

practical grounds for such a hybrid theory. In chapters 5 and 6, I attempt to construct

theoretically my version of a feminist ethics grounded in Butler, Cornell, Benhabib and

Allen, effectively completing Fraser's call for a pragmatic hybrid feminist approach.

The United States Healthcare Debate and Feminist Concerns about Normativity

In order to think through why the issue of normativity is so important for feminist

scholarship not merely in the abstract, but also in the theoretical-practical, I propose a

consideration of two possible problem scenarios. In the first, I suggest that the feminist

relevance of healthcare reform in the United States has been occluded because of the

normative construction of the terms of the debate. In the second, I address a problem of

particular relevance for both feminism and a Critical Theory of cosmopolitanism, the

possibility for transnational feminist relations between Western feminist scholars and

Afghani women. Through these considerations, I demonstrate the possibilities for

thinking with and against Habermasian normativity as it relates to feminist concerns,

positing a productive tension between Habermas' hard-lined notions of normativity and

postmodern concepts of fluidity and utopia.

Habermas explicitly argues as a part of his theory of communicative action that

social theory has mediatizations—namely, money and power—that influence the

possibilities for transformation in the public sphere.[91] Habermas explicates the

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emphasis on construction with Benhabib's critical-theoretical stress on critique" (69). Fraser, "False
Antitheses: A Response to Seyla Benhabib and Judith Butler."

[91] Habermas, *Theory of Communicative Action, Volume 2: Lifeworld and System*, 294.

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systematic development of these mediatizations in one of his only extended discussions of the role of power in society. Borrowing from Weberian sociology and Parsons' theory of society, Habermas claims that money and power come to "colonize" the lifeworld through historical processes of development and mechanisms of legitimation.[92] Initially, power was understood mainly through mythology and religion, but it has now become secularized as the way in which bureaucracies are controlled by legal means.[93] As mediatizations, power and money must themselves be controlled through legitimation processes in the public sphere. The private sphere of power plays no central role—it has to be translated as it were into the public. In this way, the relationship between power as it has been normalized and the absence of power in those who are disenfranchised cannot be theorized in a Habermasian model.

Often, from a feminist point of view, money and power are more than simple mediatizations; these are the grounds by which oppression is normalized. Let us take a particular example, the problem of access to affordable health insurance in the United States. Despite the passage of U.S. healthcare legislation in March 2010, the discussion about healthcare reform is still relevant and pressing: Who are the uninsured? How should we continue to improve insurance access? Should there be a socialized plan? What about undocumented immigrants? Even this wide array of relevant questions regarding the status and application of healthcare in the U.S. uncovers the relatively

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[92] Ibid., 305-318.

[93] Ibid., 384: "It must be possible to anchor money and power in the lifeworld as media, that is, to institutionalize them by means of positive law. If these conditions are met, economic and administrative systems can be differentiated out, systems that have a complimentary relation to one another and enter into interchanges with their environments via steering media. At the level of system differentiation modern societies arise, first capitalist societies, and later—setting themselves off from those—bureaucratic-socialist societies."

narrow breadth of discussion. In media coverage it is overwhelmingly evident that the

discussion has been normalized to be a debate about choice and political power—

disguising other relevant issues regarding class, gender, and race divisions in access to

both existent healthcare, and the healthcare that will be available in 2019 as per the 2010

Healthcare Reform Bill.

The most contentious battles before the bill was passed, and even after, were

about what healthcare reform meant for the future of power in the dominant political

parties. As *New York Times* contributors Robert Pear and David M. Herszenhorn framed

it in the first paragraph of their article "Obama Hails Vote on Health Care as Answering

'the Call of History'," "House Democrats approved a far-reaching overhaul of the

nation's health system on Sunday, voting over unanimous Republican opposition to

provide medical coverage to tens of millions of uninsured Americans after an epic

political battle that could define the differences between the parties for years."[94]

Healthcare reform in this discussion seems to be predominately, even almost entirely,

about which parties voted for what, and how successful those parties were at preserving

political face. It is not until near the end of the first page of the article that Pear and

Herszenhorn even mention the numbers of Americans who will be left uninsured even

after the effects of reform are in place: "The budget office estimates that the bill would

provide coverage to 32 million uninsured people, but still leave 23 million uninsured in

2019."[95] This privileging of the debate about political power, even in the arguably

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[94] Robert Pear and David M. Herszenhorn, "Obama Hails Vote on Health Care as Answering 'the Call of
History'," *New York Times Online*, March 21, 2010, accessed June 15, 2010,
www.nytimes.com/2010/03/22/health/policy/22health.html.
[95] Ibid.

"liberal" news media outlet of *The New York Times*, exposes the limitations of the

normatively agreed upon terms of the healthcare debate. If we are able to enter

discussion by the terms of communicative action in discursive ethics only by either, A.)

challenging, or B.) keeping the current normative terms of the debate, then our discursive

range is quite limited. With something as pressing as healthcare access, do feminists

have the time to convince news media that the terms of debate are inadequate, before they

can even mention that nearly 21% of women are uninsured[96] or that the U.S. has been

victim to an as yet unexplained jump in maternal mortality rates since 1996[97]?

In Habermasian terms, it would seem that once the discursive bounds are

normatively established, the only recourse for expanding the topic at hand is by re-

circumscribing the normative bounds for debate. However, the pressing needs of

women's access to healthcare should be a part of any discussion, without having to

reframe the debate. Additionally, when power and money—especially as regards a topic

so obviously tied to political prowess—mediate who is authorized to speak and what they

are authorized to speak about, how do women in minority groups, impoverished women,

and even non-profit organizations challenge these normative bounds? This is especially

problematic given the lack of interaction between private access to power and public

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[96] According to the March of Dimes evaluation of Census Data from 2005: "One in five women of childbearing age—12.9 million—was uninsured in 2005, showing no improvement over 2004"; and "At 20.8%, the uninsured rate for women of childbearing age is greater than that for Americans under age 65 overall (17.9%)." *Census Data on Uninsured Women and Children September 2006* https://www.marchofdimes.com/files/CensusData.pdf

[97] The statistics are staggering, "After plunging in the 1900s, maternal mortality rates in California tripled between 1996 and 2006, from 5.6 deaths per 100,000 births to 16.9." Shari Roan and Lisa Girion, "Rising maternal mortality rate causes alarm, calls for action," *Blue Cross Blue Shield Association News*. May 22, 2010. Accessed June 15, 2010. http://www.bcbs.com/news/wellness/rising-maternal-mortality-rate-causes-alarm-calls-for-action.html.

legitimation of that power. Habermas can only appeal to the public access of voting as a means of legitimation. However, I am arguing here that the private nature of money and power restrict access to "real" decision making processes that go beyond voting in elections. In Habermas' estimation it is not possible to circumvent mediations entirely in society; these are material conditions that cannot be willed away. The best society can do is to develop mediatizations, and society's relationship to them, in the most inclusive and democratic way possible. However, Habermas does not engage with the issues of how particular groups, or particular individuals, can find their specific roles in these mediatizations.[98]

On the other hand, it seems clear that a productive discussion regarding women's healthcare needs must enter the public debate. Without making recourse to some normative standards for human rights, how could this be accomplished? For as Benhabib claims, appeals to human rights and universal recognition appear to depend on a rationally based process of social interaction that produces universalized normative values. She writes, "By 'normative foundations' of social criticism I mean exactly the conceptual possibility of justifying the norms of universal moral respect and egalitarian reciprocity on rational grounds; no more and no less."[99] Perhaps by appealing to a pragmatically qualified conception of normative value production, feminist critical

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[98] This issue returns again to the problems I addressed in chapter 1. Habermas can only make recourse to the public sphere of communication and media to intervene on the behalf of particular interests. However, by virtue of the normative constraints of the public sphere, these particularized interests will still be bounded by access, money, and power.

[99] Benhabib, "Subjectivity, Historiography, and Politics: Reflections on the 'Feminism/Postmodernism Exchange'," 118.

theorists can carve out space for a middle ground. Fraser suggests the need for such an alternative when she writes:

> Feminists do need to make normative judgments and to offer emancipatory alternatives. We are not for 'anything goes.' Moreover, it is arguable that the current proliferation of identity-dereifying, fungible, commodified images and significations constitutes as great a threat to women's liberation as do fixed, fundamentalist identities. In fact, dereifying processes and reifying processes are two sides of the same postfordist coin. They demand a two-sided response. Feminists need both deconstruction and reconstruction, destabilization of meaning and projection of utopian hope.[100]

This synthesis of deconstructive and reconstructive, constructive and critical, abstract theoretical and pragmatic seems a necessary turn for feminist philosophy, especially as it considers real issues such as healthcare. Although Fraser articulates this need, and Benhabib and Butler seem interested in productive critical engagement with their respective theories, the alternative is yet to be mapped out.

Universalization and the Transnational Feminist Problem

Given the pitfalls of the relatively civil and democratic procedure for discussing U.S. healthcare reform, it is apparent that complexified feminist issues resultant from globalization and cosmopolitanism would engender even more difficulties for contemporary feminist socio-ethical theory.   For example, take the relationship between Western feminist theorists and Afghani women currently living in the Afghanistan war-zone. It is suddenly the case that women who have traditionally been forcibly kept from

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[100] Fraser is making an appeal to a feminist socio-political theory that is applicable to contemporary socioeconomic realities. For Fraser, post-Fordist consumption based economic theory depends on the simultaneous move to recognize difference and specificity, while at the same time exploiting these differences for capitalist gain. For a feminist theory to be emancipatory in an economic sense then, it needs to establish the importance of women's specific interests, but it must also be sufficiently unifying for a neo-Marxist critique of late capitalism. Fraser, "False Antitheses: A Response to Seyla Benhabib and Judith Butler," 71.

educational opportunities, women whose voices were silenced even in their own villages, now play a major role in discussions of international politics and ethics. Despite the seemingly beneficial move to the global recognition of these women as world citizens, the paternalistic move toward universalization pervades even the most well-intentioned Western feminist thought on the subject.

Normativity is by nature universalizing.[101] Universalization depends on consensus formation. However, consensus formation seems to be undesirable and impossible in something as complex as the debate about relations between the U.S. and Afghanistan. Given that each of the following statements are true,

(1) The U.S. war in Afghanistan is almost prohibitively costly for the US;

(2) The U.S. goal of finding Bin Laden in Afghanistan seems increasingly unlikely; arguably, accomplishing this goal has been unlikely for years;

(3) There is a drug war in Afghanistan, fueled by lack of tribal control;

(4) Women in Afghanistan have had increasing political voice in the past few years, even gaining positions in parliament;

(5) Women in Afghanistan are torn between allegiance to the unique experience of Afghani women and Afghani people, and to fostering solidarity with organizations from the West offering hope for education, protection, and increasingly audible political voice;

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[101] Habermas provides an alternative for stringent universalization for all norms. He contends that weak norms can and do exist, and that these norms include specific markers or "reference" for their own applications. However, this weaker version of normative standards falls prey to the critique Butler levied against Benhabib; namely, that weak norms expose the underlying historical contingency of all theoretical explanations of human interaction.

then, what is the appropriate universalizable consensus? Should it be that Afghani

women seek protection in Western-centered women's organizations, like Women for

Women, International?[102] What happens when these same women are educated, given

puppet political positions to appease Western pressures, and then condemned for their

Western sympathies, as in the case of Malaila Joya?[103] How then can Afghani women

develop their own autonomous subjectivities, which was ostensibly the intent of Western

non-profit organizations? More basically, is it even possible to identify Afghani women

as autonomous subjects, if they are influenced, supported, and structured by Western

organizations? Additionally, what happens to these organizations themselves as the

status and usefulness of Western actors in Afghanistan is increasingly questionable? The

problem here seems to indicate that a rational consensus for a normative solution would

be contentious at best. Even disregarding the practical concerns of the political dilemma,

how would a sensitive feminist theorist conceptualize a transnational solidarity that

preserved and fostered autonomy, while simultaneously extending support and

recognition? This string of socio-ethical questions highlights an important tension

between conventional Critical Theory and Critical Theory informed by feminist concerns.

As I argued in Chapter 1, feminist theorists recognize that the public sphere of discourse

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[102] Although there are no sources cited to verify the information, the women's organization posts some staggering statistics about the condition of women in Afghanistan. According to the "Global Initiatives Appeal" on the *Women for Women.org* website, "Nearly 79% of women are illiterate. The average salary is just 48 cents a day. On average, Afghan women give birth to 7 children. 1 of every 62 women die during childbirth, and in some regions the number is as high as 1 in 16." http://www.womenforwomen.org/global-initiatives-helping-women/help-women-afghanistan.php?gclid=CLjn6crboqICFV195QodzQKxwg. Accessed June 15, 2010.

[103] Joya, Malaila. *A Woman Among Warlords: The Extraordinary Story of an Afghan Who Dared to Raise Her Voice*. Scribner, 2009.

and debate is not an ideal rational plane of existence, but is instead always already

infused with private interests. That is not to say that these private interests are always

considered during the consensus-formation projects of the public sphere, but instead that

private concerns are more often forgotten and neglected in favor of idealizations.[104] It is

only through a feminist ethics that prioritizes the individual and the particular, at least as

much as the general normative and the universal, that transnational recognition can take

place.[105]

Conclusion

Far from answering Benhabib, Butler, Cornell, or Fraser's concerns regarding the

status of Critical Theory and postmodernism, in this chapter I have sought to

problematize the relationship between contemporary feminist scholars and Habermasian

conceptions of normativity. By recasting the discussion in this light, I have been able to

find both the strengths and the weaknesses of Habermas' theory *vis-à-vis* feminist

concerns regarding healthcare and transnational solidarity. Although I have only briefly

sketched the problem here, I return to the issue of particular feminist concerns in

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[104] Although, this chapter relies on a feminist critique of Habermas in ethical terms, the private/public issue
does raise some interesting questions regarding Habermas' structural commitments. As James Swindal has
rightly pointed out in response to a draft of this chapter, any decision, whether private or public, runs into
structural issues that effectively have nothing to do with power. Questions of social utility, hierarchical
rankings of issues, and combining interests all expose structural difficulties in appropriate decision-making.
The issue of power, for Habermas, serves to intervene when these issues are otherwise difficult to resolve.

[105] At this point, it is only possible to argue that the individual must retain equal importance to the
universal, as the basis for rights and recognition still depends on a quasi-normalized notion of
universalizability. However, in Chapters 4, 5, and 6, I will demonstrate a relational foundation for
recognition, as well as a structure for human rights that values difference. Once these arguments are in
play, I will claim it is preferable to ground the ethical on the individual, rather than an abstract universal.

healthcare ethics in my fourth chapter. There, I argue that, as Habermasian normativity formalizes into an account of future subject formation, his theory further limits feminist interests in care relationships and utopian goals of expanding subjective possibility. I articulate an alternative wherein intersubjective and contextualized relationships offer sufficient normative grounding for an ethics of care. Additionally, as the example of Afghani women's concerns makes clear, the development of a socio-ethical theory which accounts for difference, even in solidarity, is of utmost concern. I return to a discussion of the development of such a theory in Chapter 6, where I suggest an outline for a tenuous solidarity, as an inspired alternative to a discursive ethics dependent on normative consensus.

Chapter 3

Seeking Utopia: A Feminist Critical Analysis of Habermas' Consensus Orientation

In his theory of communicative ethics, Habermas establishes a reinvigorated and reevaluated grounding for Critical Theory, a grounding that stems not only from his roots in the Frankfurt School, but also from asserted roots in the lineage of Enlightenment thought. Explicitly, Habermas often identifies his philosophy with Kantianism and coins the description "post-metaphysical" to describe the Enlightenment roots of his unique development of Critical Theory. Habermas' ambivalence towards Hegel manifests itself most explicitly in the Hegelian attitude of his theory of communicative ethics. In Seyla Benhabib's essay "The Utopian Dimension in Communicative Ethics" (1991), she offers a critique using Habermasian ideas against Habermas himself. Her critique rests on the grounds that Habermas over-determines the normatizing power of communicative action in fulfilling truth ideals to the detriment of the utopian and emancipatory transfiguring powers of critique. Explicit in her claims is a neo-Kantian and feminist formulation of utopianism and emancipation as the primary outcomes of critical philosophy. However, implicit in her claims lies a potentially illuminating reconstruction of Habermasian communicative ethics as a philosophy of Spirit rather than critique. In this chapter, I seek to uncover Habermas' Hegelian tendencies, tracing his ethical formulation of labor and interaction in *Moral Consciousness and Communicative Action* (1990) to its Hegelian roots. Then, by examining Benhabib's critiques of fulfillment-oriented philosophy, I argue that Habermas' description of normativity is not only linked more to his Hegelian heritage of philosophies of Spirit than to his critical allegiance with Kantianism, but it

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also abandons the central critical theoretical goals of emancipation and utopianism.[106] It

is precisely these goals of transfiguration that allow for a feminist Critical Theory to

emerge, and by recreating the philosophical historical lineage of Habermas' thought, I

hope to reconfigure a contemporary Critical Theory that synthesizes Habermasian

concepts with the ethical, political, and practical theoretical aspects of utopian feminist

critique. I end this chapter with an analysis of practical and theoretical issues illuminated

by a case example of immigration legislation, culminating in a developed feminist

utopian position using Honig's, Benhabib's, and Pateman's theories.

Habermas' Hegelian Heritage

In *Moral Consciousness and Communicative Action*, Habermas defines the

parameters for his discourse ethics. He explains his theoretical lineage in terms of an

affinity for the projects of modernity. The pinnacle of modernity for Habermas, however,

is not the expected Kant, but rather Hegel.   In fact, Habermas claims that his notion of

lifeworld is best aligned with Hegel's explicit critique of Kant: "Rooting the practice of

argumentation in the lifeworld contexts of communicative action calls to mind Hegel's

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[106] This is a potentially controversial reading of Benhabib's critique of Habermas. Amy Allen, for
example, argues in *The Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical
Theory* (2008) that Benhabib is critiquing Habermas for not appropriating Hegelianism enough. According
to Allen, Benhabib identifies with Hegelian universalism insofar as that universalism depends on the
particularities of ethical life. However, I believe that my argument is another side of the same general
position: Benhabib also identifies with Kantian utopianism insofar as this utopianism depends on a
prioritizing of emancipation and difference. See: Allen, Amy. *The Politics of Ourselves: Power,
Autonomy, and Gender in Contemporary Critical Theory*. New York: Columbia University Press, 2008. p.
153.

critique of Kant..."[107]   From what follows in *Moral Consciousness and Communicative*

Action, I take the critique to which Habermas is alluding to be Hegel's position that

Kant's critical philosophy is overly subjective, and in that subjectivity it opens itself to

skepticism.[108]   Habermas wants to avoid falling into a skeptical trap in his ethics, and

attempts to do so by establishing firmly contextual foundations for ethics—the lifeworld.

Habermas goes further to claim that his lifeworld is related to a Hegelian notion of ethics:

> Because morality is always embedded in what Hegel called ethical life
> (Sittlichkeit), discourse ethics is always subject to limitations, though not limitations that can
> devalue its critical function or strengthen the skeptic in his role as an advocate of the
> counterenlightenment.[109]

Discourse ethics, then, is limited by the context of lived situatedness. In this way,

morality and the ethical life fit into the larger framework of lifeworld that pervades

Habermas' overall theory:

> In a discursive framework we perceive the lived world of the communicative practice of everyday
> life from an artificial, retrospective point of view: as we hypothetically consider claims to validity,
> the world of institutionally ordered relations becomes *moralized*, just as the world of existing
> states of affairs becomes *theoreticized*. Facts and norms that had previously gone unquestioned
> can now be true or false, valid or invalid. Moreover, in the realm of subjectivity, modern art
> inaugurated a comparable thrust toward problemetization. The world of lived experiences is
> aestheticized, that is, freed of the routines of *everyday perception* and the conventions of everyday
> action. For this reason we do well to look at the relationship of morality and ethical life as part of
> a more complex whole.[110]

For Habermas, the power of discourse exists both as a means for navigating

intersubjective and cultural experience, and as a method for framing moral and

theoretical considerations. This power only exists in relation to the lifeworld. On the one

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[107] Habermas. *Moral Consciousness and Communicative Action*. Trans. by Christian. Lenhardt and Shierry

Weber Nicholsen. Cambridge, MA: MIT Press, 1990. p. 102. Original German Text: *Moralbewusstsein*

und kummuikatives Handeln. Frankfurt: Suhrkamp Verlag, 1983.

[108] See for example: Hegel, G. W. F. *The Difference between Fichte's and Schelling's System of Philosophy*.

Trans. by Walter Cerf and H.S. Harris. Albany: SUNY Press, 1977.

[109] Habermas, *MCCA*, 98-99.

[110] Ibid., 107.

hand, the lifeworld is that in which we experience the cultural and intersubjective. On the other hand, the lifeworld allows us the subjective perspective to analyze, moralize and theorize.

The ethical is not simply an extrapolation from the lifeworld, however. The sphere of ethical life also contains the answers to lifeworld questions, in a sort of reciprocal relationship. As part of its relation to justice, these questions are "always already" answered, according to Habermas:

> From the viewpoint of a participant in moral argumentation, the lifeworld that he has put at a distance, a world in which the unproblematic cultural givens of cognitive, expressive, or moral origin are interwoven with one another, appears as the sphere of ethical life. In this sphere duties are so inextricably tied to concrete habitual behavior that they derive their self-evident quality from background convictions. In the sphere of ethical life, questions of justice are posed only within the horizon of questions concerning the good life, questions which have *always already been answered*.[111]

Habermas expresses an inextricable relationship between ethics and morality within the lifeworld; this depiction underscores Habermas' commitment to an Enlightenment notion of universalist morality. Habermas claims that everyday duties are "self-evident," they are concerned with "the good life," and they relate to questions that merely concretize the knowledge of justice that already exists. As subject to validity claims, ethics and morality would seem to indicate the Kantian element of Habermas' theory. However, as I have already argued, Habermas' ethical system is rooted in the lifeworld, and this lifeworld is dependent, in part, on a Hegelian commitment to experiential reality, rather than subjective transcendence.

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[111] Ibid., 107-108, emphasis in the original.

Despite his argument that ethical life provides the formal sphere for a self-evident morality, Habermas does not rely on transcendent sources for his justification.[112] Instead, Habermas claims that the self-evident nature of morality in ethical life is a function of rational decisions, thereby connecting discourse ethics, morality, and rational consensus in a concrete way. As I explained in Chapter 2, Habermasian ethics can be systematized only insofar as ethical principles can be decided upon rationally. These rational decisions lie, for Habermas, in the ability to be of generalizable interest:

> Thus, the development of the moral point of view goes hand in hand with the differentiation within the practical into *moral questions* and *evaluative questions*. Moral questions can be decided rationally, i.e., in terms of *justice* or the generalizability of interests. Evaluative questions present themselves at the most general level as issues of the *good life* (or of self-realization); they are accessible to rational discussion only *within* the unproblematic horizon of a concrete historical form of life or the conduct of an individual life.[113]

It is here, I contend, that Habermas clarifies his conception of justice. In the first place, Habermas explains that practical discourse works to distinguish universal from uniquely subjective concerns. He also indicates that practical discourse functions to evaluate moral considerations in communicative action. Moral considerations are of universal concern, which Habermas explains must be determined through a conception of justice. Although he does not provide a substantial argument here, Habermas links justice with generalizability. I would argue that there is a further equivocation in play here, between generalizability and what he calls elsewhere, "universal." This equivocation is not necessarily a lapse in terminological concreteness, however. I believe that the replacability of generalizability with universal merely further indicates the intractability

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[112] Self-evident justification has a performative source for Habermas. Interestingly, this emphasis on performativity aligns Habermas's ethical justificatory procedures with Judith Butler's. Throughout her corpus, Butler contends that the process of subjectivation takes place in intersubjective interaction, through what she calls performativity.

[113] Ibid., 108, emphasis in the original.

of the ethical from the moral. Here, Habermas uses generalizability to describe the interpretation of interests, arguably an ethical consideration. However, Habermas claims that this evaluation of interests is decided on the basis of *moral questions*. Elsewhere, Habermas uses the term universal to indicate the deontological conclusion of his moral standpoint theory, as I explained in Chapter 2.   This means that *moral* questions emerge rationally, are decided rationally, and that rational parameters exist for evaluating the universalizability of a position. Additionally, justice is only an issue in the face of generalizable concerns; personal concerns are addressed on an entirely different scale, namely, through an evaluation of "the good life." The good life, for Habermas, is entirely dependent on the self-realization of the individual. It is a quasi-ethical moment insofar as the good life appears to offer the bridge to the contextual lifeworld; Habermas goes so far as to explain that these questions can only be addressed within the rational parameters of a "concrete historical form of life," which means a subject within a particular discursive episteme.

This relation to historical context again depends on a Habermasian affinity for Hegelian theory. Habermas sees Hegel's project as understanding the necessarily historical component of lifeworld, lived experiences, and ethics:

> Hegel fashioned his dialectical mode of justification in deliberate opposition to the transcendental one of Kant. Hegel—and I can only hint at this here—agrees with those who charge that in the end Kant failed to justify or ground the pure concepts of the understanding, for he merely culled them from the table of forms of judgment, unaware of their historical specificity. Thus he failed, in Hegel's eyes, to prove that the a priori conditions of what makes the experience possible are truly necessary. In the *Phenomenology of Spirit* Hegel proposes to correct this flaw by taking a genetic approach.[114]

In order to accommodate both the universalizable and the historically contingent in his theory of discourse ethics, Habermas provides a strict procedure by which he contends

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[114] Ibid., 5.

we can evaluate the empirical and normative claims to validity. Following Hegel,

Habermas argues that the historically contingent characteristic of the lifeworld must be

understood in order to rationally evaluate the norms which are then justified and applied.

However, in truly Hegelian fashion, this historical contingency is understood

dialectically, through practical discourse:

> The principle of discourse ethics (D) makes reference to a *procedure*, namely the discursive redemption of normative claims to validity. To that extent discourse ethics can properly be characterized as *formal*, for it provides no substantive guidelines, but only a procedure: practical discourse. Practical discourse is not a procedure for generating justified norms but a procedure for testing the validity of norms that are being proposed ad hypothetically considered for adoption. [115]

In other words, practical discourse is secondarily related to distributed normative

agreement. The agreement exists first, giving the grounds for practical discourse. This

seems to mean that normative claims in ethics and morality are primordial to practical

application in the lifeworld.

Once this background for discourse ethics is in place, Habermas outlines its

function in producing normative consensus as such. This consensus seems to be almost

entirely fulfillment oriented towards universalization. Habermas even goes so far as to

claim that distancing from norms is only possible inasmuch as it is important for

understanding a hypothetical attitude. This hypothetical attitude cannot be taken up as

lived; instead we should be concerned with a deontological move which would expose

the rational discourse for the prospect of normative consensus:

> Participants can distance themselves from norms and normative systems that have been set off from the totality of social life only to the extent necessary to assume a hypothetical attitude toward them. Individuals who have been socialized cannot take a hypothetical attitude toward the form of life and the personal life history that have shaped their own identity. We are now in a position to define the scope of application of a deontological ethics: it covers only practical questions that can be debated rationally, i.e., those that hold out the prospect of a consensus. It deals not with the value preferences but with the normative validity of norms of action.[116]

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[115] Habermas, *MCCA*, 103.

[116] Ibid., 104.

It would seem that Habermas believes that we can never have a purely objective point of view. To the extent that we cannot remove ourselves from the lifeworld context in which we find ourselves and continually create around us, Habermas does not believe we can be transcendentally objective. However, for Habermas, we can be objective insofar as we are fundamentally rational beings. Working through rational debate with others, in our search for consensus, provides us with a universal validating process. Habermasian deontological ethics is simultaneously historically situated and universally valid; ethics can act in both modes *only* when grounded in rational consensus-oriented discourse.[117] Discourse is further bounded according to "norms of action," which emerge through rational discourse, as well. Habermas argues elsewhere that these norms emerge through specialized discourse. Experts in diverse cultural fields develop and can then offer the appropriate evaluative abstraction in that particular field.[118]

It would seem that an obvious critique of Habermasian discourse ethics would be a critique of the Enlightenment optimism for access to an ideal point of view, wherein one can become a participant in rational discourse, or even become an expert. Yet, Habermas finds emancipatory potential in the emphasis on self-determination in relation to universal moral determination. For Habermas, Enlightenment optimism does not necessarily lead to exclusion. Instead, because the fundamental characteristic of Enlightenment thought is theorizing the increasing social tendency to individuate,

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[117] Here we see the combination of Habermas' commitment to Kantian deontological ethics, alongside his Hegelian justificatory method of consensus formation.

[118] See for example: Habermas, et al. *Habermas and the Unfinished Project of Modernity: Critical Essays on* _The Philosophical Discourse of Modernity_. Ed. by Maurizio Passerin d'Entrèves and Seyla Benhabib. Cambridge, Mass.: MIT Press, 1997.

Habermas believes that an emphasis on individuation prevents the outcome of exclusion.

As David Ingram explains:

> Although Habermas recognizes that this liberal phase of the bourgeois public sphere was not entirely free of contradictions, in that the great mass of workers and peasants were excluded from membership and private interests often supervened in what was ostensibly a rational articulation of the public interest, he nonetheless appreciates the principle of democratic self-determination and critical accountability that it embodied.[119]

Although Ingram acknowledges the potential critique of modernism, which will in fact be

levied against Habermas by the feminists, Ingram does his best to explain how Habermas

can avoid modernist traps. Ingram claims that it is in fact Habermas' commitment to

Hegelian Philosophy of Spirit that ensures Habermasian ethics is not doomed to idealism:

> Modernity is defined by a consciousness of novelty, and it is this awareness that forms the cornerstone of Hegel's philosophy. For Hegel, the most recent stage of history, beginning with the Reformation and continuing through the Enlightenment and the French Revolution, enjoys a special preeminence insofar as the principle that it brings to explicit articulation, freedom, is the motor force of history (novelty) itself.[120]

Because Hegel emphasizes innovation in the progressive drive of dialectics, then

Habermas need only appropriate Hegel's emphasis on novelty to highlight the

groundedness of his theory. An emphasis on novelty means that new voices only enrich

the discursive situation, and that the expansion of dialogue creates greater

universalizability in consensus formation.

Ingram goes so far as to contend that Habermas works to complete Hegel's

modernist project. While Hegel could only allude to the possibility of historical

fulfillment for all, Habermas actually introduces the potential for intersubjectively

evaluating real social problems:

> Habermas remarks that Hegel's decision to ground his conception of Spirit in self-objectifying subjectivity rather than communicative intersubjectivity may well have dictated his choice of ethical community. His model of rational society—as involving a strategic conflict of interests held in check by a bureaucratic administration—resolves the problem of modernity by devaluing

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[119] Ingram, D. *Habermas and the Dialectic of Reason*. New Haven: Yale University Press, 1987. pp. 4-5.

[120] Ibid., 79.

everyday life and minimizing social critique; subjectivism is criticized philosophically, while people's needs for a democratic community go unheeded.[121]

In Ingram's estimation, Habermas criticizes Hegel for not completing the critical project. Despite Hegel's important move from the subject-object dilemma that plagues Kantian critical philosophy, Hegel's development of the ethical community is incomplete. Without adequately theorizing this ethical community, which I take to be analogous to Habermas' lifeworld, Hegel cannot effectively address practical problems. Tom Rockmore, in his book *Habermas on Historical Materialism* (1989), agrees that Habermas essentially fills out Hegel's project. In this elaboration, Habermas takes up a very Hegelian task; namely, to employ the historical materialist process of theoretical fulfillment:

> In other words, in the transition from theory reconstruction to theory replacement, Habermas does not alter his original intent, which is constantly to do better what historical materialism, as he understands it, was meant to accomplish. What does change is the means he chooses to carry out this task and perhaps even the specific source for the inspiration for the wider framework he employs. Although throughout his writings he is more critical of Hegel than Kant, in the effort to show that his own view is better adapted to reach the goal of a prior theory, in effect he employs a Hegelian strategy.[122]

I agree with Rockmore that it is precisely the Hegelian attitude of his theoretical application that aligns Habermas with Hegelianism, despite Habermas' explicit critiques of Hegel and endorsements of Kant. This mode of Hegelianism also forms the ground for Benhabib's critique of Habermas, which I will elaborate in the next section.

Although it is clear in this analysis that Habermas privileges the modernist attitude towards reason and rational consensus, he also recognizes that ethical change depends on a certain motivation to change, to make things better, to increase freedom. However, Habermas sees even in the explorations of utopic ideals the appeal to reason

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[121] Ibid., 82.

[122] Rockmore, T. *Habermas on Historical Materialism*. Bloomington: Indiana University Press, 1989. p. 17.

and dialectic.[123] He admires Marcuse's utopist vision, but less because it inspired

revolution, and more because of what it exposed in Marcuse's sensibilities: a romantic

element grounded firmly in a commitment to idealist notions of reason, i.e., Kant, and an

appreciation of history grounded firmly in Hegelian dialectics.[124] Although it may be

argued that Habermas himself does not have this romantic edge, Habermas' account of

Marcuse is full of reverence and admiration for this quality. So much so, that Habermas'

own tone begins to wax romantic. However, if Habermas identifies the core of

Marcuse's romanticism in Kantian reason and Hegelian historicity, it is certainly because

of his own predilection for these concepts. Kantian reason and Hegelian historicity found

his theory of communication; they are what allow for rational consensus and even speech

act analysis. In this way, Habermas introduces a utopic moment to his theory. He has

hope for a future made better through democratic participation, wherein the norms and

values most helpful for all are rationally agreed to at the end of reasonable

communicative action.

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[123] Habermas seems to endorse a very qualified notion of progressive change. Against the cultural
dismantling of progressive art, Habermas claims that even culture must be normative and oriented towards
understanding: "On the one hand, once the vessels of autonomously articulated cultural sphere are
shattered, their contents are lost; once meaning has been desublimated and form dismantled, nothing
remains and no emancipatory effect results. But the second error is even more fraught with consequences.
In the communicative praxis of everyday life, cognitive interpretations, moral expectations, expressions and
evaluations must interpenetrate one another. The processes of reaching understanding which transpire in
the lifeworld require the resources of an inherited culture *in its entire range*. That is why a rationalized
everyday life could not possibly be redeemed from the rigidity of cultural impoverishment by violently
forcing open *one* cultural domain, in this case art, and establishing some connection with *one* of the
specialized complexes of knowledge". Habermas, "Modernity," 49.

[124] "Psychic Thermidor and the Rebirth of Rebellious Subjectivity," in *Habermas and Modernity*. Pp. 70-
77.

Habermas' quasi-utopist vision parallels the goals and ideals of many "rebellious" thinkers, including many feminists whose critical optimism rests entirely in the hope for future change. As I addressed in chapters 1 and 2, the feminist engagement with Habermas' theory involves varying degrees of accordance with and dependence upon Habermasian concepts. The same holds true for the feminist engagement with Habermas' fulfillment-orientation. In the coming sections, I primarily engage two of these feminist positions, Benhabib's and Honig's, in order to illustrate a possible modification of critical theoretical principles regarding utopianism and universalization.

Although Habermas and these feminist positions share many of the same goals, the philosophical commitments are quite divergent. As I explained above, Habermas is committed to a hard-lined notion of rational argumentation culminating in consensus. This consensus promotes normative values for society, and it is in these norms that Habermas expresses a qualified utopian promise. Change occurs through consensus fulfillment, modeling a strong modernist position. Many feminists have a quite different grounding. Benhabib, for example, is closest to Habermas, in that she argues that a commitment to universalist reason is necessary for appealing to the empowering potential of change. Without agreed upon notions of what good and better are, how else can we achieve a better future? However, Benhabib is still distinct from Habermas in that she recognizes that this idealist notion of reason is only useful on a macro-level. In order to even come together for utopian change, Benhabib contends that we must recognize the individual particularities that can never be subsumed into one programmatic norm for society, but are always instead concrete and particular. Utopic promise can only arise

when a balance is met between the generalized and the concrete other. Here utopianism is grounded less on Hegelian historicity and more on historically contingent and contextual psychologies.

Benhabib's work is uniquely important to my own understanding of the debate between communicative action theory and feminists, because contrary to many of the feminist philosophers I have addressed thus far, Benhabib explicitly espouses a modified version of Habermas' theory. Benhabib's critique of Habermas' Hegelianism is nuanced and qualified by her allegiance to an overall appropriation of Habermasian normative theory. As I addressed in chapter 2, Benhabib believes that feminist ethics must be grounded in normative standards in order to preserve practical emancipatory possibility. For Benhabib, a system of Habermasian communicative action resolves conflicts, answers moral and political questions, and balances self-interest (private) with mutual understanding (public), albeit in a limited way given his emphasis on normativity. As I outlined in chapter 1, Benhabib, Fleming, and others believe that Habermas recognizes and addresses the dichotomy between public and private, but that his application and extension of political discourse is limited by its normalizing nature to universalize. In this section, I will develop a different vein of Benhabib's critique. According to Benhabib, Habermas—to his detriment—minimizes the utopic vision of a Kantian inspired ethical system.[125]

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[125] Axel Honneth shares Benhabib's position. See, for example: Apel, Karl-Otto. "Normatively Grounding 'Critical Theory' through Recourse to the Lifeworld? A Transcendental-Pragmatic Attempt to Think with Habermas against Habermas," *Philosophical Interventions in the Unfinished Project of Enlightenment.* Eds. Axel Honneth, Thomas McCarthy, Claus Offe and Albrecht Wellmer. Trans. by William Rehg. Cambridge, MA: MIT Press, 1992.

In her essay "The Utopian Dimension in Communicative Ethics," Benhabib exposes Habermas' latent affinity for a Hegelian system of ethics and fulfillment.[126] To begin her analysis, Benhabib explains the difference between a utopian-oriented system of ethics and a normatively-oriented system of ethics as two possible understandings of an ethics of communicative action:

> It [the two possible interpretations of an ethics of communicative action] reveals the intimate relation between 'transfiguration' and 'fulfillment', between the poles of *utopia* and *norm* within which the discourse of a critical social theory unfolds. By 'transfiguration' I mean the future envisaged by a theory entails a radical rupture with the present, and in such a rupture a new and imaginative constellation of the values and meanings of the present takes place. The concept of fulfillment, by contrast, refers to the fact that the society of the future executes and carries out the unfinished tasks of the present, without necessarily forging new, imaginative constellations out of this cultural heritage. These are concepts which I use to designate an essential tension in the project of Critical theory and which can also be referred to as 'utopia' and 'norm' respectively.[127]

Benhabib's evaluation of transfiguration and fulfillment exposes her own philosophical lineage and affinities. Benhabib is more or less a neo-Kantian Critical Theorist; however, she writes elsewhere of her particular draw to Hegel and Hegelian inspired ethical understanding.[128] In this case, Benhabib identifies a Kantian ethical system of theory replacement with transfiguration, while relegating Hegelian ethics to theory reconstruction through historically predetermined fulfillment. Benhabib equates fulfillment with norms, and transfiguration with utopia. Throughout the rest of the essay, Benhabib attempts to show how, despite his inclusion of both normative and utopian

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[126] Benhabib, S. "The Utopian Dimension in Communicative ethics." *Critical Theory: The Essential Readings.* Ed. by David Ingram and Julia Simon-Ingram. St. Paul, Minnesota: Paragon House, 1991. pp. 388-399.

[127] Ibid., 389.

[128] See, for example: *Feminist Interpretations of G. W. F. Hegel*. Ed. by Patricia Jagentowicz Mills. University Park, Pennsylvania: Penn State University Press, 1996. In Benhabib's contribution to this volume, "On Hegel, Women, and Irony," although she is critical of Hegel's system, Benhabib clearly understands its unique political effects.

elements, Habermas' favoring of normativity and generalization limits his capacity to

bring the utopian and culturally sensitive aspects of his theory to fruition.

Benhabib explains that fulfillment and over-generalized norms have been

historically faulted for their inability to reconcile with the value of emancipation and

universalization. She explains that although Habermas tries to re-establish the link

between critical political theory and the Enlightenment, he fails to see that the

Enlightenment legacy excludes several groups from the universal rights and potentialities

it claims to protect:

> Habermas has attempted to reestablish the link between the Enlightenment and emancipation, and
> to bring the project of emancipation into the light of the public by going back to the Enlightenment
> legacy of practical reason. His project requires fulfilling the universalistic promise of social
> contract and consent theories which, since the 17th century, have always limited such universalism
> on the basis of sex, class, race, and status distinctions.[129]

Although Benhabib finds merit in the emancipatory project, she recognizes that any hope

for universalized emancipation can emerge only through a utopian understanding of the

value of the other. Rather than generalizing the Other as that-standpoint-which-is-not-

my-own, Benhabib suggests a reevaluation of moral autonomy. She chastises Habermas

for simply accepting the view of the generalized other from Mead: "My thesis is that

Habermas, following Mead, restricts moral autonomy to the standpoint of the

'generalized other', and does not do justice to the utopian dimension in his own

project."[130]

According to Benhabib, the collapse of Habermas' project into simple fulfillment-

orientation and generalizability comes from a procedural notion of normative consensus:

> There are two premises shared by Rawls and Habermas. I will call the first the 'consensus
> principle of legitimacy' and define it as follows: the principle of rational consensus provides the

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[129] Benhabib, "Utopian," 389.

[130] Ibid., 390.

only criterion in light of which the legitimacy of norms and institutional arrangements can be justified. More significantly, Rawls and Habermas share the meta-theoretical premise: the idea of such rational consensus is to be defined *procedurally*. Rawls maintains that his theory of justice provides us with the only procedure of justification through which valid and binding norms of collective coexistence can be established. Habermas argues that the 'ideal speech situation' defines the formal properties of discourses, by engaging in which alone we can attain a rational consensus. The fictive collective choice situation devised by Rawls and the 'ideal speech situation' devised by Habermas are *normative justification procedures* serving to illustrate the consensus principle of legitimacy.[131]

Benhabib's explanation of the "consensus principle of legitimacy" exposes another major flaw of Habermas' notion of normativity: it is sterile. By creating an ideal speech situation, goals and justifications arise in a consensus whose establishment rests on the notion of a generalized other who legitimizes this normative position. In other words, Habermas creates a procedure for communicative ethics that does not sufficiently account for the spontaneity, interconnectedness, historicity, and cultural relevance of real political speech.

Although Benhabib is sympathetic to the Habermasian project of communicative action, she finds the problem of fixed normativity almost fatal to his project. Benhabib believes that the alternative—an open, utopian-oriented ethical attitude whose goal is transfiguration and whose establishment rests on recognizing the concrete other— exposes major flaws in Habermas' dichotomized system:

> If the highest stage of a universalistic ethical orientation is this open, reflexive communication about our needs and the cultural traditions in light of which they are interpreted, then a number of oppositions on which Communicative ethics seemed to rest begin to lose their force: questions of justice merge with questions of the good life; practical-moral discourses flow into aesthetic-expressive ones; autonomy is not only *self-determination* in accordance with just norms but the capacity to assume the standpoint of the concrete other as well.[132]

For Benhabib, Habermas' claim to a historically contingent and individually sensitive communicative ethics is impossible to maintain alongside his commitments to universalizable, justifiable norms and the social practice of consensus that founds these

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[131] Ibid., 391.

[132] Ibid., 390.

norms. Instead, Benhabib illustrates that true openness to particularized interests and individually contextualized needs undermines Habermas' emphasis on the distinctions between justice and the good life, between practical discourse and aesthetic discourse, and between self-determination and intersubjectivity. Following Benhabib's logic, individual contextualization would not only determine the best path for self-actualization—or the good life, in Habermasian terms—but it would also determine the specific interpretation of justice which a political actor would bring to the discursive public sphere. Similarly, questions of taste and self-expression would influence practical determinations, as the self-identity of a subject would also influence that specific subject's relation to, and identification with, others. Alternatively, bracketing these considerations out of public communicative action would force Habermas into a position of ahistorical and theoretical sterility. Benhabib's critical analysis of Habermas leaves the question: If normativity forces communicative action in the public sphere into a role of self-restriction, then what alternative does the feminist project of Critical Theory have?[133]

Honig, Foreignness and Universalization

In order to uncover the impact of this tension between universalism and utopianism in normative ethics, I would like to take a modified approach to a familiar example in feminist Critical Theory, the issue of immigration. For contemporary feminist philosophers, immigration and the status of immigrant citizens is of particular

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[133] For further analysis of the role of the "concrete other" in Benhabib's thought, see "The Generalized and the Concrete Other: The Kohlberg-Gilligan Controversy and Moral Theory," in *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*. New York: Routledge, 1992. pp. 148-177.

concern in a globalized and increasingly cosmopolitan world.[134] In a cosmopolitan

world, women's rights are not simply an issue for an isolated group of persons in a

national community, but they are instead the paradigms for evaluating human rights

concerns on national, international, and transnational levels. Because of this connection

between women's rights, globalization, and citizenship, feminist theory often engages

with issues of immigration that exemplify similar intersectional concerns. Bonnie Honig,

for example, argues in "Immigrant America? How Foreignness 'Solves' Democracy's

Problems" that U.S. immigration policy has served to reinforce the idealization of

universalist ethical principles, while simultaneously exposing the practical impossibility

to ensure universal democratic participation.[135] Honig contends that the act of

performing a naturalization process dramatizes the signature of a social contract: "In the

case of the United States, this means (re)enacting for established citizens the otherwise

too abstract universalism of America's democratic constitutionalism."[136] For Honig,

foreign immigrants provide liberal legitimacy to the state by creating real situations of

contractual agreement. However, as Honig convincingly elaborates, these same

immigrants are "infantilized" and made to seem unintelligent and "desperate" by native-

born citizens.[137] Native-born citizens create media stereotypes of immigrants as needing

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[134] Although I allude to issues of cosmopolitanism by appropriating themes from Seyla Benhabib's *Another Cosmopolitanism* and incorporating examples of transnational feminist concern, the issues of transnational feminism are tangential to the main projects of contemporary Critical Theory. It is my hope that the alternative notions of solidarity I argue for in chapter 6 could be applied to transnational feminist theory more directly in a future project.

[135] Honig, B. "Immigrant America? How Foreignness 'Solves' Democracy's Problems," in *Social Text*, No. 56. (Autumn, 1998), pp. 1-27.

[136] Ibid., 13.

[137] Ibid.

protection and safe-haven in the paternal authority of the United States. Immigrants are accused of taking jobs from native citizens *and* of burdening social services like food-stamps and Medicaid. If the idealization of universalization is only possible in a fantastical re-enactment wherein the same re-enactment is ultimately undermined by generalization and stereotypes, then it seems that universalized normative democracy is untenable. However, I would like to explore this scenario even further.

Habermas explicitly acknowledges that universalization is mediated by participation. As I laid out in the last two chapters, Habermasian ethics depends on universal normative standards; these normative standards must be formulated on consensus in order to justify.[138] Habermas further contends that normative justification is strengthened by incorporating as many disparate voices as possible: It should not be the white male voice alone, but individuals who have been socialized in particular ways. In fact, Habermas contends that the individual socialization process is central to the effectiveness of communicative action.[139] These concerns seem analogous to the feminist project, where the concerns of individuals must be considered in advance of democratic participation in order to ensure the inclusive efficacy of the emancipatory democratic process.[140] However, as I illustrated above, Habermas' project rests on an overly ideal

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[138] "[A]nyone who seriously undertakes to participate in argumentation implicitly accepts by that very undertaking general pragmatic presuppositions that have a normative content. The moral priniciple can then be derived from the content of these presuppositions of argumentation if one knows at least what it means to justify a norm of action." Habermas, *MCCA*, 197-198.

[139] "Creatures that are individuated only through socialization are vulnerable and morally in need of considerateness." Ibid, 199.

[140] This does not mean that democratic participation is devalued or superfluous to feminist cosmopolitan theory, rather that democratic participation must be reconfigured to recognize the need for individual and

notion of consensus fulfillment and ultimate universalization of normative morality, an

Enlightenment project Habermas indicates can and should be fulfilled. As I have already

intimated, this orientation toward fulfillment inhibits the critical and utopic moments of

Habermas' projects. But what does this inhibition actually mean in practice?

Returning to the idea of immigration and the relationship between the utopic, the

universal, and democratic participation, I would like to reimagine the case example

Honig provides. U.S. immigration policies and state laws are even more stringent and

inscrutable in 2010 than they were in 1998.[141] Today laws in Arizona require non-

citizens to offer proof of legal status at the whim of law enforcement, there is a partial

wall separating the Mexico-U.S. Border, and to enter to and from Canada you must now

have a passport. What does this increased restriction on undocumented citizens,

immigration, and border control mean for an analysis of Habermas' overly modernist

tendencies? I contend that these new systems and legal boundaries are intended to

preserve an idealization of a social contract. By constraining who counts as a member-

citizen in normatively circumscribed boundaries, immigration laws attempt to define

transnational concerns. This theory finds various incarnations, such as Derrida's "Democracy-to-come," or
Cornell's "Moral Imaginary."

[141] Honig references California Proposition 187, legislation passed in 1994 to outline processes for the State
of California to identify illegal aliens. It included measures like checking immigrations status of arrested
persons and verifying citizenship for school children and their families. In 1997, a U.S. District Court of
Appeals ruled the proposition unconstitutional, because it attempted to usurp federal immigration law.
According to the journal *Migration News* published by UC Davis: "In Los Angeles on November 14, 1997,
US District Court Judge Mariana R. Pfaelzer in Los Angeles ruled that Proposition 187 violates both the
US Constitution and the 1996 welfare law, the Personal Responsibility and Work Opportunity
Reconciliation Act of 1996." "California: Proposition 187 Unconstitutional," in *Migration News*, Vol. 4,
No. 12 (December 1997), online. http://migration.ucdavis.edu/mn/more.php?id=1391_0_2_0. Accessed
June 24, 2010.

particular social contract relationships. Society has a duty to protect you, but only if you are a true member of that society. The increased stringency of immigration and border laws further narrow the definition of citizenship and membership, thereby further limiting the duties of society for protection. However, at the same time that these laws and practices serve to exclude and limit persons from citizenship status, they also serve to make the duties of society appear better fulfilled. For example, if a part of the perceived ideal social contract is the duty of protecting property rights, financial securities, and free marketplace trade, it is easier to perform these duties for a select number of accounted-for citizens who have legal-status jobs and participate in banking. However, when members of a community without legal status are unable to participate in these systems and instead seek under-the-table employment and cannot invest in banks, it makes the entire system seem inefficient and incapable. By pushing these marginalized individuals completely outside the bounds of the social contract, the duties appear more universally fulfilled, and therefore more universal in general. But this universalizability is illusory, precisely because those who are expelled from the system are forced to function outside of the system, de-stabilizing the system itself. This is essentially the inverse of the problem Honig identified.

Benhabib contends that these issues are not merely the result of the practical deployment of current democratic institutions, but that they are, in fact, grounded in precisely the type of theory which Habermas endorses.[142] She writes:

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[142] This does not mean that Habermas explicitly endorses the overt sexism, racism, and classism that Enlightenment thinkers did. However, Benhabib implies that appropriating such concepts, without the necessary critique of their history, amounts to a latent acceptance of the ground of these inequalities. Pateman and Mills make similar claims in *The Contract and Domination*. Pateman points out that circumstances will not be changed for women until history is properly addressed (228). Mills goes so far as

> Habermas has attempted to reestablish the link between the Enlightenment and emancipation, and to bring the project of emancipation into the light of the public by going back to the Enlightenment legacy of practical reason. His project requires fulfilling the universalistic promise of social contract and consent theories which, since the 17th century, have always limited such universalism on the basis of sex, class, race, and status distinctions.[143]

For Benhabib the greatest threat to emancipation is the idealization of modernist and Enlightenment conceptions of universalism. By glorifying these positions, and by claiming that they help to establish the normative framework Habermasian communicative ethics needs, Habermas falls prey to a system of domination, rather than emancipation. In the following section, I explain how my specific interpretation of Benhabib's and Honig's positions provides an alternative to Habermas' limitations.

Utopian Cosmopolitanism

As an alternative theory of democratic participation, both Honig and Benhabib endorse cosmopolitanism. Although their conceptions of cosmopolitanism are quite distinct, both theorists share a principle value of utopianism as central to inclusive democracy.[144] According to Honig, cosmopolitanism must be radically democratic, accommodating participants who are disenfranchised by other views of democratic participation:

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to support contractualism, which he defines as an understanding of social contract theory which explicitly emphasizes social critique and historical realities (16).

[143] Benhabib, "Utopian Dimension," 389.

[144] Despite Pateman's hesitancy to endorse any positive theory of democratic emancipation, Pateman's theory of autonomous freedom also rests on utopic values. In *Contract and Domination*, she writes: "On the contrary, one reason for moving away from civil subordination toward a more robust democracy is to open up more possibilities for women to act autonomously. I argued that in the theories I analyzed the freedom of women must always simultaneously be denied and affirmed. This means that individual freedom is (to use a different idiom) always already present, and so the potential for women to use that freedom to bring about change is always there too" (229).

> The goal of a democratic cosmopolitanism is to offset the risks and vouchsafe the benefits of a state (non)membership by widening the resources and energies of an emerging international civil society to contest or support state actions in matters of transnational and local interest, such as environmental, economic, military, cultural, and immigration policies. This is a *democratic* cosmopolitanism because democracy—in the sense of a commitment to local and popular empowerment, effective representation, and the generation of actions in concert across lines of difference—is its goal.[145]

By this definition, the democratic cosmopolitanism Honig endorses is utopian in its orientation towards not a singular, fulfillable goal, but to an ever-widening scope of inclusionary emancipation and participation. Further, this utopian vision for transnational democracy depends on an ethics founded in relational difference, which utilizes contentious and complimentary solidarity as a mechanism for change. Although Honig does not develop either of these positions, I argue that it is clear such a program is needed for transnational and local feminist concerns by her recommendation that democratic cosmopolitanism mediate "transnational and local interest" through the "generation of actions in concert across lines of difference." In chapters 4, 5, and 6, I strive to articulate the possibility for theorizing these ethical foundations, by arguing for the development of a relational ethics modeled upon parental care ethics, grounded primarily in the recognition of mutual vulnerability, which requires specific acts of solidarity for its application. Such a program is, like Honig's vision for democratic cosmopolitanism, fundamentally utopian.[146] It is a procedure, always in process, never oriented to absolute fulfillment that gathers strength in its ability to be fungible and flexible.

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[145] Honig, "Foreignness," 19.

[146] Although I bring together Honig and Benhabib's theories of cosmopolitanism, Honig contends elsewhere that Benhabib's attempts to reformulate a feminist normative ethics ultimately deploys the same universalistic tendencies of which Benhabib is most critical. Honig writes: "Benhabib's *Another Cosmopolitanism* seeks to reclaim universalism for a postmetaphysical politics, but her reclamation is marked by traces of earlier universalisms that promise moral guidance from above to a wayward human world below" (102). Honig elaborates that her own cosmopolitan ethics owes more to explicit utopian

Benhabib, like Honig, advocates an expansionary definition of transnational

democracy. In her formulation of cosmopolitanism, Benhabib attempts to reconcile the

universal with the particular, and the global with the local, by demonstrating their

fundamental interdependence for justification. Unlike Habermasian justifications,

Benhabib argues, cosmopolitan justifications cannot rely on the rationalization processes

of a nation-state. Instead, cosmopolitanism depends as much on the particularity of

intranational cultural differences as it does on the generalizability of international human

rights. As Benhabib explains:

> The spread of cosmopolitan norms, from interdictions of war crimes, crimes against humanity and
> genocide to the increasing regulations of cross-border movements through the Geneva
> Conventions and other accords, has yielded a new political condition: the local, the national and
> the global are all imbricated in one another. Future democratic iterations will make their
> interconnections and interdependence deeper and wider. Rather than seeing this situation as
> undermining democratic sovereignty, we can view it as promising the emergence of new political
> configurations and new forms of agency, inspired by the interdependence—never frictionless but
> ever promising—of the local, the national, and the global.[147]

This definition of cosmopolitanism follows Benhabib's earlier injunction that

universalism in ethics must be oriented toward open transfiguration, rather than

transformative completion. By highlighting the future orientation of increasingly

cosmopolitan ethical navigation, Benhabib suggests a utopian openness is necessary for

theorizing contemporary ethical problems. In this account, neither the particular, nor the

universal is given primacy, unlike the Habermasian account. However, in distinction to

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theories, like Derrida's, that highlight the contentious over the normative. Ultimately my position falls

somewhere between, which is why I have brought the two together. See: Honig, B. "Another

Cosmopolitanism? Law and Politics in the New Europe," in *Another Cosmopolitanism*, ed. Robert Post.

New York: Oxford University Press, 2006. pp. 102-127.

[147] Benhabib, S. "Democratic Iterations: The Local, the National, and the Global," in *Another

Cosmopolitanism*, ed. Robert Post. New York: Oxford University Press, 2006. p. 74.

Honig's formulation, Benhabib still emphasizes a quasi-modernist notion of universal normative justification.

Despite Habermas' fears that such an ethics would lose legitimacy in its theoretical justification, and efficacy in its practical application, using Benhabib and Honig to qualify Habermas' project, I argue that a feminist ethics of utopian cosmopolitanism would ultimately reorient Critical Theory to Habermas' own goals of emancipation. In the next chapter, I address how utopian openness would also benefit Habermas' theory of human nature by providing the theoretical grounding for the expansion of an understanding of embodied subjectivity.

Chapter 4

The Future of Human Nature:

A Critical Analysis of Habermas and the Ethics of Expanding Human Nature

In his book *The Future of Human Nature* (2003), Jürgen Habermas challenges the ethics of medical enhancement by proposing that even something as seemingly benign as preimplantation genetic testing questions the very authenticity of subjective existence and personal autonomy. Arguing that parental rights to interfere genetically with fetuses must be clearly delimited by the possibilities of the future person's decision-making ability, Habermas claims that the philosophical and political right to freedom is at stake in determining medical ethics. Habermas' argument hinges on the notion of biological nature—he proposes that genetic interference is ultimately irreversible and formally final in the constitution of a person. However, Habermas' strict definition of human nature and its future possibilities restricts the potential for reevaluating the very notion of human nature. Habermas' concerns with normativity and autonomy are, therefore, too restrictive for Critical Theory when it comes to such normative and moral concerns as preimplantation genetic diagnosis. In this case, his strictures actually limit normatively guaranteed autonomy by limiting parental decision-making and also by confining the free choice of the individual within biological and genetic constraints, forcing Habermas to propose a restrictive theory of human nature. I propose that in order to evaluate the ethics of medical enhancement, the definition of "human nature" must be expanded to recognize the cultural, psychological, and self-constitutive forces that are, in fact, no longer fixed and yet contribute to the creation of personhood. This notion of existential

personhood simultaneously respects the decision-making ability of the individual, while recognizing the expanded notions of human nature and parental responsibility. In this chapter, I begin with a careful analysis of Habermas' core argument in *The Future of Human Nature*, providing an examination of challenges to his project, notably from Cristina Lafont on the role of parental responsibility and Nikolas Kompridis on normativity. Once the core argument is established, I provide an analysis of an alternative ethical foundation through a modification of relational care ethics. In this way, I challenge the fundamental assumption that genetic enhancement limits autonomy by proposing that a responsible medical ethics including genetic enhancement may instead expand existential freedom. I end this chapter by bracing my argument with an analysis of Amy Allen's feminist critique of Habermasian notions of power, explaining that a synthesis of Habermas and more feminist-friendly relational notions of power dynamics allows for a fuller depiction of a self-constitutive subject. It is in this framework, I contend, that the future human subject of the post-genetic age may in fact be better equipped to assert her freedom and autonomy through critical reflection on biological and cultural forces.

Habermas and Pre-implantation Genetic Diagnosis

Seemingly breaking from his trademark essays and books on social normativity and its effects on communicative action, Habermas' work in *The Future of Human Nature* explores the ever-widening scope of medical ethics and the potential effects medical enhancement may have on ethical autonomy. Medical enhancement's scope is so wide and so amorphous that Habermas limits his analysis to the specific developing

medical technique of preimplantation genetic diagnosis. Habermas identifies his explicit understanding of preimplantation diagnosis as that diagnosis which: "permits genetic screening to be carried out on embryos at the eight-cell stage."[148] Habermas further clarifies his operational understanding of this diagnosis as a procedure explicitly "recommended, in the first place, to parents wanting to rule out the risk of transmitting a hereditary disease."[149] Following this concise definition of preimplantation genetic diagnosis as the paradigm advancement in contemporary medical society, Habermas begins to explore the potential problems and crises he sees arising from the expanding world of medical enhancement and its impact on the question of human nature.

Although it initially seems that Habermas is breaking from his traditional work in communicative ethics and normativity by exploring a debate in contemporary medical ethics, it soon becomes clear that Habermas' fears about preimplantation genetic testing are rooted directly within the issues of familiar Habermasian Critical Theory. Namely, Habermas fears the possibility that medical developments and research investments are moving at a pace beyond the scope of the limitations and regulations established by communicative action in the public sphere. For Habermas, developments in medical enhancement represent a potential threat to communication and normativity on several levels. Primarily, it is on the level of the autonomous individual, which will be the focus

[148] Habermas, J. *The Future of Human Nature.* Trans. by William Rehg, Max Pensky, and Hella Beister. Cambridge, UK: Polity Press, 2003. p. 17. The first two chapters are from *Die Zukunft der menschlichen Natur. Auf dem Weg zu einer liberalen Eugenik?* Frankfurt: Suhrkamp Verlag, 2001. The third chapter is from "Glauben und Wissen," in *Friedenpreis des Deutschen Buchhandels 2001*. Frankfurt: Suhrkamp Verlag, 2001.

[149] Ibid.

of this chapter and something I will discuss in further detail in the coming sections, but also on the level of the ethicopolitical society.

Habermas identifies several factors related to medical advancement techniques that problematize political society and the effectiveness of the public sphere. In Habermas' estimation: "As biotechnological research is by now bound up with investors' interests as well as with the pressure for success felt by national governments, the development of genetic engineering has acquired a dynamic which threatens to steamroll the inherently slow-paced processes of an ethicopolitical opinion and will formation in the public sphere."[150] The very relation of medical development to funding sources and governmental recognition, according to Habermas, infuses the biotechnological debate with a force that is difficult to control via the normal public and political practices. Habermas believes that in order to combat hasty acceptance of medical advancement techniques, ethicopolitical society must engage in a more specific application of communicative action. Evaluating the ethical standards for preimplantation genetic diagnosis, Habermas writes:

> As a first step, the population in general as well as the political public sphere and parliament may come to feel that preimplanation genetic diagnosis *as such* may be morally permitted or legally tolerated if limited to a small number of well-defined cases of severe hereditary disease which *the persons who are potentially affected by them in the future cannot be reasonably expected to cope with*.[151]

This line of reasoning seems to presuppose two major assumptions: First, that the political public sphere is best suited to provide the ethical guidelines for the Kierkegaardian private determinations of the self on which Habermas is grounding his

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[150] Ibid., 18. Original emphasis.

[151] Ibid.

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argument.[152] And secondly, that the "ability to cope" provides sufficient normative content to overcome the limitations of medical/economic and private/familial determinations of biotechnological ethics.

Remarking on the relationship between biotechnological advances and legal restrictions to date, Habermas claims that the freedom of biotechnology has been in keeping with the freedoms of the rest of social society, and as such has been in large part protected, rather than restricted, by law: "From this sober empirical perspective, legislative interventions restricting the freedom of biological research and banning the advances of genetic engineering seem but a vain attempt to set oneself against the dominant tendency to freedom of modern society."[153] Far from seeing this type of freedom as positive in a rationally motivated communicative society, Habermas seems to indicate that the unrestricted tendency towards "freedom" has potentially negative consequences. Later in this chapter, I will examine in detail Habermas' conflicted attitude towards freedom in *The Future of Human Nature* and assess the possible normative ramifications of this attitude on the autonomous individual.

Parallel to his fears about the ethicopolitical ramifications of preimplantation genetic diagnosis and runaway medical advancements, Habermas expresses angst for the status of autonomous individuals in a post-genetic world. Imagining the outcome of the "future person" affected by preimplantation genetic diagnosis--the former fetus-subject,

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[152] Habermas follows Kierkegaard's notion of the subject insofar as Kierkegaard claims that subjectivity is constituted only in relation to lived experience. As opposed to a Kantian separation of subject and object, or a Hegelian mystification of the rational subject, Kierkegaard's subject is closest to the subject in the lifeworld.

[153] Ibid., 25.

now an embodied adolescent--Habermas predicts an existential crisis beyond the scope of

normal adolescent existential crises. He writes:

> In this way, the dedifferentiation of the distinction between the grown and the made intrudes upon one's subjective mode of existence. It might usher in the vertiginous awareness that, as a consequence of genetic intervention carried out before we were born, the subjective nature we experience as being something we cannot dispose over is actually the result of an instrumentalization of a part of our nature.[154]

For Habermas, then, the most affecting result of genetic diagnosis and intervention is not

the presumed goal of combating hereditary disease and ensuring fetal health; rather, the

most affecting outcome is the potential inability for the "future person" to self-identify

according to its subjective nature.[155]

Habermas' warnings about the future of human nature in a post-genetic world

then are two-fold: First, he anticipates a world in which the speed of technology

supercedes the effectiveness and abilities of political communication, which he compares

to a "dominant tendency toward freedom in modern society." Additionally, and more

relevant to this project, Habermas identifies the potential for new existential crises related

to medical instrumentalization and formally final genetic interventions.[156] In the

remainder of this chapter, I want to highlight a particular problem with Habermas'

explanation of PGD. I argue that Habermas conflates the existential with the biological.

Recognizing the detriment to autonomous self-understanding caused by the "disposing

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[154] Ibid., 53-54.

[155] In her reading of an earlier draft of this chapter, Lanei Rodemeyer made the excellent point that the existential crisis Habermas seems to fear for the future-person subjected to PGD is really the same existential crisis that all humans would face at some point, simply in considering the possibility of biological determination.

[156] I am calling biological normativity formal for Habermas in the sense that it is not related to normative content, as the norms emergent from communicative action are, but it is instead prior to this type of normativity. I am therefore using form as opposed to content, rather than simply formal as opposed to causal.

over" the future human person, Habermas mistakenly attributes this danger to an inevitable consequence of PGD. However, PGD as a biological-technology tool and intervention is not necessarily a practice of the anonymous disposing over by an unanswerable third party. As an alternative, I propose in the following sections that if, instead, the normatively interested critical theorist looks to where normative decisions properly belong, namely the communicatively experienced lifeworld, an analysis of the appropriate normative ethical channels—practices of parenting, adolescent self-constitution, the responsiveness of human rights—proves that PGD may retain its place as a practicable technique without disrupting individual autonomy. In other words, if Habermas had focused on the distinction between the biological and the normative issues, he would have had to offer a more nuanced account of medical ethics, rather than resorting to a weak argument for formal biological normativity.

Fixed Normativity and the Devaluation of the Critical in Critical Theory

Nikolas Kompridis, in his book *Critique and Disclosure: Critical Theory Between Past and Future* (2006)*,* challenges the Habermasian position on both the notion of *future* and the notion of human autonomy and possibility. Taking for his main interest the role of normative ethics in the disclosure of human facticity, Kompridis hones his appraisal of Habermas' distinction between proceduralist ethics and human nature.

Although Kompridis' main objective is to rectify contemporary Critical Theory with a current reading of Heideggerian disclosure theory, underlying his entire project is an apt critique of Habermas—particularly the more recent works by Habermas. Kompridis begins his discussion of Habermas with an analysis of the Critical Theory

project of understanding future possibility. According to Kompridis' estimation,

contemporary Critical Theory is founded on recognition of renewal—a renewal which is

historically constituted. This concept of renewal is not only a notion of cultural

reevaluation, but also a deeply personal responsibility of the individual in a normatively

constructed lifeworld. For Kompridis, Critical Theory demands that we reassess the

normative as a reflective tool:

> Thus we can say that the normativity of the new contains both a problem-solving aspect that
> answers the ever-present need to make sense of the discontinuity against a shifting background of
> continuity, and a culture-orienting aspect that facilitates a reflective understanding of and relation
> to the past.[157]

According to this assessment of the role of novelty in normative problem-solving, the

responsible critical individual must retain a reflective relationship with the historical

understandings of normativity and renewal. This reflective relationship appears at the

heart of both first generation Critical Theory and in Habermas' writings on modernity.

In his reading of Habermas' *The Philosophical Discourse of Modernity*[158],

Kompridis ascribes an important ethical paradigm to Habermas' interpretation of the

'present':

> Within this ethically reinterpreted historical horizon we bear a special responsibility: we are the
> ones who must self-consciously renew and correct our forms of life, who must repair what is
> broken, or break with what seems irreparable. We are the ones who must remake our languages
> and practices, and make something new out of something old.[159]

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[157] Kompridis, N. *Critique and Disclosure: Critical Theory between Past and Future*. Cambridge, Mass.: MIT Press, 2006. p. 13.

[158] Habermas, J. *The Philosophical Discourse of Modernity*. Trans. by Thomas McCarthy. Cambridge, UK: Polity Press, 1990. In this volume Habermas contends that the debate between Critical Theory and postmodern thinkers has missed the importance of modernist thought. Some of his most vociferous critiques of Foucault are in this volume, as well as criticisms of Luhmann—both of which were alluded to in the last chapter.

[159] Kompridis. *Critique*, 15.

Individuals have a special reflective duty to renew both their autonomous lives and the intersubjective lifeworld around them in Habermas' assessment of modernity. It is this duty—to renew and rehabilitate the individual in the face of a historical present—that Kompridis finds lacking in the more recent Habermas. Kompridis finds that Habermas moves further and further away from the project of innovation by his interest in proceduralist ethics. According to a Habermasian system of proceduralist ethics, the goal of communicative action is a rational goal—namely, to achieve a norm to which all communicative actors in the lifeworld can ascribe. However, Kompridis argues against Habermas' claims to neutrality and distance from content-rich ideas of the good life. Not only is this position self-defeating—in order for Habermas to make claims about rational standards, he must elevate the notion of rationality to a 'good'—but also, the position is potentially harmful to the critical capacity of Critical Theory. As Kompridis wryly states, "A good that has no significant content has no critical potential."[160] The problem of neutrality and empty goods also points to a much larger problem stifling Habermas' full critical potential. Kompridis identifies a Habermasian shift from an emphasis in historically centered philosophy of the subject (key to first generation Critical Theory) to what Kompridis calls a "more foundationalist theoretical structure."[161] Kompridis finds the totalizing nature of this move problematic for Critical Theory's own ability to retain its *critical* identity, where Kompridis identifies the critical capacity with an emphasis on historical situatedness and particularization. The shift finalized in *Between Facts and Norms* situates Habermas' contemporary brand of Critical Theory within a proceduralist vision of ethics—a restrictive vision Kompridis distills as "…through which the role of

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[160] Ibid., 27.

[161] Ibid., 25.

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philosophy is largely restricted to the problem of designing procedures for determining

the validity of the generalizable, collectively binding norms."[162] In his new work,

therefore, Habermas has moved away from the important critical goal of reflective

innovation, to the severely limited philosophical action of rationally assessing validity.

Despite Habermas' insistence that communicatively centered Critical Theory

avoids the postmodern trap of 'otherness,' or more specifically, the other of reason,

Kompridis points out the impossibility of avoiding otherness based on the very practices

of communicative Critical Theory:

> Nonetheless, communicative rationality does produce its own 'other' of reason because it denies a *transformative* role for reason, a role it cannot help but deny so long as it is narrowly framed by a proceduralist conception of rationality that privileges the justificatory role of reason. This is not a problem that is easily rectified, since the basic concepts of communicative rationality are not designed to make sense of—but simply take for granted—the ways in which human beings transform the meanings, ideals, norms, institutions, practices, and traditions they inherit and pass on.[163]

According to this assessment, Kompridis not only identifies the problem communicative

Critical Theory faces—namely, that the justificatory purpose of rationally motivated

communication eliminates the acceptance of other notions of reason—but he also hints at

the solution. If communicative rationality ignores the transformative power of human

beings, then a refocusing of Critical Theory precisely on that which is transformative,

innovative, and creative would revive the critical and historical situatedness of

communication and Critical Theory.

It would seem then, that Habermas' interest in genetic innovation in *The Future of*

Human Nature is exactly what his philosophical system needs in order to revitalize its

critical character. Unfortunately for Habermas, however, Kompridis finds that far from

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[162] Ibid., 26.

[163] Ibid., 29.

revitalizing his project, Habermas simply exposes his system's own limitations.

According to Kompridis, although Habermas' previous works establish a specific role for

philosophy--as a procedural method for establishing rationally motivated normative

ethics—*The Future of Human Nature* explicitly changes the purpose and goal of

philosophy to an intervention in the lifeworld.   Kompridis clarifies this new goal, when

he writes:

> Philosophy is not just being asked to play a mediating role; it is expected to have a say in determining "*the right understanding of cultural forms of life in general*." Now that calls for a great deal more than what Habermas' procedural conception allows: it calls for critical illumination of what it means to be a human being.[164]

Habermas' call to define human life changes the Habermasian system; now, far from

offering a proceduralist system for rational communication, Habermas advocates a

normative definition of human person as primary to any philosophical understanding.

This new direction poses a unique problem for Habermas; it forces Habermas to

acknowledge the necessity of conceiving of the being and life of the communicative

subject before the communicative act can actually take place.   According to Kompridis,

the arguments in *The Future of Human Nature* ultimately force Habermas to reverse the

priority of his positions. Justice as the outcome of communicative action must now be

secondary to "…a *prior* background understanding of what it is to be a human being."[165]

However, what Habermas offers in the way of understanding human nature does not

fulfill the necessary requirements for an existential understanding of human nature.

Whereas theories of world disclosure involve the creative and the reflective activities of

the self as self-constitutive, even in *The Future of Human Nature*, Habermas merely

provides a fixed prescription for what humanness requires. According to the previously

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[164] Ibid., 166.

[165] Ibid.

discussed fear Habermas has about the existential ramifications of genetic diagnosis on autonomy, the person is unable to reassess and redefine her own nature in the face of genetic manipulation. In other words, the human person is formally constituted by his or her genetic code.

Because of the limitations of a Habermasian system of communicative ethics, specifically the form of ethics restricted by proceduralist and rationalist interests, Kompridis offers his own version of a Critical Theory perspective on human nature. Addressing the need for the innovative and world-disclosing characteristics of Critical Theory—the very qualities he finds lacking in Habermas' *Between Facts and Norms*—in conjunction with a notion of being in a 'genetic' world, Kompridis advocates a critical position in which the meaning of "human being" is continuously redisclosed in the face of historical presence: "For it is not enough simply to offer reminders of what it means to be a human being; philosophy must do what it can to speak in the name of the human, disclosing and redisclosing the meaning of human being in the face of all that threatens it—including those expert cultures which claim to *know* the human."[166] In order to avoid the antiseptic and ultimately overly rationalist conception of the world in Habermasian Critical Theory, Kompridis revitalizes the concepts of renewal, critique, and historicity[167] integral to world-disclosing existential perspectives and first generation Critical

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[166] Ibid.

[167] Here I mean historicity in the Heideggerian sense, in keeping with Kompridis' goals of combining Habermasian Critical Theory with Heideggerian disclosure theory. The historicity of the person being the intersection between Dasein's teleology of reflective thinking, and the temporality of the reflective situation.

Theory.[168] In the context of the future possibilities of human nature, this alternative also

opens the evaluation of what it means to be human to further interpretation and

possibility, a concept I will return to in the final section of this chapter.

Parental Responsibility: The Subtle Differences Between Negative and Positive Eugenics

Despite his critique, even Kompridis recognizes the timely importance of

Habermas' contribution to medical ethics. In the context of an increasingly important

philosophical discussion about medical ethics and advancing medical technologies, *The*

Future of Human Nature offers new insight into the possible ethical and existential

ramifications of a system of positive eugenics. However, as Cristina Lafont has made

clear in her "Remarks on Habermas' *The Future of Human Nature*," it is important to

distill the apt critique of the potential harms of genetic intervention from a conflation of

negative and positive eugenics.

Habermas does attempt to enunciate a clear definition of positive eugenics for the

purposes of his project. He writes: "Genetic interventions involving the manipulation of

traits constitute positive eugenics if they cross the line defined by the logic of healing,

that is, the prevention of evils which one may assume to be subject to general consent."[169]

In other words, Habermas indicates that positive eugenics is that medical intervention

which has been agreed upon as beyond the scope of medical 'treatment'. However, in

this account of positive eugenics it is arguable that given the blurred distinction between

treatment and enhancement as it already stands in medicine, many forms of genetic

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[168] As I argued in chapter 1, renewal and negative critique are both elemental in Adorno's Critical Theory; however, as Kompridis and I agree, Habermas has lost this emphasis.

[169] Habermas, *Nature*, 52.

intervention could equally be interpreted as negative or positive eugenics. For example, depending on the definition of medical treatment, using Ritalin as a medication for increased focus rather than Attention Deficit Disorder is sometimes considered inappropriate use of medicine, and sometimes as a legitimate treatment option. If normative standards are the ultimate weighing mechanism for Habermas' treatment of eugenics, not only does this definition seem unclear, but it also gives way to inconsistencies in Habermas' own argument.

In her "Remarks on Habermas' The Future of Human Nature," Cristina Lafont explores the inconsistencies in Habermas' argument from the very structure of his argumentation. Beginning with Habermas' position that the future will of the fetus must be considered in genetic intervention, Lafont identifies "The Principle of Counterfactual Consent," or the PCC, in Habermas' argument. According to Lafont, the PCC, "[S]tates: 'all genetic interventions, including prenatal ones, must remain dependent on a consent that is at least counterfactually attributed to those possibly affected by them'."[170] Lafont goes on to claim that the PCC forms the foundation for Habermas' argument for the necessity of "The Principle of Abstention Under Certainty," or PAU: Namely that, "'we should abstain from any genetic intervention whenever there is no certainty that it would meet with the counterfactually attributed consent of those possibly affected by it'."[171] Following the principles of PCC and PAU through Habermas' argument we find this basic argument:

In cases of extreme suffering, we can assume conterfactual consent.

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[170] Lafont, C. "Remarks on Habermas' The Future of Human Nature," *APA Newsletter on Philosophy and Medicine 3/1*. (2003): 157-160.

[171] Ibid.

In cases where suffering is not apparent, we cannot be certain of

counterfactual consent.

Therefore, we must abstain from all interventions where suffering is not apparent, because we do not have counterfactual consent.

As Lafont explains:

> The problem with this argument is that it relies on a symmetry that is only apparent. PCC tells us to make our decisions dependent on the counterfactual consent or dissent of those affected by the intervention at issue. Thus, whenever we are (reasonably) certain of the counterfactual consent of the affected, intervention should be permitted, and whenever we are (reasonably) certain of their dissent it should be prohibited. But for that very reason this principle has *no application* for cases in which we are uncertain about the counterfactual consent or dissent of those affected. Given that our uncertainty is as close to their dissent as to their consent, in such cases we cannot make our decisions dependent on either.[172]

Following this logic, Habermas links uncertainty with dissent, and thus confuses the distinction between positive and negative eugenics and the normative value of each. By claiming that a lack of foreknowledge about the future-person's wishes amounts to the future person's dissent, Habermas offers his own interpretation of uncertainty as dissent. This replacement of uncertainty with a specific interpretive meaning is itself explicitly making a final determination on behalf of the future-human person, exactly what Habermas argues would be problematic by assuming assent. Additionally, by confusing the PCC with the PAU, Habermas forgets that the PCC is necessarily linked to negative eugenics. The PCC claims that we can assume counterfactual consent in cases of extreme suffering, precisely those cases that negative eugenics and a practice of treating illnesses diagnosed by PGD would be oriented towards.

In other places in his argument, Habermas does specifically address the issue of dissent and the PAU. Habermas claims that even presuming a child would desire genes that ensure higher intelligence, or eliminate the chance of a minor disability, parents—

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[172] Ibid.

and by extension communicative society—cannot know what qualities and genes would

actually prove to be objectively best for the child.   The conclusion is again, that in the

face of uncertainty the parents must choose inaction. Lafont argues that this argument

not only changes the criteria for evaluation—changing from PCC to a new criterion of

objective best and general consent—but that this new argument for the PAU is also self-

defeating:

> For even if we could anticipate the consent of the affected person to, say, the elimination of a mild handicap (which is not hard to imagine especially at those early times of her life history in which she would suffer the most under its consequences), according to PAU we should still abstain from intervening in view of the fact that the handicap could turn out to be best for her in the end, *regardless of her dissent* at any prior time.[173]

Lafont goes on to claim that following this argument, Habermas also introduces the

possibility for a different type of resentment and unhappiness with the genetic self: a

teenager who discovers that she could have been smarter and could have been healthier

with genetic intervention may conclude that her parents failed in their roles to act

constructively on her behalf.

Although Habermas argues that eugenics precludes participation in the

communicative sphere—"With genetic enhancement, there is no communicative scope

for the projected child to be addressed as a second person and to be involved in a

communication process"—following Lafont's apt critique, this argument may be

interpreted as disingenuous.[174] If Habermas feels that parents must be respectful of a

"projected child's" potential in all decisions regarding the fetus, then is it not possible for

parents to project the communicative interactions with the future child to determine the

desirability of a genetic intervention? For example, if parents discover that their fetus

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[173] Ibid.

[174] Habermas, *Nature*, 61.

shows the genetic marker for hemophilia and that sufficient medical development has

been achieved to treat the genetic defect prenatally, is it not only possible, but desirable,

for the parents to consider the interests of the future person and determine that, given the

choice between hemophilia and no hemophilia, the child would most likely normatively

choose no hemophilia? Additionally, in this situation, are the parents really restricting

the child's potential by treating the hemophiliac gene, or are they opening the child's

potentials by freeing the child from the restrictions the disease imposes on those who

carry it? Or, in Lafont's words, "…It is hard to see how abstaining from an intervention is

less determinative of such a range of opportunities than intervention."[175]

Care Ethics and Parental Autonomy

Lafont's analysis of *The Future of Human Nature* exposes weaknesses in

Habermas' argument about the role of parental rights. According to Habermas, parental

rights are secondary to the potential rights of the future person. In Habermas' estimation,

the future person loses his or her capacity to engage in communicative dialogue about her

very person once the parents have unilaterally decided to use preimplantation genetic

testing. Habermas claims that this unilateral decision on the part of the parents disallows

the autonomous development of the child, and severely limits her ability to self-identify

as an autonomous individual. He writes:

> Irrespective of how far genetic programming could actually go in fixing properties, dispositions, and skills, as well as in determining the behavior of the future person, *post factum* knowledge of this circumstance may intervene in the self-relation of the person, the relation to her bodily or mental existence. The change would take place in the mind. Awareness would shift, as a consequence of this change of perspective, from the performative attitude of a first person living

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[175] Lafont, "Remarks."

her own life to the observer perspective which governed the intervention one's own body was subjected to before birth.[176]

However, as Lafont aptly points out, Habermas' evaluation of the genetically diagnosed child's abilities seems to ignore already existing parental interventions in normal childhood development. She writes: "Here I suppose that an important source of disagreement with Habermas lies in the extent to which I see cultural intervention as even more irrevocable in their existential import than most of the genetic determinations one can realistically think of."[177] Lafont alludes here to the already normatively established cultural practices in Western societies for a child to be raised according to her parent's cultural practices.

As a matter of practice, parents have a considerable amount of influence as to what their children are environmentally and culturally exposed. And this level of parental control seems almost universally acceptable. If the parents are Catholic, for example, they have the recognized right and authority to bring their child to Catholic Sunday School and teach their children Catholic morals. Existing parental control is not merely limited to cultural practices, either. Parents make decisions about their children's food and diet, they choose to give or withhold vaccines and certain medicines, and they even enroll their children in sports teams and activities—all of these parental decisions have a direct impact on the "health" of the child. With regard to genetic intervention, even without the technical capacity of preimplantation genetic diagnosis, parents often choose reproductive partners based on obvious genetic traits. Genetic manipulation, on a pre-technological basis, is a part of normative reproduction in contemporary Western

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[176] Habermas, *Nature*, 53.

[177] Lafont, "Remarks."

civilization. And within certain normatively proscribed limits, these parental decisions

and interventions are not only acceptable, but ostensibly the established ethical method

for parenting in Western societies. Although Lafont does not make specific reference to

care ethics as influential in normative parenting practices, her recognition of parental

responsibility and cultural interventions aligns her argument well within the bounds of an

approach to parental guidelines based in care ethics.

Care Ethics is the branch of ethics emergent from Carol Gilligan's analysis of

Lawrence Kohlberg.[178] In light of my previous discussion of Habermas' commitment to

Kohlberg in Chapter 2, it is an especially interesting alternative basis for an ethical

theory. Like discourse ethics, the ethics of care is a normative ethical theory insofar as it

is a theory that takes a stance about what makes actions right or wrong. Far from being

the only feminist alternative to traditional moral and ethical theories, it is one of a cluster

of normative ethical theories that were developed by feminists in the second half of the

twentieth century. While consequentialist and deontological ethical theories emphasize

universal standards and impartiality, ethics of care emphasizes the importance of

relationships. The basis of the theory is the recognition of the interdependence and

mutual vulnerability of all individuals in specific historical, cultural, and relational

contexts. Different relationships in different contexts with correspondingly differing

levels of intersubjective vulnerability and interdependence make each ethical decision in

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[178] See: Gilligan, Carol. *In A Different Voice*. Cambridge, MA: Harvard University Press, 1982. In this,
her most famous volume, Gilligan explicitly counters Kohlberg's stages of moral development and theory
of the culmination of deontological moral principles. As an alternative, Gilligan suggests that ethical
decisions are made in contexts that determine the most appropriate responses. This is especially important
for feminist philosophy, as Kohlberg famously identified boys as psychologically ahead of girls in terms of
moral development. However, by Gilligan's theories such a facile mapping of specific development leaves
out nuanced ethical decisions made by boys *and* girls everyday.

a care ethical paradigm situation specific. However, at the same time, by highlighting the

intersubjective character of relationality, and emphasizing that there are appropriate

decisions for each context, care ethical paradigms still represent a normative rather than

relativistic ethical theory.

Care ethics is a normative system of ethics founded on the principle that a mutual

recognition of responsibility and attachment is essential for guiding ethical behavior

towards those people closest to you, wherein appropriate parenting typifies appropriate

ethical relations in general. In more contemporary formulations of this ethical position,

familial relationships form models for private, public, and even transnational ethical

decisions. According to Virginia Held in *The Ethics of Care: Personal, Political and*

Global:

> Consider mothering or fathering in the sense of caring for a child, or "parenting," if one prefers
> this term. This is probably the most caring of the caring practices since the emotional tie between
> carer and cared-for is characteristically so strong. This practice has caring well for the child as its
> primary value. But as understanding of what this involves becomes more adequate, it should
> include normative guidance on how to avoid such tendencies as parents may have to unduly
> interfere and control, and it can include the aspect well delineated by Ruddick: "respect for
> 'embodied willfulness'." [179]

The care ethics guidelines for parenting include a consideration for the well-being of the

child, the avoidance of *undue* interference with the child, and respect for the wishes of

the child. In Held's estimation, this paradigm is reciprocally related to social ethics.

Modeling familial interdependence ensures the recognition of social intersubjective

vulnerability, while the emergent social structure can then reflect and intervene on

familial practices.

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[179] Held, Virginia. *The Ethics of Care: Personal, Political, and Global*. Oxford: Oxford University Press,
2006. p. 40.

To ensure that appropriate parental decisions can be made in the age of developing scientific interventions, Lafont recommends the addition of a new principle in place of Habermas' argument for the Principle of Abstention in the face of Uncertainty. Following the logic of parental responsibility and the undeniability of the reality of medical capabilities, Lafont introduces the Plausible Precautionary Principle to the Principle of Consent: "The precautionary principle states: 'when an activity raises threats of harm to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically'."[180] Lafont's recommendation, therefore, hinges on the reality of scientific discovery and the breadth of scientific knowledge. Parents should be mindful of the actual effects of scientific interventions, and weigh any decisions against the available scientific evidence. This common-sense principle, combined with the principle of consent, creates a clear ethical guideline for responsible parenting in an innovative world:

> Thus, if we added to a plausible precautionary principle the equally plausible principle of consent, we could as citizens of a democratic community draw a line for permissible genetic intervention that falls very close to the distinction between positive and negative eugenics, at least for the time being. But, of course, as the latter qualification already indicates, we would be doing so for entirely different kinds of reasons than those that Habermas' argument aims to support.[181]

Following this ethical guideline, parents may employ appropriate interventions to provide reasonable care to a future child. This type of intervention would not only be allowable according to care ethical guidelines concerning parenthood, it would also preserve the established criteria for parental autonomy—namely, freedom to provide the best possible future for a child as long as the intervention (biological, cultural, or otherwise) does not

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[180] Lafont, "Remarks."

[181] Ibid.

inhibit the health and happiness of the child, or the future autonomy of the adult individual.

Although I do not have time to go into sufficient detail, it is worth noting that this type of common sense, pragmatic approach to critical bioethics and care ethics does not compensate for another potential problem in genetic intervention. As I addressed in Chapter 2, fundamental inequalities exist in access to medical care and intervention. Without sufficient access to the most basic medical care, it is increasingly likely that these excluded groups and individuals would face further degrees of unequal access to future medical developments. These inequalities, frequently affecting non-Whites, citizens of lower socio-economic class, immigrants, and unmarried women, are worthy of further analysis. Additionally, these excluded groups have a different set of historically grounded concerns about the future of biomedicine. As disenfranchised members of society, minority women have often been treated as biomedical guinea pigs, or as the victims of positive eugenics legislation. Carole Pateman, for example, addresses the relationships between race, class, gender, eugenics and political participation in *The Contract and Domination* (2008).[182] However, these critiques, based in issues of class and race, are fundamentally different in kind from those Habermas levies.[183]

The Future of Human Nature and the Expansion of Existential Autonomy

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[182] Pateman, C. and Mills, C. *The Contract and Domination*. Cambridge, UK: Polity Press, 2007.

[183] James Swindal has rightly pointed out to me, however, that these critiques are not different from the spirit of Habermas' intent. Habermas' argument rests implicitly on the historical argument that certain classes have been the targets of bad eugenics practices, i.e. German policy during the Second World War.

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Although Cristina Lafont and Nikolas Kompridis provide very different criticisms of Habermas' project, they do share a common interest in the notion of individual autonomy and a real respect for innovation in the lifeworld. Both see limitations in Habermas' theory in the very things he wants to protect—existential freedom and communicative consent. In Lafont's estimation, Habermas neglects to recognize the real outcomes of the future person's possible *dissent* and the child's and parents' right to existential freedom. In Kompridis' account, Habermas fails to address the critical role of innovation—both in the existential lifeworld and within the bounds of different rationalities. By combining Lafont's critique of Habermas with a care ethics interpretation of parental responsibility, I have already provided a certain degree of evidence that genetic diagnosis may offer an expansion of autonomy—albeit in this case also the autonomy of the ethically responsible parents. Addressing Kompridis' alternative to Habermasian Critical Theory, namely a re-evaluation of the notion of innovation and renewal as integral to a critical perspective of the lifeworld, I have also introduced the possibility that the new possibilities for the future of human nature, in their very character as new, may offer fruitful ground for the critically reflective individual. However simply allowing more freedom to parents, or merely glorifying the concept of the 'new', does little to support the actual possibility of the expansion of human nature.

To offer my own alternative understanding of the expansion of human nature, I must first begin by agreeing with Habermas' claims that instrumentalization of human beings *as human beings* leads to negative outcomes, both normatively and existentially, I contest his simplified claim that genetic diagnosis equates to the most egregious

instrumentalization.   Genetic diagnosis, at the very worst, merely instrumentalizes the

genes and genetic diseases which are, in the end, non-determinative parts of eventual

human *subjectivity*. And, at the very best, what Habermas fears to be instrumentalizing,

may in fact offer the possibility of life itself.[184] In addition, with an expanded

understanding of the ability to provide better circumstances for the full development of

the human person (inclusive of PGD), it may be that our existential self-understanding

will include a deeper recognition of bodily *relation and relativity*. Despite Habermas'

claim that birth is philosophically considered the beginning of the human life,[185] it is

already well established that medical interventions happen postnatally as well.[186] Take

for example the cases in which parents ostensibly "choose" the sex of their

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[184] An interesting application of preimplantation genetic diagnosis is the possibility of using PGD to determine the medically viable donor status of an unborn sibling. According to research published by the Cardiff Centre for Ethics, Law and Society, it is increasingly possible for preimplantation genetic diagnosis to determine if a potential fetus could donate cord-stem cells to an already born sibling with Leukemia—this procedure is known as screening for Human Leukocyte Antigens. The fetus—the subject of preimplantation genetic diagnosis—continues to live, while allowing umbilical stem cells to be implanted in their Leukemia afflicted sibling. In this case, PGD seems to ensure the health of two children at once. Although some scientists have questioned the possible instrumentalization of the donor child, the fact that the stem cells are used before implantation, and that the implanted donor retains its own genetic code indicates that the future human person would not suffer from this instrumentalization—in fact, considering the role of care ethics in the sibling relationship as well as the parental relationship, this act of care may be positively formative for all family members.

[185] Habermas cites Arendt here, noting that birth is seen as the original opportunity for a person to establish her individual identity. Interestingly, the feminist development of this position, most notably by Mary Anne Warren, argues that because birth is the ontological beginning of human life, it is also the beginning of possibility for individuation: "Birth also marks the beginning of the infant's existence as a socially responsive member of a human community. Although the infant is not instantly transformed into a person at the moment of birth, it does become a biologically separate human being. As such it can be known and cared for as a particular individual." Warren, Mary Anne. "The Moral Significance of Birth," *Hypatia* 4.3 (1989). Indiana University Press. p. 808.

[186] Habermas. *The Future of Human Nature*. p. 60.

hermaphroditic children upon birth. More commonly seen is the long-standing tradition

of male circumcision, which medical communities not only accept as a standard parental

choice, but also explicitly *offer* as a medically supported option to new parents. Although

there is considerable ethical debate over the former example (popular culture has even

addressed the subject in literature and television), the latter example is considered so

banal that no one questions the ability of a circumcised male to self-identify as opposed

to an un-circumcised male. [187] In these cases, the modified body is seen relationally to

the constitution of the person, not as formally final. Habermas goes further to contend

that:

> *Being at odds with* the genetically fixed intention of a third person is hopeless. The genetic
> program is a mute and, in a sense, unanswerable fact; for unlike persons born naturally, someone
> who is at odds with genetically fixed interventions is barred from developing, in the course of a
> reflectively appropriated and deliberately continued life history, an attitude towards her talents
> (and handicaps) which implies a revised self-understanding and allows for a *productive* response
> to the initial situation.[188]

However, I find it questionable that Habermas should take for granted the silence of

genetics, and the answerability of the person at odds with their genetic code. Adults in

contemporary society often feel at odds with their genetic code, and actively seek to

remedy that division—through cosmetic surgery, through chemical treatment, through the

active performance of another bodily orientation. Additionally, increasing medical

evidence is showing that the genetic code (even in adults) may not be as fixed or as

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[187] Jeffrey Eugenides' *Middlesex* is an excellent example of the literary treatment of the ethics of parental
sex-determination of hermaphroditic children. In the novel, the main character does not identify with the
female gender the parents chose. However, despite a long self-reflective quest, the main character does not
dissolve into existential despair, but rather redefines himself in terms of the male gender he feels better
suited towards. Although a fictional treatment, this novel may provide sufficient philosophical evidence
that third-party bodily determination does not preclude self-recognition and full phenomenological
experience of a subjectively lived body.

[188] Habermas. *Nature*. p. 62.

clearly defined as previously thought. Whereas, in years past, gender dysphoria was considered a medical disorder because gender was believed to be clearly genetically defined, current research indicates that there may be more than one way of defining even "biological" gender. Even without the completion of studies that may redefine our notions of genetically-fixed gender, many adults actively perform and identify against their "genetically defined" gender. Genetic makeup is not completely inscrutable and unanswerable. It may be possible, therefore, to not only respond to our genetic code—manipulated, tested, or not—but it may also improve our understanding of bodily complexity and the relation between our bodies and our self-identity.

In addition to the possibilities for individual autonomy and expansion in the face of increased complexity in human nature, openness and complexity are also foundational to a full understanding of human rights. For example, complex understandings of the human person do not limit the possibilities and opportunities of that person, but by introducing complexity to the sphere of communication and the establishment of norms, these complex understandings give way to new and complex rights and responsibilities. As Marcelo Neves describes in his article, "The Symbolic Force of Human Rights":

> But it is not just a matter of recognizing and confirming this openness to the future. To the *cognitive* recognition and confirmation of social contingency and uncertainty about the future in modern society, human rights respond with the *normative* demand of structuring the 'openness to the future'. This means that human rights contribute to the transformation of unstructured complexity into structured complexity, which entails a claim to justify certain normative expectations and exclude the legal validity of others. The role of human rights in structuring the openness to the future and complexity relates to normative requirements that are sensitive to cognitive recognition of the surplus of possibilities and risks inherent in modern society.[189]

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[189] Neves, Marcelo. "The Symbolic Force of Human Rights," *Philosophy & Social Criticism*, Vol. 33, No. 4. (2007): 411-444. p. 416.

These open possibilities may include their own risks, but far from limiting the autonomous existence of the individual, even these risks have productive value in the lived sphere of human rights and recognition.

This deeper understanding of the relation between bodies, social recognition and our self-identity is of important concern to a feminist project of Critical Theory. Amy Allen's recent work The *Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical Theory* explores the limitations of Habermas' "normative idealizations" of human life, offering an alternative wherein, "The key is to give up on the demand for purity and to develop the Habermasian critical-theoretical project in a more contextualist and pragmatic direction."[190] In other words, constituting a subject is not biologically, but socially determined. Genetic intervention may have a determinative influence on hard biology, but Habermas' account also indicates his belief that it is determinative of subjective identity. This position undermines his own acceptance of communicative action as self-empowering, and ultimately intersubjective. In the next two chapters, I would like to consider how expanded notions of human nature may offer the appropriate context for a feminist ethical understanding of power and autonomy in Critical Theory.

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[190] Allen, Amy. *The Politics of Our Selves: Power, Autonomy, and Gender in Contemporary Critical Theory*. New York: Columbia University Press, 2008. p. 176.

Chapter 5

Mourning and Vulnerability: What Butler and Cornell Offer to Habermas'

Theories of Human Nature

Using Habermas' *The Future of Human Nature* and *Between Naturalism and Religion* as a grounding, I propose that Habermas' recent projects have been preoccupied with an account of human nature as such. These accounts, though an important addition to Habermas' overarching ethical project, pose new challenges to critical appraisals of Habermas' work. If Critical Theory's explicit goal is to uncover the possibilities for human emancipation, then what is the framework for the notion of "human" that underlies this emancipatory goal? Habermas, it seems, argues that human nature is circumscribed by the Kantian, and other modern, models that proclaim human nature to be "rational" or otherwise determined by the individual's ability to employ reason. Granted, for Habermas, this reason/rationality which defines human nature is not ahistorical, solipsistic or monolithic as it can be in uncritical philosophical accounts. Habermas avoids this trap by defining reason and rationality in the context of communication and the normative ethics of the public sphere. However, Habermas continues to argue for a formalistic account of human nature—one that is all but solidified in the prenatal stage of biological life, and determinate of potential political action in the public sphere. In the previous chapter, I argued that this formalism is problematic for feminists on the grounds that it overdetermines the effects of biological formalism and culturally imposed normativity. In this chapter, I wish to argue that Habermas' formulation of human nature is problematic because it forecloses important

characteristics of potential political actors that make participation in the public sphere not only possible, but meaningful and oriented towards a more complete emancipation. To make this argument, I rely on the feminist methodologies of Judith Butler and Drucilla Cornell.

Ethical considerations of fragility and vulnerability have become increasingly important in the wake of 21st Century philosophical explorations of violence and mourning. Perhaps most notably, Judith Butler argues in *Precarious Life* (2004) that the most profound way we can hope for ethical recognition of the other, is through an understanding of mourning. Butler explains that the foundation for human interaction is not our shared ability to reason and exchange meaningful ideas, but it is instead in inhabiting a world in which we are all always *vulnerable*. Similarly, Drucilla Cornell's work in *Moral Images of Freedom: A Future for Critical Theory* (2008) finds ethical hope in what she calls the "redemptive imagination," or the possibility of practically and theoretically reconfiguring emancipatory ideals. For Cornell, this potential for reconfiguration gives space in Critical Theory for necessarily expansive and inclusionary conceptions of humanism and freedom. Like Butler, Cornell finds this redemptive potential in solidarity based on lived experience; also like Butler, Cornell recognizes the irreducibility of lived experience to an objective totality. For both Butler and Cornell, we must seek transnational solidarity as an ethical imperative but always with a wary eye towards the Western and modernist tendencies to reductionism.

I further contend that their uniquely feminist positions offer a necessary corrective to contemporary Critical Theory. I start with an explanation of Habermas' depiction of human nature, as it unfolds in *Between Naturalism and Religion* (2008). Once this

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groundwork is in place, I critique Habermas using feminist arguments. First, I explain

why the meaning of human life as such is not a foregone conclusion, using Judith

Butler's argument for the validating effects of the recognition of vulnerability from

Precarious Life. Then, I explain how the conceptions of forgiveness and moral

imagination open potentiality for expansive human nature using Cornell's ethical analysis

from *Moral Images of Freedom*.

Habermas: Between Naturalism and Religion There is But the Rationally Motivated

Citizen of the World

Habermas seems to be preoccupied of late with the questions of human nature,

and to a certain extent, human character, that ground any discussion of humanistic ethics

and political action. Habermas rightly argues in *Between Naturalism and Religion* that

the two countervailing trends of contemporary political discourse center on the expansion

of biomedical scientific understandings of human psychology and embodiment and the

development of what he conceptualizes as a "post-secular" age. For Habermas, both the

overly scientistic account of naturalistic human psychology and physiology and the

increasing tension among world religions and secularists pose grave problems for the

idealized vision of a rationally motivated, normatively ethical and cosmopolitan society

Habermas has been arguing for over the course of the past 40 years.

Habermas' relationship to science and scientific development is appropriately

ambivalent. He recognizes the importance of respecting scientific developments as a part

of expert discourses of technology. However, he is also wary of scientistic accounts that

reduce human cognition and human reason to a series of predictable neurotransmitter

signals. Human freedom depends upon an open scientific system. Habermas finds the most problematic scientific accounts those that eliminate human freedom and development in favor of neurobiological determinism.[191]

In his attempts to respect science, while at the same time providing a suitable critique, Habermas makes recourse to a sort of positive dialectical middle ground. Yes, human development models a natural evolutionary trajectory that seems to undergird naturalist claims for biological determinism. But it is also true for Habermas that this evolution is not simply something done *to* the human body by mysterious outside scientific forces. Instead, it is founded on human interaction and participation with the lifeworld. Problematic for me here, is Habermas' apparent assumption that the evidence for this is our need to talk about science and scientific ideas through the regular channels of normative discourse.

It is my contention that *Between Naturalism and Religion* continues Habermas' strong formalistic stance on the definition of human nature he began in *The Future of Human Nature*. In *The Future of Human Nature*, Habermas claims that pre-implantation genetic diagnosis limits human autonomy and freedom by foreclosing possibilities for full participation in the communicative action of the public sphere. This foreclosure occurs ostensibly on two levels. First, the human actors are limited by the fact of external biological interference, interference which literally, genetically provides specific boundaries for the physiological development of specific human persons. Although there

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[191] Interestingly, as Habermas's own account of PGD relies on the assumption that something about genetic manipulation is unanswerable. What makes this account of biological formalism different from scientistic accounts, aside from the biomedical ethical questions of whether such determinate biotechnologies should be manipulated?

are legitimate concerns from such a biomedically motivated determination of human development, Habermas' own concerns seem to be less ethically relevant. As I argued in the last chapter, Habermas seems most worried, at least on this level, about the future human person *feeling* limited by the knowledge of this intervention. The second foreclosure exists in terms of recognition of these persons as complete actors in the public sphere. This argument is vaguer, but Habermas seems to contend that these biologically manipulated persons have been so over-determined through genetic intervention that their participation in the public sphere will also be limited.

In *Between Naturalism and Religion* these formalistic interpretations are further fleshed out. Here Habermas claims that human persons strive for recognition in their quest for individuation. For Habermas, this recognition comes expressly through rationally motivated discourse in a public sphere. He explains the relationship between reason, mutual understanding, and his take on the Kantian moral agent:

> Reason, for Kant, finds its true home in the domain of practice, because it is constitutive only for moral action alone. This is what inspires the search for traces of detranscendentalized reason in communicative *action*. The expression 'communicative action' refers to those social interactions in which the use of language oriented to reaching understanding takes on a coordinating role. The idealizing presuppositions migrate via linguistic communication into action oriented to reaching understanding.[192]

Reason, however, is not simply a way of ensuring recognition on an abstract level. Practical reason as it is expressed in communicative action is also the embodiment of Habermasian freedom. In other words, reason is, at base, the practical application of human freedom. Habermas equates freedom with freedom of action, finally all but

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[192] Habermas, J. *Between Naturalism and Religion*. Trans. by Ciarin Cronin. Cambridge, UK: Polity Press, 2008. p. 53. Originally published in German as *Zwischen Naturalismus und Religion*. Frankfurt: Suhrkamp Verlag, 2005.

referring to evidence for freedom entirely in terms of action.[193]   Following a certain vein

of Kantian argumentation, Habermas goes on to differentiate a rationalist explanation of

freedom from a causal determinist position. Wary of slipping into an analytic theory of

causation, Habermas explains that his theory of reason-based freedom avoids the traps of

determinism:

> Unlike standard causal explanations, rational explanations of action do not permit the inference
> that any given person would reach the same decision given the same antecedent conditions.
> Specifying the rational motives for action is not sufficient to transform the explanation into a
> prediction. Responsible agency is not merely a matter of being motivated by reasons but by taking
> the initiative for specific reasons and attributing the initiative to oneself. That is what makes the
> agent the "author" of her actions.[194]

Determinism is, therefore, the pinnacle of reductionist notions of freedom. A stringent

theory of causation not only reduces action to cause and effect relationships, but it also

effectively eliminates the responsibility actors have to their decisions.

In *Between Naturalism and Religion*, Habermas attempts to get himself out of the

reductionist trap by explaining that even though freedom is rationally motivated and

ensured, this form of reason is phenomenological-existential:

> Rational explanations of action also assume that actors are embedded in contexts and entangled in
> biographical involvements when they make decisions. Actors are not situated outside of the world
> when they let their will be determined by what is within their power and what they regard as right.
> They are dependent on enabling organic conditions, on their biography, character, and capabilities,
> on their social and cultural surroundings, and not least on the actual circumstances of the situation
> of action.[195]

This phenomenological-existential argument appears to almost embrace a situational

ethics. Habermas understands that rational decisions are circumscribed by the conditions

within which agents make those decisions. Context and biography play as great a role as

rational thought in this explanation. If Habermas' position began and ended here, then

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[193] Ibid., pp. 158-162.

[194] Ibid., 160.

[195] Ibid., 161. Habermas obviously intends to separate his theory from other rationalist theories that depend
on dualism: "Descartes's theory of two substances" and "Kant's two-worlds theory" (161).

Habermas would have far more in common with the care ethical position I advocated in chapter 4. However, Habermas goes on to explain that the paradigm for free action is social communication, reiterating his earlier positions that it is within the "public 'space of reasons'" that freedom is expressed.[196] Arguably, this is itself a reductionist explanation for human nature and human freedom: We are free because at least we get to talk about it and debate it? The content of that freedom and our nature seems empty here. His claim that this is a Kantian notion of freedom seems to ignore the equally important Kantian conception that freedom must be set squarely in human imagination. In chapter 3, I addressed that Habermas has neglected the utopic vision of Kant in favor of a Hegelian dialogical freedom in communicative action.

The Death of the Other: How Butler's Mourning Helps Us to Ethically Relate to the Other

Judith Butler argues in *Precarious Life* that perhaps the most profound way we can hope for ethical recognition of the other is through an understanding of mourning.[197] Butler explains that the foundation for human interaction is not our shared ability to reason and exchange meaningful ideas, but it is instead in inhabiting a world in which we are all always *vulnerable*. Interestingly, Habermas' first chapter in *Between Naturalism and Religion*, "Public Space and Political Public Sphere—The Biographical Roots of Two Motifs in My Thought," is one of the closest things Habermas has ever written to an

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[196] Ibid., 179.

[197] Butler, Judith. *Precarious Life: The Powers of Mourning and Violence*. New York: Verso, 2006.

account of fluid subjectivity and postmodernist accounts of vulnerability.[198] In this chapter, we can identify Habermas' commitments to a quasi-Butlerian notion of vulnerability and fragility. Waxing autobiographical, Habermas claims that a childhood surgery "may well have awakened the feelings of dependence and vulnerability and the sense of the relevance of our interactions *with others*."[199] It is clear to me that this is a part of the implicit background for Habermas' arguments in *The Future of Human Nature*. Habermas finds in his own experience that humans are fundamentally at the mercy of others. While his argument in *The Future of Human Nature* sought to obviate this vulnerability insofar as it was possible to ethically limit prenatal interventions, in *Between Naturalism and Religion* Habermas resigns himself to the unavoidability of embodied intersubjective dependence.

Reversing the emphasis from the personal to the political, Butler makes a similar claim about the fundamental fact of human vulnerability. She writes about the aftermath of 9/11: "One insight that injury affords is that there are others out there on whom my life depends, people I do not know and may never know. This fundamental dependency on

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[198] Habermas did make a similar claim in *Justification and Application*, however. He writes: "This kind of communicative socialization through which persons are simultaneously individuated generates a deep-seated vulnerability, because the identity of socialized individuals develops only through integration into ever more extensive relations of social dependency. The person develops an inner life and achieves a stable identity only to the extend that he also externalizes himself in communicatively generated interpersonal relations and implicates himself in an ever denser and more differentiated network of reciprocal vulnerabilities, thereby rendering himself in need of protection. From this anthropological viewpoint, morality can be conceived as the protective institution that compensates for a constitutional precariousness implicit in the sociocultural form of life itself" (109).
Habermas, J. *Justification and Application*.

[199] Habermas, *BNR*, 13.

anonymous others is not a condition that I can will away."[200] Butler emphasizes that as

embodied subjects, we are not simply vulnerable in an immediate sense, but that we are

always vulnerable to the totality of humanity. On the one hand, this vulnerability is

beyond our control, and signifies a limit to individual human power and control. On the

other hand, this vulnerability is the great leveler—every other human being, by virtue of

his or her psychological and bodily existence, is also vulnerable.

Where Habermas and Butler ultimately differ is the way in which the fact of

vulnerability mediates ethical and political decisions and outcomes. For Habermas, as I

have already intimated, intersubjectivity grounds consensus through communicative

action. Vulnerability is effaced through normative decisions that adjudicate and protect

interests. These normative decisions are reached through reasonable communication and

ultimately resolve themselves in consensus. For Butler, however, vulnerability

demonstrates the limits of reasonable and individualistic political actors.

This concept of vulnerability changes the dynamic of political action. Rather than

coming to an ideal speech situation with a clear expression of need, and an idea for

rational action, the Butlerian ethico-political actor makes decisions that do not, "proceed

from my autonomy or my reflexivity. It comes to me from elsewhere, unbidden,

unexpected and unplanned."[201] This anti-rationalist experience of intersubjective

vulnerability does not reduce itself into relativistic and hopeless ethical situations,

however. For Butler, these dynamics open new space for exploring moral and ethical

relationships. The facts of vulnerability, difference, and confrontation allow novel

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[200] Butler, *PL*, xii.

[201] Ibid., 130.

critical discourses to emerge, with an eye to openness rather than consensus. Or as she writes:

> We have to interrogate the emergence and the vanishing of the human at the limits of what we can know, what we can hear, what we can see, what we can sense. This might prompt us, affectively, to reinvigorate the intellectual projects of critique, of questioning, of coming to understand the difficulties and the demands of cultural translation and dissent, and to create a sense of the public in which oppositional voices are not feared, degraded or dismissed, but valued for the instigation to a sensate democracy they occasionally perform.[202]

Democratic participation and ethical recognition are then, for Butler, embodied realities. The vulnerable body is the limit of what we can know, what we can control, what we can protect; but it is also the call to create the ethical relationship. This vulnerability is predictably complex: it is not reducible to bodily weakness, nor is it extricable from lived experience. What Butler's concept does provide, is an account of ethical relations based in a solidarity of lived experience; it is always possible, and necessary, to mourn human life.

Butler grounds her conception of the other, not in understanding, but in the concept of the Levinasian face—a concrete other, before me, making demands of me, but whom I cannot understand as an individual totality because it is infused with the concepts of Otherness, existence as-such, and the shared existential attitude towards death.[203] This face simultaneously exposes the concrete fact of bodily vulnerability, while offering a quasi-psychoanalytic grounding for vulnerability—the face appears to me with the injunction "Thou shalt not kill," implying its own susceptibility to death and my own potential for both killing and preserving the Other.

This conception of mourning retains emotional, psychical, and traditional valences. However, through her ethical analog to the Levinasian face, Butler seems to

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[202] Ibid., 151.

[203] Ibid., 131-132.

indicate that these characteristics are only part of the philosophical nature of mourning.

The other important dimension of mourning is its relation to recognition, specifically on an ethical and existential level. By seeing the face, and becoming aware of the demands it makes of me, I am called to offer acknowledgement and recognition. As it relates to vulnerability, and the concrete reality of death, this recognition is embodied philosophically and literally through mourning.

Cornell and Imagination: How the Moral Image of Freedom Requires Critical Theory to Expand its Notions of Human Possibility and Openness

Butler may reconfigure our understanding of vulnerability as the grounds for a politically oriented feminist ethics, but I believe that Drucilla Cornell completes the ethical formulation of potentiality which ultimately guides feminist-friendly Critical Theory. In her book *Moral Images of Freedom*, Cornell argues that human freedom is delimited through the philosophical notion of a limit itself. She explains that the concept of a limit is itself limiting. Philosophical thought and progress is constrained by a notion of the finite, the absolute, or the end of possibility. In modernism, there are rational limits, in post-modernism there is a hopelessness of possibility. Both are limits to human freedom, as such, by confining what potential exists for individuals.

Against the threat of modernist totality or finality—she implicates Hegel, Marxist determinism, and Habermasian consensus—Cornell claims that Derrida and Benjamin offer theoretical grounding for her own "philosophy of the limit."[204] In this philosophy, there is no end to aspire to, nor is there a pessimistic hopelessness about possibility.

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[204] Cornell, Drucilla. *Moral Images of Freedom: A Future for Critical Theory*. New York: Rowman and Littlefield, 2008. p. 34.

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Instead, the "impossible" is seen as a daily reality, in which the call of the other is always upon us to respect the ethical boundaries of the impossible as just that: the impossible, the impossible to know, the impossible to configure, the impossible to constrain. This impossibility is not an impasse, but the exact opposite. It is an opportunity to live with expectations for open possibilities, since we cannot comprehend the true limits. In the face of this incomprehension, she makes recourse to Kant. At the same time Kant constrains reason to representation, he also introduces the aesthetic imaginary. The aesthetic experience spurs the individual to react to the beautiful—which is still confined by reason—and the sublime—which is beyond reason. In Kant's Third Critique, the sublime extends beyond the conceptual to that which is impossible to conceive. Before the sublime, Kant claims, we are introduced to the limits of our conceptualization. However, the flip side of this, Cornell explains, is that the sublime opens us to that which is beyond reason and concept, to receptivity for that which we cannot comprehend.[205] On an ethical level, this is the Other.

By recognizing our human limits to comprehend and adequately theorize reason, Cornell explains that this move to the moral imaginary is important on a theoretical level. However, the necessity for openness and the illimitable is equally practically important. Modernist theories of reason depend largely on Western theories of the parameters of reason. By attempting to universalize these parameters, theory becomes an actively colonizing force. Cornell contends that the only way of avoiding the trap of colonization is by opening our understanding of freedom-in-action to an anti-rationalist conception of

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[205] Ibid., 35.

intersubjectivity. Following Fanon, Cornell argues that we must re-symbolize our entire understanding of the world:

> Thus, for Fanon, there are two ways for the imago to defend itself against the horrors of colonialism and the struggle for self-symbolization: a self-defeating retreat into the individual fantasy of conflated personhood or the collective action of liberation to remake, literally, the symbolization of the world giving equal standing to all people.[206]

For the purposes of my argument, Cornell's claims have an important politico-ethical weight. If the ethical is grounded in receptivity for that which is beyond immediate understanding, then ethics is grounded concretely within difference, otherness, the non-identical. Rather than subsuming the distinct desires, needs, and particularities of individual political actors to a rationalist and normative ideal, Cornell's ethics emphasizes the preservation of these characteristics as the very grounding for the ethico-political situation. Freedom and emancipation are grounded within this recognition of difference and limitation through the "redemptive imagination"—Cornell's postmodern term for the ethical implications of Kantian sublime experience.

As a way of respecting difference and utopian openness to future possibilities, the redemptive imagination allows for ethical responsiveness that respects, rather than sublimates, the Other. In ethical and political application, this means that the still universal claims to humanity and freedom are not grounded in some sort of normative equalizing structure, but are instead always grounded within the context of the different cultures and traditions that give rise to different ways of living in the world, with the respective ethical needs that occur in those ways of life:

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[206] Ibid., 113. This description of collective action mirrors the Arendtian-cum-Allen conception of solidarity I introduce at the end of this chapter. This is an important bridge between my ethical reformulation of solidarity and the moral imaginary as the new basis for normative ethics and emancipation.

> Universal validity, then, demands that we give legitimate place to clarify claims of our humanity within the context of different cultures and traditions and not simply those that arose in the West. Revision of a worldview that could give place to the ideal of freedom and the ideal of perpetual peace is of pressing concern; despite the threat of annihilation in a world eaten up by war such work opens up a limited space for self-determined life, as these ideals are animated to guide actual institutional structures of international law. [207]

Universalism for Cornell seems akin to Benhabib's utopian universalism, which I explained in chapter 3. Like Benhabib's position, Cornell's notion of universal validity is distinct from the Habermasian in that it highlights the primacy of context and individuation as the basis for universality, rather than the other way around. Universality is not an attempt to gain consensus, but rather an attempt to gain universal recognition of particularity.

American Masculinity and Feminism

Butler and Cornell's combined ethical formulations encourage a world in which difference, potential, and emotional and psychical receptivity are primary. These ethical paradigms stand in direct contrast to many traditional conceptions of what it is to be a political actor in the Western world. More commonly in practice, the world is still dominated to a large extent by white, Protestant, male political personages. This uniformity of political power emphasizes sameness, consistency, and rational normative consensus, even in its most "liberal" formulations. So how can a feminist political philosophy gain entrance into the dominant ethical and political spheres of action? Furthermore, how can emerging challenges to political and ethical dialogues avoid

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[207] Ibid., 35. For a complete discussion of ideal freedoms in the face of recognition of actual domination, see Charles Mills argument in Mills and Pateman, *The Contract and Domination* (2007).

disenfranchising those voices that are now dominant—a necessary move for any real respect of difference and universal appeals to freedom?[208]

To explain this point, I make recourse to a different work by Drucilla Cornell, *Clint Eastwood and Issues of American Masculinity* (2009). In this book, Cornell uses a close reading of various films that Clint Eastwood has directed to develop both a theory of the ideal of American masculinity, and an intergendered challenge to this ideal. Through this reading of Eastwood's films, Cornell finds support for the cultural ideal of the lone gunslinger, a strong and just figure whose strength and power inhibits his emotional capacity for personal connection, but whose independence insures his ability to save women, children, and other impotent and unempowered persons from their otherwise doomed fates. Although Cornell explicitly finds this archetypal figure in Eastwood's films, she rightly makes the connection between this character-type and the more pervasive psychoanalytic idealization of Man. The psychoanalytic figure transcends the artistic boundaries to find its corollary in ethical and political reality— where men attempt to live an untenable, imaginary ideal.

For Cornell, the importance of deconstructing Eastwood's films lies in Eastwood's directorial ability to call into question the very archetypes he appears to uphold:

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[208] I am also sympathetic to Fred Evans' concept of "the multivoiced body" as a way of circumventing disenfranchisement. This concept expresses the plurality of voices influencing each individual member of society—voices from the dominant discourse, voices of dissent, voices from the margins. Evans claims that these voices reside within each of us, and primacy may be given to one or another voice without disturbing the influence of all. That is, of course, so long as this dialogic interplay also resists the all too prevalent tendency to raise, out of fear, some voices to the level of "oracles," that is, the "one true God," the "pure race," or any other discourse that presents itself as final or nonrevisable. See *The Multivoiced Body: Society and Communication in the Age of Diversity*, New York: Columbia University Press, 2008.

What I am suggesting is that by reading Eastwood's involvement in these films against the grain of even his best critics, we can grapple with some of the most searing issues of masculinity that confront us in late twentieth and early twenty-first century America. Yes, Eastwood rides off into the sunset at the end of some of his films, a solitary figure with no need or promise for the complexity of a lasting connection, but he also struggles visibly with the contradictions of masculinity in relationships with both men and women.[209]

For example, Cornell points out that in Eastwood's 1993 film *A Perfect World*, the film ends in what could be misconstrued as a traditional Oedipal tragedy—a young boy ultimately causes the death of a father-like figure by wounding him and leaving him vulnerable to authorities. However, in Cornell's nuanced reading, Eastwood's portrayal of the impotence of authority to prevent Oedipal violence exposes the untenable nature of the Oedipal myth as such: "It is, indeed, one of his saddest films but also one that questions Oedipal ideals of masculinity because they promote violence in the very effort to live up to them."[210] By illuminating the ultimate impotence of living up to an Oedipal ideal, Eastwood's filmmaking does more to expose the vulnerability of man, rather than his unquestioned strength. By displaying this vulnerability alongside the pathos of emotional situations, Eastwood challenges the normative and psychoanalytic portrayal of man as the source of phallic power, and situates man instead in an emotionally grounded world of complexities. Eastwood's man may try to protect women, children and the unempowered, but in his attempts to do so, his own vulnerable humanity is exposed.

For Cornell, this reading of Eastwood's films provides concrete examples of a reconfiguration of American masculinity as such. For my purposes, this deconstruction of American masculinity provides a basis for intergendered relationships. If man as man is not the psychical idealization of phallic power, and if man is also an embodied,

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[209] Cornell, D. *Clint Eastwood and Issues of American Masculinity*. New York: Fordham University Press, 2009. pp. 4-5.

[210] Ibid., 104-105.

socially-situated, and vulnerable existential being, then men and women have a common foundation for ethical relationships. Recognition of this common foundation may strengthen Butler and Cornell's claims for utopic and embodied ethics, and may help to improve philosophical notions of solidarity.

Violence, Trauma, and Redemption in <u>The Girl With the Dragon Tattoo</u>[211]

Because the contemporary liberal formulation of solidarity often involves either totalizing collapsibility into the generalized needs of a political group, or the over-determination of solidarity as a political tactic for extreme outsiders, it is difficult to provide an analytic example for illustrating the powers of a complex utopian and embodied solidarity. In order to provide a framework for articulating complex solidarity in contradistinction to the liberal model I propose an evaluation of a fictional relationship of solidarity, one I feel comes closest to the alternative feminist position for which I am arguing. In the popular detective novel, *The Girl with the Dragon Tattoo* by Stieg

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[211] In pop-culture forums, feminist blogs, and reading groups worldwide, a great deal of consideration has been done debating the relative feminist nature of Stieg Larsson's *The Girl with the Dragon Tattoo*. Is the young, punk, and righteously vengeful female protagonist, Lisbeth Salander, a model feminist? Or is she merely a reinforcement of the anti-feminist stereotype of antisocial, ultra-violent, man-hating lesbian, who eventually, inevitably succumbs to the male patriarchal charm of the true male protagonist, Mikael Blomkvist? Without diminishing the importance of this debate, especially in literary circles and in terms of on-the-ground feminism, I would like to suspend the necessity for such a judgment on the character of Lisbeth Salander. In the interest of full disclosure, I believe that Stieg Larsson intended for the book as a whole to carry an important pro-feminist message, as evidenced by the original title in Swedish, *Män som hatar kvinnor*, or, literally translated, *Men Who Hate Women*. However, I would like to shift the feminist analysis of the book to an evaluation of the possibility for appropriating certain themes and relationships to illustrate the feminist ethical guidelines I have thus far been arguing for.

Larsson, the two protagonists form a complex and mutually dependent relationship out of a shared recognition of their vulnerable need to one another.[212]

The novel begins with the character Mikael Blomkvist, a journalist for a business magazine that famously calls into question unethical corporate practices, who, in the course of his last article expose, has been framed to commit slander and sentenced to jail time for this crime. Before going to jail, Blomkvist is solicited by the patriarch of a famous corporate family—Henrik Vanger. Vanger wants Blomkvist to use his journalistic skill to uncover a family mystery, the 30 year old disappearance of Harriet Vanger, Henrik's niece. In exchange, Vanger promises to offer redemptive information on Blomkvist's slander trial, and financial compensation that may keep Blomkvist's magazine, *Millenium*, afloat. Blomkvist moves to the Vanger estate to begin research, and runs into multiple dead ends, until he discovers that Lisbeth Salander has hacked his computer, and has the intelligence and wherewithal to help him solve the mystery. Together, Salander and Blomkvist discover that Harriet was not murdered, or forcibly kidnapped, but rather that she fled to Australia to avoid further victimization from her sadistic older brother, Martin, who has assaulted and killed many other women. Martin tries to kill Blomkvist, but Salander intervenes, causing Martin to run his car off the road.

Given this plotline, Larsson has taken the familiar detective novel tropes of violence, trauma and redemption, and turned them on their heads. Like Cornell's analysis of Eastwood's films, I argue that Larsson provides a rich and complex timbre to the novel that questions our comfortability in identifying heroism, victimhood, and revenge. The hero relies on the heroine, who in turn has difficulty with basic emotional

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[212] Larsson, Stieg. *The Girl with the Dragon Tattoo*. Trans. Reg Keeland. New York: Vintage, 2009.

functionality. There are various layers of victimization in the novel—Henrik Vanger seems to be the most incapacitated by his inconsolable mourning of his lost niece, and Blomkvist comes the closest to death in terms of bodily danger during the novel's own timeline, although Salander, Harriet Vanger, and countless other women suffer deeply disturbing events of sexual violence. And the concept of revenge is also questioned; despite Salander's relatively just anger at her guardian's violent sexual assaults on her, Blomkvist calls into question her violent tendencies, and points out the potential harm in revenge. The novel then, like an Eastwood film, seems to offer an aesthetically rich challenge to traditional conceptions of masculinity and phallologocentric society. However, even more interesting and original for me, is the novel's ability to provide an example for complex and realistic inter-gendered solidarity.

A Model for Complimentary Solidarity

When political and public action is represented in terms of participatory democracy in the modern liberal state, a common debate arises between the model of participation in terms of solidarity, or in terms of normative consensus-oriented action. In traditional constructions of solidarity as political action, theorists often characterize groups with interests in solidarity as minority groups, outsiders, who must band together against the status quo in order for their voices to be heard. While this model of solidarity has both a theoretical and a practical value, I contend that an alternative solidarity, characterized not by shared-outsider status, but instead by a tension of complimentary interests, might open new possibilities for productive relationships of solidarity. In other words, if solidarity is most often action-oriented political participation within a minority

group with particular shared interests, then the action of solidarity is always working an uphill battle in terms of power and representation. If, however, the defining characteristics of solidarity are not couched in terms of the shared interests of minority groups, but instead in terms of often tense and complimentary interests that illuminate difference as much as identity, then power and representation can be shared within some pretty divergent groups.

This ethical formulation of solidarity borrows from Butler and Habermas' emphasis on human vulnerability, while at the same time remaining critical of Habermas' overly rationalist conceptions of human freedom. For this model to work, and to not digress into traditional power dynamics, human freedom must be reconsidered as an anti-rationalist process of continually re-symbolizing and re-navigating intersubjective experiences. Following Cornell, this is the utopian moment of the moral imaginary. I believe, however, that Cornell's model of the moral imaginary also depends on an understanding of intersubjective re-negotiation of communicative meaning. This understanding is assisted by modifying the Habermasian position on discourse ethics to highlight Habermas' lesson "…that actors are embedded in contexts and entangled in biographical involvements when they make decisions."[213] The ethical solidarity for which I am arguing for, then, is dependent on a view of human nature that synthesizes Habermas, Butler, and Cornell. In order to avoid reductionism or colonialism, our understanding of human nature must be open-ended. However, in order to ground an ethical theory, we must have the potential for the recognition and acknowledgement of

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[213] Habermas, *BNR*, 161.

other humans. This recognition and acknowledgement is best defined in terms of shared vulnerability—on which both Butler and Habermas' theories depend.

According to Amy Allen's reading of Hannah Arendt in *The Power of Feminist Theory: Domination, Resistance, Solidarity* (1999), individuals engaged in actions of solidarity retain other unique identities and often hold very different positions and viewpoints from other members.[214] Solidarity defines individuals in the "group" according to that specific shared interest which motivates the particular political action. By highlighting the tension and difference of group members, this notion of solidarity offers practical and pragmatic coping mechanisms. For example, if Stieg Larsson's Lisbeth Salander would have banded together with other victims of sexual assault in order to expose the predator Martin Vanger, then Larsson's novel would have exemplified a traditional notion of solidarity, the marginalized group of victims coming together for shared interests. However, given Lisbeth's outsider status, and difficulties with gaining recognition and respect, Henrik Vanger would never have hired her to conduct the investigation. At the beginning of the novel we see this very consideration unfold. The Vanger family lawyer Dirch Frode hires Salander to do a background check of Blomkvist, and even when he is presented with the evidence that Lisbeth is a capable detective herself—she compiles a thorough and comprehensive analysis of Blomkvist— neither Frode nor Henrik Vanger consider hiring her to do the research into Harriet Vanger's disappearance. Instead, as it unfolds in Larsson's novel, Mikael Blomkvist is hired by Henrik Vanger. However, despite Blomkvist's obvious status and power, he is unable to adequately complete this investigative task on his own, and relies on a strained

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[214] Allen, Amy. *The Power of Feminist Theory: Domination, Resistance, Solidarity*. Boulder, Colorado: Westview Press, 1999.

relationship of solidarity with Salander. This relationship of solidarity, between

Blomkvist and Salander, exemplifies a nuanced, intergendered and complimentary

relationship. Neither Blomkvist nor Salander are reduced to their interactions; even as a

sexual relationship occurs between them, their differences only become more pronounced

and important to their relationship. However, the resolution of the novel's mystery

depends entirely on their ability to work together towards a specific goal, in a way I

would describe as using their differences collectively. This solidarity built on difference

also has ethical implications. By uncovering the sexual predator Martin Vanger, Salander

is able to continue her long-standing opposition to perpetrators of violence against

women, but by accomplishing this task with Blomkvist, Salander is able to legitimize and

publicize this struggle within respected media in the public sphere. Conversely,

Blomkvist is able to reassert himself as an ethical journalist by publishing an exposé of

the unscrupulous business deals of Wennerstrom, but by doing this with Salander, he is

also able to uncover sources and information he was otherwise unskilled to discover.

This extended analysis of the relationship of solidarity between Blomkvist and

Salander illustrates an important philosophical point: solidarity and power do not depend

on a melding together of shared interests, and are not best served by isolating minority

groups. Instead, solidarity as political action should be practically and pragmatically

constructed in complimentary differences, where varying degrees of power and interest

work together to accomplish shared goals. This model of solidarity retains the

recognition for vulnerability and dependence that Butler's ethics requires, while also

highlighting openness to difference and emancipation that Cornell's theory advocates. It

is a theory of solidarity that could work within and between genders, as well as within

and between cultures, without the threat of totalizing reductionism that modernist models of solidarity imply. In chapter 6, I explore the relationship between this modification of solidarity and relational ethics, providing my unique contribution to feminist critical theoretical ethics.

Chapter 6

Arendtian Solidarity: What Hannah Arendt Offers to a Feminist Critique of the Public Sphere

For feminist philosophers interested in the political and ethical ramifications of their work, conceptualizations of both normativity and solidarity have been central. Finding both concepts integral to understanding contemporary notions of subjectivity, intersubjectivity and socialization, these feminist philosophers attempt to uncover the meanings of such concepts within a system of feminist ethical discourse. Despite the continued discussion and reinterpretation of these concepts, both "normativity" and "solidarity" are admittedly circumscribed by the usage of these terms in the works of Habermas and Arendt, respectively. As I have been arguing throughout the preceding five chapters, Habermas' definition of normativity has been both a challenge and an inspiration for contemporary feminist philosophers. The same influence of usage can be attributed to Hannah Arendt when it comes to the term "solidarity." Feminist philosophers such as Benhabib, Honig and Allen, however, do more than simply acknowledge the historical influence and genealogical relevance of Habermas and Arendt to the feminist project. Instead, Benhabib, Honig, and Allen adopt and adapt Habermasian and/or Arendtian philosophy itself as integral to the feminist project. It is through this lens of adoption and adaptation that Habermasian normativity and Arendtian solidarity can be seen to have a profound impact on feminist ethics, although neither Habermas nor Arendt would identify themselves as feminist theorists. For my interests, the combination and critique of Habermas and Arendt, especially within the circle of

feminist critical theorists, provides fertile ground for evaluating feminist notions of subjectivity in a political and ethical world.

In order to explore the themes of solidarity and normativity as they emerge in contemporary feminist philosophy, I begin this chapter with a comparative analysis of the public sphere in Habermas and Arendt's thought. I contend that their respective understandings of the public sphere found their understandings of normativity and solidarity. Exploring the relationship between Arendtian solidarity and the public sphere, I will then discuss the feminist reception of Arendt's narrativity and universalism in Benhabib and Honig. Following Amy Allen's analysis of solidarity as power in feminist action, I will conclude with a reinterpretation of solidarity and normativity as constructive for contemporary Critical Theory and feminist thought.

Die Öffentlichkeit in Habermas and Arendt

Although Habermas and Arendt are both concerned with the political, discursive, and active possibilities of the public sphere, each takes a unique perspective on the exact social role and conceptual impact of the public sphere. As I addressed in chapters 1 and 2, in *The Theory of Communicative Action* and *The Structural Transformations of the Public Sphere*, Habermas defines his conception of the public sphere in terms of normativity, communication, and the media. For Habermas, the public sphere is the privileged structure for the network of political communication in a modern discursive world. It is political insofar as it integrates expert and lay culture (along with various other perspectives) through communicative action, resulting in a consensus oriented communicative process of normativity. Communication is integral to normative

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consensus; however, for Habermas, communication is more complex than simply speaking and listening to one another. For Habermas in *The Theory of Communicative Action*, an effective speech act must be social and oriented to reaching understanding and rationally motivated assent. Habermas explains that, "Agreement rests on common *convictions*. The speech act of one person succeeds only if the other accepts the offer contained in it by taking (however implicitly) a 'yes' or 'no' position on a validity claim that is in principle criticizable."[215] An effective speech act can therefore only exist within the normative bounds of a public sphere structured to invite such Ego/Alter communication.

The media, the final concept by which Habermas' notion of public sphere is differentiated, is most clearly defined in *The Structural Transformations of the Public Sphere*.[216] In this book, Habermas explains that the media ostensibly provides private opinion a venue for the public sphere via publicity. However, Habermas makes clear that the notion of media as an effective means of transport for true opinion and intention is merely illusory. Instead, media, especially commercial media, limits communicative

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[215]Habermas. *The Theory of Communicative Action, Vol.1: Reason and the Rationalization of Society,* Translated by Thomas McCarthy. Boston: Beacon Press, 1984. p. 287. [215] In the original German: "Einverständnis beruht auf gemeinsamen *Überseugungen*. Der Sprechakt des einen gelingt nur, wenn der andere das darin enthaltene Angebote akseptiert, indem er (wie implizit auch immer) zu einem grundsätzlich kritisierbaren Geltungsanspruch mit Ja order Nein Stellung nimmt. Sowohl Ego, der mit einer Äusserung einen Geltungsanspruch erhebt, wie Alter, der diesen anerkennt oder zurückweist, stützen ihre Entscheidungen auf potentielle Gründe" (S. 387). Habermas. *Theorie des kommikativen Handelns, Band 1: Handlungsrationalität und gesellschaftliche Rationalisierung*. Frankfurt am Main: Suhrkamp, 1981.

[216] Habermas. *The Structural Transformations of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Trans. by Thomas Burger and Frederick Lawrence. Cambridge, MA: MIT Press, 1991. In German, Habermas. *Strukturwandel der Öffentlichkeit*. Frankfurt am Main: Suhrkamp Verlag, 1990.

effectiveness by artificially creating consensus where no-one can actually criticize the position. As I laid out in chapters 1 and 3, Habermas claims that the public sphere is the location wherein, through speech acts and assembly, the private interests and opinions access and guide the affairs of the state.

Hannah Arendt, like Habermas, is interested in the notion of a politically minded public sphere based in communication and action. Unlike Habermas, however, Arendt does not emphasize the normative value of communication. Instead, she highlights the importance of correspondence between action and word. In the *Vita Activa*, Arendt claims that the Public sphere is a shared-world [*Mitwelt*] within which we can assess phenomena and we can share communal life. This shared-world is best understood in her conception of activity in the *vita activa*. For Arendt, activity is both the ability of a person's words to correspond with his or her actions, and also the means by which a community can act in concert toward a specific shared goal. Like, Habermas, then, Arendt sees communication and the capacity for politically oriented and purposive action together. Unlike Habermas, however, these goals do not have to be normatively agreed upon, or systematically achieved. Instead, in Arendt's estimation the public sphere is the place for the republican ideals originally posited in Greece and Rome. That is not to say, as many critics have, that Arendt provides a history of decaying society in place of an explanation of modern public society.[217] Instead, following Benhabib, I believe that Arendt provides a history of concepts wherein historiography of the role of public space illuminates the importance of differentiating the public sphere and 'the rise of the

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[217] See, for example: Crick, Bernard. "Reputations: Hannah Arendt and the Burden of Our Times." *The Political Quarterly*, Vol. 68, Issue 1. 1997. pp. 77-84.

social.'[218] Whereas Habermas critiques media for undermining the efficacy of the public sphere in civil society, Arendt defines the rise of social interests as the source of the dilution of the political impact of the public sphere. Arendt argues that, "The emergence of society—the rise of housekeeping, its activities, problems, and organizational devices—from the shadowy interior of the household into the light of the public sphere, has not only blurred the old borderline between private and political, it has also changed almost beyond recognition the meaning of the two terms and their significance for the life of the individual and the citizen."[219]

Habermas and Arendt both clearly emphasize the roles of communication and action in their respective notions of the public sphere. They both recognize the role of the public as a means to political interests and action, and they both see a sort of basic requirement in communicative rationality as its basis. Additionally, they recognize the threat that blurring the borders between public interest and social interest constitutes— Habermas through his analysis of the media, and Arendt in her summation of the 'rise of the social'. Despite these basic agreements and corresponding attitudes, Arendt and Habermas do have some striking dissimilarities. Where Habermas emphasizes normativity and consensus, Arendt emphasizes republicanism and goal-orientation. Also,

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[218] Benhabib, Seyla. *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*. New York: Routledge, 1992.

[219] Arendt, Hannah. " IV. The Vita Activa," in *The Portable Hannah Arendt*. Ed. Peter Baehr. New York: Penguin Books, 2000. p. 191. In the original German: "Der Raum des Gesellschaftlichen entstand, als das Innere des Haushalts mit den ihm zugehörigen Tätigkeiten, Sorgen und Organisationsformen aus dem Dunkel des Hauses in das volle Licht der öffentlich politischen Bereichs trat. Damit war nicht nur die alte Scheidelinie zwischen privaten und öffentlichen Angelegenheiten verwischt, sondern der Sinn dieser Begriffe wie die Bedeutung, die eine jede der beiden Sphären für das Leben des Einzelnen als Privatmensch und als Bürger eines Gemeinwesens hatte, veränderten sich bis zur Unkenntlichkeit" (S. 47-48). Arendt, H. *Vita Activa*. Munich: Piper, 2002.

while Habermas views communicative action as packaged concept of communication and action in concert, Arendt's conceptualizations of communication and action maintain separability.

Arendt's Solidarity

Whereas Habermas' notion of political life in the public sphere focused on normativity and consensus, Arendt's valuation of republicanism and orientation towards change ground her concept of solidarity. Her biography of Rosa Luxemburg provides an interesting reflection on solidarity as a philosophical and political concept through the reported actions and ideas of a like-minded revolutionary spirit. For Arendt, Luxemburg is not simply a historical figure, or an interesting personality worthy of record; Luxemburg's life provides an example, albeit flawed, of living actively and politically according to proto-Arendtian values.

For Arendt, Luxemburg's grounding in realism is as much a key to her revolutionary spirit and political character as her affinity to Marxian theory or affiliation with the famous German political movement, the Sparta Group. Arendt claims that, "What mattered most in her view was reality, in all its wonderful and all its frightful aspects, even more than revolution itself."[220] Arendt argues that it is Luxemburg's firmly materialist and realist tendencies that inspired her unique analysis of capitalism, not as a force, but as the historical result of imperialistic actions.[221] Arendt is sympathetic to

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[220] Arendt, H. "VI. Revolution and Preservation," *The Portable Hannah Arendt*. Ed. Peter Baehr. New York: Penguin Books, 2000. p. 423.

[221] For Luxemburg and Arendt, this is a thoroughly Marxist conception of materialist history. It is not Hegel's absolute Spirit which drives history to its ultimate and inevitable conclusion, but instead, it is the

Luxemburg's realist view of history as causally produced, as opposed to the more philosophically popular view of history as a Hegelian flow of spirit. I believe that Arendt's affinity for Luxemburg's realism further influences Arendtian theory. Most importantly for my analysis here, Arendt's conception of solidarity appears firmly rooted in a realist conception of the materially and historically experienced world. Arendtian solidarity is not simply a shared kinship of ideas, but a political stance, in which people come together for shared goals and actions grounded in the reality of the political, public sphere.

The biographical reality for Rosa Luxemburg was that she was a part of an expatriate, communist wave of immigrants. Luxemburg's identified with her Polish-Jewish heritage, believing it allowed her to transcend nationality and nation-state boundaries. Arendt highlights the importance Luxemburg finds in a constructed culture of immigrant Jews: "This milieu, and never the German Party, was and remained Rosa Luxemburg's home. The home was movable up to a point, and since it was predominantly Jewish it did not coincide with any 'fatherland'."[222] Arendt's emphasis on the boundarylessness of Luxemburg's affinities proves that solidarity and belonging are not dependent on citizenship, or on national identity, but rather on the ability to find and construct partnerships within a kinship of interests. For Arendt's quasi-philosophical analysis, Luxemburg's cosmopolitanism proves that it is not the political character of a party that grants solidarity power, but it is rather the coming together of shared interests and cooperation for specific goals which characterizes the power of solidarity.

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relationship of lived experience, environmental interaction, and historical situatedness which drives the production of capital and capitalist society.

[222] Ibid., 425.

Although Arendt's depiction of Luxemburg provides a perfect case study for understanding the powers and conscriptions of solidarity, Arendt is clear that shared interests and belonging are not always compatible with personal identity and autonomous political interests. Paradoxically, for Arendt, Luxemburg's outsider-identity was equally integral to her political participation:

> Her distaste for the women's emancipation movement, to which all other women of her generation and political convictions were irresistibly drawn, was significant; in the face of suffragette equality, she might have been tempted to reply, *Vive la petite difference*. She was an outsider, not only because she was and remained a Polish Jew in a country she disliked and a party she came soon to despise, but also because she was a woman.[223]

Arendt's subtext here seems to say that shared political interests cannot account for the full spectrum of political action and participation. *Individuals* are the political actors, and as individuals, must necessarily participate politically in order to preserve the republican ideals of Arendt's active life. This is not to say that Arendt does not value shared political interests; she does, and she even goes so far as to argue that shared political interests are what hold individual political actors together during acts of solidarity. However, these shared political interests are not sufficient for describing political action, even if, for her, they are arguably necessary. As I argued in the last chapter, there is a danger in ascribing too much weight to shared opinions and interests. Not only does it minimize the important differences of a truly diverse democratic society, but it also prevents spontaneous solidarity from emerging between actors with otherwise very disparate and distinct individual needs and values.[224]

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[223] Ibid., 428.

[224] For example, as I argued in the last chapter, what I might call contentious or tendentious solidarity is a possibly productive phenomenon for political action between men and women, transnational feminists and Anglo-American feminists, and among other relationships of unequal power.

Arendt also uses Luxemburg to illustrate these republican ideals of politics. According to Arendt, Luxemburg recognized the necessity for absolute freedom for individual political actors, not only in their private lives, but also in their ability to engage publicly:

> Which, of course, has never prevented the Russian, Polish, or German comrades from violently disagreeing with her on this point. It is indeed the republican question rather than the national one which separated her most decisively from all others. Here she was completely alone, as she was alone, though less obviously so, in her stress on the absolute necessity of not only individual but public freedom under all circumstances.[225]

This reinforces Arendt's later claims that republicanism must be preserved beyond the occasional vote, to a continual *individual* ability to renew republican membership through political action. For Arendt, renewing republican membership requires a vocal engagement in political discourse—protest, presentation, and political writing are all forms of political action which go beyond simply occasionally voting.

Universalism and Narrativity

In her chapter entitled "Judgment and Politics in Arendt's Thought," Benhabib rereads Arendt's political claims of action through the neo-Kantian lens of moral theory as foundational for political action. Benhabib claims that Arendt is right to highlight both the Kantian notion of judgment and the Aristotelian view of narrativity at various points in her work. However, Benhabib contends that Arendt misses the crucial conclusion of combining these thinkers in both political and moral matters: the emergence of a universalist ethics founded in moral judgment. Benhabib writes:

> In this sense, Hannah Arendt was right in maintaining that judgement is the most political of all human faculties, for it leads to the recovery of the perspectival quality of the world in which action

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[225] Ibid., 433.

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unfolds. Where I depart from Arendt though is in her attempt to restrict this quality of mind to the political realm alone, thereby ignoring judgement as a moral faculty.[226]

By addressing both the moral quality of judgment with the importance of judgment to political action, Benhabib believes that a reinterpretation of Arendt's work would allow for a workable model of a phenomenology of moral judgment. Reading Arendt against Arendt, Benhabib articulates three theses for a phenomenology of moral judgment:

> 1.) "The exercise of moral judgment that is concerned with the epistemic identification of human situations and circumstances as morally relevant does not proceed according to the model of the subsumption of a particular under a universal."[227]
>
> 2.) "The identity of a moral action is not one that can be construed in light of a general rule governing particular instances but entails the exercise of moral imagination which activates our capacity for thinking of possible narratives and act descriptions in light of which our actions can be understood as others."[228]
>
> 3.) "The assessment of the maxim of one's intentions, as these embody moral principles, requires understanding the narrative history of the self who is the actor; this understanding discloses both self-knowledge and knowledge of oneself as viewed by others."[229]

Benhabib believes that by understanding judgment's relation to personal moral action and perspective ensures that political action retains plurality. In Benhabib's view, plurality is not a simply external construct of different actors in a political situation, but instead a

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[226] Benhabib, Seyla. *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*. New York: Routledge, 1992. p. 141.

[227] Ibid., 128.

[228] Ibid., 128-129.

[229] Ibid., 129.

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recognition of internal multitudes of perspectives, which can then be translated onto the political sphere.[230] In other words, the political actor must first recognize his or her own self-propensity for embodying an array of different perspectives and opinions in order to envision 'living in someone else's shoes'. This interplay between the moral self and the political actor—as well as an inferred reciprocal action of empathy affecting the moral self—forms the basis for Benhabib's Arendtian interpretation of the benefits of communicative ethics. Communicative ethics, following Benhabib, requires that moral opinion, as well as political action, of all acting members in a community be respected:

> The discourse model of ethics which enjoins enlarged thought, by making the perspective of all involved in a dialogue situation the sine qua non of the moral standpoint, allows us to think of this continuity and mediation. For the articulation of the perspectives of all involved requires, in fact, a civic and public life in which the right to opinion and action is guaranteed.[231]

For Benhabib, not only does speech ensure the identity of the political actor, but argument is also the means through which political action itself is validated, a construct true to the Habermasian system of communicative ethics. Benhabib's claims seem to recall Arendt's account of Herodotus at the end of the "Truth and Politics" essay. There, Arendt highlights a plurality by acknowledging the good deeds of Greek and Barbarian alike, suggesting an empathetic understanding of the cultural, moral, and political other.[232]

Is Cosmopolitanism a Beneficial Goal?

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[230] A further exploration of the multiplicity of internal voices is accomplished in Fred Evans' book *The Multivoiced Body*. There Evans convincingly argues that not only is society made up of a plurality of perspectives and voices, which political actors can respond to and orient to, but that voices are internalized in such a way that we, as individuals, construct our own "hybrid identities." See Evans. *The Multivoiced Body*. New York: Columbia University Press, 2008. p. 156.

[231] Benhabib. *Situating the Self*. p. 140.

[232] Arendt. *The Portable Hannah Arendt*. p. 573.

As I introduced in Chapter 3, in *Another Cosmopolitanism* Benhabib is concerned

with the philosophical foundations of cosmopolitanism and the philosophical grounding

for international juridical practices. In what follows in this chapter, I return to a

discussion of cosmopolitanism in Benhabib, in order to uncover and evaluate the

Arendtian foundations for her position. Explicitly, Benhabib identifies Arendt's and

Jasper's appraisal of the Eichmann trial in Jerusalem as forming the basis for any

dialogue about the legitimacy of cosmopolitan juridical norms and the new groundwork

for contemporary republican ideals in a globalized world. Although Benhabib thinks

Arendt posed the right kind of questions and dealt with the right topics (crimes against

humanity, genocide, court legitimacy), Benhabib wonders if Arendt's final appraisals and

conclusions are fully correct:

> Why does Arendt deny than an International Criminal Court is conceivable? Does she mean that it is unlikely to come into existence, or rather that, even if it were to come into existence, it would be without authority? Her position is all the more baffling because her very insistence on the juridical as opposed to the merely moral dimension of these crimes against humanity suggests the need for a standing international body that would possess the jurisdiction to try such crimes committed by individuals.[233]

Although it seems here that Benhabib is critical simply of Arendt's skepticism, it

becomes clear that Benhabib shares a level of skepticism of the legitimacy of

international courts. Benhabib believes that Arendt's wish for an international court

capable of preserving human rights has been realized to a certain extent in the present-

day European Union and through cosmopolitan organizations of nation-states like

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[233] Benhabib. "The Philosophical Foundations of Cosmopolitan Norms," *Another Cosmopolitanism*. New York: Oxford University Press, 2006. p. 15.

NATO.[234] This development, however, is not free from philosophical, juridical, and

normative problems:

> Although the evolution of cosmopolitan norms of justice is a tremendous development, the
> relationship between the spread of cosmopolitan norms and democratic self-determination is
> fraught, both theoretically and politically. How can the will of democratic majorities be
> reconciled with norms of cosmopolitan justice? How can legal norms and standards, which
> originate outside the will of democratic legislatures, become binding on them?[235]

Because cosmopolitan groups capable of upholding human rights are built from the

nation-states which represent their citizens, cosmopolitan groups must reconcile the

supra-national concern of universal human rights (Arendt's right to have rights, and call

to recognize crimes against humanity) with the intra-national concern of remaining

autonomous nation-states able to democratically express the will of the citizenry which

grants these governments their legitimacy. Benhabib identifies this problem as a

philosophical concern for several groups of thinkers, most notably within Critical Theory,

the discipline which she claims to belong: "For a third group of thinkers, whose lineages

are those of Critical theory, cosmopolitanism is a normative philosophy for carrying the

universalistic norms of Discourse ethics beyond the confines of the nation-state (Jürgen

Habermas, David Held, and James Bohman)."[236]   However, Benhabib thinks that

traditional Critical theory has not thought through the paradox of democratic legitimacy

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[234] Arendt's skepticism of international courts is a particularly difficult concept to interpret. On the one
hand, Arendt recognizes that crimes against humanity should be recognized, in light of the atrocities of the
Holocaust. On the other hand, Arendt does not have much faith in international tribunals, which her
nuanced criticism of Eichmann's trial makes evident. Benhabib chooses to interpret Arendt as a
springboard for developing an argument for legitimizing international courts, as long as international court
systems are critically self-aware. However, as I explore at the end of this chapter, Honig chooses to
highlight Arendt's overarching skepticism, to question the legitimacy and authenticity of cosmopolitan
justice and jurisprudence.

[235] Ibid., 17.

[236] Ibid., 18.

and the universal protection of human rights; though she acknowledges that Arendt's

skepticism provides a model for concern:

> In extending the norms of Discourse ethics toward a cosmopolitan political philosophy, Held and Bohman in particular have not addressed the paradox of bounded communities. Here I part company from my Critical theory colleagues and join in the anxiety expressed by Arendt's puzzling observations about an International Criminal Court.[237]

Benhabib then goes on to articulate the problem through an analysis partially indebted to

Arendt and partially indebted to Kantian understandings of cosmopolitanism in general.

She sees Discourse ethics as a paradigm for desiring cosmopolitan rights: "Because the

discourse theory of ethics articulates a universalist moral standpoint, it cannot limit the

scope of the *moral conversation* only to those who reside within nationally recognized

boundaries; it views the moral conversation as potentially including all of *humanity*."[238]

These universal rights include concepts taken from both Kant and Arendt—concepts such

as 'the right to universal hospitality', 'crimes against humanity', and 'the right to have

rights' (Arendt) are the legacy of Kantian cosmopolitanism. In each instance, they

articulate a shared philosophical perplexity:

> Kant, Arendt, and Jaspers want to give these concepts a binding power over and beyond the moral obligation which they impose on individual agents. These concepts should not be treated as mere 'oughts'; they must generate enforceable norms not only for the individuals but for the collective actors as well, and in the first place, for states and governments.[239]

Universalist cosmopolitanism, therefore, first and foremost identifies human rights which

must be preserved over-and-above individual governmental interests: "These categories

are intended to provide not only the precepts of individual conduct but also principles of

public morality and institutional justice. They transcend the specific positive laws of any

existing legal order by formulating binding norms which no promulgated legislation

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[237] Ibid.

[238] Ibid.

[239] Ibid., 24-25.

ought to violate."[240] This universalist tendency must be meted, however, with a respect

for autonomy; the autonomy of nation-states, as well as the autonomy of democratically

participating citizens within those nation-states must be respected. Benhabib identifies

Arendt's interest in republican self-governance as an example of this concern:

> At times, this is a concession to political realism on their part; more often thought, and particularly for Kant and Arendt, the division of humankind into self-governing polities is not a *factum brutum* but has value in itself…neither Kant nor Arendt can reconcile world government with the values of private and public autonomy. Therefore, the tension between the demands of cosmopolitan justice and the values of republican self-governance is greatest in their work.[241]

Since the Nuremberg trials, the international community has recognized crimes against

humanity, genocide, and war crimes as being more than conventional criminal notions of

murder and rape. Similarly, these new categories of crime sponsor corresponding novel

views of jurisdiction and punishment. This new class of crimes has instigated a

movement toward humanitarian interventions, "…based on the belief that when a

sovereign nation-state egregiously violates the basic human rights of a segment of its

population on account of its religion, race, ethnicity, language or culture there is a

generalized moral obligation to end actions such as genocide and crimes against

humanity. In such cases, human rights trump state sovereignty claims."[242] It is evident in

Benhabib's estimation that the universalizable in human rights must trump in situations

of potential conflict with local, national, and sovereign appeals to particular laws and

juridical practices.

Benhabib recognizes the development of the Universal Declaration of Human

Rights as the instantiation of the internal tension of cosmopolitan norms in contemporary

society: "…although territorially bounded states are increasingly subject to international

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[240] Ibid., 25.

[241] Ibid., 26.

[242] Ibid., 29.

norms, states themselves are the principal signatories as well as enforcers of the multiple human rights treaties and conventions through which international norms spread."[243] So, on the one hand, human rights extend beyond the individual nation-states, but on the other hand, they are dependent on the enforcement and ratification of individual states to protect them: "Modern democracies act in the same of universal principles, which are then circumscribed within a particular civic community. This is the 'Janus face of the modern nation,' in the words of Jürgen Habermas."[244]

<div align="center">*Honig and Arendt: Materialist Cosmopolitanism*</div>

Bonnie Honig provides a critical and productive answer to Benhabib's argument, which engages a completely different reading of Arendt. Honig believes that Arendt would be unfulfilled by Benhabib's universalism; rather than sympathetic of it, or placated by it, Honig's Arendt would offer a critical interpretation of cosmopolitanism as politically lacking. Honig begins with a straightforward indictment of what she identifies as Benhabib's moralistic tendencies. She writes: "Benhabib's *Another Cosmopolitanism* seeks to reclaim universalism or a postmetaphysical politics, but her reclamation is marked by traces of earlier universalisms that promise moral guidance from above to a wayward human world below."[245] Contrasting her understanding of Arendt with Benhabib's, Honig claims that Arendt would be disappointed with this moral

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[243] Ibid., 31.

[244] Ibid., 32.

[245] Honig, Bonnie. "Another Cosmopolitanism? Law and Politics in the New Europe," *Another Cosmopolitanism*. New York: Oxford University Press, 2006. p. 102.

universalism. Honig believes that Benhabib's weaker version of Arendt comes from an

incomplete reading of Arendt's critique of the Eichmann trial:

> She [Arendt] asked not only 'How are they trying Eichmann?' but also always: 'What are they
> doing by trying Eichmann? What political ends is this trial serving?' This, indeed, is what
> offended many of her readers; that she would dare to suggest that the State of Israel might be
> operating politically, that it would *use* this trial, that the trial was not an end in itself, that it was a
> quest for something other than absolute, unconditional justice.[246]

Honig goes on to claim that this critical ambivalence toward the Eichmann trial underlies

Arendt's own skepticism about global politics and the development of the nation-state

Israel:

> Indeed, her [Arendt's] half-hearted wish for an international criminal court, expressed in the form
> of a lamentation of its impossibility, was not simply a wish to escape from politics as such into a
> really neutral or just realm of law. Or that's not all it was. It was (whatever else it was) a way to
> highlight and criticize the part played by the Eichmann trial in a larger politics of state-building to
> which she was opposed.[247]

 According to Honig, being faithful to Arendt is not simply recognizing her wish for an

international court to found juridical legitimacy, but it is also in recognizing the very real

political problems that *any* juridical system would have. Further, being faithful to

Arendtian theory requires recognizing that political critique is the duty of each and every

political participant. According to Honig, Arendt does not wish for fulfillment for her

philosophy, she wants, instead, a philosophical openness to challenge all new forms of

political engagement. Honig writes, "Thus, rather than treat the Arendt who wished for

appropriate international institutions to judge Eichmann as if she were fulfilled or

satisfied by the inauguration of today's new norms and institutions, we might do better to

see in Arendt's example an invitation to assess emerging new orders in the most

relentlessly political and critical terms."[248] I read Honig as articulating an alternative

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[246] Ibid., 103.

[247] Ibid., 104.

[248] Ibid., 104.

notion of cosmopolitanism wherein the new order must be seen in relation to the old, of course, but they must also always indicate the possibility for further future development. New methods of governance and political participation must be constantly challenged and rearticulated. This openness and affinity for challenging accepted authority corresponds with a Derridean notion of Arendtian politics.

Honig's reading of Arendt reinforces her reading of Derrida and the necessity of double-gestures in real politics:

> The right to have rights is itself a double gesture: it is a reproach to any particular order of rights (albeit certainly to some more than others) *and* a demand that everyone should belong to one such order. A double gesture is necessary because, paradoxically, we need rights because we cannot trust the political communities to which we belong to treat us with dignity and respect; however we depend for our rights on those very same political communities.[249]

Although Honig agrees with Benhabib that the question of cosmopolitan rights and norms is indeed a paradoxical question, she takes that paradox one step further. For Honig, the paradox is not simply an accident of political legitimacy, but a theoretically necessary double-relation based on a Derridean reading of Arendt's call for rights. It is the impossible which comes: "Indeed, Arendt's right to have rights—a polemical, political call—directs our attention repeatedly to the need for a *politics* whereby to express and address the paradox as it is experienced by minorities, the stateless, the powerless, and the hapless."[250]

Honig criticizes Benhabib on the very Arendtian lines of the necessity for contextualization and openness to understanding novelty in the political sphere. She recognizes that the future-aspect of human rights, which Arendt calls for, is not a claim that we must have unlimited, universalistic protection of the human rights we recognize

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[249] Ibid., 107.

[250] Ibid., 107-108.

now, but that the very definition of human rights is open to change and incorporate newly

emergent rights:

> This view of rights as always pointing (or made to point) beyond themselves is deeply attractive. However, what those rights point to in Benhabib's account is not an open futurity dotted by new or emergent rights but a normative validity that launches us into a subsumptive logic in which new claims are assessed not in terms of the new worlds they may bring into being but rather in terms of their appositeness to molds and models already in place: incomplete, but definitive in their contours."[251]

In contrast to Benhabib, Honig proposes a new cosmopolitan form, not based on the

universalist cosmopolitanism of Benhabib and Kant, but instead on the *unconditional*

protection of rights based in Arendt and the notion of the double-gesture in Derrida:

> An agonistic cosmopolitics locates itself squarely in the paradox of founding, that irresolvable and productive paradox in which a future is claimed on behalf of a peoples and rights that are not yet and may never be. Arendt's unconditional right to have rights is as good a motto as any for that project, as long as we understand rights to imply a world-building that is not incompatible with the project of building juridical institutions and safeguards, but also reaches beyond that project because it is wary of the sedimentations of power and discretion that accrete in such institutional contexts.[252]

For Honig, the universal is simultaneously too much and not enough. Universal rights

and authority must be based in normative values, and seek completion. However,

unconditional rights indicate that our juridical and philosophical foundations are never

adequate for legitimizing human rights protections. Additionally, unconditional rights

leave open the possibility for the expansion of our understanding of human rights and

human rights violations, an expansion that will undoubtedly occur with future change to

culture, society, and transnational relations.

Solidarity and Feminist Power

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[251] Ibid., 110.

[252] Ibid., 117.

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In Amy Allen's chapter on Hannah Arendt, "The Power of Solidarity: Hannah Arendt," Allen is careful to establish that she *is not* providing a feminist evaluation of Arendt's work through the lens of rereading Arendt as a burgeoning feminist. Instead, she is reading Arendt as a sort of harvesting ground, out of which she can pick and choose certain concepts and ideas that would prove fertile to Allen's own overall conception of feminist power.[253] Primarily, Allen is interested in Arendt's account and description of 'solidarity' as a helpful tool for understanding potential resistances to power regimes, and for regaining a sort of intrinsic feminist power.

Allen begins with a sort of necessary critique of Arendt, highlighting the difficulties of "feminizing" a philosopher who so staunchly opposed bringing bodily reality and needs into the political sphere, thereby delimiting the possibilities for sexuated politics.[254] Allen takes up many of the themes pertinent to my own interests in Arendt's thought: Is she or is she not sharply dividing the political and private spheres? Does she allow for culture in politics, or a politics of culture, in her analysis of the pariah Jew? Can this analysis be applied to the role of "woman"?

Allen then goes on to read Arendt alongside her interpretations of Butler and Foucault; the rest of the book is devoted to creating a sort of hybrid account of power using the Foucault's nuanced account of domination surfacing in multiple locations, the account of performative resistance in Butler, and the political influence and power of solidarity from Arendt. According to Allen, reading all three theories as complimentary to one-another provides a theory of power that exceeds the limitations of all three

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[253] Allen, Amy. *The Power of Feminist Theory: Domination, Resistance, Solidarity*. Boulder, Colorado: Westview Press, 1999. p. 87.

[254] Ibid.

philosophers. It gives the feminist the opportunity to be both subject to power and an agent of power—a theory with political as well as theoretical consequences. However, in order to develop this theory, Allen *needs* an Arendtian account of solidarity.

To further her point that it is not only critically possible to read all three philosophers together, but that it is also true that all three philosophers have explicitly similar philosophical commitments, Allen describes the "alliance" between the three philosophers. Interestingly, this alliance begins on the grounds that both Arendt and Butler make claims about the necessity of linguistic action for creating political subjects. Allen believes this affinity reveals a shared philosophical lineage among all three philosophers. Allen points to Benhabib who argued in *The Reluctant Modernism of Hannah Arendt*, that Arendt has both a "modernist commitment to universal morality and her 'postmodernist' critique of foundationalism."[255] Allen believes that this postmodernist attitude towards foundationalism, which both Foucault and Butler share, comes from her Heidegger/Nietzsche lineage, which Foucault and Butler also share. She carries this genealogical affinity argument even further by pointing out that: 1.) All three philosophers criticize the Marx/Hegel dialectic as neglecting the notion of novelty; 2.) Foucault and Arendt both criticize normalizaiton in society—Foucault through disciplinary power, and Arendt through her critique of the social sphere; 3.) Foucault and Arendt use aesthetics to explain judgment—Foucault in his notion of living a beautiful life, Arendt through her adoption of Kant's judgment in the Third Critique; 4.) All three criticize conventional notions of subjectivity—for all three theorists, subjects are never autonomous or self-creative as such, they are always a part of the contextualized world;

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[255] Ibid., 89. See also Benhabib, S. *The Reluctant Modernism of Hannah Arendt*. New York: Rowman and Littlefield, 2003.

And 5.) "…They all reject the juridical or command-obedience model of power"[256]—all actors for all three theorists are simultaneously political active and political subjugated.[257]

For my interests, Arendt's critique of normativity is most engaging. Allen explains that:

> Arendt's critique emerges out of her critique of the rise in the modern era of the domain of the social, a hybrid sphere that results from bringing the private concerns of the household into the public sphere of politics. According to Arendt, the rise of the social coincides with the advent of mass culture, and mass culture functions through normalzaiton. Thus, she notes, with the rise of mass culture, society comes to expect certain kinds of behavior from individuals, and to impose 'numerable and various rules, all of which tend to "normalize" its members, to make them behave, to exclude spontaneous action or outstanding achievement'.[258]

Allen reads Arendt as critical of normativity on the grounds that it prevents them from being truly political actors—without the ability to voice their individual concerns, human actors are unable to *be* political *actors*. This is especially intriguing for me, because this notion of innovative political action is dependent both on Arendt's necessary separation of the social from the political, *and* on Arendt's claims that we must voice our positions in order to be political. My philosophical priorities are sympathetic to Arendt's compelling argument for the necessity of innovation in place of normalization (especially as a potential critique of Habermas). However, it is difficult for me to accept that this requires the absolute separation of the social and the political, which would exclude sexuated politics, as I argued in chapter 1. I find it additionally problematic that it requires linguistic participation, which would exclude non-linguistic or a-linguistic

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[256] Ibid., 92.

[257] Ibid., 88-93.

[258] Ibid., 90-91.

participation in the public sphere. For example, art and aesthetic participation seem

equally effective and important means for public participation and critique.[259]

Allen also provides a summary of Arendt's gestalt notion of power. Because

Arendtian power is not of a simple "command-obedience" model, power cannot be

simply "violence," "authority," or "strength." Power as a political concept cannot be

defined as violence, because violence eliminates all other goals—violence becomes a

state of society that is pursued only for its own sake, as in the French Revolution's Reign

of Terror. Authority is also more or less an accident of power rather than an actual

political ability—authority is an office, not an action. Strength is a quality possessed by

an individual, also not a political action itself. Allen identifies the conception of power in

Arendt's *The Human Condition* as fundamentally and primarily *action*. Power is "a

collective, relational phenomenon that relies on numbers, not implements; it is an end in

itself that is, thus, by its very nature legitimate; and, most important, its essence is not

command or rule but collaboration and collective action."[260] This conception of power

reinforces that weapons and brute force do not constitute the absolute bounds of power,

an idea Allen and Arendt share. Instead, by highlighting the power of solidarity, both

Arendt and Allen reinforce the potential for all political actors to publically employ and

harness power. Albeit, in this case, primarily through the sheer numbers of concerted

political action.

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[259] Suzanne Muldowney, made famous by the documentary film *My Life as an Underdog* (2006), used
performance art to relate her personal struggles with Asperger's Syndrome. Autistic artists, who cannot
express themselves linguistically, often turn to art and performance to express emotions, as well as to create
aesthetic production.

[260] Ibid., 100.

In order to ensure the qualities of collectivity, action, and relationality, power must itself be an activity of concert—of working with others. This concept is what Allen identifies as the core of solidarity in Arendt's depiction of power. For Allen, Arendt's solidarity is a promise-keeping among a group of similarly interested political actors who use their concerted efforts to pursue legitimately political goals. Allen analyzes this relationship in terms of feminist interests. She concludes that solidarity must occur between a group of individuals with some sort of base commonality—if all members were totally or radically different, they could not communicate their interests to one another. However, this does not mean that the group is reduced to a sort of absolute sameness by rejecting that commonality is an essential quality, it is instead a political quality. This eliminates the need for a stagnant or formally final conception of what Allen calls "sisterhood"—the idea that all women are essentially and formally the same.[261] Allen points out the common-sense position of Arendt that absolute equality would eliminate the need for the political—everyone would prefigure the needs and desires of the other, as being the needs and desires that he or she also shares. We need communication and political action because we are all different, and we must be able to voice our positions, needs, and desires in the political sphere in order to attain the ends of our interests. Hearkening to Honig and Derrida, Allen seems to articulate the need for a double-gesture. Allen also highlights Arendt's position that we must fight back politically by identifying with the part of us under attack. Admittedly, Arendt maintains this position in the context of fighting Nazi oppression through Jewish identity, but, as Allen agrees, this position could be potentially helpful for feminist interests as well.

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[261] Ibid., 104.

Normativity and Solidarity: A Place in the Renewed Public Sphere

Taking Allen's claims to power in solidarity seriously, a new feminist concept of the role of solidarity in political society emerges. Solidarity is not an equivocation of differing interests resulting in an essential concept of "woman" or "Other." Solidarity is also not reducible to social plurality, which would relegate its effectiveness only to the private sphere. Instead, following Benhabib, Honig, and Allen's extensions of Arendtian thought, solidarity is an explicitly political form of pluralistic and universalistic action. It is a sort of civic empathy—to adapt the concept from Mead—wherein concerted political action emerges through actively formed groups of individuals with similar goals and interests. In this way, solidarity is not reducible either to individual interests or to ideologies. As I argued in the preceding section, solidarity is, following Allen's reading of *The Human Condition*, an activity of power as such.

Keeping in mind the notion of concerted activity as a specific application of political power, solidarity fits well into the sort of transfiguration Benhabib calls for in a system of utopian Communicative ethics. If transfiguration is the "new and imaginative constellation of the values and meanings of the present,"[262] is solidarity not also a transfigurative power? Solidarity, as a political activity, is directly opposed to the notion of unchallenged fulfillment of norms. Additionally, as a pluralistic endeavor for bringing together different political actors with shared interests, solidarity seems to be a paradigm "constellation of values." The notion of an Arendtian politics in general as being opposed to aspirations of fulfillment and uncritical complacency, finds even more support

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[262] Benhabib, S. "The Utopian Dimension in Communicative ethics." *Critical Theory: The Essential Readings*. p. 389.

in Bonnie Honig's reading of Arendt's *Eichmann in Jerusalem*. Honig's analysis that Arendt requires an absolute right to have rights, uncovers a deeper power in Arendtian political solidarity. To remain true to Arendtian politcs, constellations of political agents working in the interests of solidarity must remain fluid constellations. Solidarity retains its full power by opening itself to as-yet-unseen interests and as-yet-unheard voices in the political arena. Following Honig, if Arendtian politics maintains a Derridean duality, than a refreshed concept of Arendtian solidarity would also provide the "double-gesture"—solidarity works towards the protection of generalizable interests; however, as a form of ongoing political *action*, rather than fulfillment, solidarity is also open to the influence of individual political actors.

It is in this way that Arendtian solidarity may be able to provide a missing crucial element for Habermasian normative ethics in order to meet feminist concerns in Critical Theory. According to Benhabib's analysis, and Habermas' own descriptions of communicative ethics, Habermasian political action overemphasizes the universalist qualities of normativity. By asserting that communicative action is not merely the concert of common interests, but explicitly "common *convictions,*"[263] Habermas asserts that political action is geared toward normative consensus in all legitimate circumstances. However, as Benhabib makes clear in her assessment of Habermas, the interest of normativity is to maintain a fulfillment version of historical development—norms reinforce the historically held, and therefore propagated, convictions of a consensus oriented society. These norms preclude transfiguration and the utopian critical interests of change and development.

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[263] Habermas, J. *The Theory of Communicative Action*. p. 287.

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Following the preceding feminist interpretations of Arendt, perhaps Habermasian normativity could be supplanted with the critical perspective of solidarity. Maintaining the notion of legitimacy through shared interests, solidarity achieves a certain level of political value in a system of discourse ethics; however, solidarity circumvents the problems of normativity by remaining open to transfiguration and the emergence of as-yet-unheard individual interests. Because of solidarity's unique ability to be simultaneously an effective political tool for legitimate power, while maintaining an openness to individual interest, perhaps Arendt can provide new hope for the feminist project in Critical Theory. While Benhabib has always remained hopeful for the political application of Habermasian communicative ethics, she admits that there are limitations to his project of normativity. However, by reintroducing self-interest to mutual understanding, Arendtian solidarity—through the lens of contemporary feminist critique—as a notion of political power, may restore the hope for a feminist theory of communication and political action.

Conclusion

Is this kind of ethics individualistic or not? Yes, if one means by that that it accords to the individual an

absolute value and that it recognizes in him alone the power of laying the foundations of his own

existence…But it is not solipsistic, since the individual is defined only by his relationship to the world and

to other individuals; he exists by transcending himself, and his freedom can be achieved only through the

freedom of others. He justifies his existence by a movement which, like freedom, springs from his heart but

which leads outside of him.—Simone de Beauvoir[264]

When considering the relationships between power, autonomy, and participation

in democratically relevant political philosophy, two false alternatives often emerge. On

one side, theoreticians identify society as a group of diverse individuals, with divergent

interests that may be privately met, but whose recourse to an overly insensitive public

sphere insures only the most basic universal rights. Fred Evans refers to this conception

of society as absolute heterogeneity, where a plurality of diversity protects individual

cultures and differences, but only connects social groups tenuously.[265] Facile critiques of

postmodern democratic theory often claim that this is the paradigm for contemporary

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[264] De Beauvoir, Simone. *The Ethics of Ambiguity*. Translated by Bernard Frechtman.
Seacaucus, NJ: The Citadel Press, 1948. p. 156.

[265] Evans, Fred. *The Multivoiced Body*. pp. 4-5. See also, Linda Martín-Alcoff, "The Political Critique of
Identity," *Visible Identities: Race, Gender, and the Self*. New York: Oxford University Press, 2006. pp.
20-46. Here Alcoff argues that the plight of the modern liberal state is a need to have abstract and concrete
individuals, who are distinct from any sort of cultural, social, or political groups, but who are also therefore
abstracted from the unique identities afforded by those groups. These individuals are absolute in their
individuality, and thus run the risk of absolute heterogeneity, but they are also homogenous in their ability
to distance themselves from any sort of cultural, gendered, or otherwise social identity. In this way, the
dilemma is really three horns, absolute heterogeneity, absolute homogeneity, and an impossible to maintain
tension of the two extremes.

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political philosophy; but even nuanced analyses find tendencies towards the reification of absolute difference in the works of Deleuze, Derrida, Irigaray, and Lyotard. On the other side of the dilemmatic horns, is the obviously problematic conception of homogeneity within national interests. This position is now almost exclusively addressed in terms of critique, and from a multitude of perspectives. For example, in Habermas' "On the Relation Between the Nation, the Rule of Law, and Democracy" in *The Inclusion of the Other: Studies in Political Theory*, Habermas indicts ethnonationalist and constructivist approaches to democratic theory, particularly those espoused by Carl Schmitt.[266] Habmermas correctly identifies Schmitt's position as relying on the notion that peoples are existentially and substantively connected—and it is through this connection that rights and political determinations naturally emerge.[267] This notion of absolute homogeneity has been explicitly out of favor since the Nazi adoption and implantation of homogenous nationalist principles, but Habermas further identifies contemporary European tendencies to found even European Union treaties on a conception of democratic participation that emerges from "national identity" and "in a relatively homogenous manner."[268] As I have argued throughout chapters 1 through 5, although Habermas provides such criticism, he continues to have difficulty in proposing an alternative capable of fully addressing theories of difference, particularly feminist positions. Throughout the previous five chapters, I have worked to synthesize several feminist positions as a corrective to Habermas' theory. Individually, and in relation to

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[266] Habermas. *The Inclusion of the Other: Studies in Political Theory*. Ed. by Ciarin Cronin and Pablo De Greiff. Cambridge, MA: MIT Press, 1998. Originally published as *Die Einbeziehung des anderen. Studien zur politischen Theorie*. Frankfurt: Suhrkamp, 1996.

[267] Ibid.,135.

[268] Habermas quoting Federal Constitutional Court of the European Union. Ibid., 151.

one another, these feminist theories function explicitly to provide a critical analysis of Habermas' limitations. By staging the various feminist critiques in relation to one another, I have worked to synthesize these positions further to create a unique and original alternative theory.

Through a particular reading of the combination of Pateman, Benhabib, Butler, Honig, Allen, and Cornell's theories, I have suggested the emergence of an alternative notion of participation based in relational ethics, embodied action through solidarity, and understanding potentiality in terms of utopianism. What connects us is our shared experience of the world, with all of the interdependences and contestations that are represented in this shared experience. What allows us to act in political concert is solidarity, which I have proposed as a theory of non-effacing political grouping based in social-psychological recognition of mutual oppression and/or dearth of representative political power. What gives us hope for emancipatory change is a utopian orientation towards transfiguration, which I have expressed as an openness to imagining future possibilities, grounded by our shared past of mourning and forgiveness.

Power and Solidarity: Individual Participation and Intersubjective Alliance

As I explored in chapter 6, theorizing the space for democratic political and social expression is of utmost concern for both the critical theoretical and the feminist project. I believe that this issue, more than most, serves to unify the past and future of philosophical explorations of political participation and autonomy. In chapter 1, I argued that the very possibility for political participation and expression is wrought with the problematic exclusion of women (and other disenfranchised minorities) to the private

sphere. Synthesizing Pateman's careful unpacking of liberal democratic exclusionary practices in social contract formation with Habermas' emphasis on intersubjective society, I attempted to highlight the importance of understanding how intersubjective society emerges and creates itself. For meaningful democratic participation actually to endorse emancipation, however, I must critically analyze the basis for this intersubjectivity.

How then can a feminist ethics ground a notion of intersubjectivity, especially in light of the difficult power dynamics that pervade social relationships and political contexts?   This problem must be dealt with in any exploration of emancipatory theory, especially as it relates to the potential confining or freeing of the autonomous individual. Here, I would like to articulate the background theory of power I have been working under. I will then relate this theory of power to the theory of solidarity I illuminated in chapters 5 and 6, further clarifying the important characteristics of a working theory of participation through solidarity.

To my mind, Amy Allen's work in *The Politics of Ourselves* comes closest to articulating a working theory of power that neither disguises the real impact of subordination in society, nor elevates such power relationships to an unquestionable meta-theory. In contrast to her own position, Allen admonishes both Butler and Habermas, for adopting either extreme theory of power:

> Although Butler goes too far when she suggests that subordination is central to the becoming of the subject, Habermas is overly sanguine about the psychic costs of the subjection to the (from the child's perspective, completely arbitrary) will of the parent that is necessary for socialization. One of the costs of this is vulnerability to subordinating forms of subjection, a tendency to become psychically attached to and invested in subordinating modes of identity.[269]

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[269] Allen, A. *The Politics of Our Selves*. p. 175.

Butler is potentially guilty, therefore, of making subjectivation and iteration into a theory

of subordination; we can see these tendencies in her hard postmodern theories I addressed

in Chapter 2. Habermas, on the other hand, is indicted for his willingness to overlook the

psychological effects of power relations, even when addressing power relations most

explicitly, as he does when discussing parent-child relationships in *The Future of Human

Nature*, which I addressed in Chapter 4. Allen would most likely additionally admonish

Butler for her theory of vulnerability as the basis for reciprocal recognition, the theory I

explored in Chapter 5. However, in contradistinction to Butler's earlier theories of

subjectivation, this theory of vulnerability seems to require as much out of recognizing

the Other's vulnerability to oneself, as it does to internalizing a sort of vulnerability as a

part of subject-formation. In what follows, I propose that by including Butler's theory of

mutual recognition into Allen's theory of power would strengthen a complex feminist

understanding of power.

Allen, like both Butler and Habermas, understands the key role recognition plays

in forming autonomous subjects capable of intersubjective interaction. In response to

wanting to have both normative reciprocity and recognition, while also acknowledging

the ubiquitous nature of power, Allen proposes that power must be understood as a

background valence of social and cultural life. She writes:

> A better way to deal with this problem is to interpret the claim that there is no outside to power not
> to mean that power is present in any and all social relationships but instead as the more innocuous
> contention that power is an ineradicable feature of human social life. In other words, one could
> drop the omnipresence claim but retain the idea that there is no outside to power in the sense of no
> possible form of recognizably human social life from which power has been wholly eliminated.[270]

Allen argues that the integration of normative foundations with a realistic appreciation of

power dynamics can be accomplished in two ways. First, she suggests transforming

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[270] Ibid., 179.

power relationships by using Jane Mansbridge's concept of "conceptual and normative resources"—in effect suggesting that solidarity for activist groups is founded on preexistent normative recognition.[271] Secondly, Allen argues that it may also be possible to subvert subordination through feminist displays of literature, film, and art. Allen agrees with María Pía Lara that narrativity has a real impact on culture, which in turn mediates power relationships and dynamics.[272] In regards to her conception of preexistant normative recognition, Allen does not provide a complete argument. She only suggests that the effectiveness of solidarity depends on the existence of such underlying recognition. I, however, believe that the only viable possibility for preexisting normative recognition is through a recognition that happens at a psychic level, such as the recognition of mutual vulnerability proposed by Butler. Other forms of preexisting normative recognition would require a commitment to a transcendent ideal subject, who forms the basis for all individual subjects. Examples of this form of recognition are the Kantian model, or other modernist universalist conceptions of recognition. This is an obviously problematic formulation for feminist ethical theory, as I explained in Chapter 3.

Keeping in mind this qualified definition of power, let me be concrete about how solidarity must be characterized, in order to recognize the importance of power relations on the capacity for political participation. First and foremost, a theory of political solidarity allows for mutability; as a coming together of shared interests for a time-specific goal or purpose solidarity is, by definition, open to change corresponding to the changes of interest and desire, as well change in historical-political context. In contrast,

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[271] Ibid., 183.

[272] Ibid., 184.

communicative action tends to maintain the status quo; there is more permanence intended with a theory of normative consensus, resulting in a greater difficulty of radical or immediate change. In relation to power, this means that a feminist theory of solidarity upholds a pragmatic approach of recognizing that power relations infuse society. However, power-as-such is not seen as absolute or omnipotent, but instead has the possibility for change. If social power dynamics change, then certain political and social needs will also change in response. This fluidity requires the mutability of solidarity.

Further, solidarity avoids the leveling or hierarchizing of other forms of strategic unification, i.e. consensus-oriented communicative action. Solidarity defines individuals as a part of the "group" according to the specific shared interest that brings the group together, but does not attempt to restrict individuals, as individuals, to these qualities. According to Arendt and Allen, individuals retain other unique identities and often hold very different positions and viewpoints from other members on other political, social, and personal matters. In contrast, by virtue of the consensus-orientation of communicative action, individual group members are required to defer to one another, to make compromises, and to level other individual differences. Not only is this problematic on a theoretical level when it comes to the central Critical Theory issue of emancipation, as I addressed in chapter 3, but this is also problematic in light of the issue of power. The "group" in a normative ethics operates by means of consensus. This means that according to Habermas, it is desirable for individuals to have autonomous desires that are brought to the group, but that eventually the culmination of normative figuration will be a totalized agreement. If normative consensus seeking communicative action requires deference and a leveling of difference, then it encourages precisely the unhealthy

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subordinating power relations Allen warns us to avoid. Not only is Habermas therefore sanguine about hierarchical power and the psychical damage of internalizing such subordination, but he is also culpable of directly encouraging such power relations.

Solidarity is often a characteristic of resistance movements. A fringe group can display the same level of solidarity and the same ethics of solidarity as a "legitimate" political group. Despite Habermas' romantic evaluation of certain revolutionary ideals, Habermas and Habermasian theory are decidedly conservative.[273] Normativity, by its very nature, promotes standardized political decisions within the scope of a legitimate political body. Fringe groups' limited reach precludes their ability to be as effective normatively.

Solidarity also upholds the ideals of the care ethics I outline in Chapter 4. Parents can align themselves as a group with a concerted interest in care of their families and children. Similarly modeled care relationships can also form, where the requisite social or political basis is the orientation towards care-fulfillment. These relationships would be otherwise excluded from political consideration except as a sort of democratic constituent; this provides a relational/interpersonal characteristic to an ethics of solidarity.

For these reasons, feminist ethics seem naturally to align more closely with solidarity. In relation to the issue of distinguishing between public and private concerns, solidarity obviates problems related to neglecting the feminine concerns of the private

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[273] Habermas famously admonished students for the student revolutions, coining the term "left-fascists" to describe the violence of such movements. He later revisited his position, torn between recognizing the student movements as terroristic or as legitimate ways of revising the public sphere. See, *Die Linke Antwortet Jürgen Habermas*. Edited by Oskar Negt. Frankfurt: Europäische Verlagsanstalt, 1968.

sphere by respecting psychological and political needs. Additionally, in order to form a

relationship of solidarity, participants are not confined to legitimate political bodies in

order to possess or express power. For example, transnational feminist movements can

employ relationships of solidarity, despite their differences in national governing bodies.

This is not to say that Habermas believes that communicative action is confined to

nationally organized, official governmental political bodies. In fact, in 2003 Habermas

wrote (and co-signed with Derrida) a lengthy appeal to European citizens to unite in their

dissent of the Iraq War, and further to agree in concert to change national public policies,

to correspond with the international opposition to the American invasion of Iraq.[274]

Habermas hearkens to a theory of globalization, writing that such action could,

"…[S]upport the rejection of Eurocentrism, and inspire the Kantian hope for a global

domestic policy."[275] However, despite Habermas' growing sympathies to transnational

political action, this form of globalization still retains valences of the Eurocentric and

imperialistic world order he admonishes. If Habermas' goal is the inclusion of non-

hegemonic world orders into the protections of international human rights, then why

make the appeal only to the countries of central Europe? As Iris Marion Young

convincingly argues:

> I wonder, however, just how cosmopolitan is the stance taken in this statement [the original OpEd
> as a whole]. From the point of view of the rest of the world, and especially from the point of view

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[274] See, Habermas. "February 15, or What Binds Europeans Together: A Plea for a Common Foreign
Policy, Beginning in the Core of Europe." Co-signed by J. Derrida. Trans. by Max Pensky. *Constellations*,
Vol. 10, No. 3. (2003). pp. 291-297. Originally published in German in the *Frankfurter Allgemeine
Zeitung*, 31 May 2003.

[275] Ibid., p. 297.

of the states and people in the global South, the philosophers' appeal may look more like a recentering of Europe than the invocation of an inclusive global democracy.[276]

For Young, Habermas seems to ground his theory of a new global order only through *European* political action. In the article, Habermas argues that the possibility for an emergent global domestic policy is supported by the simultaneous eruption of anti-war protests across Europe:

> But we should also remember February 15, 2003, as mass demonstrations in London and Rome, Madrid and Barcelona, Berlin and Paris reacted to this sneak attack [the U.S. invasion of Iraq]. The simultaneity of these overwhelming demonstrations—the largest since the end of the Second World War—may well, in hindsight, go down in history as a sign of the birth of a European public sphere.[277]

Habermas' use of demonstrations as evidence for the emergence of this international, albeit exclusively central European, public sphere is the important point for Young. As Young points out, the important historical moment was not only taking place in Europe, but across the world, with demonstrations from Mexico City to Johannesburg. More importantly, for Young, however, is the fact that the evidence for the coordination of these demonstrations appears to have taken place, not in Europe, but,

> …[T]he worldwide coordination of these demonstrations was planned at the third meeting of the World Social Forum in Porto Alegre in January 2003. The worldwide coordination of these demonstrations thus may signal the emergence of a *global* public sphere, of which European publics are wings, but whose heart may lie in the southern hemisphere.[278]

Habermas' lack of recognition for the importance of this council, and also for the general importance of the southern hemisphere in establishing cosmopolitan democracy, is troubling for Young. According to Young, is additionally symptomatic of another Eurocentric and phallogocentric problem latent in Habermas' theory: he attempts to

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[276] Young, Iris Marion. "Decentering the Project of Global Democracy," *Global Challenges: War, Self Determination, and Responsibility for Justice*. Cambridge, UK: Polity Press, 2007. p. 140.

[277] Habermas. "February 15." p. 291.

[278] Young. "Decentering." p. 141.

speak on *behalf* of others, rather than speaking *with* them.[279] By arguing that the unification of central European policy could be the sign of a new global world, Habermas also makes the claim that such an agreement would act in proxy of the inclusion of other interested national parties.

Communicative action seems to require explicit legislative intervention in order to be effective. I suspect that one reason Habermas is forced into such a conservative position, is the need for communicative action to rest on a sort of Enlightenment-era notion of rationality and rational speech. By making his appeal through communicative action, Habermas is relegated to normative understanding only within countries and places with the same standards of rational communication and organization. This form of rational speech lends itself to justification through legislation. Alternatively, the communication of the form of solidarity which I am proposing is based on an understanding of the psychological fact of mutual vulnerability.[280] This commonality is enough for the basic recognition required to identify shared interests and needs, which then ground the action of solidarity. Solidarity can therefore be extraneous to all governmental bodies and boundaries and grants legitimizing power based on interests, not law or nationality.

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[279] Ibid., p. 143. Original emphasis.

[280] This understanding of solidarity, however, requires a synthetic understanding of arguments made by Allen, Butler and Arendt. If, as a contemporary feminist philosopher, I merely took up Arendt's formulation of solidarity, then it would have the same difficulties as Habermasian communicative action. For Arendt, any political action is based in rational speech. But, as I addressed in chapter 5, this seems problematic from an inclusionary feminist viewpoint. Therefore, keeping in mind the potential for aesthetic political participation, as well as intercultural political action, I have adapted Arendt's theory with a new grounding in a Butlerian theory of recognition.

On an abstract-theoretical level, solidarity is rooted firmly in the present. Its goal is not consensus formation and transformation in a Hegelian sense. Instead its goal is to provide an outlet for immediate change, with an eye toward future possibilities for further change. It is, centrally, a utopian political practice, oriented towards transfiguration.

The Psychological Foundations for Utopian Change

Habermas sees in the explorations of utopic ideals, the appeal to reason and dialectic. He admires Marcuse's utopist vision, but less because it inspired revolution, and more because of what it exposed in Marcuse's sensibilities, a romantic element grounded firmly in a commitment to idealist notions of reason, i.e., Kant, and an appreciation of history grounded firmly in Hegelian dialectics.[281] Although it may be argued that Habermas himself does not have this romantic edge, Habermas' account of Marcuse is full of reverence and admiration for this quality. So much so, that Habermas' own tone begins to wax romantic. However, if Habermas identifies the core of Marcuse's romanticism in Kantian reason and Hegelian historicity, it is certainly because of his own predilection for these concepts. Kantian reason and Hegelian historicity ground his theory of communication; they are what allow for rational consensus and even the speech act situation. In this way, Habermas introduces a utopic moment to his theory. He has hope for a future made better through democratic participation, wherein the norms and values most helpful for all are rationally agreed to at the end of reasonable communicative action. This utopist vision parallels the goals and ideals of many "rebellious" thinkers, including many feminists whose critical optimism rests entirely in

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[281] "Psychic Thermidor and the Rebirth of Rebellious Subjectivity," in *Habermas and Modernity*. Pp. 70-77.

the hope for future change. Although Habermas and these feminist positions share many

of the same goals, the philosophical commitments are quite divergent. Whereas

Habermas is committed to a hard line notion of reason based argumentation culminating

in rational consensus in order to promote norms, which are themselves the utopian

promise, many feminists have a quite different grounding. Benhabib, for example, is

closest to Habermas, in that she argues that a commitment to universalist reason is

necessary for making appeals to betterment—without agreed upon notions of what good

and better are, how else can we achieve a better future? However, Benhabib is still

distinct from Habermas in that she recognizes that this idealist notion of reason is only

useful on a macro-level. In order to even come together for utopian change, Benhabib

contends that we must recognize the individual particularities that can never be subsumed

into one programmatic norm for society, but are always instead concrete and particular,

as I argued in Chapter 3. Utopic change can only arise when a balance is met between

the generalized and the concrete other. Here utopianism is grounded less on Hegelian

historicity and more on historically contingent and contextual psychologies. Drucilla

Cornell expands on these notions of historically contingent and contextual notions of

utopia. Like Benhabib, Cornell, believes that it is in the reflection of the other that utopia

is best understood. However, Cornell hearkens to Kant, Adorno, and Derrida to explore

how that otherness can be uncovered in the subject's own psyche. For Cornell, Kant

explains the internal notion of the other best by placing the ego, the act, and the time of

the act in relation to one another:

> The form of interiority for a subject necessarily "in time" means not only that time is internal to us
> but also that our interiority constantly divides us from ourselves; in this sense, it splits us in two,

which is a splitting in two that never runs its course since time has no end for us as finite human beings. We cannot know ourselves as free subjects in the sense of a theoretical knowledge..[282]

For Cornell, then, there is a sort of Kantian optimism for the possibility of a moral image. Obviating the problems of cultural relativism and absolute heterogeneity, Cornell adapts a Kantian theory of the internal subject/other relation. By grounding this relationship within the human psyche, difference is a concept internal to us as human subjects. Similarly, Cornell argues that the image of freedom itself emerges in our mind, as that which we understand is already, and "how much it can itself become 'other' from that moment."[283] She synthesizes this political reading of the Kantian subject, with a reading of Adorno, highlighting Adorno's charge that negativity and pessimism illuminates its opposite: "So, even in Adorno the insistence that we must come to terms with the full force of the internalization of how we have become subjected and the objects of a society of total commodification, we do so not merely by holding on to consummate negativity because in a sense that negativity can never be grasped or configured without another standpoint."[284] For Cornell, then, first generation Critical Theory and postmodernism have something in common with Kant, they require an internal psychological reflection. On the other hand, as I explained in chapter 5, Cornell is less convinced than Habermas or Benhabib that utopianism must be grounded on *conceptual* reason at all, where conceptual implies a specific concept which is the object of reason. She contends that the limits of reason are in fact the possibilities for change and the future; these possibilities are what she identifies as the objects of "redemptive imagination."[285] We must be

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[282] Cornell. *Moral Images of Freedom. p. 8.*

[283] Ibid.

[284] Ibid.

[285] Ibid., 35.

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Kantian to be sure, but the Kant of the Third Critique, rather than the First or Second. In this way, Cornell's optimism for the future is grounded on what has not yet come, a hearkening to Derrida at his most political.

For my interests, it is this simultaneously aesthetic and political idea that gives credibility toward a feminist relational ethics oriented towards emancipatory transfiguration. By extending Cornell's conception of the "redemptive imaginary" to an ethical imperative, we are able to reconfigure the terms of the tension between absolute heterogeneity and homogeneity. By recasting the very framework for the discussion into Kantian aesthetic and Derridean political terminology, the alternative emerges as a "universality that respects the plurality of cultural forms and symbols as integral to the moral demand put on us by the ideal of humanity itself."[286] I believe that Cornell's theory emerges as a viable alternative, combining Benhabib's interest in the universal utopian with Butler's demands for an ethics of respect for individual subjective iteration.[287] Additionally, Cornell's emphasis on the aesthetic and the imaginary appeals to Allen's notion of solidarity, where she claims that feminist hopes for undoing

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[286] Ibid., 76.

[287] Although Cornell is obviously aware of and engaged with Benhabib and Butler's theories, I do not believe she is arguing explicitly for such a synthesis. Instead, it is my position that Cornell's redemptive imaginary can be read as a theory which combines these interests, one which I have been arguing throughout is necessary as a feminist Critical Theoretical corrective to Habermasian theory. See also De Beauvoir, Simone. *The Ethics of Ambiguity*. Translated by Bernard Frechtman. Seacaucus, NJ: The Citadel Press, 1948. There she writes: "To put it positively, the precept will be to treat the other (to the extent that he is the only one concerned, which is the moment that we are considering at present) as a freedom so that his end may be freedom; in using this conducting-wire one will have to incur the risk, in each case, of inventing an original solution." p. 42. I believe that this position is quite similar to the one Cornell explains, and for which I have been arguing for. It is not relativism that guides such ethical behavior, but instead an openness to future possibility.

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patriarchal and hierarchal power relations are often best addressed through aesthetic,

narrative, and *cultural* change.

The Future of Critical Feminist Theory

Feminist philosophy, explicitly or implicitly, has always had critical predilections.

By combining the best parts of Habermasian Critical Theory with these impulses, an

innovative and adaptive Critical Theory of intersubjectivity and participation emerges.

Although I have outlined a position I feel a viable alternative and corrective to Habermas'

normative and consensus-oriented limitations, I freely admit that this theory is neither

absolute nor permanent. In fact, in order to maintain the essential core of my argument

this theory must be adaptable and oriented to future change. As de Beauvoir elegantly

and succinctly explained at the birth of feminist philosophy, "The Other is multiple, and

on the basis of this new questions arise."[288] It is in her spirit that I open this work to

further critique and new critical engagements.

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[288] de Beauvoir. *The Ethics of Ambiguity*. p. 144.

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