

**A Hermeneutic Defence of Social Citizenship.**

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### **Abstract.**

The aim of this thesis is to defend T. H. Marshall's conception of social citizenship. I argue that it can be defended both against the New Rights' rejection of social democracy and against the Third Way re-formulation of social democracy, by Anthony Giddens and others, which rejects the goal of social equality. My defence of social citizenship is conducted at the level of meta-theoretical argument concerning the nature of justification. More specifically, I make use of Hans-Georg Gadamer's hermeneutics, which I argue is a conservative meta-theory and which I distinguish from enlightenment and radical meta-theories. For Gadamer, the rational capacity required for justification presupposes a shared tradition which it actively establishes through mutual learning. I distinguish this from Jurgen Habermas' and Martha Nussbaum's enlightenment positions, where rational capacity is prior to practice, and from Michel Foucault's radical position, where rational capacity is established through subjugation and resistance.

Marshall argues that his proposals for social equality are justified from within the tradition of citizenship and must therefore be revised in new situations. I argue that the meta-theoretical position assumed here in Marshall's social citizenship corresponds to hermeneutics. I also argue that the revision Marshall calls for can be justified as a hermeneutic reformulation of social citizenship. It must be pursued as a process of mutual learning so as to establish social equality in relations of mutual learning. Further, I argue that in the reformulation of social citizenship hermeneutics can be revised so as to account for the necessity of social equality for rational capacity.

I argue that conceptions of citizenship must proceed from assumptions concerning the nature of justification. However, it is through enabling the rational capacity of citizens that these meta-theoretical assumptions will be fully realised. The rational capacity required for justification is enabled in both the good life and mutual recognition. This capacity is also called on to legitimate the collective interventions whose goal, in turn, is to enable the rational capacity of citizens. I argue that the social equality ensured by a hermeneutic reformulation of social citizenship, by limiting inequality and distributing the resources required for capability, can enable a practical excellence in relations of mutual recognition which is also the rational capacity required for the legitimation of citizenship.

## **Declaration**

I declare that I have composed the following thesis, that it is my own work, and that it has not been submitted for any other degree or qualification.

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## Introduction: Meta-Theory and the Defence of Social Citizenship.

### 1. The theory of social citizenship and its critics.

The aim of this thesis is to defend a specific account of social citizenship. This is T. H. Marshall's conception of the social rights and duties of citizenship and of the shared status of social equality they are to enable.<sup>1</sup> Marshall's account develops the basic assumptions of social democracy concerning the nature of social justice and how it is to be attained through citizenship. For social democracy, the equal treatment of individuals demanded by social justice can only be attained by limiting the differences of class, status, and power. The rights and duties of a social democratic citizenship must therefore foster and protect equality in social relations. In this thesis I defend Marshall's argument that only the social rights and duties of citizenship which ensure an equal social status will legitimately limit the inequalities of class, status, and power. However, I do not defend this position at the level of a substantive normative and social theory. For instance, I do not attempt to legitimate the concept of positive rights that is entailed here.<sup>2</sup> Instead, I argue that social citizenship can be defended through meta-theoretical reflection concerning the nature of justification. I will argue that the correct meta-theory not only shows that social citizenship can legitimately be pursued, but it will have significant consequences for how this can be carried through.

Social citizenship is defended here with Hans-Georg Gadamer's hermeneutics, which I argue is a "conservative" meta-theory.<sup>3</sup> For conservative meta-theory, all our rational efforts are sustained by the shared beliefs and practices of tradition, and so the bases with which we justify this activity will always be derived from tradition. Those who

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<sup>1</sup> Marshall, T. H., (1949) "Citizenship and Social Class", pp. 67-127, in *Sociology at the Crossroads and other essays*. (London: Heinemann, 1963).

<sup>2</sup> For contemporary discussions of the justification of rights on the basis of a "positive" account of the human capacity they can enable and its value, see: Scanlon, T. M., (1977) "Rights, Goals, and Fairness", pp. 137-152, in *Theories of Rights*, ed. Jeremy Waldron (Oxford: Oxford University Press, 1985); Sen, A., (1985) "Rights and Capabilities", pp. 131-145, in *Morality and Objectivity. A Tribute to J.L. Mackie*, ed. Ted Honderich (London: Routledge & Kegan Paul); Raz, J., (1986) *The Morality of Freedom*. (Oxford: Clarendon).

<sup>3</sup> Gadamer outlines his hermeneutic philosophy in: Gadamer, H.-G., (1989) *Truth and Method*, 2nd revised ed., translation revised by Joel Weinsheimer & Donald G. Marshall (London: Sheed & Ward).



defend a social democratic theory of citizenship do not usually appeal to conservative meta-theory. Rather, it is assumed that conservative thought can neither render pre-given beliefs and institutions open to critical assessment nor critically intervene on this basis to ensure equality. It is more usual for a theory of social democracy to proceed from an "enlightenment" or a "radical" meta-theory. For the enlightenment, reason in itself must provide the critical basis to justify citizenship, while for the radical, this basis can only be established in resisting the power relations of subjugation. However, I shall argue that the nature of justification will not be accounted for by the enlightenment and radical positions, and that this is evident in their inability to legitimate Marshall's social conception of citizenship. Rather, I argue that Marshall's social citizenship presupposes a meta-theory which corresponds to Gadamer's hermeneutics. Further, hermeneutics can be distinguished from other conservative approaches for the very reason that it can account for the critique and intervention required to attain an equal social status in citizenship.

The defence of social citizenship has a particular relevance now. Social citizenship was at one time seen as a secure achievement, but it has recently been rejected even by those committed to social democracy. Throughout the twentieth century, many European societies set out to establish comprehensive Welfare States. In Britain, these reforms expressed many of the proposals put forward by William Beveridge, who argued that the State has a responsibility to remedy the "great evils" of want, disease, ignorance, squalor, and idleness, conditions caused by the absence of essential services and employment. The State was to be given a significant role in the control and ownership of the economy, so as to bring about full employment and an equal access to services such as education, health care, and housing.<sup>4</sup> Developments such as these, Marshall argued, moved citizenship itself beyond the "civil" and "political" stages to a third, "social", stage. Individuals in the social stage have, by virtue of their citizenship alone, rights and duties to enjoy and bring about a status of social equality. For Marshall, social equality can be

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<sup>4</sup> Beveridge, W., (1943) *Social Insurance and Allied Services: the Beveridge report in brief*. (London: H.M.S.O.); (1944) *Full Employment in a Free Society*. (London: George Allen & Unwin Ltd.).

normatively justified, as it ensures that the equal respect owed to individuals as citizens is not undermined by inequalities of class, status, and power. At the same time, social equality can be pragmatically justified, as it safeguards the necessary requirements for socialisation, economic efficiency, and social cohesion.<sup>5</sup>

There have been many critiques of this "social" stage of citizenship. It has been characterised as a bureaucratic threat to liberty and as a means to perpetuate class and gender domination.<sup>6</sup> However, it was on the basis of the "New Right" critique of social democracy that social citizenship was rejected from government policy. The New Right restricted both the scope and nature of State intervention. Only by rejecting social democratic goals, they argued, could citizenship ensure individual freedom and responsibility in the family and economic relations.<sup>7</sup> However, a more recent critique of social citizenship has emerged within social democracy itself. This is the position of the New Labour government in Britain, and of its most influential theorist, Anthony Giddens, who characterises it as the "Third Way" between the New Right and social citizenship.<sup>8</sup> Unlike the New Right, the Third Way is to guide the State to pursue a social democratic conception of equality. However, Giddens also argues that, due to recent social changes, social rights would now in fact undermine the equal status of citizens. Instead, the resources

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<sup>5</sup> Marshall, T. H., (1961) "The Welfare State and the Affluent Society", in *Sociology at the Crossroads and other essays* (London: Heinemann, 1963), pp. 276-77.

<sup>6</sup> This refers to the social conservative critique of bureaucratic planning and procedural justice [Oakshott, M., (1962) "Rationalism in Politics", in *Rationalism in Politics: and other essays* (London: Methuen & Co. Ltd.), pp. 20-28], the neo-Marxist critique of bureaucratic processes of reification needed to maintain capitalist exploitation [Offe, C., (1984) *Contradictions of the Welfare State*, ed. J. Keane (London: Hutchinson), pp. 162-175], and feminist critiques of the translation of paternalistic domination from the family to socialised services and gendered public-sector employment [Pateman, C., (1989) *The Disorder of Women. Democracy, Feminism and Political Theory* (Cambridge: Polity Press), pp. 184-5].

<sup>7</sup> For opposing social democratic and New Right perspectives on these developments, see: Plant, R., & Barry, N., (1990) *Citizenship and Rights in Thatcher's Britain: Two Views*. (London: IEA).

<sup>8</sup> Giddens, A., (1998) *The Third Way. The Renewal of Social Democracy*. (Cambridge: Polity Press). While Giddens has formulated the term the "third way", his arguments are part of a wider project both within the British Labour party and among social democratic thinkers to formulate a viable alternative to the New-Right. Labour's reformulated social democracy is set out by: The Commission on Social Justice (1994) *Social Justice: strategies for national renewal; the report of the Commission on Social Justice*. (London: Vintage). A similar revision of social democracy can be seen in: Pinker, R., (1991) "On Rediscovering the Middle Way in Social Welfare", pp. 280-300, in *The State and Social Welfare*, ed. Thomas Wilson & Dorothy Wilson (London: Longman).

which individuals can and should be guaranteed are those which ensure only the civil and political status of equal opportunity. My aim in this thesis is to defend the social conception of citizenship. In contrast to the New Right and Giddens, I will argue that it can still be legitimated as the egalitarian goal of citizenship.

## **2. A Third Way for social democracy.**

Before going on to discuss the Third Way I will say some more about the two positions it intends to overcome, beginning with Marshall's social citizenship. Marshall argues that neither the "civil" status of freedom from interference, nor the "political" status of democratic participation can, by themselves, bring about citizenship equality. Rather, individuals can only be equal as citizens when a status of social equality establishes a medium for all activity. Marshall argues that activities as diverse as medicine and art develop human qualities of discernment, but in a way which is always appropriate to the skills they require.<sup>9</sup> For Marshall, when practices such as these are worthwhile they can enable the capacity which is to be the basic requirement for the shared status of social equality. They also provide a foundation to ensure the further political and civil dimensions of citizenship. Contractual relations can be made compatible with social equality by ensuring that work is equally worthwhile, but this itself requires greater government intervention. However, the equal status enjoyed by workers can provide the basis to justify government intervention, where this equality in the civil sphere is mirrored in the political representation of functional interests.<sup>10</sup> Further, this equal status also provides the means to finance government intervention in the form of universal social services through social insurance contributions and income tax revenue.<sup>11</sup>

Giddens also intends to overcome the New Right position, which rejects social democracy itself along with Marshall's social citizenship. The combination of social conservatism and economic liberalism in F. A.

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<sup>9</sup> Marshall, T. H., (1939) "The Recent History of Professionalism in relation to Social Structure and Social Policy", in *Sociology at the Crossroads and other essays* (London: Heinemann, 1963), pp. 167-8.

<sup>10</sup> Marshall, T. H., (1949) "Citizenship and Social Class", p. 117.

<sup>11</sup> Marshall, T. H., (1961) "The Welfare State and the Affluent Society", p. 277, pp. 280-1.

Hayek's work corresponds to many of the New Right policies in Britain.<sup>12</sup> Hayek argues that economic activity is worthwhile only to the extent that it represents individual choices, and it will be efficient only when the nature of working conditions can be flexibly adapted to new requirements. Egalitarian rights and duties must not, therefore, interfere with relations of production, as this would obstruct the freedom and efficiency of the market. These policies also lead to an over-extension of the State, to the point where its functions outstrip its capacity. To secure freedom, efficiency, and a functioning State, the scope of the State must be limited, and it must in its limited role give priority to securing the prerequisites of a free market. This restricted role of the State will also only be ensured by rejecting corporatist relations, which enable the working class to expand State intervention so as to secure their own interests. Another cause of State expansion can be overcome by limiting the State's provision of essential services which, when free, are the focus of ever-increasing demand.<sup>13</sup> Moreover, with a limited State and free market, the traditional family can be secured as a requirement for freedom. Individuals will only be free when they, and not the State, take responsibility for the needs of their dependants within a family.<sup>14</sup>

The Third Way proposed by Giddens is presented as a social democratic conception of citizenship. He therefore rejects the New Right, and argues that freedom and efficiency can in fact only be secured with egalitarian interventions.<sup>15</sup> However, he also argues that Marshall's social citizenship is unable to bring about the equality required for freedom, efficiency, and social justice. He argues that Marshall's position relies on assumptions about the nature of the world and the ways in which it can

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<sup>12</sup> The New Right draws on social conservatism (in line with Oakeshott), an individualistic explanatory account of the economy and a negative conception of freedom as the absence of infringements, which Hayek combines in his argument that traditional values are necessary for reason to grow and operate. See: Barry, N., (1990) *Welfare*. (Milton Keynes: Open University); Barry, N., (1997) "Conservative Thought and the Welfare State", *Political Studies*, vol. 45, no. 2., pp. 331-345; Tomlinson, J., (1995) "Hayek", in *Modern Thinkers on Welfare*, ed. Vic George & Robert Page (London: Prentice Hall).

<sup>13</sup> Hayek, F. A., (1960) *The Constitution of Liberty* (London: Routledge & Kegan Paul), p. 302; (1976) *Law, Legality, Liberty* (London: Routledge & Kegan Paul), p. 68 ff..

<sup>14</sup> Murray, C., (1986) *The Emerging British Underclass*, (London: IEA) p. 23; Mead, L., (1989) "The Logic of Welfare: The Underclass and Work Policy", in *The Ghetto Underclass*, ed. William Julius Wilson (New York: Sage), pp. 178-9.

<sup>15</sup> Giddens, A., (1994) *Beyond Left and Right. The Future of Radical Politics* (Cambridge: Blackwell), pp. 14-15.

be understood which are now both untenable and antithetical to freedom. According to Giddens' interpretation, Marshall assumes that the social world is made up of national cultures and economies, and traditionalist and productivist practices, a world which can be conceptualised primarily in terms of our material needs, mutual dependency, and shared values. Giddens argues that, by contrast, our world now is more "reflexive", due to processes of globalisation and post-traditionalism, and can be understood only in a reflexive way, with criteria which are primarily "psychic", individually determined, and irreconcilable. While social citizenship could only be pursued where reflexivity is under-developed, he argues, citizenship must now instead ensure an equal opportunity for reflexivity by distributing "possibilities" as the basis for an equal civil and political status.<sup>16</sup>

Giddens argues that the processes of globalisation and post-traditionalism have created the conditions for an alternative conception of social democratic citizenship.<sup>17</sup> He argues that the conditions of reflexivity invalidate Marshall's assumption that economic activity could be directed by social rights. Rather, economic interaction has a global interdependency now, and so can no longer be controlled by the State, while greater flexibility is also now necessary, and so citizenship cannot guarantee certain productive experiences as a right.<sup>18</sup> Giddens also argues that the process of globalisation is compounded by post-traditionalism, while Marshall's position, instead, necessarily assumes a homogeneous culture of deferential relations. For Giddens, as cultural diversity problematises the nature of such basic goods as education and health, State social services can no longer attempt to satisfy a culturally substantive conception of human need. Further, the traditionalistic forms of authority which, he argues, Marshall appeals to, can no longer be assumed valid. For instance, trade union representatives have now lost the authority to represent the shared interests of workers. This is due not only to the economic decline of their industrial power base, but also

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<sup>16</sup> Giddens, A., (1994) *Beyond Left and Right*, pp. 4-8, pp. 70-77, p. 169; (1998) *The Third Way*, pp. 7-10, p. 101.

<sup>17</sup> Giddens, A., (1990) *The Consequences of Modernity* (Cambridge: Polity Press), p. 51; Giddens, A., (1994) "Living in a Post-Traditional Society", in *Reflexive Modernisation. Politics, Tradition and Aesthetics in the modern social order*, ed. Beck, U., et al., (Cambridge: Polity Press), pp. 56-7.

<sup>18</sup> Giddens, A., (1994) *Beyond Left and Right*, p. 177 ff..

to the displacement of individual fulfilment away from employment roles structured by pre-given forms of rationality and power relations.<sup>19</sup>

Giddens argues that globalisation and post-traditionalism have converged in a "post-productivist" society, whose distinctiveness from "productivism" can be seen most clearly in the nature of its gender relations. Giddens also argues that Marshall's assumptions apply only to a period of productivism, where roles are materialist, predictable, and deferential. Post-productivism is, instead, an environment of reflexivity, of post-materialist values, socially constituted risks, and increasing self-determination. Reflexive roles foster a diversity of what are regarded as valuable characteristics, in the reflexive confrontation of risks as opportunities, and in the individual's determination of the nature and direction of roles.<sup>20</sup> While reflexivity is increasingly sought in life-style choices, it is also now a potential of employment.<sup>21</sup> Giddens also argues that post-productivism emerges alongside greater gender equality. As only male employment has significance for productivism it confers value alone on the production and distribution of material resources. Greater competition from women entails that full male employment can no longer be a goal. It also reflects the fact that, due to the combination of employment and domestic work in new ways, roles are more plural and flexible now and, therefore, that the production and distribution of resources can no longer be predicted and controlled as a right.<sup>22</sup>

Giddens argues that social citizenship is tied to the untenable assumption that, as roles are productivist, valued experiences can be assessed with materialist criteria of need, and their occurrence predicted and then ensured by State regulation. Not only, he argues, does the world no longer correspond with this productivist ideal, our understanding of the world has also had to adapt accordingly. Giddens argues that the "autotelic self" characterises the reflexive understanding required now.

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<sup>19</sup> Giddens, A., (1994) *Beyond Left and Right*, pp. 16-18, pp. 34-37; (1994) "Living in a Post-Traditional Society", pp. 82-3, pp. 87-90, p. 100.

<sup>20</sup> Giddens, A., (1998) *The Third Way*, pp. 62-4.

<sup>21</sup> However, Giddens does not completely endorse Andre Gorz's thesis of post productivism, that enjoyment and personal fulfilment are dualistically distinguished from spheres of efficient production and political administration: Gorz, A., (1982) *Farewell to the Working Class*. (London: Pluto).

<sup>22</sup> Giddens, A., (1994) *Beyond Left and Right*, p. 169, pp. 175-7.

The autotelic self prioritises the psychic, rather than materialist, aspects of well-being. It also appreciates the need now to actively determine one's own "risk environment", rather than to accept pre-given solutions to problems and the power structures which sanction them. This is the self which views the world not as an external environment of predictable relations, but as an environment of risks, of opportunities for self-realisation, which in turn is constituted in our response to risks. As valuable experiences now are available only through reflexive self-realisation, egalitarian policies must enable each individual to develop the characteristics of the autotelic self.<sup>23</sup> Giddens argues that the rights of social citizenship do not respond to the requirements for the autotelic self. Instead, they will distribute material resources through a social insurance model of predictable need, and they will perpetuate roles structured by pre-given power relations and forms of rationality.<sup>24</sup>

Giddens agrees with the New Right that citizenship equality cannot be attained by the unconditional and Statist distribution of needed resources. Rather, those who receive income as "welfare" must also be held duty-bound to pursue paid employment, while this duty should be enforced by community-based groups with superior knowledge of local market opportunities and individual needs.<sup>25</sup> However, Giddens rejects the New Right assumption that citizenship equality will be enabled simply by holding individuals duty-bound to enter employment. Rather, citizen equality will only be attained by enabling the characteristics of the autotelic self. Welfare services must, through counselling and training, enable individuals to face unemployment as a productive risk environment, an opportunity for reflexive self-realisation.<sup>26</sup> This duty-led welfare provision must also be supplemented by rights which ensure that employment itself is a site for the realisation of the autotelic self. Citizenship must ensure an equality of opportunity. Individuals can be granted "civil" rights to, for instance, basic employment conditions, which do not pre-judge and predict the substance of valued roles.

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<sup>23</sup> Giddens, A., (1994) *Beyond Left and Right*, p. 192 ff.. Giddens' account of the autotelic self draws on Ulrich Beck's discussion of "risk": Beck, U., (1986) *Risk Society. Towards a New Modernity*, trans. Mark Ritter (London: Sage, 1992) p. 143 ff..

<sup>24</sup> Giddens, A., (1994) *Beyond Left and Right*, pp. 183-7.

<sup>25</sup> Giddens, A., (1998) *The Third Way*, p. 65-7, pp. 102-7, pp. 113-5, pp. 118-9.

<sup>26</sup> Giddens, A., (1994) *Beyond Left and Right*, p. 187

Further, in post-traditionalist conditions, power relations cannot be based on the assumed authority of elites within roles. Non-authoritarian power relations will be ensured, instead, only when individuals have the political rights to reflexively determine the nature of such roles.<sup>27</sup>

Giddens argues that Marshall's position is no longer tenable. At the same time, he argues that his own conception of citizenship represents the appropriate understanding for a changed world. Giddens' claim can be elaborated on with reference to three contentious situations for modern social democratic thought: the single unemployed parent in poverty; the individual who derives valuable experiences from a life of art, and the ethnic and religious cultural differences in the demand for, and enjoyment of, essential services. Giddens argues that Marshall's citizenship cannot account for gender relations of a post-traditionalist society. Therefore, for Giddens, social citizenship will not enable the characteristics of the autotelic self for the unemployed single mother, and so it will not ensure, through the work obligation, her equal opportunity. Giddens also would argue that Marshall's citizenship cannot account for the meaningful experiences of a post-productivist society, including the potential value of the life of the artist. It will not enable a life that lies outside of the productivist employment structure, and nor will it enable a life whose requirements and nature are unpredictable. Finally, Giddens would argue that Marshall's universal social services can only meet the requirements for a national culture. In their uniformity, these services will not respond to the diverse requirements of the cultural sub-groups which make up modern society.

Giddens argues that, in a post-productivist society, even those deprived of the basic material resource of a home can live a valuable life, and even unemployment can be experienced as an opportunity rather than as a stigmatising debilitation.<sup>28</sup> The non-poor can learn from this that the valued life is now determined and experienced reflexively. The non-poor must overcome their compulsive attachment to pre-given forms of rationality and power structures in employment so as, instead, to prioritise the enablement of reflexivity for themselves and others.

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<sup>27</sup> Giddens, A., (1998) *The Third Way*, p. 77, p. 79, p. 95.

<sup>28</sup> Giddens, A., (1994) *Beyond Left and Right*, p. 181, p. 192.



Therefore, rights should only distribute the resources required for an equal opportunity for, and in, employment. Further, the unemployed should be held duty-bound to seek employment, while this duty can be justified by a "conservative" appeal to traditional beliefs regarding the responsibilities individuals have to meet their own needs and those of their family members. However, Giddens also argues that traditional beliefs can only be appealed to in this way if they help foster the autotelic self.<sup>29</sup> The duties of welfare are justified only as a means to attain reflexivity, whether in practices such as art or more conventional occupations. Employment will then also provide a shared experiential basis for political interaction and the material and psychic means to freely pursue the valued experiences of one's life-style choices, including the consumption of services appropriate to diverse cultural needs.

### **3. Meta-theoretical reflection and conceptions of citizenship.**

The defence of Marshall's social citizenship I propose here is conducted through meta-theoretical argument. In this section I give a schematic account of the relation of meta-theory to the theory and practice of citizenship. I then introduce the distinctions between three main forms of meta-theory: conservative, enlightenment, and radical. Meta-theory is reflection concerning the nature of justification. It assesses what sort of basis is required to justify the assumption that a belief or statement is correct or true. It also analyses the conditions which enable the rational capacity required for justification. Meta-theoretical reflection can be seen to be involved in the theory and practice of citizenship. A conception of citizenship must make the theoretical claim that specific rights can and should be enjoyed. It must therefore presume how the justification of theoretical claims is possible. However, it must also presume how the claims of practice can be justified. This follows as a conception of citizenship must specify how interaction can and should be altered so that the rights it prescribes are enjoyed. Finally, a conception of citizenship will also seek to alter bases for justification in theory and practice in the interests of progress. It must therefore presume what the conditions of possibility for justification are, the interactive conditions required for rational capacity which the rights and duties of citizenship can enable.

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<sup>29</sup> Ibid., p. 49.

I argue that meta-theoretical reflection is necessary in both Marshall's and Giddens' accounts of citizenship. Marshall's conception of social citizenship must account for the nature of justification with regard to: collective intervention to ensure social equality; and the valued capacity and interrelations of social equality which this intervention is to enable. The social conception of citizenship must presume how it is possible to justify the theoretical prescriptions concerning both the scope and legitimation of State intervention. It must also presume that practical bases for justification can account for the enablement of the valued capacity in productive practices and in relations of social equality. Finally, it must determine the conditions under which we can arrive at new, acceptable, bases for justification in the theory and practice of social citizenship. Correspondingly, Giddens' rejection of social citizenship also presumes a meta-theoretical account of the nature of justification. For Giddens, post-productivism alters the bases for justification for our theoretical analysis of society and for the practical realisation of rational capacity as the autotelic self. Again, this is the case concerning collective intervention, the capacity realised in productive roles, and the interactive relations in which the equal status of citizenship is ensured.

In the coming chapters I offer a conservative meta-theoretical defence of Marshall's social citizenship so as to respond to Giddens' position. In Section One, above, I distinguished the conservative meta-theory from the enlightenment and radical positions. Admittedly, this distinction represents a simplification of meta-theoretical debate. However, although there are variations within each of these meta-theoretical positions, significant consequences follow from each for the pursuit of citizenship. For instance, Gadamer's conservative position does not deliver a substantive conception of citizenship, as it does not determine what its bases for justification are. However, it will determine the nature of such bases, and so the conceptions of citizenship which could follow from it will be significantly different from those which could follow from other meta-theoretical positions. My concern here is with the relation between Gadamer's conservative meta-theory and Marshall's conception of social citizenship. Later on I will distinguish Gadamer's hermeneutics from other conservative positions. Marshall's social citizenship can be

defended, I shall argue, because it presupposes a meta-theory which corresponds with Gadamer's hermeneutics, while Gadamer's hermeneutics can provide the meta-theoretical basis for this defence because of its distinctiveness from other conservative approaches.

I give a brief account here of each of the meta-theoretical positions and of how they relate to conceptions of citizenship. First, the conservative position has been articulated by writers such as Edmund Burke and, more recently, John MacMurray, Alasdair MacIntyre, and Philip Selznick.<sup>30</sup> For conservative meta-theory, a shared tradition enables the rational capacity required to establish bases for justification. The rational capacity required for justification is the insight of traditional understanding which is developed through a process of socialisation within tradition. All rational activity is sustained by a shared tradition but this activity is also the means by which tradition is itself perpetuated by a socialised insight through time. For conservative meta-theory, the rights and duties of citizenship must be justified by an insight into tradition. Further, citizenship itself must seek to enable the conditions which are required for the socialisation of individuals in traditional understanding. In this way, moreover, a normative and rational advance can be ensured as the continuity of a group's shared tradition. It is in ensuring this continuity that the valued socialised capacity is itself enabled. This is the capacity which is rightly valued. As it is also the capacity which determines what the valid bases for justification are, it therefore also determines what is to count as a rational and normative advance.

For enlightenment meta-theory, bases for justification must be established by the power of reason in itself. We can only assume the truth or correctness of that which has been justified in this way. Therefore, the beliefs and practices of a particular tradition in which an individual's rational capacity is developed do not have any necessary precedence as such. Rather, bases for justification must be established by procedures of

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<sup>30</sup> Burke, E., (1790) *Reflections on the Revolution in France: and on the proceedings in certain societies in London relative to that event*, ed. Conor Cruise O'Brien (Harmondsworth: Penguin, 1969), pp. 100-135; MacMurray, J., (1949) *Conditions of Freedom* (London: Faber & Faber), pp. 69-90; MacIntyre, A., (1981) *After Virtue. A study in moral theory*, 2nd ed. (London: Gerald Duckworth & Co. Ltd.), pp. 181-221; Selznick, P., (1992) *The Moral Commonwealth. Social Theory and the Promise of Community* (Oxford: University of California Press), pp. 319-351.

reflection which enable us to abstract, or disengage, from that which is assumed to be true so as, in turn, to justify the claims we make according to rational criteria alone. This disengagement can be transcendental, as with Kant's "noumenal" self, or it can be attained as the perspective all rational beings would share, such as in John Rawls' "original position."<sup>31</sup> The enlightenment will seek to establish citizenship through the power of reason, as only rights which have been justified in this way can have legitimacy. It will also pursue the political project that best enables the development of this rational capacity throughout social relations, as in this way a rational and normative basis for social power relations can then be pursued. An advance is possible which is measured in terms of the extended sovereignty of reason, over and against both the unjustified assumptions of tradition and unjustified acts of power.

For the radical position, rational capacity is constituted in relations of power and knowledge so as to conceive of justification in specific ways. Both our ability to reason and the validity of bases for justification express this mutual relation of power and knowledge. It is not only a matter of contingency what bases for justification are established. The continued exertion of power here also undermines the certainty of justification. For the radical, an enlightenment reflection cannot ensure the requirements for rationality over and against unjustified relations of power. Rather, as Nietzsche argues in his critique of Kantian moral reflection, the enlightenment procedures of justification themselves perpetuate contingent power struggles.<sup>32</sup> The radical also rejects the conservative argument that tradition gives a normative and rational weight to certain assumptions. Rather, we will only ascribe this significance to assumptions when we are subjugated so as to accept them in this way. The radical argues that resistance is the catalyst of advance. Our freedom will only be protected by those citizenship rights which we have struggled to ensure. The awareness that all bases for justification are arbitrary is also necessary for advance. It enables us to accept that we will only subordinate those whose freedom we attempt to ensure according to

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<sup>31</sup> Kant, I., (1785) *Grounding for the Metaphysics of Morals*, trans. James W. Ellington (Indianapolis: Hackett, 1981), § 1.; Rawls, J., (1971) *A Theory of Justice* (Oxford: Oxford University Press) p. 18.

<sup>32</sup> Nietzsche, F., (1886) *Beyond Good and Evil. Prelude to a Philosophy of the Future*, trans. R. J. Hollingdale (Harmondsworth: Penguin, 1973) pp. 108-121.

enlightenment or conservative accounts of the requirements for rational capacity.

I argue that Marshall's social citizenship proceeds from meta-theoretical assumptions which correspond to those outlined by Gadamer. For Gadamer, like other conservative approaches, our rational capacity is developed as a socialised insight into a shared tradition. However, Gadamer also argues that we must give an equal weight both to tradition and to the demands of the present. It is only the divergent perspectives of the present situation that can arrive at, or come to share, this sustaining tradition. For Marshall's part, conceptions of citizenship are part of a tradition, but one which must be evaluated in light of the demands of the present. Marshall saw social citizenship as an achievement, but one which had to be revised and made appropriate again. Marshall therefore presupposes that the concept of social citizenship itself must be reformulated in new situations. Therefore, unlike Giddens, I argue that the passing of time does not necessitate that this conception of citizenship is no longer valid. Rather, we can assess the extent to which the resources Marshall has provided for the reformulation of social citizenship are sufficient. Further, Gadamer's elaboration of the hermeneutic nature of justification will enable us to identify where Marshall's arguments are insufficient by themselves to determine whether and how social citizenship can be justified.

#### **4. Chapter Outline.**

In Chapter One I argue that there is a mutual relation between meta-theoretical positions and conceptions of citizenship. A meta-theoretical position will determine the nature of justification, but it is only in the pursuit of rational activities, specifically those of citizenship, that the rational capacity required for justification is enabled. Moreover, as this is the capacity which must be distinguished by an awareness of the nature of justification, then the meta-theoretical position itself is realised and refined in such activity. Further, normative implications follow from meta-theoretical positions concerning the relations in which the valued capacity can be enabled, implications which, again, are realised in the pursuit of citizenship. This mutual relation will be analysed with regard to the three meta-theoretical positions. I distinguish Gadamer's

hermeneutics from Romanticism and Heidegger's conservatism, and then outline how Marshall's social citizenship can be reformulated in line with hermeneutics, and in so doing extend and refine hermeneutics itself. I introduce Jurgen Habermas' enlightenment position and look at Chantal Mouffe's and Ernesto Laclau's attempt to realise Michel Foucault's radical position in a socialist citizenship. I argue that neither the enlightenment nor radical positions can be realised in social citizenship, while the following chapters defend the hermeneutic reformulation of social citizenship itself.

Chapter Two discusses Marshall's argument that the legitimate collective intervention must ensure social equality. The practical excellence required to legitimate citizenship is itself enabled in relations of social equality as the rational capacity of the good life (discussed in Chapter Three) and of relations of solidarity (discussed in Chapter Four). Marshall's account of the practical excellence required for legitimation corresponds to Gadamer's historically embedded and ethically motivated practical capacity. Further, it is through such practical insight that social citizenship can be reformulated now. In this chapter I reject a radical interpretation and critique of Marshall. I argue that, for Marshall, historical development is not teleological but a mutual learning process, and that Marshall's position, therefore, does not necessarily imply subjugation. I also criticise Esping-Andersen's argument that only enlightenment de-commodified equal relations will ensure a legitimate social citizenship. I argue that Marshall's conservatism will not naively perpetuate class and gender domination, even though his social citizenship does not create a de-commodified sphere. Finally I reject Habermas' argument that the egalitarian collective intervention must be guided alone by the considerations of the life-world rather than those of the State and economy. Rather, I argue, a hermeneutic social citizenship must normatively guide State intervention in the economy so as to ensure an ethical good life and relations of recognition through this process.

Chapter Three discusses Marshall's argument that social citizenship is to ensure the satisfaction of needs required to enable the good life of a practical, authoritative capacity. This collective intervention will be seen

as legitimate by the capacity it enables, when it is ensured for all as a measure of social equality. However, there are shortcomings in Marshall's account of practical authority. It is one-sided and deferential, it presumes a homogenous culture, it excludes parenting from the valued practices to be enabled, and it is not ensured for all as the status of social equality. However, hermeneutics will show how the good life can be consistently reformulated as a "mutual learning process." Further, in analysing how this capacity can be attained as a status of social equality, hermeneutics itself will be extended to account both for the collective interventions required here and for the enablement of this capacity in everyday and institutional practices. This will be contrasted with John Rawls' enlightenment position, and his argument that the insight of the good life only legitimates impartial collective interventions. Martha Nussbaum criticises Rawls in these respects, and argues that the requirements for the good life are only known from a practically derived positive commitment to "capabilities." I argue that, despite its merits, Nussbaum's conception of capabilities must be hermeneutically reformulated to account for the significance of practical relations as part of, rather than secondary to, the good life.

Chapter Four discusses Marshall's argument that the valued capacity which is to legitimate collective intervention can only be enabled in relations of mutuality. Marshall's account of practical capacity will again be revised, in line with Gadamer's hermeneutic account of "recognition" as an open-ended dialectic of mutual learning. Hermeneutics can also be extended to account for the necessity for recognition of a social equality between classes. This position will then be distinguished from Charles Taylor's communitarianism which, I argue, does not assume that mutual learning is necessary for recognition. For that reason, he can neither identify nor avoid ideological conditions. I also discuss Foucault's radical claim that mutuality must be violently resisted in the interests of liberty. I argue that what he calls a transgression here can be understood, and that the attainment of understanding confirms the necessity of mutual recognition. I also discuss Habermas' argument that the equal relations of mutual recognition advance only to the extent that they secure an impartial respect based on a greater transparency of motivations. I argue instead that dialectical progress is possible only for the prejudiced

perspective of hermeneutics, and that this is a capacity realised in ethical and authoritative mutual relations of social equality.

In the Conclusion I return to Giddens' argument that social citizenship can no longer be justified. From the preceding analysis of meta-theory, and its relation to the pursuit of citizenship, I argue that Giddens' position should be rejected. In its place, an account of the hermeneutic reformulation of social citizenship is needed. Giddens does appeal to a "philosophical conservatism" to justify the duties of welfare recipients, but argues that this appeal to tradition is not made "in a conservative way", but so as to enable the autotelic self. I argue that Giddens' account of the autotelic self is derived from enlightenment meta-theory and that, as Gadamer shows, an enlightenment position cannot account for the mutuality which is necessary for relations both of learning and of justified power. This weakness is brought out most forcefully in Giddens' substantive account of duty-led relations of welfare. Not only will the relation between the welfare recipient and the bureaucrat not be reciprocal, but it will also be one of an acute inequality of power. For that reason, Giddens' account of the autotelic self will be indistinguishable from an identity which can be imposed through a process of normalisation on the powerless. In rejecting Giddens' theory, the need for a reformulated account of Marshall's social citizenship which proceeds from hermeneutics is again made apparent.

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In this thesis, where I use the terms "social citizenship" and "social equality", it is to refer specifically to Marshall's conception of social citizenship and social equality. My concern in this thesis is to analyse Marshall's own conceptual understanding of these terms, which is distinct from the generic meanings they have. My use of these terms does not equate their meaning with the policies of specific Welfare States, for instance, the period following the second world war in Britain. The terms have also been developed in various ways by proponents of an egalitarian social democratic conception of citizenship. Where I discuss the use of the term "social citizenship" by Esping-Andersen I will distinguish the different meaning it is given. Moreover, I also propose that the concepts of social citizenship and social equality can be reformulated through



hermeneutic meta-theory. I will indicate where my proposals entail a critical departure from Marshall's own use of these terms with the qualification that this is a "hermeneutic reformulation" of social citizenship and social equality.

I argue that Marshall presupposes a meta-theory that corresponds to hermeneutics. However, Marshall does not refer to or draw on Gadamer's arguments. Nor is Marshall concerned with the level of debate so central for Gadamer, specifically the conflict between Husserl's phenomenological grounding of reflection and Heidegger's account of prejudicial understanding. Rather, my argument is that Marshall understands the nature of justification and of rational capacity in a specific way, that he presumes an account of meta-theoretical reflection, and that this account corresponds closely to Gadamer's arguments. Further, I also argue that Gadamer's hermeneutics can be used to reformulate Marshall's theoretical project. Again, Gadamer does not refer to Marshall's work. Nor does Gadamer give any detailed account of the structural possibilities for, and the content of, social justice. More importantly, and unlike Marshall, Gadamer does not assume that the collective intervention of social justice, as a form of activity in itself and in its effects on society, plays a positive role in shaping the nature of justification. However, my argument is that Gadamer's thought does not militate against, but rather provides the best possibility for, a critical and progressive reformulation of social citizenship. I therefore argue that hermeneutics can be applied to the analysis and pursuit of an egalitarian politics.

Finally, some of the texts referred to in this thesis were originally written in German or French. They have all been read in English translation. In the bibliography I note the specific English translation which I have relied on.

## Chapter One. Meta-Theory, Justification, and Citizenship.

### Introduction

In the Introduction I discussed Giddens' interpretation and critique of Marshall's social citizenship. According to Giddens, Marshall's social citizenship assumes a world of pre-given forms of rationality and power relations. In turn, Giddens argues that these assumptions about the nature of the world and the way in which it can be understood are untenable and antithetical to freedom in a post-traditional and post-productivist environment. For Giddens, the equal status which a social democratic citizenship is to guarantee cannot, as a result, be a social conception of equality. However, in this chapter I argue that Marshall's social citizenship is not a materialist concern with production and distribution, and nor does it rely on pre-given forms of rationality and relations of power. This follows from Marshall's meta-theoretical position, which corresponds to Gadamer's hermeneutics. Gadamer's hermeneutics will be distinguished from materialism, and from the authoritarian, ethnocentric, and atavistic elements of a "cultural conservatism." As Marshall's conception of citizenship proceeds from this meta-theory, it is neither untenable nor antithetical to freedom. Rather, social citizenship can be reformulated now as a "radically undogmatic" form of "mutual learning." This is an instance of what I argue is a mutual relation between meta-theory and conceptions of citizenship.

In the Introduction I described meta-theory as the form of reflection that analyses both the nature of bases for justification and the conditions of possibility for the rational capacity required for justification. Meta-theory also analyses both how a rational advance can be conceived and how it can be attained in response to changed circumstances. I argue in this chapter that there is a mutual relation of a specific kind between meta-theory and conceptions of citizenship. It is for this reason that the meta-theory Marshall presupposes can enable a reformulation of social citizenship which will ensure a rational and normative advance. My argument, therefore, opposes those for whom the bases for meta-theory remain unaffected by ongoing rational activity, and those for whom meta-theoretical claims have no substantive normative implications. An

account of the nature of justification will not pre-determine what the actual bases for justification in citizenship are. However, the meta-theoretical position from which a conception of citizenship proceeds not only specifies the nature of normative justification, but has normative implications concerning the relations in which rational capacity can be enabled. Further, I argue that the awareness of the nature of justification must always also be attained in practical and theoretical pursuits which realise the meta-theoretical account of the capacity required for justification. Therefore, an awareness of the nature of justification and of the conditions of possibility for rational capacity continues to be attained.

In this chapter I distinguish conservative, enlightenment, and radical positions. I argue that there is room for divergence within each, while this divergence also brings to light the mutual relation between meta-theory and practical and theoretical pursuits. The conservative argues that meta-theoretical awareness continues to be developed through traditional socialised experience, and so activities which perpetuate this tradition will be positively valued. However, not all conservatives conceive of critique and traditional belonging as antithetical, and nor need they be normatively committed to atavistic conceptions of the valued life. For the enlightenment, meta-theoretical awareness continues to be developed in activities which realise the power of reason in itself, while an equal neutral respect will alone safeguard the activities in which this is realised. However, an enlightenment position need not conceive of the power of reason as subjective or ahistorical, and nor need it reduce impartiality to a freedom from infringement. Finally, the radical argues that meta-theoretical awareness continues to be developed through resistance, and so relations which minimise subjugation will be of value. However, radicals need not reduce this capacity to an effect of power alone, while radicals also strategically lay claim to various justificatory principles to attain relations where resistance can be ensured.

In Section 1. I distinguish the three meta-theoretical positions and their opposing accounts of justification. The distinction between the three does not concern the degree of certainty attainable in justification, but its nature. They also give opposing accounts of how another activity can be made commensurable. Activities are commensurable when it is possible

to determine either the nature of certainty for each or whether the appropriate certainty for an activity is in fact attained. However, the distinction between the three positions concerns the level at which commensurability can be pursued, rather than the likelihood of its attainment. For the conservative, commensurability can be pursued at the level of justification, due to the shared meaning of presuppositions of justification required for the certainty of a life led in tradition; for the enlightenment, commensurability can be pursued only at the level of translation, in equating activities according to the requirements for the certainty of reason; while for the radical, commensurability is always pursued at the level of evaluation, where inferior ways of knowing and doing are excluded. The three positions also give opposing accounts of the mutual relation between meta-theory and the pursuit of citizenship. The conservative insight into traditional meanings requires citizenship relations that are directed by a socialised insight; the enlightenment rational capacity will only be ensured in relations which respect, and are justified by, the power of reason; while the will to know of the radical can only be ensured in resisting and transgressing subjugation.

In the second section I elaborate on my argument that Marshall's social citizenship proceeds from a conservative meta-theory that corresponds to Gadamer's hermeneutics. I argue that hermeneutics is distinct from Romantic and Heideggerian "cultural conservatism." For the latter, I argue, justification tends towards an authoritarian, ethnocentric, and atavistic nature. For hermeneutics, on the contrary, bases for justification are established by an authoritative insight which is radically undogmatic, a prejudiced insight which is open to learning, and a traditional insight which is mediated through the concerns of the present. Hermeneutics offers a "positive" justification of the rational capacity realised in the good life of a mutual learning process which is "substantive", or embedded, and "comprehensive", or pursued in all spheres. Marshall's account of the practical relations of citizenship and the theoretical analysis of social citizenship corresponds to hermeneutic mutual learning. Therefore, to reformulate Marshall's conception of social citizenship is to take part in this mutual learning process, both with Marshall and with the diverse demands of the present. I argue that the project of social citizenship is possible now only with hermeneutics, and

that the pursuit of this project refines and extends the hermeneutic account of justification and its normative implications for citizenship.

In Section 3. I examine Jurgen Habermas' enlightenment account of the mutual relation between meta-theory and the pursuit of citizenship. Habermas argues that "communicative action" represents the intersubjective potential for the power of reason to establish bases for justification. The conditions of possibility required for communicative action will, however, only be secured by the collective intervention which safeguards what Habermas calls "the ideal speech situation." It can secure the "formal" communicative requirements for our rational capacity because it both has a normatively "negative" justification and is "dualistically" distinct from systemic integration. The ideal speech situation ensures that the power of reason in itself is respected, and so it enables us to make diverse bases for justification commensurable at the level of translation. It is only in the ideal speech situation that the bases for justification for a conception of citizenship can be determined, and the rights and duties of citizenship legitimated. However, it is also only here that the equal respect which, for the enlightenment, is necessary for all rational capacity will be attained and, in turn, this capacity itself realised.

In Section 4. I discuss a radical account of the mutual relation between meta-theory and the pursuit of citizenship. I look at the radical meta-theory of Michel Foucault and the attempt made by Ernesto Laclau and Chantal Mouffe to realise this position in a socialist citizenship. For the radical, the conditions of possibility for the rational capacity of justification are established through continuous resistance. The radical rejects the "humanist" position, whether conservative or enlightenment, which assumes that the certainty of traditional life or of the power of reason motivates the search for bases for justification. For the radical, humanism itself intensifies and extends domination as it helps perpetuate the arbitrarily achieved commensurability which rejects and excludes subordinate ways of knowing and doing. However, Laclau and Mouffe appeal to republican and liberal principles to establish the conditions of possibility for a continuous radical resistance. I argue that in doing this they themselves fall back on a "humanist" meta-theory which they had hoped to overcome. I argue that this shows up a central

weakness of the radical position, namely: that the radical can not establish mutuality between meta-theory and citizenship, that radical meta-theoretical resistance is antithetical to the pursuit of citizenship.

### **§1. Meta-Theoretical Reflection: Justification and its Normative Implications.**

In this section I elaborate on the claims made so far concerning meta-theory, the distinction of three meta-theoretical positions, and the mutual relation between meta-theory and the pursuit of citizenship. I give a brief description of the three meta-theoretical positions according to the distinctive accounts they give of the nature of justification and rational capacity. I argue that bases for justification are formed with assumptions of what can be taken for granted concerning the nature of the world and our reflection. The three positions give opposing accounts of how to determine whether these "presuppositions of justification" are acceptable: whether they enable our rational assessment of assumptions, are arrived at in accordance with the conditions of possibility for justification, and enable us to advance in understanding. I argue that these bases for justification must be arrived at and evaluated in a variety of "rational activities", where, in turn, rational capacity is realised as an awareness of the nature of justification. The conservative, enlightenment, and radical positions will determine whether rational activities are acceptable by making them "commensurable", respectively, at the level of justification, translation, and evaluation. Further, a conception of citizenship will attempt to make activities commensurable and, in doing this, realise a meta-theoretical commitment to ensure relations in which the valued rational capacity can be enabled.

#### **1.1. The necessity of meta-theoretical reflection.**

I argue that meta-theoretical reflection is necessary for the pursuit of citizenship. Conceptions of citizenship must proceed from meta-theoretical positions, as they must presume how the theoretical and practical claims they rely on can be justified. However, a conception of citizenship is also itself involved in meta-theoretical reflection, in determining how bases for justification can be assessed and reformulated. A conception of citizenship is composed of numerous "rational activities" with different sorts of "bases for justification." A basis for

justification enables us to assume a degree of certainty regarding the truth or correctness of our perceptions, beliefs, statements, or findings. Certainty must itself always be appropriate to a specific "rational activity", and so the certainty which is required will differ across various theoretical, scientific, and practical pursuits. In each rational activity, specific "presuppositions of justification" are to enable our assessment of the claims which are made here. These are the basic presuppositions concerning the nature of the world and our fundamental forms of reasoning. Meta-theoretical reflection assesses whether bases for justification are acceptable. They are assessed both according to the extent to which they ensure the certainty which is appropriate and according to a meta-theoretical account of the requirements for arriving at acceptable bases for justification.

In a rational activity, the "presuppositions of justification" are composed of what is taken for granted regarding the nature of the world and our reasoning. They are "presupposed" both in the sense that they are not put in question as we proceed in this activity, but also in the sense that they are not themselves established with absolute certainty. That such presuppositions are necessary can be seen in various theoretical and practical rational activities. For example, theoretical interpretation may take for granted what significance is to be ascribed in reflection to the historical nature of interpretative methods. It also may take for granted what social context the object of interpretation belongs to. In practical activities also it must be possible to give reasons to justify assumptions, such as, that some act is ethically justified or expedient. It is therefore necessary here also to proceed from presuppositions of justification. For instance, to practically interpret the meaning of interaction we must also presuppose what the scope of interpretation itself is. We must take for granted the way in which the methods of interpretative analysis can be deployed from within practice and to what objects they can refer.

Meta-theoretical reflection determines how presuppositions are justified, and how we can justify the decision to proceed from new presuppositions. Presuppositions of justification are not put in question as we proceed in a rational activity. However, the awareness required of how to justify the decision to proceed from such presuppositions itself

develops from within such activities. Bases for justification are open to reassessment because their presuppositions are not established with absolute certainty. However, they are only acceptable to the extent that they still ensure the certainty which is asked of them. Altered circumstances may be taken to invalidate what we had assumed to be justified, or it may force us to alter the requirements we place on the way we arrive at acceptable bases for justification. However, the awareness of the nature of certainty which is required, and of its conditions of possibility, must be attained within this ongoing activity. For instance, increasing cultural diversity may convince us that the rights of citizenship we have justified are in fact ethnocentric, or that the bases for justification of government policy must be arrived at in a way which incorporates this plurality. This entails, however, that our awareness of the nature of justification can itself develop in such activity. The conservative, enlightenment, and radical positions will give different meta-theoretical accounts of how this reflection is possible.

Conservative meta-theory argues that bases for justification are composed of presuppositions which can be understood because they are historically embedded and shared, while only those socialised in this tradition can determine the appropriate presuppositions in specific rational activities. Presuppositions embedded within historical rational activities form the tradition from which all reflection must proceed. This is the historical dimension in which reflection is socialised, and which also creates new situations in which to determine what presuppositions are appropriate. For the conservative, the capacity for meta-theoretical reflection can be engendered by experience and socialisation. This is the "authoritative insight" which is aware that tradition sustains rational activity. It is the awareness that traditional presuppositions have authority for reflection, and that certainty can be attained as the stability provided by life within tradition. The correct response to changed conditions is that which also perpetuates this sustaining tradition. This conception of an authoritative insight can be seen in Aristotle, where the intellectual virtue of "phronesis" is fostered in a community and is the means by which its ethical virtues can exist; and in Durkheim, where "autonomy" is possible



only where the necessary laws of the social world are not merely external but are made our own through thought.<sup>1</sup>

Enlightenment meta-theory argues that human reason has the power to abstract from inappropriate presuppositions concerning the nature of the world and our fundamental forms of reasoning. It has the power to proceed from the presuppositions which are appropriate to one specific activity and not another and to assess these presuppositions in the light of changed circumstances. The appropriateness of a presupposition is determined by the power of reason to deploy a rational criterion of assessment, and to assess presuppositions according to the certainty which they ensure for this power of reason in itself. A rational advance will therefore consist in the extension of enlightenment bases for justification to ever more activities. It must, therefore, also consist in the extension of the enlightenment meta-theoretical awareness required within such activities, that the power of reason, and not tradition or power, is the sole determinant of justification. This effort to establish appropriate presuppositions of justification which ensure the certainty of reason can be seen in modern sociological and political thought: both in Weber, where bases for justification are established independently of our ethical commitments, and in Marx, where the presuppositions of a future socialist science will be freed from the social assumptions distorted by class relations.<sup>2</sup>

Radical meta-theory argues that rational capacity is constituted through arbitrary power relations so as to exclude the ways of knowing and doing of subordinated groups. However, the bases for justification which are established in this way will also retain this excluded other as a category to define normatively deviant and irrational experiences. Further, arbitrary violence is also the means by which this exclusion is carried out in the subjugation of subjects of knowledge. There can be no hoped-for period where knowledge and arbitrary violence are separated, such as the

<sup>1</sup> Aristotle, *The Nicomachean Ethics*, Book VI., trans. David Ross, revised by J. L. Ackrill & J. O. Urmonson (Oxford: Oxford University Press, 1980); Durkheim, E., (1957) *Professional Ethics and Civic Morals*, trans. Cornelia Brookfield (London: Routledge and Kegan Paul), p. 91.

<sup>2</sup> Weber, M., (1905) *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (London: Allen & Unwin, 1930); Marx K., *Economic and Philosophic Manuscripts of 1844*, trans. Martin Milligan (London: Lawrence & Wishart, 1973).

enlightenment bases for justification enabled by Marx's revolution. Bases for justification will always undermine their own constitution of subjects, as they always retain the other, the excluded ways of knowing and doing, to which experience is arbitrarily and violently reduced. Our rational activities will never enable the enlightenment certainty attained by the power of reason in itself, or the conservative certainty attained in the rational experience of traditional belonging. However, there is a potential for truth and liberty in the radical meta-theoretical awareness that the wilful exertion which establishes our bases for justification is never overcome. As Nietzsche and Foucault argue, truth and liberty are made possible through the resistance which also acknowledges that the bases for justification established in this way will be arbitrary.<sup>3</sup>

### **1.2. Meta-theoretical reflection and its normative implications**

Meta-theoretical reflection assesses how bases for justification can be arrived at in diverse rational activities. It must, therefore, assess how this diversity can be accounted for, or made "commensurable." We can attempt to make another activity commensurable by assessing whether it does in fact justify claims, and by categorising the nature of certainty which is attained in justification. For example, in deciding what rights citizens should have to resources, scientific findings may be appealed to concerning the cultural divergence in the enjoyment of resources. It must be possible to assess the scientific certainty of these findings. However, it must also be possible to determine their significance in relation to other considerations in political debate. Commensurability must also be pursued if we are to take part in another activity. For instance, to be able to move from scientific to political activity there must be some way to account for their similarities and differences in terms of their bases for justification. The possibility of commensurability can be conceived of at three levels. Commensurability can be pursued at the level of "translation", where we equate in meaning or reference the terms in one activity with that of another; at the level of "justification", where we can share fundamental premises about the nature of the world and forms of

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<sup>3</sup> Nietzsche, F., (1886) *Beyond Good and Evil*, p. 44 ff.; Foucault, M., (1984) *The History of Sexuality*, vol. 3, trans. Robert Hurley (New York: Pantheon), p. 101 ff..

reasoning; and at the level of "evaluation", where we can judge the superiority of one activity over another.<sup>4</sup>

Although meta-theory assesses how to make activities commensurable, the insight required to attain commensurability can not be determined sufficiently at a distinct meta-theoretical level. It must be attained in ongoing rational efforts. Again, a conception of citizenship must account for the nature of justification in various activities, but it must also account for the capacity to make such activities commensurable. For instance, to theoretically prescribe what rights of social justice can and should be enjoyed, we must determine how the same right will effect the lives led in diverse activities. We must, therefore, account for the capacity which will attempt to make divergent lives commensurable on this issue, and also bridge the gap between theory and practice, or politics and social relations. However, the meta-theoretical account of commensurability which is presupposed here also has significant normative implications. It describes how equally acceptable activities ought to be treated, and therefore describes how the rational capacity valued by meta-theory can itself be acknowledged, enabled, or ensured. These points can be seen by again turning to the three meta-theoretical positions, which give opposing accounts of commensurability and its normative implications, and of the mutuality between meta-theory and the pursuit of a normative and rational advance.

For conservative meta-theory, our knowledge of the appropriate presuppositions of justification is arrived at through an authoritative insight into the shared presuppositions of a tradition. These are the presuppositions which different rational activities must always deploy, because such activities are historically embedded. These presuppositions, therefore, admit of divergent yet correct interpretations. Therefore, the authoritative insight must determine in what way the shared traditional meaning of presuppositions is itself realised in the interpretation of what is appropriate for a specific rational activity. To deploy such traditional presuppositions in a specific rational activity requires an insight into

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<sup>4</sup> For a discussion of this distinction, see: Wong, D. B., (1989) "Three Kinds of Incommensurability", in *Relativism. Interpretation and Confrontation*, ed. Michael Krauser, (University of Notre Dame Press), pp. 140-1.

their traditional meaning, and therefore always also requires an insight into the divergent ways in which these traditional presuppositions are realised as bases for justification. To determine what the appropriate presuppositions of a specific rational activity are, a commensurability must therefore be pursued between the bases for justification of divergent rational activities. The commensurability which must be sought is at the level of justification, as it is derived from an insight into the shared traditional meaning of the presuppositions of justification of divergent rational activities.

Bases for justification must be formed from an authoritative insight concerning the traditional presuppositions of rational activities. The insight which can determine what presuppositions are appropriate must itself be developed as a capacity with certain characteristics. This is the capacity which is aware that a shared tradition sustains reflection, and that certainty is ensured through the perpetuation of this tradition over time. However, this capacity which can be aware of the conservative nature of justification must also itself develop and change. As a capacity which is attained only within tradition, and in making diverse activities commensurable, it has a temporal and social nature. A conservative conception of citizenship will, therefore, seek to enable social developments which foster this capacity. It will attempt to make diverse activities commensurable so as to identify the conditions of possibility for this capacity. However, in enabling this capacity, conservative citizenship also unleashes the socially and temporally dynamic nature of the ability to carry out conservative meta-theoretical reflection. For example, MacIntyre argues that the good life, which is the "quest" for the good life pursued together in political community, is made possible by tradition as this is the particularity from which to proceed forward.<sup>5</sup>

For the enlightenment, the power of reason in itself can assess what presuppositions are appropriate, while appropriate presuppositions ensure the certainty which reason can attain in this activity. Rational activities are incommensurable at the level of justification. To assess whether one's own activity enables the certainty of reason, one must abstract from presuppositions concerning the nature of the world and

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<sup>5</sup> MacIntyre, A., (1987) *After Virtue*, pp. 219-221.

reflection which are appropriate instead to other activities. However, due to the rational capacity to abstract from inappropriate presuppositions, rational activities can be made commensurable at the level of translation. Presuppositions of justification can be equated in meaning and reference, according to whether they create a basis for justification or not. A commensurability can be pursued on a basis which is independent of the content of the presuppositions of justification of these specific activities. Just as the acceptable activity can only be identified according to whether or not it ensures the certainty of reason, the presuppositions of divergent rational activities can be translated as being equally appropriate only on a basis which enables reflection to abstract from the presuppositions of justification of specific rational activities.

The enlightenment makes rational activities commensurable at the level of translation alone. This expresses a normative commitment to treat the capacity realised in acceptable rational activities with an equal respect which is neutral concerning the content of these activities. However, a rational activity that is equally acceptable also enables the rational capacity which can have an enlightenment meta-theoretical awareness of the nature of justification. It is only in such activities that the criteria of appropriateness for presuppositions are determined over and again. Therefore, rational activities have normatively advanced to the extent that they foster this capacity to proceed according to the requirements of rational certainty, over and against the accepted assumptions of tradition and the arbitrary force of will. This is also the capacity required in a conception of citizenship to make normative evaluations, as with it we will judge the equal validity of another rational activity without a commitment to the presuppositions of justification appropriate to our own activity. For instance, liberal and utilitarian thought each claim to treat the individual with an equal respect by ensuring, respectively, that the autonomy or preference of each individual is sovereign, as it is for each individual to determine how the requirements for justification in their own lives are to be determined.<sup>6</sup>

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<sup>6</sup> See: Sen, A., and Williams, B., (1982) "Introduction: Utilitarianism and Beyond", pp. 1-21, in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press).

Radical meta-theory argues that commensurability, and the forces which undermine it, is always pursued at the level of evaluation. The bases for justification of specific rational activities are always undermined, the radical argues, by their own arbitrariness. This arbitrariness results not only from the continued exertion of power but from the continued presence of the inferior, irrational, or deviant ways of knowing and doing which were to have been excluded. Although a subject is always constituted in a relation of power and knowledge which tends to undermine itself, it is always constituted according to the requirements of a specific activity, such as the activity of psychoanalytic self-analysis. The power and knowledge relation which is established through arbitrary exclusions therefore constitutes subjects at the level of the evaluation of competing rational activities and their bases for justification. As Michel Foucault argues, diverse rational activities are integrated to the extent that "nodal points" of the power/knowledge nexus form, points at which diverse rational activities form a network of power/knowledge relations. Not only will such nodal points always provide plural, and therefore competing, bases for commensurability, but they will also continue to do so arbitrarily, and so will provide sites of resistance to the diverse ways in which commensurability is pursued.

At the level both of specific rational activities and of their commensurability, the process of subjugation creates openings for resistance, conceived as the wilful uncovering of the violently and arbitrarily excluded other. Further, where this resistance is continuous, it is possible both to establish practices which do not claim to be grounded on non-arbitrary presuppositions, and to do so at the expense of practices which intensify subjugation through their pursuit of a non-arbitrary rational normative advance. It is only then that the capabilities of practices can be enabled without also intensifying the subjugation which follows from the constitution of subjects of knowledge. For radical meta-theory, the nature of justification will only be determined through the "suspicion" and "transgression" which is carried out in practice. It is also only through the radical meta-theoretical awareness that all bases for justification are arbitrary that the normative distinctions between subjugation and liberty can be made. This is evident in Nietzsche's creation of a new table of values through a will to power, in Foucault's

parodic, plural, and embodied ethics of the self, and in Goffman's micro-sociological account of reality as a dramaturgical series of interactions.<sup>7</sup>

From these introductory remarks it is possible to distinguish the three meta-theoretical positions before going on to discuss the prevailing contemporary accounts of each which have been proposed. The different positions can be identified by the answers given to the following questions: (a) what is the nature of the capacity required by meta-theory to determine appropriate presuppositions of justification?; (b) what is the nature of the commensurability of divergent rational activities?; (c) as the appropriateness of presuppositions continues to be determined through time, what effect does historical experience have on this meta-theoretical reflection?; and (d) how can a rational normative advance be discerned in the way appropriate presuppositions of justification are determined in these ongoing rational activities?

For conservative meta-theory: (a) the capacity for an authoritative insight into the shared traditional meaning of presuppositions must be enabled so as to determine the appropriate presuppositions of any specific activity in which the certainty of a life led in the continuity of tradition is ensured; (b) a plurality of historically embedded rational activities is to be made commensurable, and the basis for this commensurability must be formed through an authoritative understanding of the shared traditional meaning of presuppositions of justification; (c) tradition constitutes a dimension which sustains the meta-theoretical awareness required for authoritative reflection, but does so as part of an ongoing social interaction in which this valued capacity is developed; and (d) while a conservative conception of citizenship must help sustain the traditional dimension in which certainty is ensured, it can only do so by enabling the rational authoritative capacity which, in turn, is to determine how an advance can be assessed and ensured in rational activities.

For enlightenment meta-theory: (a) the power of reason in itself is the capacity which must be enabled to assess what presuppositions are

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<sup>7</sup> Nietzsche, F., (1885) *Thus Spoke Zarathustra*, trans. R. J. Hollingdale (Harmondsworth: Penguin, 1969), pp. 70-1, pp. 78-9; Foucault, M., (1984) *History of Sexuality vol. 3*, pp. 44-67; Goffman, E., (1971) *The Presentation of Self in Everyday Life* (London: Pelican), pp. 207-30.

appropriate in a specific activity, while appropriate presuppositions ensure the certainty of reason that can be attained in this activity; (b) divergent rational activities, which are incommensurable at the level of justification, can be made commensurable at the level of translation by abstracting from inappropriate presuppositions to equate the presuppositions of different activities according to the universal requirements for the certainty of reason; (c) the enlightenment capacity can only be enabled in ongoing rational activities, but is enabled as the capacity to attain rational certainty over and against the anonymous arbitrary effects of tradition or of historical events; and so (d) the criteria which measure a rational normative advance will express the certainty of reason, and they will justify the conception of citizenship which enables this capacity to develop in specific activities and in the mutual respect conferred on the valued capacity realised in divergent activities.

For radical meta-theory: (a) rational capacity is enabled by sites of possible resistance presented by the deviant and rational ways of knowing and doing excluded by power and knowledge, and is realised only in the suspicion and transgression which accepts the arbitrariness of its own bases; (b) the mutual reliance of power and knowledge of any rational activity also characterises the forming of nodal points between rational activities, and so the attempt to establish a commensurability at the level of evaluation is always undermined by the potential for resistance it creates; (c) the subject of radical meta-theoretical awareness is constituted through resistance in relations of power, in their techniques of discipline and practically embedded presuppositions, and so continues to be disrupted by the impossibility of certainty and the necessity of resistance; and so (d) a radical rational normative advance entails a suspicion of accepted bases for justification, and is pursued through acts which transgress these bases, uncover the potential others which have been excluded, and develop these possibilities of liberty and truth without attempting to establish a non-arbitrary commensurability at the level of evaluation.



## **§2. Conservative meta-theory: the valued life in tradition.**

I argued in Section 1 that there is a mutual relation between a meta-theoretical position and the conceptions of citizenship which can be pursued from it. While meta-theory attempts to determine both how justification and a rational and normative advance are possible, the capacity for meta-theoretical awareness will be developed in specific rational activities and in the pursuit of a rational and normative advance through citizenship. In this section I elaborate on this claim with reference to the mutual relation between Gadamer's hermeneutic meta-theory and Marshall's conception of social citizenship. I argue that Marshall's social citizenship is not tied to productivist and traditionalist assumptions which are now untenable and antithetical to freedom. Rather, Marshall presupposes a meta-theory which corresponds to Gadamer's hermeneutics. For that reason, Marshall's assumptions must be applied in the present to determine whether they are appropriate, while hermeneutics will enable us to do that through relations which are normatively justified and conducive to learning.

In this section I argue that within conservative meta-theory hermeneutics can be distinguished from a "cultural conservatism" which perpetuates authoritarian power relations and communally ethnocentric and traditionally atavistic presuppositions of justification. This distinction can be seen when we contrast Gadamer's hermeneutics with Heidegger and with the Romanticism of Herder and Humboldt. I argue that this distinction is also evident in social citizenship as it proceeds from a meta-theory that corresponds to hermeneutics. The priority which Marshall gives to the material requirements of our rational capacity within relations of authority can be distinguished from a materialist, authoritarian, and traditionalist position which is no longer tenable. It is on this basis, I argue, that a hermeneutic reformulation of social citizenship will be possible. However, in the reformulation of social citizenship, hermeneutics will itself have to be extended and refined. It must account for the necessity of social equality for rational capacity. It must account for how this capacity is enabled by, and within, technical and strategic interventions through bureaucratic agencies of the State. It must also account for the how the conditions of possibility for the shared

understanding of an authoritative insight can be enabled only by limiting inequality and securing social equality.

### **2.1. Hermeneutics contra cultural conservatism.**

For conservative meta-theory, the certainty which can be attained by rational capacity is that of a life led in the active perpetuation of tradition. The conservative rational capacity is "substantive", or traditionally embedded, "comprehensive", or realised in all spheres, and "positive", or normatively justified by a commitment to its realisation in the good life. However, within conservative meta-theory, a distinction can be made between hermeneutics and cultural conservatism. They can be distinguished in their treatment of three issues: the authority of tradition and the nature of an authoritative insight; the prejudicial nature of reflection; and the continuity of meaning in tradition.

For conservative meta-theory, an authoritative insight into traditional presuppositions determines the bases for justification in rational activities. Reflection and freedom are not, therefore, antithetical to authority. They are not antithetical to the authority which traditional beliefs have as presuppositions of justification for an individual whose capacity is substantive, or developed from within a tradition. Nor are they antithetical to the authority of the insight which identifies appropriate presuppositions. It also follows from this that power relations can be justified for conservatism only when they are structured as relations of authority. The practical claim which demands conformity can only be justified if it represents an authoritative insight. Gadamer agrees with the Romantic argument that communal languages offer an "horizon" for reflection that is comprehensive, or manifest in all spheres. However, Gadamer rejects Herder's and Humboldt's Romantic assumption that the presuppositions of an horizon express a "collective subjectivity."<sup>8</sup> The presuppositions of a Romantic horizon have an authority for reflection because their appropriateness is determined independently of that reflection, and so the insight which has authority identifies the communal bases of knowledge claims which community members should obey.

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<sup>8</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 438 ff.

Gadamer argues instead that bases for justification are formed only through a "mutual learning process" where the presuppositions of justification of divergent rational activities are "questioned", "risked", and possibly redefined. The hermeneutic authoritative insight is aware that these "radically undogmatic" relations are necessary. Only they will perpetuate the sustaining dimension of reflection and actively determine bases for justification. The presuppositions of an horizon have authority only in the way they can be rationally and dialogically mediated.<sup>9</sup> Further, "authoritative" power relations are distinct from "authoritarianism", as they must arise from, and be conducive to, this mutual learning. They can not be based on an unquestioning obedience to superiors.<sup>10</sup> A hermeneutic citizenship should, therefore, be able to deal with contemporary political and cultural concerns. Radically undogmatic relations are open to the value of other cultures, to the concrete demands of the present, and to the demands for greater political participation. However, hermeneutics is neither culturally relativistic with regard to the worth of differences, and nor is it normatively relativistic with regard to the goals and power relations required for practice. Rather, it assesses contemporary developments in terms of the ideal of a mutual learning process of which they are to be a part.

For conservative meta-theory, the basis for commensurability is formed from an insight into shared presuppositions developed as bases for justification in specific rational activities. Gadamer develops this position through a discussion of what Heidegger calls the "prejudicial fore-structure" of understanding. Gadamer argues that the term "prejudice" must be rehabilitated. Since the *Philosophes*, it has referred to assumptions that are not justified by an anterior methodological doubt. In this usage, prejudices arise from individual error, whether they are commitments which have gone unnoticed in reflection or assumptions which are accepted in an unreflective obedience to others. On this account, we can only attain "certainty" after we have doubted everything so as to assess our assumptions through methods of verification. Instead, Gadamer agrees with Heidegger that "concealment" is necessary for "illumination." Reflection is prejudiced because we are finite, and so

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<sup>9</sup> *Ibid.*, p. 355.

<sup>10</sup> *Ibid.*, pp. 279-80.

cannot make all our assumptions transparent. Reflection is prejudiced also because, as traditional beings, it is a sustaining horizon which cannot be made fully transparent. The reflection which justifies prejudices thereby attains "a living certainty" within the continuity which is ensured for this dimension.<sup>11</sup> Therefore, a substantive reflection derives its positive commitments from, and for, the perpetuation of this dimension.

Gadamer argues, however, that our prejudicial constitution is dialogical in structure. To understand an "other" historical situation or divergent rational activity, reflection must be open. It must be prepared to reformulate its presuppositions of justification so as to arrive at a shared basis for understanding. The "living certainty" attained when we proceed from and rehabilitate justified prejudices is, therefore, not a barrier to new experiences and perspectives. Rather, it is the certainty which proceeds "from doubts arising and being overcome."<sup>12</sup> Gadamer, therefore, rejects what could be called Heidegger's ethnocentric account of a communal linguistic irreconcilability, which results from the different understandings of Being which are sent by Being to different languages.<sup>13</sup> Gadamer argues that the experience of conversation and translation show us that each linguistic horizon can contain within its view of the world that of any other.<sup>14</sup> However, horizons also have the character of "games" which "play us" as they determine both that we must be open and in what prejudicial way we are open.<sup>15</sup> For instance, we can not choose to close our ears to the cultural difference, the diversity of valued practices, and the new needs of our society. However, nor can we choose freely how we are addressed here in the way that these phenomena become for us, among other things, concerns of citizenship.

Conservative meta-theory also assumes that tradition is the sustaining dimension of reflection. As this is a temporal and social dimension, we must continue to pursue an understanding of the standard of appropriateness which can be shared in the assessment of

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<sup>11</sup> Ibid., pp. 238-9.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid., p. 304.

<sup>14</sup> Ibid., pp. 447-9.

<sup>15</sup> Ibid., p. 110 ff.

presuppositions of justification. As Heidegger argues, the finitude of rational capacity is determined just as much by its belonging to tradition as by the projected nature of understanding which this necessitates.<sup>16</sup> Tradition sustains and has authority for reflection because such rational activity must proceed with prejudicial positive commitments derived from it and from the activity which perpetuates it. It is from the shared presuppositions of tradition which precede reflection, that standards which measure a rational normative advance can be derived; while an advance is measured in terms of the perpetuation of this dimension, which sustains the conditions of possibility of advance. Gadamer and Heidegger therefore reject the modern subjective conception of historical consciousness, which assumes that the reflection of the present situation can reconceive its tradition with complete autonomy. Rather, this assumption is a potentially alienating obstacle to the continued reflective perpetuation of tradition.

Gadamer argues, however, that there are no authoritarian or ethnocentric solutions to alienation. It can not be overcome either in a Romantic insight into a collective subjectivity, which has authority over and against the will and reason of the individual, or through Heidegger's ethnocentric worldviews, which resist the reflective efforts to transcend their boundaries. Nor can there be an atavistic solution to alienation. It will not be overcome through the "historicist" arguments that we can only have access to tradition either through the Romantic unquestioning renewal of our medieval past, or through Heidegger's return to the tradition of thought before modern metaphysics.<sup>17</sup> Rather, historicism concedes too much to the subjective rationalist self-understanding of modernity. It accepts the diagnosis that the continuity of meaning in tradition has been lost, and reverses the evaluation so as to reconstitute tradition in opposition to the reflective and dialogical mediation of presuppositions in the present.<sup>18</sup> Gadamer argues instead that alienation can be overcome only through the continued reflective and dialogical appropriation of tradition.

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<sup>16</sup> Ibid., pp. 260-62, pp. 266-67.

<sup>17</sup> Gadamer, H.-G., (1979) "The Heritage of Hegel", in *Reason in the Age of Science* (London: MIT Press, 1981), p. 57 (further references to this volume abbreviated RAS).

<sup>18</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 281.

Gadamer criticises Heidegger's transcendental account of Being and Time as insufficient precisely in the task of grounding being in time.<sup>19</sup> In place of Heidegger's thesis of discontinuity, Gadamer argues that the "historically effected consciousness" represents the dialogical structure of reflection's prejudicial constitution. It enables us to disengage from traditional belonging so as to appropriate, or evaluate, our own presuppositions in the light of the present situation.<sup>20</sup> The continuity of meaning in tradition can be secured, but only through a continued mutual learning process, where both the presuppositions of the present situation and those of one's tradition are put at risk. In new situations the shared presuppositions of historical belonging will only continue into the future to the extent that they can be "applied" appropriately. At the same time, they will only be "applied" through pursuing with them a commensurability at the level of justification.<sup>21</sup> Therefore, a loss of meaning in modern life can not be responded to with a conception of citizenship which pursues an ethnocentric account of national culture and an atavistic account of gender roles. However, life will only be meaningful through tradition, by finding a shared language both between cultural traditions and between the prejudices of the past and the aspirations for freedom of the present.

A brief outline can be given of the conservative meta-theoretical account of justification which is provided by Gadamer's hermeneutics. Appropriate presuppositions of justification are arrived at by a distinctively hermeneutical shared authoritative understanding. Traditional presuppositions cannot have authority in and of themselves. They must be shown to still have meaning for the prejudicial perspectives of specific rational activities. To the extent that traditional presuppositions are still meaningful, they will also address questions to, or make problematic, the "hermeneutic direction" or "motivating interest" of our prejudicial perspectives. They will have authority to the extent that we cannot but be addressed by these questions. At the same time, to answer these questions posed for us we must evaluate the

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<sup>19</sup> Gadamer, H.-G., (1963) "The Phenomenological Movement", in *Philosophical Hermeneutics*, trans. & ed. David Linge (University of California Press, 1976), pp. 171-2 (further references to this volume abbreviated *PH*).

<sup>20</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 295, 299, pp. 350-62.

<sup>21</sup> *Ibid.*, pp. 338-40.

appropriateness of these traditional presuppositions in the situations encountered in the present. In answering the question posed to our self-understanding, we determine the appropriateness of traditional presuppositions of justification in specific rational activities.<sup>22</sup> This must be a mutual learning process, and it not only determines what of our tradition has authority for us, but is also the process whereby an authoritative insight is developed.

The substantive, comprehensive, and positive hermeneutic account of justification has specific normative implications. Hermeneutics entails a positive commitment to mutual learning, in which a rational advance and the good life are secured and understood. They are secured through a prejudicial but radical openness to the significance which the substantiveness of the other has for our perspective.<sup>23</sup> Further, as it comprehensive, the hermeneutic dimension will embed material relations of production and distribution along with the gender, class, and occupational power relations of practices. These relations can, therefore, only be justified when their prejudicial direction is provided by a hermeneutic authoritative insight. Further, a community's principles of citizenship must also be shown to be authoritative, and so must be applied again through mutual learning. They must not express an ethnocentric commitment or an atavistic understanding of how such principles are to be applied. If Marshall's social citizenship is to be reformulated now, it is these requirements which must be met. It must be shown that the commitment to social equality does not express either a materialistic understanding of the significance of productive relations, or an authoritarian account of power relations, or an ethnocentric and atavistic understandings of what is to count as an advance in citizenship.

## **2.2. Hermeneutic mutual learning and social equality.**

In this section I argue that the conception of citizenship which can follow from hermeneutics will be distinct from productivism and traditionalism. Unlike "cultural conservatism", the hermeneutic account of the traditional normative significance of material relations will not be authoritarian, ethnocentric, and atavistic. I argue that a hermeneutic

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<sup>22</sup> Ibid., pp. 374-5.

<sup>23</sup> Ibid., pp. 358-62.

account of social citizenship will provide appropriate bases for justification to determine the rights and duties of citizenship now. It will also do so in situations where a productivist, traditionalist position would be untenable and antithetical to freedom. These are the situations, discussed in the Introduction, where resources are required to alleviate the poverty of the single-parent, to enable an artistic life, and to deliver services which respect cultural diversity. For hermeneutics, citizenship must pursue our ultimate purpose, the mutual learning process in which we both perpetuate our shared tradition and attain that "immediate living certainty" which enables us to be open to learn. This goal must be attained in the various theoretical and practical activities of citizenship. The bases for justification of these activities will only be acceptable when their presuppositions concerning the attainment of our ultimate purposes are, themselves, arrived at through a radically open learning process.

The theoretical analysis of the rights which can and should be enjoyed must be based on a mutual learning process. For conservative meta-theory, to understand another activity we must attempt to make commensurable its presuppositions of justification. For hermeneutics, this commensurability can only be attained through a learning process which puts these presuppositions at risk.<sup>24</sup> Theory cannot be motivated by "culturally conservative" presupposed commitments whose authority is independent of their reflective and dialogical appropriation now. Rather, theory must practically "apply" its motivating presuppositions in a learning process with the situation it wishes to understand.<sup>25</sup> As Gadamer argues, the social scientist must become a "social partner" rather than a social engineer,<sup>26</sup> while the moral philosopher is not a teacher, but is to "aid in making present for rational consideration the ultimate purposes" of our action.<sup>27</sup> A hermeneutically based theory is required to determine how rights which enable social equality could be appropriate now in, for instance, the situation of the single-parent in poverty. We

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<sup>24</sup> Gadamer, H.-G., (1969) "The Science of the Life-World", in *PH*, pp. 196-7; Gadamer, H.-G., (1981) "Philosophy or Theory of Science?", in *RAS*, p. 161.

<sup>25</sup> Gadamer, H.-G., (1981) "Hermeneutics as a Theoretical and Practical Task", in *RAS*, p. 131.

<sup>26</sup> Gadamer, H.-G., (1981) "Philosophy or Theory of Science", in *RAS*, p. 166.

<sup>27</sup> Gadamer, H.-G., (1981) "Hermeneutics as a Theoretical and Practical Task", p. 135.



must open and reassess our presuppositions concerning the nature and worth of parenting as a practice, the nature of poverty as an infringement on our ultimate purposes, and the collective responsibilities to remove that infringement.

For hermeneutics, we must always give a positive conception of our valued capacity, which itself is realised through mutual learning as the pursuit of a conception of the "good life." It is the capacity for an authoritative insight into our ultimate purposes. A necessary aspect of the good life will therefore be the pursuit of commensurability at the level of justification. It is the only means to make life meaningful, to rehabilitate those prejudices concerning our ultimate purposes which are acceptable.<sup>28</sup> A hermeneutic normative evaluation of practice will therefore be concerned with the extent to which hermeneutic conditions are made possible, the extent to which the prejudiced and radical openness of an authoritative learning process is enabled. The good life will not be possible in "culturally conservative" rational activities which are authoritarian, ethnocentric, and atavistic.<sup>29</sup> Nor will the good life be possible in productivist practices, where cultural conservatism is compounded by materialism. The hermeneutic good life is only enabled when the technical aspects of a practice are "applied" through the learning process which is an instance of, and can lead to an insight into, our ultimate purposes. Both art and more conventional occupations are characterised by these technical aspects, and both types of practice can be judged according to the hermeneutic requirements for the good life.

The mutual relation between meta-theory and the pursuit of citizenship takes on a particular aspect in our concern with hermeneutics and social citizenship. On the one hand, I argue that Marshall's social citizenship proceeds from a meta-theory which corresponds with hermeneutics, and for that reason his commitment to social equality can be reformulated and made appropriate. On the other hand, Marshall argues that the valued characteristics of human capacity, the good life, can only be ensured when it is also enabled equally. Marshall and Gadamer share a

<sup>28</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 312 ff.

<sup>29</sup> Gadamer, H.-G., (1963) "On the Possibility of Philosophical Ethics", trans. Michael Kelly, in *Kant and Political Philosophy. The Contemporary Legacy*, ed. Ronald Beiner & William James Booth (London: Yale University Press, 1993), pp. 369-72.

substantive, comprehensive, and positive conception of the rational capacity of humans. However, it is Marshall who argues that the collective interventions of citizenship which are to enable this capacity equally are necessary for the capacity of all individuals. It is only in relations of social equality, which are experienced only from within a practice which enables the good life, that the shared basis required for understanding can be attained. Gadamer's concept of mutual learning is derived from a meta-theoretical awareness, which is itself fostered in the ongoing development of the sustaining dimension of tradition. For Marshall, a sustaining dimension must also ensure the rational capacity of all equally.

Marshall's critics argue that the State's collective interventions required to ensure social equality can no longer be justified either by normative or functional criteria. However, Marshall assumed that the nature and scope of collective intervention are questions which we must continue to answer. He also specified how these questions could be addressed in changed situations. Marshall argued that the State was to be directed by a "public interest", which is only arrived at through an ongoing debate of "professionals."<sup>30</sup> For Marshall, professionalism is the capacity required for an insight into the values which should guide society. It is developed by experts who can deliver essential services, such as health care and education. However, professionalism also refers to any valued capacity made possible in practices directed by our self-understanding. When collective intervention ensures that practices attain this standard in, for example, the market, then contractual relations can operate within a shared status of social equality. For Marshall, the bureaucratic structure of the State, the services the State can deliver, and market relations, can be said to "function" only when they are directed by this insight to enable this capacity for others. In Chapter Two, I argue that the nature and scope of collective intervention are, therefore, questions which we must continue to answer through practical reflection.

For Marshall, the collective interventions of citizenship were to be guided by practical insight, to help enable the same valued capacity which could also identify with this intervention as legitimate. Marshall's critics

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<sup>30</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", p. 169.

argue that his account is irrevocably tied to an outdated conception of practice, a male, materialist, inflexible, and authoritarian account of an occupation. However, Marshall argues that "professionalism" provides us with a critical ideal for the analysis of, and intervention in, everyday interaction. Power relations can only be justified when based on this superiority of insight, and when they enable this insight for others through a process of learning. This insight can also only be developed where the individual is not threatened with being reduced to a mindless functionary, but can insightfully deploy the technical aspects of that practice. However, I argue that some of Marshall's commitments must be revised, and that this can be guided by a hermeneutic account of rational capacity. The authoritative insight is not unquestionable, or reliant on a national culture, or the potential of only a limited number of practices, as Marshall assumed, while we must give greater significance than Marshall did to practices outside the occupational structure, such as parenting. I argue in Chapter Three, that practical roles must be analysed through the prejudicial and radically open learning process of hermeneutics, and evaluated according to the extent to which they enable such a learning process.

Marshall argues that social equality is the shared status required for mutual relations between citizens. It can only be attained by limiting inequalities of status, class, and power. It then provides a shared basis of interaction and understanding which has a significant degree of autonomy from the partial and specific interests following from differences of status, class, and power. However, Marshall's critics argue that this shared status assumes a unified account of the requirements for human mutuality which, now, is inappropriately materialistic and culturally monolithic. In Chapter Four, I argue that Marshall's account of the requirements of social equality for mutuality can be retained and reformulated as a hermeneutic conception of recognition. For hermeneutics, the conditions required for recognition can not be finally determined, but they can be analysed by a critique of ideology. A hermeneutic analysis must presuppose what conditions of power will dominate our capacity, what technical conditions will objectify individuals, and what conditions impose normalised identities on subordinated cultures and on undervalued roles such as parenting.

However, we must also be open to learn about these presuppositions through this analysis. We must be open to learn about the requirements for the hoped-for community of recognition,<sup>31</sup> for the social citizenship community of social equality.

Gadamer argues that the substantive and normatively positive hermeneutic understanding is comprehensive. It must characterise the practical and theoretical rational activities of and concerning the State, the market, social practices, and ideological conditions. In each situation a prejudicial and radically open mutual learning process must be pursued. Through this learning process the hermeneutic dimension is "built back up" in theoretical and practical rational activity.<sup>32</sup> What hermeneutic meta-theory cannot specify because of its meta-theoretical status is how this is to be achieved, or what the specific conditions of possibility for rational capacity are, and what specific bases for justification are required. However, the reformulation of social citizenship also develops the hermeneutic meta-theoretical awareness of the nature of justification from within new practical and theoretical situations. In this specific analysis, hermeneutics is being extended to areas which Gadamer was not primarily concerned with, namely: the scope, nature, and goals of the collective interventions of social justice. The hermeneutic meta-theoretical awareness will, in the analysis and pursuit of social citizenship, be fostered in bureaucratic and technical practices, in strategic interventions within tradition, and in the interaction peculiar to class and occupational interrelations of social equality.

For Marshall, the collective interventions of citizenship are to ensure that the State and market function according to a professionally measured criterion of "social efficiency", rather than business or mechanical efficiency.<sup>33</sup> Gadamer also argues that the capacity for hermeneutic understanding is developed by the professional,<sup>34</sup> while the social scientist is to be a social partner rather than a social engineer. In the hermeneutic reformulation of social citizenship, the shared dimension required by hermeneutic capacity must be "built back up" within the

<sup>31</sup> Gadamer, H.-G., (1981) "Hermeneutics as a Practical Philosophy", in *RAS*, pp. 104-9.

<sup>32</sup> Gadamer, H.-G., (1966) "The Universality of the Hermeneutical Problem", in *PH*, p. 16.

<sup>33</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", p. 169.

<sup>34</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 13 ff.

practices of the State, professions, and the market. The hermeneutic capacity must mediate the bureaucratic criteria of efficiency and administrative power, the professional criteria of service quality and legitimate expertise, and the market criteria of price and economic interests. Hermeneutic meta-theoretical awareness must be developed here if social citizenship is to be legitimated. It must therefore develop an awareness of the necessity of bureaucratic, technical, and economic criteria for our self-understanding. In contrast, Gadamer's concern with these forms of power and rationality is with the threat they pose to rational capacity when they are not hermeneutically mediated. He has taken a primarily negative perspective concerning these areas of interaction, as his concern is to protect the traditional requirements for dialogical understanding from dissolution where technical and strategic rationality claim to offer a certainty which is ahistorical in nature.<sup>35</sup>

For Gadamer, our meta-theoretical awareness is fostered both in understanding the requirements for capacity and in enabling the capacity of others. While Gadamer is committed to the necessity of strategic planning to eliminate hunger,<sup>36</sup> for the reformulation of social citizenship, a hermeneutic awareness is required which can build the hermeneutic dimension back up in the strategic and technical action taken to ensure the capacity of others. This is the site in which a hermeneutic meta-theoretical awareness can develop concerning the material and structural mutuality of human interaction. It is from within a perspective such as this that Marshall identifies both the collective responsibilities to enable the good life for others and the socially efficient way to ensure this end.<sup>37</sup> Social citizenship can be seen to follow from the Gadamerian commitment, namely: that to learn from the "other" I must be radically open to the potential future value of its perspective. However, this enablement of learning is a normative and strategic intervention in the course of events. In contrast, Gadamer's meta-theory is primarily derived from a rationality required in the "unfolding of

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<sup>35</sup> Gadamer, H.-G., (1976) "What is Practice? The Conditions of Social Reason", in *RAS*, p. 74.

<sup>36</sup> Gadamer, H.-G., (1966) "The Universality of the Hermeneutical Problem", p. 16.

<sup>37</sup> Marshall, T. H., (1949) "Citizenship and Social Class", pp, 109-110.

tradition", and his concern has been to contrast this "effective reflection" to thematic reflection and to technical strategic rationality.<sup>38</sup>

Marshall argues that the valued capacity can only be enabled in relations of social equality. By limiting material inequality and recognising and limiting status differences, a shared status can be ensured which is also the active sharing of culture. For Marshall, the shared status of social equality is established only in the experience of valued practices, in which the capacity to share in a culture is developed. Gadamer argues, in line with Marshall, that the valued capacity can only be enabled in certain types of practices, where the individual is not dominated, objectified, or normalised. However, Gadamer does not develop his meta-theoretical awareness of the nature of justification either from within practices which overcome these conditions, or from within the collective efforts to bring this about. For Marshall, the shared basis for understanding one's fellow citizen must be established as a status which is, in part, autonomous from class, status, and power inequalities. However, as this capacity is only enabled through the division of labour, these differentiations are never completely left behind. What hermeneutics defines as the prejudicial and dialogical structure of interaction and rational capacity must, in the reformulation of social citizenship, emerge from this situation of the division of labour. It is as the structure and substance of this division changes that Marshall's assumptions will have to be reformulated.

Before we return to these questions of the mutual compatibility of hermeneutics and social citizenship, the alternative positions of enlightenment and radical meta-theory must be discussed, respectively in Sections 3. and 4.. For both positions, meta-theoretical reflection is seen as necessary for any conception of citizenship. The meta-theoretical awareness of the nature of justification, and the normative implications which follow from this awareness, must be realised through a project of citizenship. I have argued in this section that social citizenship can only be pursued now through a hermeneutical conservative meta-theory. In the two sections which follow I argue that social citizenship cannot follow from enlightenment or radical meta-theory.

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<sup>38</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 301-307.

### **§3. Enlightenment meta-theory: universalizable criteria of rationality.**

I turn now to discuss Jurgen Habermas' work, so as to elaborate on my introductory characterisation of "enlightenment" meta-theory. For the enlightenment, the power of reason in itself is the capacity to assess what presuppositions are appropriate. At the same time, appropriate presuppositions ensure the certainty of reason which can be attained in a specific activity. Rational activities can, therefore, be commensurable only at the level of translation, where presuppositions of justification are equated in meaning in terms of the certainty of reason they ensure. This also expresses a normative commitment to treat the capacity realised in acceptable rational activities with an equal respect which is neutral concerning the content of these activities. Further, for the enlightenment, rational activities have normatively advanced to the extent that they foster this capacity to determine appropriate presuppositions of justification according to the universal requirements of rational certainty. It is through normative relations which treat acceptable rational activities with an equal respect which is neutral concerning the content of that activity that enlightenment meta-theoretical awareness is fostered as a rational capacity.

Habermas has a special significance for the goal of this thesis. On the one hand, he gives an enlightenment account of the nature of hermeneutic understanding. He argues that hermeneutics is only one among several "worlds of knowledge", and so the potential for hermeneutic understanding will only be realised when we acknowledge the limited scope it has in rational activities and in the meta-theoretical reflection pursued here. On the other hand, Habermas argues that his enlightenment meta-theory must be realised within a project of social justice which itself rejects social citizenship. It is a formal rational capacity, which will be realised only in a normatively negative conception of citizenship, which itself can only be pursued in the life-world sphere and not the dualistically separate systems of the State and economy. In contrast, I have argued that, for hermeneutics, a substantive and positively justified capacity is comprehensively realised, that Marshall proceeds from a meta-theory which corresponds with this

hermeneutic position, and for that reason social citizenship can be reformulated.

### 3.1. The formal and dual intersubjectivity of reason.

Habermas argues that bases for justification are established by the ability of a formal rational faculty to identify and deploy formal criteria of validity. It is because criteria of validity are formal that they do not differ between the divergent rational activities in which they are identified and deployed. The criteria of objective truth, of normative and interpretative rightness, and of subjective truthfulness and ethical and artistic authenticity, do not themselves differ between the various rational activities of science and technology, of political and moral discourse, and of art and the pursuits of human flourishing. A formal criterion of validity offers the same standard to assess whether a knowledge claim is justified and, therefore, whether the presuppositions of a rational activity fulfil the universal requirements of certainty. It is also only because the human rational capacity is a formal faculty that the abstraction from historically shared presuppositions which the enlightenment demands can be achieved. This capacity to abstract, so as to identify and deploy formal criteria of validity, does not itself differ between divergent rational activities; rather, it is the "intuitive sense" we all have of how to assess knowledge claims.<sup>39</sup>

Habermas here develops the enlightenment argument that our meta-theoretical reflection is not reliant on what can be meaningful within a tradition. Nor are the bases for justification of meta-theory disrupted by the contingencies of historical life, the contingent encounters with a divergent set of traditional presuppositions or a traditionally meaningful situation. For Habermas, this enlightenment meta-theoretical reflection is a possibility now only because of the historical emergence of modern philosophical discourse. However, its bases for justification escape the sustaining and disruptive effects of history, as it only justifies statements which are formal and universal. He argues that it can thereby enable the enlightenment meta-theoretical knowledge claims of the universal

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<sup>39</sup> Habermas, J., (1990) "Morality and Ethical Life: Does Hegel's Critique of Kant apply to Discourse Ethics?", trans. Christian Lenhardt & Shierry Weber Nicholsen, in *Kant and Political Philosophy. The Contemporary Legacy* (London: Yale University Press, 1993), p. 323.



requirements for certainty in all rational activities, and so identify what can be considered an advance in such activities.<sup>40</sup>

Habermas argues that the incommensurability of rational activities at the level of justification does not present to those in interaction an obstacle to rational discursive efforts to make these divergent rational activities commensurable at the level of translation alone.<sup>41</sup> Although such practical and theoretical activities proceed from the historically variable context of taken for granted presuppositions of the "life-world", rational activity entails an abstraction from this condition of historical belonging. Through this process of abstraction, the appropriate presuppositions of rational activities which are incommensurable at the level of justification can be determined and deployed. This can be seen in the various institutionalised "specialised forms of argumentation" of the life-world.<sup>42</sup> The universal formal criteria of validity of truth, rightness, and truthfulness are each evident in the rational activities of the life-world. It is with these criteria of validity that divergent rational activities can be made commensurable at the level of translation alone.<sup>43</sup> In this way it is possible to assess the explanatory claims of science and the application of technology, the theoretical and practical claims of the institutions of justice, and the claims made of the value of a good life or the worth of works of art.<sup>44</sup>

Habermas argues that rational activities will only be made commensurable when the universal potential for the "communicative action" of the life-world is enabled. This is the rational action motivated by the goal of a discursively achieved consensus, a goal made possible by the capacity of life-world participants to abstract from inappropriate

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<sup>40</sup> Habermas, J., (1987) *The Theory of Communicative Action vol. 2*, trans. Thomas McCarthy (Cambridge: Polity Press), p. 357 ff..

<sup>41</sup> Habermas, J., (1994) "An alternative way out of the philosophy of the subject. Communicative V Subject-Centred Reason", in *The Philosophical Discourse of Modernity. Twelve Lectures*, trans. Frederick Lawrence (Cambridge: Polity), p. 298.

<sup>42</sup> White, S., (1988) *The recent work of Jurgen Habermas. Reason, justice and modernity* (Cambridge: Cambridge University Press), p. 95.

<sup>43</sup> Habermas, J., (1990) "Discourse Ethics: Notes on a Program of Philosophical Justification", trans. Christian Lenhardt & Shierry Weber Nicholsen, in *The Communicative Ethics Controversy*, ed. Seyla Benhabib & Fred Dallmayr (London: MIT Press, 1995), pp. 62-5.

<sup>44</sup> Habermas, J., (1987) *The Theory of Communicative Action Vol. 2*, p. 352.

presuppositions and to proceed in rational activities which are incommensurable at the level of justification.<sup>45</sup> Through communicative action we can integrate divergent rational activities through a "transference of validity", and so determine "the symbolic reproduction of the life-world."<sup>46</sup> As symbolic reproduction will only be achieved by abstracting from the historically embedded condition which Gadamer assumes is universal, Habermas' account significantly limits the scope of hermeneutics. For Habermas, substantive hermeneutic understanding is not universal. It is only one "world" of rational action; and it is not based on the formal communicative action through which alone it is possible to ensure commensurability. Habermas also argues that this formal symbolic reproduction of society is dualistically separate from, and limited by, the "material reproduction" of society. This is the "strategic" or "instrumental" action of the "systems" of the State and the market, which is to satisfy the interests of control and power.<sup>47</sup>

Habermas argues that his meta-theory is a potential which is derived from, and can be furthered in, the life-world relations where citizenship can be pursued. This "critical theory" is motivated by an interest in the emancipation and enlightenment of humans which can only be realised in the communicative action of the life-world. The bases for justification of critical theory are attained by abstracting from the universal potential for enlightenment and emancipation so as to determine the necessary requirements for communicative action itself. Critical theory is a potential of the life-world for self-thematization, to reflectively transform it from the status of "in-itself" to "for-itself."<sup>48</sup> This enables critical theory to identify the formal requirements for all emancipation and enlightenment, and the dualistic limitation to that potential. The enlightenment argument that rational activities are incommensurable at the level of justification only entails that presuppositions of justification must be assessed according to the requirements for the certainty of reason in a specific activity. Habermas develops this as an account of social

<sup>45</sup> Habermas, J., (1970) "On Hermeneutics' Claim to Universality", trans. Jerry Dibble, in *The Hermeneutics Reader. Texts of the German tradition from the Enlightenment to the Present*, ed. Kurt Mueller-Vollmer (Oxford: Basil Blackwell, 1985), pp. 314-5.

<sup>46</sup> Habermas, J., (1987) *The Theory of Communicative Action vol. 2*, p. 308 ff., p. 357 ff..

<sup>47</sup> *Ibid.*, p. 367 ff..

<sup>48</sup> Habermas, J., (1994) "An alternative way out of the philosophy of the subject", p. 298.



structure, where normative criteria are appropriate to the linguistically mediated activity of the life-world, while only strategic and technical criteria can ensure the functioning of systems through the media of money and power.

This critical thematization of the life-world shows us, Habermas argues, that the potential for emancipation and enlightenment will only be realised to the extent that the dual nature of integration is respected. As they are antithetical forms of integration, the attempt to direct administrative and economic systems through the linguistically mediated practical rationality of communicative action would lead to crises in the functioning of systems. Further, the material reproduction attained through labour and power relations is a necessary condition for the communicative reproduction of the life-world. In turn, systemic crises will, through an extension into, and "colonization" of the life-world, undermine the requirements for emancipation and enlightenment.<sup>49</sup> Habermas would argue that social citizenship will lead to the same crises and life-world pathologies he identifies in the modern welfare State.<sup>50</sup> For Habermas, intervention to overcome economic crises creates a rationality crisis where the State's functioning becomes subordinated to the interests of one class in the unplanned nature of commodity production, which in turn can create a legitimation crisis for a supposedly democratic State.<sup>51</sup> Furthermore, to give individuals a social right to certain market relations ensures that systemic forms of integration colonize the life-world, as it attempts to ensure the social ends of the good life through the State's administrative processes.<sup>52</sup>

Habermas' critical theory also distinguishes between the worlds of knowledge of theoretical and scientific truth, the practical discourse of communicative action, and the substantive and positive pursuit of human flourishing. A conception of citizenship which integrates these activities will also have to account for how they relate to each other in

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<sup>49</sup> White, S., (1988) *The recent work of Jurgen Habermas*, pp. 100 -1.

<sup>50</sup> Habermas, J., (1976) *Legitimation Crisis*, trans. Thomas McCarthy (London: Heinemann), pp. 68-9.

<sup>51</sup> Held, D., (1980) *Introduction to Critical Theory. Horkheimer to Habermas* (Cambridge: Polity Press), p. 287 ff..

<sup>52</sup> Habermas, J., (1987) *The Theory of Communicative Action Vol. 2*, p. 187.

the attainment of critical theory's goal of emancipation and enlightenment. This goal is realised through the practical activity of communicative action. However, the conditions in which the potential is realised can, Habermas argues, be known by scientific claims to objective or quasi-objective truth. These claims must in turn be assessed through the practical and theoretical discourse established by critical theory. Only then will the "logocentric" conclusion be avoided, where scientific knowledge is divorced from a dialogical basis and, in turn, makes the social world an object of manipulation.<sup>53</sup> Through a direction derived from critical theory, formal and universal scientific claims can identify the conditions of all emancipation and enlightenment.<sup>54</sup> In contrast, Habermas characterises Gadamer's hermeneutic interpretation as valid only for those who happen to share the same traditional presuppositions. A substantive account of the requirements for rational capacity will, he argues, always be contextually limited.<sup>55</sup>

Habermas argues that enlightenment explanatory scientific claims provide not only universally applicable knowledge of emancipation and enlightenment, but also methodological guidelines for the rational activities of emancipation and enlightenment themselves. The universal requirements for normative rational action can be theoretically prescribed independently of its realisation in practice. A method for legitimating norms can be derived from the normative implications of the "unavoidable rules of argumentation" associated with the criterion of normative rightness. This method is to be equally applicable in every attempt to legitimate the norms of a given life-world which, in the process of justification, and in the rights justified, realises the universal potential for emancipation and enlightenment.<sup>56</sup> This is the potential to take ever more responsibility for the justification of the norms of social integration according to formally universalizable requirements. It is also the potential to justify norms with the criterion of impartiality which confers an equal and neutral respect. For critical theory, an account of the valued capacity will only be universalizable and formal if it is also

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<sup>53</sup> Habermas, J., (1994) "An alternative way out of the philosophy of the subject", p. 311.

<sup>54</sup> Habermas, J., (1995) "Discourse Ethics", p. 95.

<sup>55</sup> Warnke, G., (1987) *Gadamer. Hermeneutics, Tradition, and Reason* (Oxford: Polity Press), pp. 125-6.

<sup>56</sup> Habermas, J., (1995) "Discourse Ethics", p. 79.

negatively justified. It must be formulated without reference to a conception of the good life and ensured in relations of impartiality.

### **3.2. Life-world citizenship of the "ideal speech situation."**

Habermas argues that a rational and normative advance is possible now to the extent that his account of the enlightenment certainty of reason is attained through citizenship. Conscious reflection is increasingly responsible for the content of its life-world, and so there is a new potential now to develop the universal rational faculty of humans to an ever greater degree.<sup>57</sup> Our rational capacity does not rely on the historically varying presuppositions we happen to proceed from. As such, we must not assume that some have "authority", the mysterious because unrepeatable insight into such presuppositions. Rather, universalizable requirements for the realisation of an enlightenment rational capacity can be outlined. Furthermore, these requirements ensure that each individual is conferred with the equal neutral respect which is owed to the power of rationality as such. This is the capacity of communicative action realised in the life-world. Therefore, an equal and neutral respect will only be ensured when interaction is not affected by socially-derived inequalities, whether based on technical expertise, class or gender difference, or an assumed authoritative insight.

Habermas' citizenship rights of the life-world oppose the social conception of citizenship. Their purpose is not to enable the valued life of an authoritative insight through a collective intervention which is State-centred and directed by the insight of the professional. Rather, intervention is to be directed from the life-world so as to ensure the universal requirements for a formal rational faculty. We can see this most clearly in regard to the three situations we have mentioned, that of the single-parent in poverty, the valued life of the artist, and culturally diverse conceptions of essential services. In each instance, justice demands that resources be distributed so as to enable the formal faculty of communicative action. To ensure the conditions of equal respect for the enlightenment capacity, rights of social justice must not be distributed on

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<sup>57</sup> This account of modernity as a universally significant advance in human learning combines Lawrence Kohlberg's developmental model of moral consciousness with Klaus Elder's model of moral and legal development: Habermas, J., (1987) *The Theory of Communicative Action Vol. 2*, p. 174.

the basis of a traditional understanding of the value of the capacity and insight realised in specific activities. This objection to social citizenship need not, however, presuppose Habermas' dualistic account of life-world and system. It follows from enlightenment meta-theory itself. Therefore, Habermas derives from his interpretation of Hannah Arendt's republicanism an account of the dialogical justification of norms, and from John Rawls' neutral liberalism an account of the impartial prescription and distribution of needed resources.<sup>58</sup>

Habermas argues that rights of citizenship can only be justified in the "ideal speech situation", a republican participation which secures the potential for communicative action. As it enables individuals to abstract from inappropriate presuppositions, it secures the enlightenment conception of our rational capacity and its normative implications. It ensures that the rational capacity of each participant is treated with an equal neutral respect, and that the rights of citizenship which it justifies will treat rational activities in society with this equal neutral respect.<sup>59</sup> Rights are justified here only when a consensus is achieved by all those whose interests in rational activities would be affected by their implementation. A consensus is possible, as the ideal speech situation demands that individuals adopt the appropriate presuppositions to make activities commensurable through translation alone. Individuals must abstract from the presuppositions of justification appropriate to, for instance, their own interests in the good life. Rights can then express an agreement concerning the requirements of any conception of the good life, including that of a minority culture. It is only then that a minority culture will be treated justly. The insight into the general interest, which is required to ensure impartial Rawlsian rights to needed resources, must be agreed to in an actual public sphere.<sup>60</sup>

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<sup>58</sup> Habermas, J., (1977) "Hannah Arendt's Communications Concept of Power", pp. 211-231, in *Hannah Arendt. Critical Essays*, ed. L. Hinchmann, & S. Hinchmann (Albany: State University of New York Press, 1994); Habermas, J., (1990) "Morality and Ethical Life", p. 323.

<sup>59</sup> Habermas, J., (1995) "Discourse Ethics", p. 66.

<sup>60</sup> Habermas, J., (1994) "Struggles for Recognition in the Democratic Constitutional State", in Taylor, C., *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Chichester: Princeton University Press), pp. 129-132.

The interests of all will only be understood if, in reflection, we abstract from the presuppositions of justification of specific rational activities; yet this itself is possible only when all have an equal status in republican participation.<sup>61</sup> For instance, the expertise which an artist may rightly claim in the organised form of argumentation of art must not be allowed to influence the validity conferred on his arguments in public sphere discourse. Rather, all authority derived from anything other than the power of reason is inappropriate, whether the authority of economic power, of technical expertise, or of traditional insight into a community's substantive beliefs. Citizen rights are also to distribute goods which protect the private autonomy to pursue equally acceptable conceptions of human flourishing. But questions of the valued life can not be the subject matter of communicative action, as the presuppositions of such commitments must be abstracted from in the ideal speech situation of the life-world. From the thesis of the requirements for the life-world, Habermas argues that the collective interventions of justice must be justified on the negative basis of liberal neutrality which is not committed to any specific valuable practices.<sup>62</sup>

Habermas argues that a critical theory must identify the requirements for justification and its conditions of possibility. Social scientific accounts of the human linguistic faculty can identify our capacity for communicative action, and distinguish it from the faculty for instrumental purposive action. Further, depth psychological explanations of "systematic distortions" in the symbolisation process of individuals, and social scientific accounts of ideological conditions at the social level, can identify how unnoticed forces impede rational activity and generate rationalisations for compulsive behaviour. Critical theory will identify where bureaucratic, systemic power imposes normalised identities on those in vulnerable situations, such as the welfare policies which penalise single-parents for not conforming to traditionalist family relations. It can also identify where women adopt such imposed identities to rationalise their lack of autonomy as bureaucratic clients.<sup>63</sup> Habermas argues that humans do assume the ideal speech situation as the "ideal"

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<sup>61</sup> Habermas, J., (1995) "Discourse Ethics", pp. 70-1.

<sup>62</sup> Habermas, J., (1990) "Morality and Ethical Life", p. 323.

<sup>63</sup> Habermas, J., (1994) "Struggles for Recognition", pp. 114-6.

requirement of dialogue. However, the meta-theoretical awareness that rights must be legitimated in this way will only follow when a critical theory helps individuals overcome the presuppositions derived heteronomously from tradition and from systems of control and power.

For Habermas, critical theory alone will make the knowledge claims of science commensurable, so as to achieve the end of emancipation and enlightenment.<sup>64</sup> Critical theory is to identify from these knowledge claims cases where presuppositions of justification are the outcome of power, control, or prejudice rather than of the universal requirements of rationality. It is to identify those situations where presuppositions will impede the communicative action of the life-world, and where the encroachment of systems and of traditional commitments are the cause of this impediment. In Chapter Two, I return to this question in the discussion of the collective interventions of citizenship and the basis from which they can be justified. Habermas rejects hermeneutics and social citizenship as they do not make his distinction between systems and life-world. Hermeneutics assumes that all aspects of rational activity must be understood from a practically derived reflection. This entails, for Habermas, that it will neither account for the duality of integration, nor be aware of when its own reflection expresses a systemically derived distortion. On the other hand, on Habermas' account, social citizenship actively perpetuates colonization, as it directs the State to intervene within the life-world, replacing informal modes of interaction with a constitutive juridifying formal law.<sup>65</sup>

In Chapter Three, I also return to John Rawls' formal and negative enlightenment position, and its rejection of social citizenship. Rawls argues that the rights of distribution are justified independently of the nature of the production and enjoyment of the primary goods distributed.<sup>66</sup> This argument does not presuppose Habermas' account that the instrumental rationality of productive practices is antithetical to normative reflection. Rather, it is an enlightenment argument that rights of citizenship can and should have as their goal a neutral equal respect

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<sup>64</sup> White, S., (1988) *The Recent Work of Jurgen Habermas*, pp. 114-5.

<sup>65</sup> Habermas, J., (1987) *The Theory of Communicative Action*, vol. 2, pp. 361-372.

<sup>66</sup> Rawls, J., (1971) *A Theory of Justice*, p. 5, p. 30.



for the rational capacity realised in divergent rational activities, and that substantive goods which enable human well-being can attain this end. Neither does Rawls' position presuppose that the imperatives of the State tend to undermine the potential for freedom. Primary goods can be distributed through the State mechanism. Their neutral and unconditional status is unaffected by this mechanism and also ensures what is significant for Rawls, that the particularistic inclinations of bureaucrats and experts do not influence this distribution.

#### **§4. Radical meta-theory: the (im)possibility of citizenship rationality.**

In this final section I discuss radical meta-theory, its normative implications, and its realisation within a radical conception of citizenship. I look first at Michel Foucault's radical argument, that both conservative and enlightenment meta-theory, and the conceptions of citizenship in which they are realised, pursue "humanistic" projects of arbitrary domination. I then discuss the attempt made by Ernesto Laclau and Chantal Mouffe to realise Foucault's radical meta-theory in a socialist citizenship. I argue that this radical pursuit of citizenship, which is proposed as a way out of humanistic projects of arbitrary domination, is untenable. I argue that it is forced to fall back on an unacknowledged humanistic basis, specifically, that offered by enlightenment meta-theory. In the following chapters I return to radical meta-theory, but only to assess its claim that a so-called humanistic practical and theoretical pursuit of citizenship of any sort is always a form of arbitrary subjugation. My concern will be to rebut the radical rejection of conservative meta-theory and social citizenship.

#### **4.1. Michel Foucault and the meta-theory of suspicion and transgression.**

In Section 1. above I gave a brief account of radical meta-theory which I elaborate on here. I argued that, for a radical position, a relation of power and knowledge establishes bases for justification and the rational capacity required for justification. For the radical, our rational capacity is constituted through the force of will in the will to know which excludes inferior ways of knowing and doing. It is therefore constituted through the pursuit of commensurability at the level of evaluation. However, the

radical also argues that bases for justification never enable the certainty which is claimed for them, whether the certainty of the enlightenment power of reason in itself, or the certainty of the conservative rational perpetuation of tradition. Rather, not only does the will to know continue to undermine bases for justification. In so doing, the potential to resist subjugation is ever present, and is the basis alone from which liberty and truth can be pursued. In the continuous resistance of subjugation, the radical meta-theoretical awareness of the nature of a freedom from subjugation continues to be realised.

Michel Foucault's radical meta-theory rejects the "humanist" tradition, which includes both Gadamer's conservatism and Habermas' enlightenment meta-theory. For Foucault, humanist thought propagates the "illusion" that appropriate presuppositions are not the outcome of a process of domination which is perpetuated every time bases for justification are deployed. Foucault argues that all bases for justification are formed through a conjunction of power and knowledge, where the effects of power circulate among and govern the formation of statements which are accepted as true.<sup>67</sup> Therefore, domination is not limited to the objectification of positivism and technology. It is not limited to what Habermas calls a science which is logocentric rather than dialogically based, or to the colonization of the life-world by systemic functioning; and nor is it limited to those technical and strategic situations in which, Gadamer argues, we must build back up a hermeneutic dimension. For Foucault, this distinction of rational self realisation from objectifying activities is only a humanistic illusion. Not only are science and technology not characterised by a submission of human will to the real laws of the object, but also the power relations of moral and political activities arbitrarily constitute subjects of knowledge.<sup>68</sup> This can be seen in institutions such as the school and the prison where regimes of power and knowledge discipline the body in the name of truth and freedom.<sup>69</sup>

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<sup>67</sup> Foucault, M., (1984) "Truth and Power", in *The Foucault Reader*, ed. Paul Rabinow (1986), pp. 53-54 (further references to this volume abbreviated FR).

<sup>68</sup> Foucault, M., (1971) "Nietzsche, Genealogy, History", trans. Donald F. Bouchard & Sherry Simon, in FR, p. 90, p. 92.

<sup>69</sup> Foucault, M., (1977) *Discipline and Punish. The Birth of the Prison*, trans. Alan Sheridan (Harmondsworth: Penguin), p. 231-3, pp. 299-308.

Foucault argues that there are no universal standards, which meta-theory can discover, to justify the decisions to proceed from presuppositions in rational activities. There are only the standards which subjects are constituted through exertions of will to accept as universal. As humanistic meta-theories presume that universally binding bases for justification can be discovered for logic, evaluation, and morality,<sup>70</sup> they serve to intensify the subjugation of subjects of knowledge through an ever-more comprehensive exclusion of otherness. They also create the effective illusion that a non-arbitrary measure of rational normative advance can be attained. This is an illusion by which subjects of knowledge protect themselves from the responsibility of living without such certainty.<sup>71</sup> Foucault claims that only a Nietzschean "curative science" will avoid this humanistic outcome. This is because it rejects the "metahistorical deployment of ideal specifications and indefinite teleologies", which claims to derive universal standards of appropriateness for presuppositions, whether from our traditional origins or rational faculty.<sup>72</sup> In bringing to our awareness the arbitrary violence entailed in our bases for justification, a curative science therefore also indicates the potential for truth and freedom which exists in resisting the processes of subjugation within which we happen to be constituted.

Foucault's meta-theory is radical, as it conceptualises bases for justification as inescapable from arbitrary exertions of will. It is also a radical form of reflection in itself, as it seeks to disrupt the comforting illusions of humanism. This itself entails the commitment to a radical form of practice. A curative science is to intervene in practice and disrupt the illusion that bases for justification are derived from a universally binding standard of appropriateness. At the same time, the prescriptions of a curative science are justified only on the presuppositions of justification in which this radical intervention has its effect. For these reasons, radical meta-theoretical reflection is realised through the acts of a "local philosopher", within regimes of domination and resistance.<sup>73</sup>

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<sup>70</sup> Foucault (1971) "Nietzsche, Genealogy, History", p. 85.

<sup>71</sup> Ibid. p. 95.

<sup>72</sup> Ibid., p.77.

<sup>73</sup> Foucault, M., (1978) "On Power", in *Michel Foucault. Power, Philosophy, Culture*, trans. Alan Sheridan, ed. Lawrence Kritzman (London: Routledge, 1988), pp. 107-8.

However, just as radical bases for justification can not be transcendent, neither also can they be subsumed within the specificity of a rational activity. Radical reflection must invert Kant's dictum that the "mature" rational capacity acknowledges the limits of its reflection. Radical reflection must instead position itself at the "limit" point of discourses in an analysis of their "frontiers."<sup>74</sup> A radical maturity is evident in the "suspicion" which is to "transgress" limits, the reflection which identifies, within what is taken as universal, necessary, and obligatory in these activities, that which is singular, contingent and the result of arbitrary constraints.<sup>75</sup>

Although radical philosophy is "local", it is to identify the "contemporary limits of the necessary", and thereby determine what from our historical determination since the Enlightenment is "no longer indispensable" for the constitution of ourselves as "autonomous subjects."<sup>76</sup> The goal of a radical intervention is to foster resistance and disruption. However, resistance is to limit the domination which follows from humanistic interventions of social reform, in schools, prisons, and elsewhere.<sup>77</sup> It therefore entails a normative commitment to an account both of rational advance in interaction and of the nature of normative evaluation. An evaluative distinction between forms of subjugation will reveal itself "locally", as the measure of how the growth of capabilities generally can be disconnected from "the intensification of power relations." In Foucault's later work, he discusses the possibilities for making this distinction between subjugation and a liberty achieved in regimens of the body, and does so by appealing to Kant's account of the maturity to rely on one's own rational capacity.<sup>78</sup> However, Foucault still stays within a Nietzschean radical position of suspicion and transgression.<sup>79</sup> For

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<sup>74</sup> Foucault, M., (1984) "What is Enlightenment", in *FR*, p. 45.

<sup>75</sup> *Ibid.*

<sup>76</sup> *Ibid.*, p. 43.

<sup>77</sup> Nietzsche, M., (1977) *Discipline and Punish*, p. 272 ff.

<sup>78</sup> Foucault, M., (1984) "Preface to The History of Sexuality, vol. 2", in *FR*, pp. 338-339.

<sup>79</sup> Habermas would disagree with my account here, as he argues that Foucault's Nietzschean theorisation of power is in contradiction with the critical impulse taken from Kant's will to know. Habermas argues that the contradiction can be resolved only if Foucault no longer rejects Kant's goal of universally valid knowledge: Habermas, J., (1985) "Taking Aim at the Heart of the Present: On Foucault's lecture on Kant's What is Enlightenment", in *The New Conservatism: cultural criticism and the historians' debate*, trans. Shierry Weber Nicholsen (Cambridge, Mass.: MIT Press), p. 198.

Foucault, the mature self does not respect the limits of rationality, as Kant argued, but transgresses the ways in which we have been constituted as rational and autonomous beings.<sup>80</sup>

For the radical, the enlightenment and conservative positions arbitrarily exclude other potential ways of knowing and doing. Therefore, they entail an unacknowledged judgement of commensurability at the level of evaluation, whether on the basis of enlightenment universalizable criteria of the power of reason or conservative traditional criteria of the capacity enabled in belonging. Foucault argues that, instead of these projects of subjugation, an "archaeological" analysis can be pursued. Archaeological analysis identifies the instances of discourses that articulate what we think, say, and do as historical events alone, and not as instances of the universal conception of rationality and freedom.<sup>81</sup> Further, Foucault's "genealogical" analysis of history separates this contingency that has made us from the possibility of no longer being what we are. It therefore determines that our bases for justification are not the outcome either of the advance of reason or of the unfolding of tradition.<sup>82</sup> The nature of our rational capacity now is, rather, established by the transgression which discards what of our constitution is no longer efficacious. The conditions for truth are determined arbitrarily, both by the activity in which we happen to be constituted, and by the transgression which this constitution makes possible.

As Foucault denies that universally binding standards of appropriateness can and should be pursued, his work is often criticised as linguistically relative to a world to which it cannot refer, as historically relativistic in the assessment of progress, and as normatively relativistic in its refusal to prescribe limits to violence.<sup>83</sup> Foucault argues, however, that relativism

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<sup>80</sup>Foucault, M., (1971) "Nietzsche, Genealogy, History", p. 93, 95; (1984) "What is Enlightenment", p. 48.

<sup>81</sup> Foucault, M., (1984) "What is Enlightenment", p. 46.

<sup>82</sup> Foucault, M., (1971) "Nietzsche, Genealogy, History", p. 86; (1984) "What is Enlightenment", p. 46.

<sup>83</sup> Taylor, C., (1984) "Foucault on Freedom and Truth", in *Philosophy and the Human Sciences. Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985), pp. 178-180; Fraser, N., (1989) *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory* (Minneapolis: University of Minnesota Press), pp. 50-51; Habermas, J., (1994) "Some Questions Concerning the Theory of Power: Foucault Again", in *The*

is only a problem when we accept the illusory and subjugating humanist dichotomy between a "foundation" of knowledge and the relativism which results from its absence. This is the illusory ideal of the "totality fully closed in on itself", which would require the end of time and the reconciliation of all displacements of the past,<sup>84</sup> whether in enlightenment universalizable requirements of appropriateness, or in the conservative "appropriation" of tradition. Foucault argues that "the problems of relativism" are overcome in both positions through an unacknowledged arbitrary domination. The enlightenment reduces what is "other" to the arbitrary universal "kernel of rationality", while it is reduced by conservatism to the arbitrary hermeneutic "horizon."

We can avoid making these illusory and subjugating reductions when, Foucault argues, we accept that the exertion of will which establishes a basis for justification also continues to disrupt it. This continued disruption is also the condition of possibility now for a normative advance, where "strategic games of liberty" are pursued at the expense of a "technical rationality." The significant distinction in rational action is not between activities of rational self-realisation and the practices of systemic functioning and objectifying sciences. Rather, the success of our explanatory and predictive knowledge, and the normative advance in freedom in our social relations, are both to be judged with criteria established through strategic and suspicious transgressions, through our exertion of will in resistance to power and knowledge.<sup>85</sup>

Foucault argues that the "ethics of the self" of antiquity, which focused on establishing one's own power/knowledge relation as a regime of the body, supports his argument that strategic games of liberty will enable truth and freedom.<sup>86</sup> The Foucauldian position would also identify such games of liberty as the normatively valued end-state which should be pursued in the situations we have discussed above. The practices of parenting and of art, and the culturally diverse experiences of health and education must be developed as games of liberty. This requires

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*Philosophical Discourse of Modernity*, trans. Frederick Lawrence (Cambridge: Polity Press), pp. 276-293.

<sup>84</sup> Foucault, M., (1971) "Nietzsche, Genealogy, History", p. 86.

<sup>85</sup> Foucault, M., (1984) "What is Enlightenment", p. 48.

<sup>86</sup> Foucault, M., (1984) *The History of Sexuality*, vol. 3, p. 58 ff..

continuous efforts to transgress accepted conceptions of the valued capacity realised here, and the regimes of power and techniques of discipline in which they are perpetuated.<sup>87</sup> The efforts of an enlightenment polity to ensure the equal respect of all practices which attain the universal standards of rationality, or the efforts of a conservative social citizenship to attain a process of mutual learning in which the valued insight emerges, will both serve only to intensify subjugation. The unacknowledged arbitrary pursuit of a commensurability at the level of evaluation will reduce the parent to subjugating family structures, the artist to accepted standards of taste and genius, and individuals to a rigid conception of the culture to which they belong.

#### **4.2. The (im)possibility of a radical socialist citizenship.**

I turn now to assess whether radical meta-theory can be realised as a conception of citizenship. For radical meta-theory, resistance must be continuous, so that rational activities can be established which do not claim to be grounded on non-arbitrary presuppositions. It is also only then that the capabilities of practices can be enabled without also intensifying the subjugation which follows from the constitution of subjects of knowledge. This is the nature of the normative commitment entailed in the radical reflection of "suspicion", and the description of the necessity of "transgression" for liberty and truth is also to provide the means to normatively evaluate practices. Nevertheless, the distinction between games of liberty and disciplinary regimes of technical rationality only emerges locally and arbitrarily. The question then arises of how such radical distinctions can be realised in a project of citizenship.

Ernesto Laclau and Chantal Mouffe attempt to answer this question, in the application of Foucault's meta-theoretical reflection within the socialist tradition of the critique of ideology. They argue that the rational activity of citizenship which radical reflection will prescribe for us here cannot be assessed according to a humanistic account of the justification

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<sup>87</sup> For a similar affirmation of a "politics of ethical difference", but derived from Levinas, and from the ethical, responsible non-totalizing relation with the other, see: Critchley, S., (1992) *The Ethics of Deconstruction: Derrida and Levinas* (Oxford: Blackwell), p. 220 ff..

of theoretical and practical knowledge claims. Radical thought instead offers ways in which to pursue politics without offering us the illusion that humanistic theoretical and practical bases for justification exist for this pursuit. Laclau and Mouffe would therefore reject both a hermeneutic social citizenship and Habermas' enlightenment republican and liberal citizenship. Instead, the conditions of possibility of a radical citizenship will always also be its conditions of impossibility, and so a radical conception of socialist citizenship is to offer ways to "decide in an undecidable terrain."<sup>88</sup>

Laclau and Mouffe argue that Antonio Gramsci's Marxist theory of hegemony corresponds with the radical methodology of Foucault, which seeks to continuously uncover the arbitrary violence which constitutes, and is perpetuated by, discourses of social interaction.<sup>89</sup> Gramsci's thought can be conceived in this way as it accounts for hegemony as an "articulation." It is an organic and relational whole rather than a "false consciousness" behind which genuine and valid bases for justification are to be discovered. A hegemony is not the dissimulation which an unjust set of class relations has caused, but the political-ideological articulation of dispersed and fragmented forces, the forces which constitute subjects of knowledge. Laclau and Mouffe argue that the concept of articulation correlates with Foucault's account of the formulation which emerges among members of a practice and continues to alter their identity as it does so.<sup>90</sup> The hegemonic articulation is therefore to control the horizon in which the values and principles of a political community are inscribed. To do so, it must exclude the "other" which obstructs its representation of itself as the embodiment of the horizon, and so it must reduce to sameness the difference of the groups which are to be represented hegemonically according to these principles and values.<sup>91</sup>

Foucault's radical meta-theory also aims to be an exertion of will in its own right. The "local" philosopher is to enter political practice, to

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<sup>88</sup> Laclau, E., (1996) "Deconstruction, Pragmatism, Hegemony", pp. 49-51, in *Deconstruction and Pragmatism*, ed. Chantal Mouffe (London: Routledge).

<sup>89</sup> Laclau, E., & Mouffe, C., (1985) *Hegemony and Socialist Strategy. Towards a Radical Democratic Politics* (London: Verso), pp. 65-90.

<sup>90</sup> *Ibid.*, p. 105.

<sup>91</sup> Laclau, E., (1990) *New Reflections on the Revolution of our Time* (London: Verso), p. 64.



distinguish there that which is no longer necessary now for the constitution of ourselves as autonomous subjects. Laclau and Mouffe accept this commitment, as they argue that the political involvement of the radical thinker should be pursued through "new social movements", which themselves pursue the hegemonic articulation of their specific "group myths."<sup>92</sup> However, Laclau and Mouffe argue that the politics of new social movements must be both hegemonic and democratic.<sup>93</sup> They thereby prescribe a qualified and limited closure of the horizon of politics, a limitation to the radical disruption of our sense of certainty. The presuppositions of justification which they seek to establish are, therefore, not restricted to the efficacious disruptions effected by the local philosopher within rational activities.

Laclau and Mouffe argue, however, that their conception of citizenship is still radical, but that its radical nature is only discernible where it enables a Foucauldian uncoupling of "the development of our capabilities" from "the intensification of power relations." Radical rational activity combines the "need to decide" with "the impossibility of deciding." Decisions will be made on divergent bases for justification, while we cannot hope to finally reconcile this divergence. Laclau and Mouffe argue that irreconcilable difference is the permanent condition of politics. This is also the condition of freedom, truth, and justice in a radical "politics of antagonism." Since the moment of the subject is the "creative act" of deciding without rules for decision, the possibility of freedom expresses itself in this "need to decide."<sup>94</sup> The "impossibility of deciding" reflects the fact that the bases for justification of truth, justice, and freedom can only ever be determined by the free exertion of a will, whose differences can never finally be reconciled. Although the "tolerant" society of democracy must exclude what is intolerable, it must do so on bases for justification which are not solely normative nor securely established.<sup>95</sup> The radical nature of a hegemonic citizenship can neither be identified nor prescribed with the certainty demanded by humanistic thought.

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<sup>92</sup> Laclau, E., & Mouffe, C., (1985) *Hegemony and Socialist Strategy*, p. 160.

<sup>93</sup> *Ibid.*, p. 176.

<sup>94</sup> Laclau, L., (1996) "Deconstruction, Pragmatism, Hegemony", p. 59, p. 63.

<sup>95</sup> *Ibid.*, pp. 8-11.

Radical meta-theory argues that the distinction between types of rational action is established by a power/knowledge relation. Subjects of knowledge are constituted to accept that the presuppositions of technical rationality must remain independent of popular control, as they must be established by universally binding criteria of validity, whether of positivistic science, of the functional requirements of systems, or of the normative social rules of rational activities. From this humanistic assumption, there follows the identification of the practices where political participation can not be rationally justified, where it would lead to the adoption of inappropriate presuppositions for the justification of knowledge claims. It is here that the radical intervenes, to show that these humanistic assumptions reduce the individual to an object of manipulation within the practices of technical rationality which it justifies. The radical argues that the proliferation of strategic games of liberty will counteract subjugation. An antagonistic hegemonic project extends democratic forms of participation to new aspects of social relations. It both politicises the spaces which are now considered non-political, by opening bases for justification throughout social relations to the exertion of will, and secures the radical nature of democracy, by ensuring that politics itself remains open.

Laclau's and Mouffe's antagonistic hegemony therefore acknowledges that it cannot finally reduce all difference to sameness.<sup>96</sup> To ensure that political spaces are opened and remain open, however, Laclau and Mouffe deploy the republican principle of political autonomy and the liberal principle of neutrality without, they argue, at the same time appealing to a humanistic basis for their justification. Radically deployed republican and liberal principles are to protect the difference of others within participation and in the citizen rights agreed to by participation.<sup>97</sup> Laclau and Mouffe, therefore, adopt Foucault's argument that the radical should intervene strategically to enable "games of liberty." It is in this way that a politics of new social movements can be theoretically and practically justified. It is also as new social movements that citizenship rights to needed resources can be justified in the situations which we

<sup>96</sup> Laclau, E., & Mouffe, C., (1985) *Hegemony and Socialist Strategy*, pp. 176-7.

<sup>97</sup> Mouffe, C., (1992) "Democratic Politics Today", in *Dimensions of Radical Democracy. Pluralism, Citizenship, Community*, ed. Chantal Mouffe (London: Verso), p. 9.

have discussed. The single parent, the artist, and the minority culture will have to strategically appeal to the principles of republican and liberal thought to justify their claims to have their difference treated equally.

Foucault's radical response to the charge of relativism was to reject the humanistic dichotomies on which it rests. But if Laclau and Mouffe are to realise radical meta-theory as a project of citizenship, they can not refuse to answer the question of relativism. They must be able to distinguish the arbitrary exclusion and the openness characteristic of an antagonistic hegemony from the openness which the arbitrary exclusions of humanism is unable to overcome. On the one hand, Laclau and Mouffe give a radical response to the question of relativism. They argue that antagonistic characteristics can be identified in the radical nature of the awareness of political participants, when social groups do not attempt to justify claims transcendently or essentialistically but on criteria of validity which each identity finds within itself.<sup>98</sup> However, this does not answer the question of relativism. It does not enable us to identify a distinctively radical meta-theoretical awareness of the nature of justification. The radical must assume that the awareness which constituted subjects of knowledge have of the nature of their bases for justification results from the power/knowledge relation which itself determines the presuppositions with which they can be aware at all. The radical can not state that the standards with which we can identify and reject essentialism and transcendentalism are themselves determined in a radical way.

Laclau's and Mouffe's second attempt to give a non-relativist account of an antagonistic openness is, I argue, derived from an unacknowledged enlightenment conception of the nature of appropriate presuppositions of justification. For their "post-Marxist" hegemony, they argue that theoretical knowledge cannot construct an "objective" identity of a group based on its class relations. This is not merely a radical argument that identity can not be objectively and finally known because it is inseparable from the practical exertion of will in which it continues to be

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<sup>98</sup> Laclau, E., & Mouffe, C., (1985) *Hegemony and Socialist Strategy* , p. 167.

constituted.<sup>99</sup> Rather, they conceive of the appropriate presuppositions of justification of an identity as being derived from what is, I argue, a distinctively enlightenment process of reflective abstraction. They argue that, when reason disengages from the immediacy of social relations, and acts in a "public" space of politics, then bases for justification can legitimate the identity claims of an antagonistically open citizenship. A legitimate claim must be made with presuppositions which are independent from the social forces which confer an identity on groups. A democratic discourse, where resistance can be articulated, can then be distinguished from social relations where agents are subjected to the decisions of others in relations of subjugation<sup>100</sup>

For Laclau and Mouffe, the antagonistically open citizenship will enable the proliferation of strategic games of liberty. Again, this is not solely a radical conception of the nature of intervention and of the freedom which it is to enable. A consistently radical conception of freedom and intervention would acknowledge that, as bases for justification are irreconcilably different, the rational activity constituted by a free exertion of will can not be distinguished from the rational activity which is heteronomously constituted. Laclau and Mouffe presuppose an unacknowledged, universally binding enlightenment distinction between the nature of justification in the rational activities of freedom and of heteronomy. On this basis, Laclau and Mouffe identify the political processes of State bureaucratisation and capitalist commodification as forms of subordination, and distinguish them from a radically open and free, or "public", democracy.<sup>101</sup> This is a deviation from Foucault's argument that it is the concept of strategic games of liberty itself which is constituted by the exertion of will in determining the nature of justification in practices.

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<sup>99</sup> The Marxist thesis of class "contradiction" presupposes that identities are "full" and that the relations between identities can be "objective", and therefore objectively known. For Laclau and Mouffe, "antagonism" is the limit of all objectivity, and that which prevents me from being totally myself: Laclau, E., & Mouffe, C., (1985) *Hegemony and Socialist Strategy*, pp. 122-5.

<sup>100</sup> *Ibid.*, p. 153.

<sup>101</sup> Laclau, E., & Mouffe, C., (1985) *Hegemony and Socialist Strategy*, p.159, p. 164.

Laclau's and Mouffe's antagonistic hegemony also rejects social citizenship. For Laclau and Mouffe, the project of social citizenship to enable the good life within existing practices would have to presuppose that a substantive account of the identity of the individual could be derived from, what radical meta-theory characterises as, the mere technical rational discourse in which the individual is subjugated. Laclau and Mouffe therefore reject social rights. They argue that the political participation of the individual alone can establish what rights are justified, because they reflect the individual's freely constituted identity. However, Laclau and Mouffe nevertheless argue that "liberal" rights will protect each individual's basic material needs from the infringement of others. These liberal rights of non-infringement or forbearance must, however, reflect a decision regarding what is universally required for freedom. They must, to use Laclau and Mouffe's terms, "essentialise" each self to some extent, so as to close political debate concerning basic rights. This is the case also with the distinction of games of liberty from subjugating practices. Social rights are rejected by Laclau and Mouffe as they entail bureaucratic practices of subjugation, yet subjugation can only be identified by appealing to standards other than those that are immanent to the specific practice.

The necessity of a "humanistic" account of meta-theoretical reflection and its realisation in a project of social justice has not been overcome by Laclau and Mouffe. Our attention must therefore turn to the crucial distinctions within humanism which radical meta-theory elides. These are the distinctions, on the one hand, between conservative and enlightenment meta-theory and, on the other hand, between collective interventions of citizenship which are justified and those which are antithetical to a free rational and normative advance.

### **Conclusion.**

I have argued in this chapter that there is a mutual relation between meta-theory and the pursuit of citizenship, and that this relation differs significantly across the three meta-theoretical positions. A meta-theoretical position will give a distinctive account of the nature of justification, the conditions in which acceptable bases for justification can be established, the normative significance of the conception of rational

capacity which is entailed here, and the nature of the normative relations in which this capacity can be fostered. However, it is in our diverse theoretical and practical rational activities, most significantly in the pursuit of citizenship, that this meta-theoretical awareness can be developed. This is the practically and theoretically realised awareness of how bases for justification can be established which, in response to the demands of the present situation, represent a rational and normative advance. I have been concerned in this chapter to indicate the difference between the three positions with reference to the project of social citizenship, and I have argued that only the hermeneutic development of the conservative position will be able to pursue social citizenship now. The mutual relation which I argue can be developed between hermeneutics and social citizenship will be further elaborated in the coming chapters.

I have argued in this chapter that Marshall presupposes a meta-theory which corresponds to Gadamer's hermeneutics. This entails not only that the concept of social citizenship must be assessed in terms of the demands of the present, but also that Marshall's argument, that social equality is necessary for our rational capacity, can itself be defended as the correct account of the nature of justification. I also argued that Gadamer's hermeneutics will both support this meta-theoretical account of justification and determine how the reformulation of social citizenship can be carried out. Gadamer's hermeneutics can be distinguished from an authoritarian, ethnocentric, and atavistic cultural conservatism. A hermeneutic social citizenship should be able to accommodate the demands now for greater democratic participation, recognition of diversity, and individual self-determination. The hermeneutic concern to safeguard the conditions of meaningful dialogue also ensures that social citizenship can be distinguished from a merely materialistic position. Further, the reformulation of social citizenship will develop the hermeneutic capacity within activities whose characteristics Gadamer has only analysed in terms of the dangers they pose. For social citizenship, the collective intervention to ensure social equality, and the relations in which it is enjoyed, are necessary for rational capacity.

I argued in this chapter that a radical conception of citizenship will be inadequate on its own terms. The radical argues that the conditions of possibility for citizenship are also always its conditions of impossibility, that, if truth and liberty are to be ensured, our bases for justification must continue to be undermined by the arbitrary will of resistance. I argued that the radical is in fact unable to pursue citizenship without presupposing the humanism it wished to overcome. For that reason, we should not be deterred by the radical arguments from continuing to pursue our hermeneutic theory of social citizenship. However, I do return to the radical meta-theoretical rejection of "humanism" again. In Chapter Two I look at the radical rejection of social citizenship, and the argument that Marshall's account of the history of citizenship must rest on an unacknowledged teleology and, for that reason, will extend and intensify modern forms of subjugation. In Chapter Four I discuss Foucault's attempt to propose a radical alternative to citizenship itself. For Foucault, the relations of recognition in citizenship are sites of subjugation which must be actively resisted, while a radical critical transgression can overcome this reliance on mutual recognition.

The primary concern in the defence of social citizenship in the remaining chapters is the distinction which can be drawn between hermeneutics and enlightenment meta-theory. In Chapter Two I argue that both positions can conceive of the mutual relation between meta-theory and conceptions of citizenship in terms of the legitimation of the egalitarian collective interventions which are to enable the valued rational capacity. This is the capacity which must be aware of the nature of justification if it can in turn identify with this collective intervention as legitimate. Chapters Three and Four then explore the opposing enlightenment and hermeneutic accounts of, respectively, the good life which is to be ensured as a rational capacity by this collective intervention, and the relations of mutuality in which the good life is recognised as an identity. The capacity to legitimate collective interventions has certain conditions of possibility which must be ensured. For social citizenship, this capacity will be fostered only when collective responsibility is taken for the material and practical requirements for the good life of each citizen, and when relations between citizens are established on a shared status of social equality. I turn now, in Chapter Two, to discuss Marshall's

argument that the collective intervention to secure social equality can be evaluated as a normative advance in the tradition of citizenship, and also is the feature which characterises socially efficient practices and institutions.



## Chapter Two: The Legitimation of Collective Intervention.

### Introduction.

The three meta-theoretical positions discussed in Chapter One are most clearly distinguished in their treatment of both the historical nature of reflection and, as a corollary of this, the historical nature of the analysis of progress. The enlightenment argues that the shared presuppositions of history can and should be abstracted from in theoretical and practical activity. Such rational activity both enables certainty in our study of progress and provides the evaluative standard with which to assess historical developments. For conservative meta-theory, historical tradition is the sustaining dimension of reason. We must not abstract from it, but rather attempt to learn from what continues to constitute us. Finally, for radical meta-theory, a genealogical analysis of history is to discard what of our constitution is no longer necessary. In doing so, it must remind us that we lack a determinate origin from which reason has unfolded teleologically into a locus of certainty in the present for our practical and theoretical activity. This chapter discusses how a rational and normative progress is to be achieved in the collective intervention of citizenship to secure social justice. My concern here is how such action can both be justified and in accord with the principles and self-understandings of the society in which it intervenes. Therefore, I assess how the collective interventions of citizenship can be legitimated.

In this chapter I defend Marshall's account of the collective intervention required to secure social justice through citizenship. For Marshall, the legitimate collective intervention must seek to enable the shared status of social equality between citizens, while it is on the basis of social equality that a shared perspective can be attained which identifies with the legitimate project of collective intervention. However, in justifying Marshall's position, I argue that it can and should be reformulated and made appropriate to our present requirements. My discussion proceeds through an analysis of the meta-theoretical position which is realised in Marshall's conception of social citizenship. I analyse the historical nature of Marshall's conception of social citizenship and, therefore, the meta-theory Marshall presupposes. I also analyse how such a project of social justice can be pursued as an advance now and, therefore, how the correct

meta-theory is to be realised in such a project. I argue in this chapter that not only is a Gadamerian conservatism the correct meta-theory, but that Marshall presupposes it in his conception of social citizenship. Both these arguments are at odds with prevailing accounts of Marshall's and Gadamer's work, and it is with these debates that I will be concerned here.

I begin in Section 1. by giving an outline of Marshall's account of three stages and conceptions of modern citizenship. For Marshall, the development from "civil" to "political" and to "social" citizenship is a rational normative progress. Marshall defends the rights and duties of social citizenship as an advance, both in the collective intervention it justifies and the rational capacity which this intervention is to enable and form which it is identified with as legitimate. In this section I also discuss two alternative interpretations and critiques of Marshall. A radical interpretation argues that Marshall conceives of social citizenship as the teleological end-point of the historical project of freedom and reason. The radical goes on to criticise social citizenship for escalating the subjugation which is constitutive of our capacity, and, on that basis, ensuring the identification with this collective intervention as legitimate. In Section 2. I respond to this analysis by proposing an alternative interpretation and critical appraisal of Marshall's conception of social citizenship. I argue that Marshall can be interpreted instead to proceed from a meta-theory which corresponds to Gadamer's hermeneutics, and that this can be distinguished from a Hegelian teleology. From hermeneutics, Marshall's position can be critically reformulated to ensure a rational and normative advance.

In Section 1. I also discuss Gøsta Esping-Andersen's enlightenment analysis of Marshall's work. Esping-Andersen argues that Marshall can be interpreted as proceeding from a conservative position, but that his conservatism can be criticised as a naive inability to abstract from presuppositions which help perpetuate class and gender domination. For Esping-Andersen, an enlightenment basis for the legitimation of collective interventions of social citizenship must be secured. However, it will only be secured if we adapt the radical awareness of the constitutive nature of power, and oppose domination with a counter force of resistance. Marshall's social citizenship can be rehabilitated, but only on

the enlightenment bases for justification established by de-commodification, where the domination of class and gender relations is overcome. In Section 2., I argue that the nature of Marshall's conservatism must be interpreted differently. As it corresponds to hermeneutics, Marshall's position can account for the social scientific knowledge of unjustified relations of power. For the same reason, this position also enables the critical reformulation of Marshall's specific proposals for social citizenship. Therefore, to ensure that it will intervene to enable equality on the basis of a critical understanding, Marshall's social citizenship must be reformulated from within this conservative position.

In Section 3. I discuss Jurgen Habermas' position. Habermas argues that a process of "rationalisation" has determined the universal requirements of "life-world" interaction, from which egalitarian collective interventions of citizenship can be legitimated. This interaction will be impeded where "systems" "colonize" the life-world, and this will result from an intervention which is State-directed. Systemic functioning will also enter crises when its dualistic separateness from the life-world is not respected, and this will ensue from a normative intervention in economic functioning. Neither Esping-Andersen's nor Marshall's social citizenship respect this dualism, but are State-directed interventions within the market and life-world. For Habermas, they cannot therefore be legitimated, but undermine the rational capacity to identify with legitimate interventions. Habermas also argues that hermeneutics cannot take an "observer's" standpoint and identify the universal requirements for a rational and normative advance. It is unable to account for the knowledge we can have, including the capacity of the life-world to abstract from traditional commitments in agreeing on the impartial norms of citizenship. It is also unable to account for the distinct forms of integration, and so cannot enable the rational advance which overcomes crises and pathologies to ensure equality in emancipation and enlightenment.

In Section 4. I defend the hermeneutic reformulation of social citizenship against Habermas' critique. Habermas and Gadamer give opposing conceptions of the "life-world", and this concerns how meta-theoretical

reflection is to be realised in projects of social justice. For both authors, a linguistic and historical reflection can reformulate the life-world horizon, while this is to bring about the intersubjective relations in which alone correct bases for justification are identified and deployed. However, Gadamer proposes that the concept of the "worldview" indicates the substantive, comprehensive, and positive nature of the horizon of understanding. In Gadamer's critique of Edmund Husserl's phenomenology, he argues that the requirements for the reflective reformulation of the life-world are not formally specifiable, but continue to be determined in tradition. This reformulation is pursued comprehensively, in relations of power and of technology, and is positively justified by the goal of attaining the good life of mutual learning. I argue that this corresponds to Marshall's account of the legitimate goal of social citizenship, and of the practical reflection required to identify with it. Further, I argue that Marshall's position shows that Gadamer's worldview will only be reformulated when directed through this process of collective intervention to attain social equality in relations of class, status, and power.

### **§1. T.H. Marshall's Conception of Social Citizenship.**

In this section I discuss Marshall's historical and conceptual analysis of citizenship. Marshall accounts for the history of modern citizenship in terms of three stages of development. This account also provides a conceptual scheme to explain and evaluate the legitimation of citizenship collective interventions, most significantly the intervention of the social stage. In this section I also discuss two alternative interpretations and critiques of Marshall's conception of social citizenship. Various radical commentators argue that Marshall can be interpreted as ascribing an inner telos, or immanent developmental logic, to the process of citizenship itself. Moreover, for the radical, the comprehensive nature of Marshall's account can be criticised for intensifying the constitutive subjugation characteristic of citizenship. In this section I also discuss Esping-Andersen's argument, that Marshall's social citizenship can be interpreted as proposing a de-commodified sphere, which excludes capitalist market and traditionalist familial considerations. Esping-Andersen also interprets Marshall's position as being conservative, but critically rejects his conservatism as antithetical to the attainment of de-

commodification. He argues that only an enlightenment de-commodified basis of justification, established through resistance, can avoid the naive perpetuation of domination.

### **1.1. The history and theory of social citizenship.**

Marshall's theory of social citizenship is formulated within an historical analysis of modern citizenship in Britain. His theory distinguishes between civil, political, and social citizenship.<sup>1</sup> Each represents, for Marshall, the defining characteristic of a stage and conception of modern citizenship, while the progress from one stage and conception to the next has been accomplished by incorporating its predecessors. For this reason, the three stages of citizenship converge within the social stage of the post-war era in British politics. Further, Marshall's theoretical concept of social citizenship itself incorporates the civil and political conceptions, and so reformulates them from within a new conceptual horizon. Both the practical activity of social citizenship and our theoretical knowledge of it proceed from within a broader horizon which incorporates the civil and political stages and conceptions.

Marshall argues that modern citizenship can be identified only against the background of the preceding feudal forms of social integration and its theoretical justification. Within the revolutionary departure which is entailed by modern citizenship, feudal concepts and practices are critically revived. The three modern stages and conceptions of citizenship can be correlated with the three conceptually and institutionally intertwined dimensions of feudal membership: the civil/legal, the political, and the social. Modern citizenship revives these dimensions, but conceives of them as functionally and institutionally separate spheres. It distinguishes the civil sphere of economic and religious legal rights and duties, the political sphere of the democratic legitimation of power, and the social sphere of welfare provision, income security, and social services. At the same time, modern citizenship establishes a universal equal status between citizens at the nation State level. Unlike feudalism, the

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<sup>1</sup> Marshall, T. H., (1949) "Citizenship and Social Class", pp. 73-75.

integration pursued in modern citizenship can not be reduced to the securing of social differentiations through local institutions.<sup>2</sup>

Marshall argues that "civil" citizenship emerged in Britain in the eighteenth century, as a conception of universal equal membership within the nation State. In civil citizenship, the citizen is equal in terms of economic contractual freedoms and social and religious freedoms of conscience.<sup>3</sup> The individual is freed from communal and familial responsibilities in the realm of contract and conscience, but at the same time must bear responsibility for the uses of property and for the determination of ethical and religious truths. Citizenship membership is therefore defined and secured through the economic and normatively "negative" freedom of the individual, rather than the "positive" liberties of feudal institutional roles. This conception of the citizen, as an individual freed from interference, was to be institutionally protected by homogeneous and universally applicable rights and duties. Only an equal legal status within a universal legal system, which was distinct from other dimensions of membership and established nationally, could achieve this function. For that reason it had to replace communally established legal institutions which primarily guaranteed the liberties and responsibilities of institutional roles.<sup>4</sup>

Civil citizenship not only established membership as a universal, individualised, and national status. In establishing and conceiving of citizenship as civil, social and political dimensions were excluded from the horizon of citizenship. At the same time, in establishing and conceiving of legal rights and duties as civil, social and political dimensions were excluded from the conception and institutionalisation of contractual and religious freedoms. Marshall emphasises how, at this stage, the receipt of communal social services was inimical to one's status as a citizen. They were only extended to those who were excluded, either in a *de jure* or *de facto* way, from the civil status of citizenship itself: to women and children workers specifically. Karl Polanyi also points out how, at this time, the receipt of feudal forms of social entitlements to

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<sup>2</sup> *Ibid.*, p. 75.

<sup>3</sup> *Ibid.*, p. 77.

<sup>4</sup> *Ibid.*, p. 74.

needed resources in the Speenhamland system was antithetical to the attempts to create a national market where labour could be freely purchased and sold.<sup>5</sup> Marshall argues that it is as a corollary of this that the status of civil citizenship was also divorced from the exercise of political power and from the performance of social duties. For instance, property ownership no longer entailed communal feudal duties to ensure the social security of others.<sup>6</sup>

The "political" and "social" stages and conceptions which followed not only continued the formation of a universal, individualised, and national citizenship. They also entailed that the horizon of citizenship was now composed of the newly revived three dimensions of feudalism, and also that each conceptually and institutionally distinct dimension of citizenship was meaningful within this broadened horizon. With regard to civil citizenship, this entailed that the freedoms of contract and conscience could no longer be institutionalised or conceptualised independently of the social and political rights and duties of the citizen. The civil equality of the citizen was problematised when the individual lacked either political power or social resources, while the enjoyment of this civil status now brought with it political duties of participation and social duties with regard to the well-being of others.

An institutionally and conceptually distinct "political" stage emerged in the nineteenth century, when democratic rights and duties were extended to ever-more economically measured classes of individuals. As with the civil stage and conception, political citizenship was antipathetic to the social dimension of feudal membership.<sup>7</sup> This entailed that political rights and duties were not to be extended to all those entitled to civil rights, but only to those whose social position clearly distinguished them from the class whose civil citizenship is threatened or abrogated by pauperism.<sup>8</sup> Towards the end of the nineteenth century, however, efforts were made not only to extend the status of political citizenship to ever-more economic categories, but also to improve the social and economic

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<sup>5</sup> Polanyi, K., (1944) *The Great Transformation* (Boston: Beacon Press), p. 85.

<sup>6</sup> Marshall, T. H., (1949) "Citizenship and Social Class", p. 82.

<sup>7</sup> *Ibid.*, pp. 80-81.

<sup>8</sup> *Ibid.*, p. 84.

status of ever-more individuals, and by that means include them within political citizenship. Interventionist policies of compulsory public education and subsidised legal aid were justified by a civil conception of natural rights.<sup>9</sup> Marshall argues, however, that these measures contradicted the premises that the enjoyment of social rights was antithetical to the status of civil-political equality, and that civil-political rights did not entail social duties.<sup>10</sup> This ambivalence can also be seen where J. S. Mill argues that collective intervention of this kind is necessary to secure the liberal autonomy of the individual.<sup>11</sup>

Marshall argues that "social" citizenship only fully emerged in the twentieth century, when measures taken to ensure the well-being of all were part of the conceptual and institutional horizon of citizenship, and not that which is antithetical to it. The feudal social entitlements to a substantive status were thereby revived, but as the universal rights to social equality of an institutionally differentiated sphere within a national citizenship. Social citizenship could only be institutionalised and conceptualised along with the civil and political dimensions of a modern citizenship. The socially defined goals of membership could, therefore, only be attained now as the universal rights to a socially defined equality.<sup>12</sup> At the same time, a substantive conception of the shared status of membership could also only be fostered in modern citizenship through the common enjoyment of universal rights.<sup>13</sup> The social stage also alters the civil and political dimensions of citizenship. They are now contained within a citizenship composed of the social rights and duties to a social conception of equality. This is most evident where the normative principles and rational activities associated with citizenship and the market are concerned.

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<sup>9</sup> *Ibid.*, p. 81, p. 95.

<sup>10</sup> *Ibid.*, pp. 94-5.

<sup>11</sup> For a discussion of this problem of justifying compulsory education alongside a commitment to the equal rights of civil and political freedom, see: Gutmann, A., (1982) "What's the use of going to school?", pp. 261-276, in *Utilitarianism and Beyond*, ed. Amartya Sen & Bernard Williams (Cambridge: Cambridge University Press).

<sup>12</sup> Marshall, T. H., (1949) "Citizenship and Social Class", p. 84.

<sup>13</sup> *Ibid.*, pp. 96-7.



Marshall argues that modern citizenship has always attempted to make the equality of citizenship and the inequality of social class compatible, rather than to replace one with the other, and that this itself has always required intervention by collective institutions in the freedom of market activity. The social stage of citizenship is distinct, but only because this intervention created what Marshall calls a "socialist system" in and through which market activity and social class inequality continued.<sup>14</sup> Unlike the radical and enlightenment interpretations I discuss in Sections 1.2. and 1.3., I argue that Marshall does not conceive of the principles and activities of citizenship and the market in terms of an antithetical opposition of status to contract, of equality to inequality, of the State to the economy, or of inclusion to polarisation. For instance, Marshall argues that although civil citizenship legitimated a new form of economic inequality, it was still committed to a conception of universal equal freedom, and although it legitimated a freedom of contract, it also presupposed that contractors shared a social status defined ostensibly as the absence of pauperism. Further, although civil freedoms were enjoyed in the market, they were ensured through State legal institutions, and although they are connected with the formation of capitalist class distinctions, they also established a universal basis of inclusion.<sup>15</sup>

For social citizenship, class inequality must be made compatible with social citizenship equality. Marshall argues that there are definite boundaries of possibility for this project. The collective intervention which is to secure this end must be legitimate. It must not only be normatively justified. It must also be based on a correct explanation and understanding of social interaction, and on the correct understanding of citizens within such interaction. Marshall argues that social citizenship could be normatively justified through a reformulation of the principles already entailed in modern citizenship and feudal membership. This reformulation itself could be based on an understanding of the nature of rational activities already pursued, and of the practical insights developed here. In the terms of the political-philosophical debate concerning citizenship and social justice, Marshall gives an account of the

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<sup>14</sup> *Ibid.*, p. 73.

<sup>15</sup> *Ibid.*, p. 91.

legitimation of collective intervention.<sup>16</sup> It is an account of how the normatively justified intervention to ensure social equality can correspond with, and arise from, the identification of citizens with this intervention as legitimate.

A legitimate project of social equality must not subordinate civil equality, and so the freedom of contract can not be abrogated but must, instead, be infused with a new status of social equality.<sup>17</sup> For Marshall, this conception of social equality must be derived from the insight of what he calls "professionals", concerning the requirements for a good life, or "civilization."<sup>18</sup> This insight can be fostered in practices which deliver services to enable the good life, for example, where medical practice is to ensure an "education in the art of living."<sup>19</sup> From this professional insight into human needs, the economic, social, and cultural requirements for social equality can be determined. Further, social equality must be ensured within the occupational divisions which are a primary factor in stratification,<sup>20</sup> and so the concept of social equality must also account for justified economic differentiation, or the "fair wage."<sup>21</sup> Social equality is ensured when both ends of the income scale are compressed so that an area of common culture and experience can be extended, the "heritage" which is to be shared as a standard of living. The reduction of inequality and the extension of a common culture can enable the enrichment of the status of citizenship, in which certain status differences can be recognised and stabilised.<sup>22</sup>

The legitimate intervention of the social services should seek to enable this shared status.<sup>23</sup> However, it is also on the basis of this shared status that the insight required to legitimate this intervention is developed. A

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<sup>16</sup> For a discussion of the debate, issuing from Hegel, concerning the identification with legitimate projects of social justice, see: Plant, R., (1983) *Hegel. An Introduction*, 2nd ed. (Oxford: Basil Blackwell), pp. 207-232.

<sup>17</sup> Marshall, T. H., (1949) "Citizenship and Social Class", p. 96.

<sup>18</sup> *Ibid.*, p. 98.

<sup>19</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", p. 151, p. 158, p. 156, p. 166.

<sup>20</sup> Marshall, T. H., (1953) "The Nature and Determinants of Social Class", in *Sociology at the Crossroads and other essays* (London: Heinemann, 1963), pp. 203-5.

<sup>21</sup> Marshall, T. H., (1949) "Citizenship and Social Class", p. 118.

<sup>22</sup> *Ibid.*, p. 121.

<sup>23</sup> *Ibid.*, p. 107.

professional insight is to assess the nature of the good life, while the good life to be enabled itself is a general capacity attained in practices which enable the development of this insight into the nature of the valued life.<sup>24</sup> "Professionalism" can be developed in practices which train individual qualities of judgement and perception to understand human nature, assess human need, and deliver valued services. The good life can be characterised as "professionalism" even where it refers to a capacity attained in a practice such as art, where the "service" delivered and the "needs" that are met differ significantly from those of medicine or education.<sup>25</sup> Practical insight also must play a political role in defining the goals of social equality which are to be pursued as the "public interest" of citizenship. The legitimate collective intervention, therefore, not only arises from the insights arrived at in rational activities of the civil sphere. It is also derived from the political sphere activity of those with a practically-derived insight. Social citizenship, in this way, includes and develops political citizenship, as can also be seen in the collective representation of the working class, which was to continue as a central dimension of citizenship after their enfranchisement.<sup>26</sup>

### **1.2. The radical rejection of teleological subjugation.**

I turn now to the reception of Marshall's position from within radical meta-theory. Later on in this chapter I assess the attempts made by enlightenment thinkers to incorporate the radical concerns regarding the role power can play in projects of social justice. My interest here, however, is with consistently radical interpretations and critiques. Radical commentators interpret Marshall's social citizenship as a teleological concept, and criticise what they see as its arbitrary exclusionary basis. For the radical, Marshall's social citizenship attempts to ensure, as the inner goal of citizenship, an increasingly substantive account of the good life for ever more citizens, and for that reason intensifies the violent exclusion of otherness in our constitution. The

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<sup>24</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", p. 154, p. 156, p. 158.

<sup>25</sup> Ibid. p. 154.

<sup>26</sup> Marshall does argue that the collective bargaining of trade-unions is "anomalous", but only when it is used to secure social rights. Social rights should already be universally enjoyed and not something which reflects economic power, and therefore social rights will only be equally enjoyed if they are established through the exercise of political, rather than civil, rights: Marshall, T. H., (1949) "Citizenship and Social Class", pp. 97-8, p. 116.

goal of the radical commentator is to show that such violent exclusions of otherness cannot be overcome, but that they can be made less intensive. This account can be seen in the radical critique of social rights by Zygmunt Bauman and Chaim Waxman,<sup>27</sup> while Mitchel Dean and Ann Phillips have focused specifically on Marshall's work.<sup>28</sup> I argued in Chapter One that radical meta-theory will not be realised in a radical project of citizenship. In this section I present the radical argument, which I respond to in Section 2. 1, that social citizenship is both based on a teleological illusion, and secures its own legitimacy through an intensification of subjugating forms of constitution.

For the radical, humanistic projects of social justice violently exclude otherness, so as to constitute citizens to identify with this intervention as legitimate. The radical, therefore, rejects the humanistic self-understanding, that this extension of our bases for justification to account for the experiences of others is justified by rational and normative criteria alone. The radical interprets Marshall's developmental model of citizenship as an instance of this humanistic project. On this interpretation, Marshall reduces history to three teleological stages, and does so by excluding from consideration the subjugation of citizens and the exclusion of subordinate groups from citizenship in these stages. For the radical, Marshall defines a stage of citizenship according to a normative principle which guarantees a universally significant dimension of freedom. The progression of stages is, in turn, defined as that which should be identified with as the legitimate realisation of another universal normative principle and dimension of freedom.<sup>29</sup> The radical sees this teleological assumption in Marshall's claim that social relations progressed normatively by securing alongside our civil freedom our political autonomy and, finally, our equal social potential. As Phillips argues, citizenship is a history of normative progress for Marshall, for as

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<sup>27</sup> Waxman, C., (1983) *The Stigma of Poverty. A Critique of Poverty Theories and Policies* (Oxford: Pergamon Press), pp. 85-92; Bauman, Z., (1988) *Freedom* (Milton Keynes: Open University Press), pp. 68-98.

<sup>28</sup> Dean, M., (1991) *The Constitution of Poverty* (London: Routledge), pp. 13-14; Phillips, A., (1993) *Democracy and Difference* (Oxford: Polity Press), p. 78.

<sup>29</sup> From Marshall's perspective, "exclusion will appear as an historical anomaly when set against the egalitarian thrust of the main story": Vogel, U., (1991) "Is Citizenship Gender Specific?", in *The Frontiers of Citizenship*, ed. Ursula Vogel & Michael Moran (London: Macmillan), p. 65.

its principles become increasingly comprehensive and substantive they include ever more experiences to which can be ascribed a positive normative value.<sup>30</sup>

For the radical, Marshall assumes that citizenship is the unique locus for a telos of normative progression. On this interpretation, Marshall contrasts an inner logic of citizenship, which compels the pursuit of the universal freedom of all citizens, with that of capitalism, which ensures only the benefit of a few. As a result, Marshall is held to assume that the agencies through which citizenship social rights are ensured are themselves necessary to normative progression.<sup>31</sup> However, Marshall is not only interpreted by the radical as giving a teleological account of historical progress. The radical also criticises Marshall's social citizenship as a more pervasive form of domination. The radical argues that "social equality" could be ensured only through an increasingly pervasive system of surveillance and discipline in the agencies of citizenship. This is because social citizenship requires an extensive reconceptualisation of the human experience of freedom, which must be maintained in practice in distinction from heteronomy. As Bauman argues, this is achieved through the bureaucratic and technological capacities available in our increasingly rationalised society.<sup>32</sup> This can be seen where State services of health, education, and welfare concern themselves with ever-more areas of human experience, while simultaneously reducing this experience primarily to its relation to paid work.<sup>33</sup>

The radical argues that the discipline and surveillance of those outside paid work must be a central issue for social citizenship. The primary goal of practices of welfare is to constitute the unemployed poor, who are nonetheless "able" to work, as an "other" of free experience. Such practices discipline recipients by forcing them to actively participate in the surveillance of their own experiences, and so internalise the identity of

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<sup>30</sup> Phillips, A., (1993) *Democracy and Difference*, p. 78.

<sup>31</sup> Hindess, B., (1983) *Parliamentary Democracy and Socialist Politics* (London: Routledge & Kegan Paul), p. 54; Bourdieu, quoted in: Faulks, K., (1998) *Citizenship in Modern Britain* (Edinburgh: Edinburgh University Press), pp. 43-6.

<sup>32</sup> Bauman, Z., (1988) *Freedom*, pp. 67-72.

<sup>33</sup> Pateman takes up this radical theme in: Pateman, C., (1989) *The Disorder of Women. Democracy, Feminism and Political Theory* (Cambridge: Polity Press), pp. 188-93.

the "unworthy poor" who lack the characteristics of free self-reliance.<sup>34</sup> As the experience of freedom requires paid work, women working in the domestic sphere must also be supported by a partner who secures a family income through the sphere of employment. Therefore, the single mother in poverty will be an other who must be disciplined. She must be judged according to the normative standard of motherhood as a form of domestic labour within marriage, and yet prevented from attaining this goal by the demand made on her to prove her own availability for employment.<sup>35</sup>

Despite the implicit appeal to a teleological account of normative progress, the radical argues, the arbitrary and exclusionary nature of the bases for justification of social citizenship can be identified. For the radical, each stage and conception of citizenship in Marshall's account is arbitrarily established by and perpetuates a violent exclusion of otherness. As we saw in Chapter One, radical meta-theory also distinguishes such arbitrary and violent constitutions of subjects from the radical conception of truth and liberty. Radical liberty and truth are that which emerge from the resistance directed against humanistic domination, against the attempts to establish a commensurability between rational activities at the level of evaluation. Marshall's social citizenship is guilty, for the radical, of a more extensive and intensive domination and normalisation of experience. This is the case, as social citizenship pursues its substantive and ethically committed normative principles and conceptions of freedom more comprehensively, or in ever more aspects of rational activities.

I argued in Chapter One that the radical position will not be realised in a conception of citizenship. This point can be made here again in response to their rejection of social citizenship. The radical rejects Marshall's citizenship, not only because it is State- and market-centred, but because it attempts to ensure an increasingly substantive and positive conception of human freedom more comprehensively. However, in place of this, the

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<sup>34</sup> Waxman, C., (1983) *The Stigma of Poverty*, pp. 87-9, pp. 94-5; Dean, M., (1991) *The Constitution of Poverty*, pp. 13-4.

<sup>35</sup> Schram, S., (1995) *Words of Welfare. The Poverty of Social Science and The Social Science of Poverty* (University of Minneapolis Press), p. 145.

radical can only propose a politics of local resistance, whether to reverse the valuation of the "stigmatised" other of welfare dependency, or to "locally" control the conceptualisation of need and the relief of deprivation.<sup>36</sup> I argue instead, in the remainder of this chapter, that a hermeneutic reformulation of social citizenship is required, for the very reason that State- and market-centred projects of intervention are necessary to eliminate the deprivation which effects all aspects of human interaction. Although we must limit and control relations of technology and power, we must do so to safe-guard from deprivation the universally significant characteristics of freedom. In contrast, the local radical resistance of transgression offers us no way to legitimate such collective interventions. However, the radical will respond that our project must still presuppose an untenable and subjugating teleology. Therefore, in Section 2. I propose an interpretation of how Marshall does account for normative advances, which distinguishes the Gadamerian meta-theory he proceeds with from a teleological account of progress.

### **1.3. The enlightenment de-commodification of social citizenship.**

In this section I discuss one possible response to the radical interpretation and critique. This is Gøsta Esping-Andersen's account of social citizenship. He argues that Marshall's theory can be legitimated, but only if it is reformulated on what I have characterised as enlightenment bases for justification, so as to enable what Esping-Andersen refers to as de-commodified relations of equality. Esping-Andersen argues that Marshall's position is conservative. However, he also argues both that Marshall's social citizenship can attain de-commodification and only if its conservative elements are rejected. For Esping-Andersen, de-commodified relations of citizenship can and should be separated from those of the market and traditional family roles, as the latter are antithetical to an enlightenment conception of the equal respect owed to our free rational capacity. Esping-Andersen agrees with the radical, that the bases for justification of modern citizenship have tended to reflect an arbitrary exertion of power. However, Esping-Andersen argues that enlightenment bases which enable us to prescribe for the attainment of

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<sup>36</sup> Ibid., p. 35 ff., p. 77 ff.

just power relations can be ensured for citizenship, and through interactive relations which are themselves freed from domination.

Esping-Andersen argues that Marshall has not properly dealt with the need to overcome the effects of unjustified relations of power on our bases for justification, and that this is because of what Esping-Andersen interprets as the "conservative" elements of Marshall's thought. For Esping-Andersen, presuppositions of justification only provide the bases for the rational activity of citizenship if they are not subject to the variability of ongoing practice. It is only then that the explanations of social science and the prescriptions of moral theory can legitimate the project of social citizenship. It is in contrast to this that Esping-Andersen defines the "conservative" position. Esping-Andersen argues that, as Marshall's account continues to rely on the embedded understanding of the "professional", it will be unable to identify the valid enlightenment justifications of theoretical and practical activity. Further, as Marshall's account relies on the "authority" of the professional, it does not acknowledge that unequal power relations in the market and traditional family structures have a distortive, ideological, effect on the bases for justification of practice.<sup>37</sup> Esping-Andersen argues that, for these reasons, the bases for justification of rational activity must enable reason to abstract from practice.

Esping-Andersen adopts the radical concern, that power relations shape our bases for justification, but incorporates it within an enlightenment meta-theory. The correct bases for justification of social citizenship will emerge when subordinated groups, the politically unorganised working class and women in traditional roles, are freed from domination. "De-commodification" brings this about, as it frees the rational action of employees from the economic imperatives of employers, and also frees the rational action of women from the norms of the traditionalist family structures which the capitalist market presupposes as a shadow economy.<sup>38</sup> De-commodified conditions are constituted not only through

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<sup>37</sup> Esping-Andersen, G., (1985) *Politics against markets: the social democratic road to power* (Princeton: Princeton University Press), p. 34.

<sup>38</sup> Esping-Andersen, G., (1990) *The Three Worlds of Welfare Capitalism* (Cambridge: Polity Press), pp. 144- 162.



an enlightenment abstraction from historically shared presuppositions, but specifically from the presuppositions which serve to perpetuate domination in practice. It is for this reason that they provide bases for justification, both to legitimate explanations and evaluations concerning the characteristics of well-being and freedom, and to determine the rationality of action enabled by a citizenship of mutual respect.

In Esping-Andersen's earlier work,<sup>39</sup> he argues that de-commodification is achieved through common universal social services, and only to the extent that social services secure the well-being of all irrespective of the market contributions of the individuals concerned. Further, it is only in these conditions that the collective action taken to ensure this substantive account of human well-being as a right of citizenship will itself be identified with as legitimate by citizens. Prior to the attainment of de-commodification, only a politically unified and organised working class will have an interest in creating these universal services, as it is only in such conditions that the social and economic needs of its members can be met. In contrast, in situations where a capitalist market is dominant, individuals are encouraged to define both evaluative principles and explanatory hypotheses in individualistic or familial terms. Not only will the capitalist process of commodification entail that citizens will not identify with social rights as legitimate. This process also leads to the adoption of presuppositions which ensure that well-being and autonomy can be defined only in atomistic and egotistical terms, to the exclusion of our necessary intersubjective characteristics.<sup>40</sup>

In his more recent work, Esping-Andersen argues that, with social and economic changes, the conditions for de-commodification have themselves altered.<sup>41</sup> The demise of a politically unified working class entails that their interests can no longer be relied on to create the conditions in which social rights will be identified with as legitimate. Domination is experienced now, more importantly, as an individual in the market and the family. The conditions of de-commodification now are those which enable equally each individual to define and pursue their

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<sup>39</sup> Esping-Andersen, G., (1985) *Politics against Markets*, p. 31.

<sup>40</sup> Ibid.

<sup>41</sup> Esping-Andersen, G., (1990) *The Three Worlds of Welfare Capitalism*, p. 28.

own conception of well-being and freedom. Social rights must "socialise" the "costs of reproduction" for individuals. They will also only be identified as legitimate by individuals who are themselves free from the imperatives of securing market employment and fulfilling traditional role expectations.<sup>42</sup> Where individuals can abstract from the presuppositions derived from the price-mechanism and pre-given ethical expectations, they can identify as legitimate the prescriptions which explain well-being as a phenomenon which is individualistically pursued on the basis of goods distributed as an unconditional right. They will also then identify as legitimate the prescriptions which positively value the life which is individualistically determined under such conditions. Conflicting interests and normative principles of justification in interaction are, for Esping-Andersen, reconciled by the attainment of his account of a de-commodified social equality.

Social citizenship will, therefore, only be identified with as legitimate in certain conditions, where the nature of an individual's rational activity is no longer governed by the power of traditional authority figures in the family and by employers in the market. Enlightenment theory can provide us with a universalizable account of why this is the case, but only because enlightenment social theory abstracts from the presuppositions of everyday conservative understanding. Enlightenment theory will also provide a universalizable account of why de-commodified conditions themselves represent a normative and rational advance, but again only because they enable the enlightenment abstraction from everyday presuppositions which perpetuate relations of domination through ideological discourses.<sup>43</sup>

Esping-Andersen argues that an explanatory account of capitalism can identify the effects of the profit-motive and class inequality on the pursuit of social justice through liberal democratic institutions. In capitalist liberal democracies, collective intervention is identified as legitimate only where it is supported by a majority of individuals. As the radical

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<sup>42</sup> Ibid.

<sup>43</sup> Esping-Andersen, G., (1985) *Politics against Markets*, p. 30 ff.; (1990) *The Three Worlds of Welfare Capitalism*, pp. 60-68.

socialist commentators Przeworski and Miliband also argue,<sup>44</sup> the majority of individuals in capitalist liberal democracies have an economic interest to presuppose that well-being is individualistically determined through market pursuits. The capitalist reward structure, which Marshall's conservatism will not subordinate, therefore generates an aggregate of individual interests in services which ensure well-being at the expense of others.<sup>45</sup> In Esping-Andersen's earlier work, an enlightenment explanatory account justified the forceful intervention of the organised working class. Social citizenship could only be achieved through the force of the working class, not through evaluative prescriptions made from within the self-understandings of that time. In his later work, the socialisation of reproduction ensures each individual's freedom from prevailing norms and power relations, so that they can effect in practice their own conception of well-being.

Esping-Andersen's enlightenment social theory claims to have identified that rational action in the market and in traditional roles is antithetical to freedom. In the market, action is only rational when one's labour-time is determined by the profit-motive alone, while in traditional roles one must accept pre-given assumptions governing the division of labour.<sup>46</sup> Enlightenment moral theory demands that citizenship rationality must enable individuals to abstract from inappropriate presuppositions. However, abstraction is only possible when we have rendered heteronomous presuppositions unnecessary through a counter-force. An exertion of power against domination will free workers to exercise choice concerning the nature of their work and their access to, and paid absence from, work. For instance, the well-being of the single-parent can be ensured only when the power of employers, and those governing the domestic division of labour, is opposed. Well-being can be ensured here in a manner which dissolves the stigmatising category formed around

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<sup>44</sup> Miliband, R., (1969) *The State in Capitalist Society. The Analysis of the Western System of Power* (London: Quartet Books, 1982), p. 171 ff.; Przeworski, A., (1985) *Capitalism and Social Democracy* (Cambridge: Cambridge University Press), p. 27 ff..

<sup>45</sup> Esping-Andersen, G., (1985) *Politics against Markets*, p. 32.; (1990) *The Three Worlds of Welfare Capitalism*, pp. 187-8.

<sup>46</sup> The "conditions under which labour enters employment" is just as significant for de-commodification as "the conditions shaping behaviour within the labour market": Esping-Andersen, G., (1990) *The Three Worlds of Welfare Capitalism*, p. 149.

unemployment and an unorthodox family form, a category whose causes Marshall's conservatism will not oppose. De-commodification is a universalizable measure of freedom. For example, it measures the nature of a women's experience both of paid absence from work in domestic labour, and of the quality of, and means of entry to, paid work itself.<sup>47</sup>

Esping-Andersen argues that Marshall's theory of social citizenship can be reformulated, but only from within an enlightenment theory which also acknowledges the role power must play in ensuring equality. He also argues that the conservative elements of Marshall's theory entail that it will be unable to secure the end which it prescribes, as it must express a naive historical commitment. In contrast, enlightenment theoretical reflection can explain both the nature of social relations and how our social understandings may hinder our identification with legitimate forms of collective action. An enlightenment social citizenship must, therefore, pursue the de-commodification of relations, as it is here alone that the collective action to ensure social equality will be identified with as legitimate.

## **§2. The conservative meta-theory of social citizenship.**

The radical and enlightenment positions I have discussed in Section 1. each offer a specific interpretation of Marshall, and a corresponding critique of his conception of social citizenship. However, in this section I argue that Marshall's work presupposes neither a teleological necessity nor a latent enlightenment potential. It presupposes a conservative meta-theory which corresponds to Gadamer's hermeneutics, and which can be distinguished from Esping-Andersen's characterisation of a conservative position. Marshall presupposes that the conception of social citizenship must be reformulated in new situations. However, this will not be achieved through an enlightenment process of reflective abstraction from everyday presuppositions, but through a practically derived form of reflection. This itself will be neither a naive conservative perpetuation of domination, nor an exclusionary intensification of subjugation. Rather, the bases for justification on which social citizenship will be correctly

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<sup>47</sup> Ibid., p. 156.

identified as legitimate will themselves be reconstituted through the practical insight of citizens which social equality is to enable.

### **2.1. The dialogical learning process of tradition.**

I turn first to Gadamer's account of hermeneutic and historical studies, and this will enable the distinction to be made between the conservative meta-theory which Marshall does presuppose and the teleological account which the radicals ascribe to him. Gadamer's position itself emerges in the contrast he draws with Hegel's idealist teleology.<sup>48</sup> Gadamer agrees with Hegel that bases for justification emerge in a rationally mediated dialectical development of history and tradition. However, Gadamer argues that this dialectic is open-ended. The historical character of rationality does not have the inner telos which Hegel ascribed to it. It does not have the goal of a pure self-consciousness in our knowledge of the world, which is realised socially as the Absolute Spirit. As we saw in Chapter One, Gadamer does not assume that the prejudicial nature of reflection can be overcome, and so the historically variant conditions of possibility of this finite rational capacity must continually be re-established.

Gadamer places the reflection of historical and hermeneutic studies in the position between familiarity and strangeness, between belonging to the history and tradition being studied and the separateness of our horizon in the present. As an "historically effected consciousness", we can be aware both that our conscious reasoning is an effect of history and tradition, and that we possess the rational potential in turn to affect history and tradition in our understanding in the present.<sup>49</sup> However, our capacity to be aware of our historical and traditional presuppositions is limited. It is limited by the fact that we can not abstract as such from the tradition and history which sustains our reflection. It is also limited by the fact that the necessity of such a sustaining dimension also leaves our bases for justification open to the disruptions of historical experiences. It is for this reason that we are "obliged" to "apply" the objects of historical and hermeneutic reflection in the present.<sup>50</sup> We cannot step outside our

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<sup>48</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 347 ff.

<sup>49</sup> *Ibid.*, pp. 358-9.

<sup>50</sup> *Ibid.*, pp. 361-2.

situation now in our attempts to understand an historical phenomenon or a traditional work, and so we must always understand it by applying it within changing, disruptive situations. Our inability to abstract from this sustaining dimension also entails that we can only understand ourselves through applying the objects studied in the present, and so we are obliged to apply them so as to proceed towards self-understanding.<sup>51</sup>

In a teleology, the subject-matter of the past is made concrete in our understanding of it in the present in line with its inner telos. This correlates with only one half of Gadamer's account of understanding. It expresses only the fact that we are addressed by and obliged to discern the truth of the subject-matter of history and tradition. However, Gadamer also argues that our belongingness has the structure of a dialogue, and so the truth of the subject-matter of history and tradition is determined only by our reflective application of it in our specific situation. The subject matter of history and tradition addresses us, but only as an answer to a question which we already pose in the dialogical nature of our belongingness to it.<sup>52</sup> Our capacity to reflectively appropriate our own situation is also limited, and so the application of this subject-matter in the present can never be completed once and for all.<sup>53</sup> History and tradition will not be completed in any present situation, as the self-understanding from which we question and through which we apply the subject-matter is itself an ongoing process which we pursue.

Hegel's goal of an Absolute Spirit does conform to the radical's characterisation of a teleological development, to the extent that in it the human rational capacity is brought to a final consciousness of itself through the realisation of the universal normative principles of history. Gadamer does argue that modernity's governing principle is the "universal freedom of all" which Hegel identified. However, Gadamer argues that the universal must continually be "applied."<sup>54</sup> As our rational capacity is finite, and as the universal depends on human reason

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<sup>51</sup> Ibid., p. 300

<sup>52</sup> Ibid., pp. 462-3.

<sup>53</sup> Ibid., p. 397.

<sup>54</sup> Gadamer, H.-G., (1981) "Hegel's Philosophy And Its Aftereffects Until Today", in *RAS*, pp. 36-7.

for its application, there can be no final account of the universal realised through a pure self-consciousness. The universal principle of freedom is applied within the practices of social life, such as the family, as it is from within these that our power of reflection is enabled. However, such practices themselves are reflectively transformed by this exercise, and so the content of family life is, in the pursuit of freedom, reflectively mediated as part of our ongoing tradition.<sup>55</sup>

We can see both these Gadamerian characteristics in Marshall's work: that our belongingness is also an ongoing dialogue, and that the normative principles of history and tradition must be continually applied as part of our normative progress. For Marshall, the history of citizenship has an unavoidable significance for us now, but one which we continue to determine as we progress in understanding. Marshall was fully aware that the realisation of the social conception of equality did not complete the unfolding of the inner truth of citizenship. Rather, it was a normative accomplishment which had to be continually re-determined. It was not just that the potential conflict between the interests and justifying principles of the market and of social justice could never finally be overcome, and that the means by which social equality could be realised would need to be re-addressed in new situations. It was also that Marshall's conception of the good life, of civilisation and professionalism, which was to be ensured in social equality, was itself the capacity to come to an insight into the good life, and to do so again in new situations. Marshall, therefore, cannot be reduced to a teleological position. The substantive and comprehensive account of the good life to be achieved in social equality is not the final definitive account of our human rational capacity, but the capacity itself to continue the historical learning process of tradition.

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<sup>55</sup> Gadamer, H.-G., (1963) "On the Possibility of Philosophical Ethics", p. 372.

## 2.2. Hermeneutic evaluative understanding.

I return now to Esping-Andersen's argument that enlightenment bases for normative evaluation will only be available in practice once material conditions of equality have been created. He argues that the presuppositions of everyday practice are shaped by the relations of power in which individuals act, and from which they derive assumptions concerning the appropriate criteria for action. From class and gender power relations, individuals derive assumptions concerning the way in which well-being can and should be ensured, which also serve to perpetuate these power relations. If we are to attain enlightenment bases for justification to evaluate relations of production and distribution we must abstract from such everyday presuppositions. Enlightenment bases for justification will, therefore, also only be established when the power relations which determine everyday presuppositions have been overcome. This entails that we will only be able to evaluate the practices of the market and paternalistic power relations by first explaining how invalid presuppositions of justification have been arrived at here. Further, if we are to account for the conditions in which the universalizable principles of citizenship will be identified with as legitimate, we must first explain the causal relations between power and the creation of meaningful presuppositions.

The Gadamerian conservative meta-theory which I am proposing shows us, however, that practical relations continue to sustain our power of reflection, and that this is the case even for the methodological reflection of the objective social sciences. The causal knowledge we can have of the social relations of which we continue to be a part cannot, therefore, have the nature which Esping-Andersen ascribes to it. We will not causally explain the origin of our presuppositions of reflection in a way which is compatible with the ideal of objectification which motivates the natural sciences. The causal explanation of our constitution as practical role-players must itself be practically embedded. It cannot help but be motivated by considerations of what is significant enough to study and in what way, considerations which themselves reflect our interests as humans in a specific time and place. It cannot claim to have stepped outside practice so as to stand over and against it. This entails, however, that since hermeneutics is the understanding which can identify and



evaluate just such historical presuppositions of reflection, hermeneutic understanding is appropriate within our methodological efforts to explain. We must therefore discard the antithesis between enlightenment bases for justification of methodological, objective science and an embedded hermeneutics.

This has the further consequence that hermeneutic understanding cannot have the nature which is often ascribed to it. Just as an explanation of the cause of a meaningful object does not do away with the need for hermeneutic understanding of the object or of our explanation, so too hermeneutic understanding is not restricted to the analysis of intentional meaning. That the hermeneutic meaning of a subject-matter cannot be exhausted by the intentions behind it is indicated by the fact that our understanding of meaning is not empathetic. To understand the subject-matter of a literary text, for example, it is not sufficient to empathetically reconstruct the author's intentions, or to hypothesise the intentions of the ideal author of genius.<sup>56</sup> The fact that the meaning of any object escapes a reduction to the intentions behind it is evidenced by the fact that we are interested in it, that it is meaningful from our perspective. It has become of interest to us because it has already posed a question to us, and it could only question us if we have already questioned it, if we are already involved in a dialogue with it.

Gadamer argues that this model of the question and answer of dialogue is appropriate for the understanding involved in the evaluation both of social practices now and of our tradition and history. As we saw, Gadamer distinguishes his position from Hegel, by arguing that the reflective mediation of our history and tradition is ongoing. This will be the case for our normative evaluation of its content. We must accept that we can only normatively judge its meaning when we apply it, and accept that we will only apply it as part of a process of self-understanding, a process of critically appraising the presuppositions motivating us in our situation of application.<sup>57</sup> Gadamer's critique of a non-hermeneutic causal explanation and an empathetic intentional understanding is also

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<sup>56</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 93, p. 276.

<sup>57</sup> *Ibid.*, pp. 356-7.

relevant to the question of the normative evaluation of current social practices. Our understanding of the meaning of a practice is not secured by placing ourselves within its horizon, by reconstructing the intentions and causes of the utterances and acts of this practice.<sup>58</sup> Rather, its meaning is only available to us now precisely because it escapes this reduction, not only to its intentions and causes, but also to the boundaries of the practice in which it first emerges. This entails also that this meaning already addresses us, and so we are obliged to apply it within our horizon and to question our presuppositions in doing so.

When the subject-matter of understanding is the normative significance of a stage or practice of citizenship, its meaning cannot be reduced to an account of the causes which operate there. For instance, Marshall presupposed that the stage of civil citizenship had a normative significance still for the stage of social citizenship, despite the fact that the principle of civil equality served to ensure and justify capitalist forces of polarisation.<sup>59</sup> We can still learn from the civil stage that contract relations are always mediated through a social status, which is both a sub-cultural category and a stratum that includes different social classes.<sup>60</sup> With a normative commitment to attain a shared equal status, the most significant question for Marshall is the substance of this status, the nature of the lives that could be led in and through and alongside the market. This also entails that Marshall does not reduce the normative significance of practices to their supposed causal structure. Even the price-mechanism can be co-opted within the distribution of social services to ensure an equal quality of outcome, such as in means-tested legal aid.<sup>61</sup> The normative significance of market acts cannot be reduced to the profit motive. Rather, they are the subject-matter of reflection for those who cannot but be participants within or alongside a market which itself is greatly determined by the status relations in which it is mediated.

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<sup>58</sup> *Ibid.*, p. 275.

<sup>59</sup> Marshall, T. H., (1949) "Citizenship and Social Class", p. 91.

<sup>60</sup> Marshall, T. H., (1953) "The Nature and Determinants of Social Status", pp. 186-8, pp. 203-5.

<sup>61</sup> A graded means-test in legal-aid, Marshall argued, could attain the ends of social justice through the price mechanism, where the cost of legal representation, or de-facto civil equality, was equal in real terms: Marshall, T. H., (1949) "Citizenship and Social Class", pp. 101-4.

### 2.3. Hermeneutic social explanation.

For Gadamer, both the objects and subjects of science are marked by processes of abstraction and projection. Social relations can be the object of a social science because these relations already attain a level of distancing from their surroundings, while the reflection of the social sciences self-consciously attempts to bracket historical prejudices. The goal of hermeneutics is to work in the opposite direction. It brings to the awareness of individuals in society and in science the presuppositions which they have not overcome, what of their situation they have not fully appropriated. Gadamer argues that the historical dimension of tradition and interaction acts not only as a reservoir of meaning for reflection, since all reflection also feeds back into this reservoir of historically shared presuppositions, even the reflection of the sciences.<sup>62</sup> The hermeneutic insight into the nature of this dimension of meaning in science is therefore necessary for the self-understanding of the scientist.

As we saw, Esping-Andersen argues that enlightenment social sciences can identify the power relations which have led to the adoption of presuppositions which perpetuate domination. They can therefore identify for us where a counter-force is required. This is an act of power which cannot be justified by the presuppositions of everyday practice, but will bring about a context in which this intervention would be legitimated. However, I argue that this would require our knowledge of the unchanging causal relations between power and the acceptance of presuppositions as valid. It is on that basis alone that we could specify what causal relations will in all situations constitute enlightenment subjects of normative knowledge. Rather, for hermeneutics, our causal knowledge of power is continually pursued, and in situations where power itself is a factor which forces us to reconceptualise our presuppositions of justification. As the causal relations which constitute domination can never be known finally and exhaustively, domination itself always remains a danger we cannot completely overcome. Further, as our bases for justification will always be practically derived, the normative evaluation of all acts of force, even that proposed by Esping-

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<sup>62</sup> Gadamer, H.-G., (1981) "Hermeneutics as a Theoretical and Practical Task", p. 134 ff.

Andersen, cannot be postponed to some future date when the historical disruptions of practical power relations have been overcome.

A similar argument is evident in Marshall's position. I also argue that, on this basis, Marshall rejects de-commodification as a normative goal. Marshall is in agreement with Karl Polanyi, who argues that the market can not be explained and evaluated as a sphere which is separated from social relations generally. Attempts to turn human labour into a commodity produced for sale will strip humans of the necessary social context for any activity, but so also the attempts to establish social justice on bases which are antithetical to those of the market will divorce human activity from a necessary feature of that life.<sup>63</sup> Marshall assumes that the formal logic of the market is embedded, as it can only be explained along with an understanding of the status differentials which are inseparable from the workings of the price mechanism. At the same time, relations of justice do not subordinate a market logic, as they are not simply a force pitted against a causal structure of domination. Social justice requires, instead, an infusion of these status divisions and their presuppositions with the logic and commitments of social equality.<sup>64</sup> This returns market relations and actors from the abstractions of the contract and of functional divisions. It returns them to the relations of status which already exist between functional divisions, and also to the consciously fostered status of social equality. It returns them to a Gadamerian common hermeneutic dimension.

For Gadamer, the explanations of social science are not legitimate independently of a hermeneutic understanding of how they are applied. This is not merely because the objects of social explanations are free to change, and so will one day falsify criteria of validity which until then had been reliable. We must also overcome the reflective methodological abstraction required to make this explanation, and so return to the practice from which it proceeds. A practical excellence is required, the ability to ask the questions which have significance for the place of both the object and subject of reflection in history. Similarly, Marshall's explanation of the market is not independent either from the nature of

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<sup>63</sup> Polanyi, K., (1944) *The Great Transformation*, p. 88.

<sup>64</sup> Marshall, T. H., (1949) "Citizenship and Social Class", pp. 118-20.

the medium in which the market is embedded, or from his commitment to a social conception of equality. This historically and evaluatively motivated reflection is something which itself is attained. However, unlike Gadamer, Marshall emphasises that this "authoritative insight" can only be attained in practices which are themselves developed within relations of class, status, and power inequality. As Esping-Andersen argues, the capacity to legitimate collective interventions is not independent of relations which may be unjust, and so its enablement must be the goal of justice. Unlike Esping-Andersen, however, the requirements for this capacity are not specifiable over and against such practices as the market themselves, and so, also, such requirements will continue to be specified as this insight is developed.

Marshall argues that the excellence of practical reason is realised as the status of "professionalism." Professionalism is the insight fostered in practices which enable the good life of that individual and others through the delivery of the "services" appropriate to this practice, whether that of the artist, the teacher, or the doctor.<sup>65</sup> Professional insight is developed in practices with the guidance of corporate standards, which are also only realised as personal intellectual virtues of the professional.<sup>66</sup> The standards of rationality here could never be finally codified, as they are only realised in practical activities in the application considered appropriate by the professionals involved. This practical insight is a possibility of all aspects of practice. It can be achieved in contractual market employment, in the socialised professions of social citizenship, or outside paid employment, as can be the case with the artist.<sup>67</sup> It is also an insight which is realised in the very deployment of the methods and techniques of science which are available in productive activities. It is through the correct application of techniques that the professional skill is developed and realised.<sup>68</sup>

Marshall conceives of professionalism as a specific instance of the excellence in practical reasoning, and so does not restrict an authoritative

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<sup>65</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", pp. 151-3.

<sup>66</sup> *Ibid.*, pp. 153-5.

<sup>67</sup> *Ibid.*, pp. 158-62.

<sup>68</sup> *Ibid.*, pp. 153-4.

insight to that which is appropriate to occupations. Further, this account also corresponds with Gadamer's meta-theoretical insight into the nature of all understanding. For both authors, excellence in practical reason is the capacity to have understanding, or awareness. It is fostered in mutual reliance, and in all aspects of practices. It is fostered as a disposition to attain the capacity for understanding in a way that is appropriate to a practice. It is a universal capacity, both because it is required in all spheres of life, and proceeds from all aspects of life. All aspects of our humanity are themselves prejudicially conceived, or "read" "as-something." This means that they are understood from a perspective, and with the expectation that humanity can and should attain understanding.<sup>69</sup> Marshall expresses this argument in the concept of "civilization."<sup>70</sup> Civilization is the substance of the status of social equality. It forms a continuum from the absolute necessities for material life to the "sharing of heritage", the area of common culture in social equality. Material well-being and the capability of free action are valued ends in themselves. However, they are ends which necessarily enable an equal sharing of heritage, the mutual development of excellence in practical reason.

Esping-Andersen's attempts to specify the universal requirements for citizenship depart from Marshall's social citizenship. Neither contractual nor traditional relations are in principle inimical to free, normatively significant, rationality. At the same time, the continued pursuit of insight by professionals is the end which citizenship should ensure. It is also this insight which, in turn, should reformulate the goals of citizenship through the definitions of the "public interest" concerning "policy fundamentals" in the Welfare State.<sup>71</sup> Marshall has left an opening within the practice of citizenship for its own continued, practically determined, growth. For instance, the capacity of the professional was to be ensured for more social groups in new situations, for the social categories of women and the working class who formerly had been assumed to lack the required characteristics.<sup>72</sup> Further, this can only be

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<sup>69</sup> Gadamer, H.-G., (1981) "Hermeneutics as a Theoretical and Practical Task", p. 131; (1989) *Truth and Method*, pp. 90-1.

<sup>70</sup> Marshall, T. H., (1949) "Citizenship and Social Class", pp. 70-1.

<sup>71</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", p. 159.

<sup>72</sup> *Ibid.*, p. 153.

ensured by reconceptualising the concept of the professional itself in the process. This continued reconceptualisation already characterises the activity of professionals, both in the definition of the public interest and in the attempt to account for the nature of their services in altered conditions of possibility. It is in the continual enablement of this capacity that the substance of social equality can be reformulated and ensured.

I have argued that Marshall's social citizenship need not, and in fact cannot, be reconceptualised according to enlightenment meta-theory. The explanations of the social sciences cannot identify for us what the universal conditions are in which the legitimate project of social equality will always be identified in practice. Further, judgements of the means used to attain justice must be based on the criteria available to us now, and not postponed until we have attained a hypothetical end-state where all the requirements for legitimacy are ensured. With an enlightenment conception of social science and moral theory, something other than social citizenship would be pursued. At the same time, the bases for justification of the rational activities of social citizenship must remain hermeneutical. The hermeneutic dimension of practical insight must be pursued here over and over again, and it is only as a continuous pursuit that we establish bases for justification from which to identify correctly with the legitimate projects of social justice.

### **§3. Critical theory: rationalization and the limits of legitimation.**

I have defended Marshall's position so far against what I argue is, first, a mis-interpretation by radical commentators and, second, an enlightenment mis-appropriation on Esping-Andersen's part. In this section I return to Jürgen Habermas' position, which was discussed in Chapter One. Habermas agrees with both Marshall and Esping-Andersen that the legitimate intervention is to ensure equality, both of resources and of power relations, and that this itself is the necessary basis for citizens to legitimate such intervention. However, Habermas argues that equal relations have a formal, negative, and dual nature. For Habermas, modern normative thought represents a progression, as with it we can justify the ethically neutral prescriptions of a "post-conventional ethics." This is the case, however, only because of the distinctive nature of our modern life-world from which our rational capacity proceeds. Collective

interventions of citizenship must be guided alone by the ethically neutral prescriptions of the life-world, so as to meet the requirements for the freedom of all equally in the life-world. Further, collective intervention must respect the antithetical nature of systemic and life-world integration, so as, in turn, to enable the rational and normative progress which overcomes conditions that colonise and undermine our life-world potential.

Habermas would reject our hermeneutic reformulation of social citizenship. For Habermas, a State-led collective intervention will extend a systemic colonisation which results in a loss of freedom, or reification, and a loss of meaning, or the fragmentation of consciousness. Habermas also argues that, as hermeneutics is traditionally and linguistically embedded, it will neither identify the universal requirements for rationality nor ensure these requirements through impartial norms of integration. Habermas will also reject Esping-Andersen's enlightenment account, where material relations of power determine both our criteria of legitimacy and the capacity to legitimate collective interventions. Habermas argues instead that the nature of rational capacity is determined by a universalizable rationalisation process, and so progress in egalitarian relations must conform to the universal requirements of rationality in the life-world and systems. In this section, I distinguish Habermas' account of egalitarian intervention from Esping-Andersen's enlightenment account of a de-commodified social citizenship. I then turn to Habermas' rejection of an historically variable and ethically committed hermeneutics, and discuss its implications for my argument that egalitarian intervention is to enable social equality, and is to be legitimated by the insight of practical excellence enabled here.

### **3.1. Rationalisation and communicative action.**

Both Habermas and Esping-Andersen proceed from an enlightenment meta-theory, to give an account of the necessity of equal relations for the rational activity of citizenship. However, they give opposing accounts of the conditions of possibility for both the justified collective intervention of citizenship and the identification with this intervention as legitimate. As we saw in Sections 1. and 2., Esping-Andersen argues that, when class and gender domination are overcome in de-commodified relations of



equality, the bases for justification will be established with which to legitimate this intervention. Two interrelated claims are made here which Habermas will reject. The first is that the nature of bases for justification in rational activities is determined by the power relations of those activities. For Esping-Andersen, de-commodification will only be identified with as a legitimate goal of intervention where relations of power no longer dominate. Second, the criteria for assessing collective interventions must be determined in response to the specific relations of domination which need to be overcome. For Esping-Andersen, the requirements for freedom and the functional requirements of the market and state will only be known when we act on behalf of those that are dominated, in the interests they have in attaining equal freedom.

Habermas would agree that equality of power and of material resources must be established, that this is necessary if the equal neutral respect required for rational activity and normative progress is to be ensured. However, Habermas argues that equality cannot be attained through State-directed activity and enjoyed as a normative basis created within the market. This can be seen to follow from Habermas' argument that the nature of justification does not vary depending on the substance of current relations of domination. Rather, it is determined by a process of "rationalization", which is neither class- nor gender-specific. This process has not only created the universal conditions for rationality, but the ability to justify universalizable claims. It has made possible the interaction of the life-world, and the ability there to justify social norms which reflect the general interest. Not only is it possible and necessary to justify rights to needed resources according to the interests all can legitimately hold to, regardless of their class or gender position. This is also only a possibility in a life-world which is distinct from the State and market.<sup>73</sup> Further, critical reflection can and must justify the universal claims which identify the material and interactive requirements for the emancipation and enlightenment of all. From an "observer's perspective", rather than from the interests of the dominated, the universal possibilities of freedom from domination can be specified.<sup>74</sup>

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<sup>73</sup> Habermas, J., (1990) "Morality and Ethical Life", pp. 325-6.

<sup>74</sup> Habermas, J., (1990) *Moral Consciousness and Communicative Action*, trans. Christian Lenhart & Shierry Weber Nicholsen (Cambridge: Polity Press), p. 135 ff.

For Habermas, the social theorist must specify the requirements for rationality which follow from the modern process of rationalisation. From their place within power relations, individuals develop perspectives on social interaction which are relevant to the justification of social norms. However, the requirements for rationality are not determined by the interests subordinate groups have in a condition in which their freedom from domination is secured. Rather, they will only be known from the observer's perspective, which the rational potential of the life-world as such enables us to take. Habermas argues that, unlike Kant's subject-centred rationality, his philosophical reflection is itself a possibility of modern intersubjective life-world integration.<sup>75</sup> Through a "methodological objectification" of the rational potential of the life-world, critical theory broadens its perspective to incorporate an "observer's external point of view."<sup>76</sup> The observer's perspective enables critical theory to "reconstruct" science so as to analyse the rational bases of all knowing, speaking, and acting.<sup>77</sup> It can then specify the potential for "communicative action." This is the potential to abstract from inappropriate presuppositions, to symbolically reproduce the life-world, and thereby attain, as "the project of modernity", the normative goals of emancipation and enlightenment.<sup>78</sup> However, it also identifies how this potential is itself limited due to the dualistic nature of reality.

The integration of "systems", which achieves material reproduction, is distinct from the symbolic reproduction of the life-world. Communicative action is excluded from systemic integration, which instead is integrated by the "steering media" of power and money in the systems of administration and economics.<sup>79</sup> Habermas argues that the differentiation of systems from the life-world, and the rationalization of the life-world itself, both pose problems for modernity which only a critical theory can identify and solve. Systemic imperatives have a

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<sup>75</sup> Habermas, J., (1994) "An alternative way out of the philosophy of the subject", pp. 295-6; (1995) "Discourse Ethics", pp. 62-3.

<sup>76</sup> Habermas, J., (1987) *The Theory of Communicative Action* vol. 2, p. 374.

<sup>77</sup> Habermas, J., (1994) "An alternative way out of the philosophy of the subject", pp. 312-6.

<sup>78</sup> Habermas, J., (1990) "Morality and Ethical Life", pp. 322-3.

<sup>79</sup> Habermas, J., (1994) "An alternative way out of the philosophy of the subject", pp. 315-6.

tendency to create "crises" within material reproduction and to impose themselves on and "colonize" the life-world. At the same time, the specialised forms of argumentation of the life-world also tend to split off as elite expert cultures, thus resulting in the "cultural impoverishment" of everyday practices. Systemic crises not only lead to "disequilibria" in material reproduction, but also affect the symbolic reproduction of the life-world. The colonisation of the life-world by systems creates the "pathological" danger of the loss of freedom through "reification." The rigidity of life-world structures in such situations creates the further pathological danger of a loss of meaning through the "fragmentation of consciousness" caused by cultural impoverishment.<sup>80</sup>

A legitimate collective intervention is justified in the life-world, and it is from the life-world alone that it can be identified with as legitimate. It will acknowledge that colonization occurs when the systems of the State and market are extended into the life-world. It occurs through both the extension of capitalist markets, but also through the extension of the administrative techniques of the welfare State to compensate for market disruptions to life-world reproduction. For critical theory, the loss of freedom and meaning now must be overcome, and they only will be overcome through a learning process made possible by egalitarian measures. However, they cannot be overcome by following the presuppositions of justification determined by the specificity of the experience of class or gender domination. Nor can they be overcome through the extension of the State's agencies into the life-world to secure a "de-commodified" equal status. Rather, Habermas argues, processes of learning are needed which overcome the effects of domination and reification, yet conform to the universal requirements for freedom and insight which follow from rationalisation.<sup>81</sup> The legitimate collective intervention respects the limits of the life-world. It in turn enables the life-world potential to progress, to harness technological developments so as to ensure that systems function, and to overcome the pathological effects of colonization on our rational potential.

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<sup>80</sup> Habermas, J., (1987) *The Theory of Communicative Action* vol. 2., p. 181 ff., p. 389.

<sup>81</sup> *Ibid.*, p. 313 ff..

### 3.2. Progress and the life-world potential for legitimacy.

Habermas rejects Esping-Andersen's egalitarian intervention whose legitimacy relies on the attainment of de-commodified relations. Habermas will also reject the intervention of a hermeneutic social citizenship, whose legitimacy relies on the attainment of a practically-derived insight in traditional and ethical relations of social equality. Habermas develops Hegel's argument that rational capacity is enabled through relations of mutuality, on whose bases alone legitimate interventions can be identified.<sup>82</sup> Unlike Hegel, however, Habermas gives a formal and dualistic account of our necessary mutual relations, which neither develops with systemic change, nor is reliant for its justification on the substantive presuppositions of historical communities. He argues, against Gadamer, that the mutual requirements for our capacity are not solely traditional and, therefore, do not continue to "unfold" with tradition.<sup>83</sup> Habermas limits hermeneutics for the further reason that the dual and formal nature of communicative action is also negative. It is normatively justified only by the principle of freedom from interference, while in such rational action we must abstract from ethical commitments to identify the general interest. This is the universal intersubjective rational potential to interact without a commitment to any specific life-world content as our normative goal.<sup>84</sup>

Habermas restricts the scope of hermeneutic understanding by adopting the external perspective of critical theory. For Habermas, only then can we know how legitimate interventions will be identified and, therefore, analyse how progress is possible. Further, Habermas defines the universalizable measure of progress as the capacity to exclude hermeneutic reasoning from moral, scientific, technical, and critical rational activity. For critical theory, a learning process can overcome

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<sup>82</sup> Habermas, J., (1993) "Morality and Ethical Life", p. 329.

<sup>83</sup> This critique is put forward in: Habermas, J., (1967) *On the Logic of the Social Sciences*, trans. Shierry Weber Nichol森 & Jerry Stark (Cambridge: Cambridge Polity Press). Gadamer responds in: Gadamer, H.-G., (1967) "Rhetoric, Hermeneutics, and the Critique of Ideology", trans. Jerry Dibble, in *The Hermeneutic Reader. Texts of the German tradition from the Enlightenment to the Present*, ed. K. Mueller-Vollmer (Oxford: Basil Blackwell, 1986). Habermas responds again in: Habermas, J., (1970) "On Hermeneutics' Claim to Universality".

<sup>84</sup> Habermas, J., (1993) "Morality and Ethical Life", p. 327, p. 329.

crises and pathologies, but only if the conditions of learning are in accord with the universal process of rationalisation. Although our capacity is only realised in a specific life-world, the universalizable requirements for life-world reproduction are determined, and can be specified, independently of our contextually specific life-world commitments.<sup>85</sup> Habermas argues that Gadamer's embedded learning process cannot recognise universal standards of progress but must be committed, in a culturally conservative way, to the tradition it studies. Further, Habermas argues that, as hermeneutics can not take the formal external perspective, it will not be aware that our rational capacity emerges not only in social relations of mutuality but in systemic relations of power and control as well. For Habermas, Gadamer's account of learning is therefore also linguistically ideal, as it cannot account for how strategic action and power relations affect our rational capacity.<sup>86</sup>

Habermas argues that progress is evident where our normative rational capacity emerges, and where it is realised according to its universal requirements and limits. He argues that relations in which a "post-conventionalist ethics" is ensured represent an enlightenment measure of normative progress: it is the attainment of the reflective capacity to take "the moral point of view", where reason abstracts from shared presuppositions to assess norms according to the universal criterion of rightness.<sup>87</sup> The egalitarian rights to the material and interactive requirements for our rational capacity must express the general interest alone. They must, for that reason, be justified in the ideal speech situation, where we can abstract from our ethical interests in our own good life.<sup>88</sup> Although our capacity is realised in the pursuit of the good life, unlike hermeneutics, Habermas argues that the ability to identify justified norms is independent of these commitments. Habermas also argues that, as hermeneutics presupposes that bases for justification are established in relations of authority, it cannot recognise the normative

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<sup>85</sup> Habermas, J., (1987) *The Theory of Communicative Action*, vol. 2, p. 313 ff.; Habermas, J., (1985) "Neo Conservative cultural criticism in the US and West Germany", in *The New Conservatism: cultural criticism and the historians' debate*, trans. Shierry Weber Nicholsen (Cambridge, Mass.: MIT Press, 1989), p. 44.

<sup>86</sup> Habermas, J., (1970) "On Hermeneutics' Claim to Universality", pp. 315-17.

<sup>87</sup> Habermas, J., (1990) "Morality and Ethical Life", pp. 325-6.

<sup>88</sup> Habermas, J., (1990) "Morality and Ethical Life", p. 325; (1994) "An alternative way out of the philosophy of the subject", pp. 229-300

significance of post-conventionalist relations. Habermas claims that his own non-hermeneutic study has identified a potential for progress, one that is realised where the legitimacy of collective interventions is determined increasingly through consensual mechanisms.

Critical theory is also to specify how the ideal speech situation is impeded by attempts to extend normative and dialogical rational activity to spheres of life which are governed instead by systemic imperatives.<sup>89</sup> On that basis Habermas would re-evaluate the "stages" of Marshall's citizenship according to the emergence and subsequent development of the normatively significant rational potential of modernity. What Marshall defines as "civil" citizenship is, for Habermas, superior to the "social" stage. Civil rights are a "freedom-guaranteeing juridification" in so far as they ensure the demands of the life-world against systemic colonization. Social rights, although they appear to be a bulwark against capitalist relations of inequality, are in fact a "restructuring intervention in the life-world of recipients."<sup>90</sup> Although civil rights can ensure equal freedom, they can also have negative side-effects, such as the class-specific way in which the freedom of contract is realised for the employee as a commodified relation. But social rights are a form of juridification which in themselves promote the disintegration of life-world relations. Social rights separate interaction from consensual mechanisms of co-ordination and govern them instead by bureaucratic power and the calculations of financial compensation.<sup>91</sup>

The interaction appropriate to a post-conventional ethics can, Habermas argues, only be realised in the equal relations of the ideal speech situation and through the collective intervention it legitimates. Therefore, we will only progress to the extent that the equal resources and power required for our rational capacity in the linguistic dimension are ensured. In

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89 In Habermas' earlier work, however, structural changes in interpretative systems played a role in establishing the goal value and goal state of systems. Further, the "functionality" and "equilibrium" of systems were measured in terms of the attainment of Habermas' normative goal of the ideal of communication freed from domination and in terms of the realisation of the utopian anticipations of previously non-integrated forces: Habermas, J., (1967) *On The Logic of the Social Sciences*, referred to in: McCarthy, T., (1978) *The Critical Theory of Jurgen Habermas* (Cambridge: Polity Press), pp. 220-6.

<sup>90</sup> Habermas, J., (1987) *The Theory of Communicative Action vol. 2*, pp. 361-362.

<sup>91</sup> *Ibid.*, p. 360, p. 363.

contrast, Habermas' position will characterise the interventions of Marshall's social citizenship as "one-sided developments" of our capacity.<sup>92</sup> They develop the purposive rational aspect of our capacity, threaten the life-world with pathologies and crises, and so hinder our ability to learn from, and overcome, these conditions. For Habermas, it is only by abstracting from hermeneutical understanding, and then also by taking the critical external perspective, that we can distinguish between processes of integration and assess the universal significance this distinction has for emancipation and enlightenment. Where hermeneutics is universal, these distinctions between rational activities are effaced. As a "linguistically ideal" hermeneutics cannot account for the concrete structure of life, neither can it identify justified relations of power, non-objectifying relations of technical and strategic action, and the conditions in which a fragmentation of consciousness can be avoided.<sup>93</sup>

Habermas would reject Marshall's argument that intervention is to be legitimated by the practical excellence attained in social equality. Not only are such relations traditionally embedded and ethically motivated, but they are only ever partly autonomous from the inequalities of class, status, and power in the division of labour. For Habermas, the requirements for our rational capacity do not vary with the specific relations of class, status, or power. It is only the consequences of reification and fragmentation of consciousness which may vary, depending on one's position in exchange relations between subsystems and the life-world which are regulated through the roles of employee, consumer, client, and citizen.<sup>94</sup> For instance, clients of the specific bureaucratic services of means-tested and work-related welfare will be exposed to a particular experience of the debilitating effects of colonization.<sup>95</sup> Further, as the insight of Marshall's practical excellence cannot identify the universal requirements for rationality, then the interventions it will legitimate will result in reification. Even where the goal of social citizenship is not specifically a redistributive one, all individuals will suffer a loss of freedom and of meaning where collective

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<sup>92</sup> Habermas, J., (1994) "An Alternative way out of the Philosophy of the Subject", pp. 315-6.

<sup>93</sup> Habermas, J., (1970) *On The Logic of the Social Sciences*, pp. 171-4 .

<sup>94</sup> Habermas, J., (1987) *The Theory of Communicative Action vol. 2*, p. 356.

<sup>95</sup> Habermas, J., (1994) "Struggles for Recognition", pp. 115-116.

intervention extends bureaucracy and therapeutic services into the life-world. This will be the case in education, if consensual agreement between students and teachers, and between staff, is increasingly replaced by administrative rights and duties and therapeutic expertise.<sup>96</sup>

Habermas will reject the argument that collective interventions are to be legitimated by Marshall's account of the practical insight realised in valued practices and social equality. For Habermas, such a position cannot safeguard the requirements for rationality, justice, and social functioning as it will assume that they are established in justified work relations.<sup>97</sup> The intervention of social citizenship will lead to economic crises in the attempt to direct the system of the market according to normative criteria, while, as a State-directed intervention, it will open the life-world to systemic colonization. Nor will it foster the egalitarian life-world relations of the ideal speech situation necessary for legitimacy but will, rather, perpetuate pre-given class- and gender-based relations of power and evaluations of the division of labour. Further, for Habermas, Marshall's professionals who deliver services, and determine the public interest, will be "elite" experts who perpetuate both the fragmentation of consciousness and the juridified reification of bureaucratic clients.<sup>98</sup> The attempt to ensure a social measure of equality as the goal of citizenship and the basis for citizenship intervention both creates crises and undermines the potential of communicative action to overcome them.

Legitimate collective interventions will be identified with when, as Hegel argues, they arise from the potential for solidarity of civil society. Habermas rejects social citizenship on that basis. The pursuit of social equality is incompatible with the purposive rationality of the market, the communicative action of life-world politics, and the private pursuit of human flourishing. As with the radical commentators, Habermas argues that the welfare State intensifies domination. However, unlike the radical, Habermas identifies domination with a universal account of the

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<sup>96</sup> Habermas, J., (1987) *The Theory of Communicative Action* vol. 2, p. 369 ff.

<sup>97</sup> *Ibid.*, p. 117.

<sup>98</sup> Habermas, J., (1976) *Legitimation Crisis*, trans. Thomas McCarthy (London: Heinemann), p. 36 ff.; (1987) *The Theory of Communicative Action* vol. 2, pp. 369-372. For a similar argument see: Offe, C., (1984) *Contradictions of the Welfare State*, ed. J. Keane (London: Hutchinson), p. 156.



potential of our rational capacity, which is attained in the equal relations safeguarded by civil rights.<sup>99</sup> Habermas also argues that, as hermeneutics does not acknowledge its own dualistic limitations, hermeneutic reflection itself must be treated with suspicion. We cannot be sure that reification, strategic interests, or fragmented consciousness do not lie behind the claims to traditional authority, ethical goodness, and aesthetic authenticity. This does not entail that suspicion itself must be the permanent critical perspective, or that freedom will be realised in radical transgression.<sup>100</sup> Rather, the universal enlightenment criteria of validity of our rational faculty enable us to identify valid presuppositions of justification, because they allow us to escape the lack of certainty of hermeneutics caused by the concealed, prejudicial basis for hermeneutic rationality.

Habermas argues that rational and normative progress in the "project of modernity" is itself only possible through the empirical findings of a research programme. However, for Habermas, this normative goal and the external critical perspective of critical theory could never be falsified by such findings and so shown to be merely contextualist prejudices. Habermas thereby safeguards his formal, dual, and negative conception of rational capacity as an unfalsifiable thesis of critical theory which can only be "indirectly tested" by findings.<sup>101</sup> This is the "quasi-transcendental"<sup>102</sup> claim that a measure of progress can be applied in a non-prejudicial way from within the bases for justification of modern society. Habermas does argue both that the perspective which can articulate the universal standard of progress is constituted through socialisation and an historical rationalization process, and, in opposition to Hegel, that this is not a teleological account of historical and personal development.<sup>103</sup> However, the question still remains whether a formal, dualistic, and negative account of rational capacity and of equality can be given. If not, then Marshall's social dimension cannot be excluded from an egalitarian

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<sup>99</sup> Habermas, J., (1994) "Some Questions Concerning the Theory of Power: Foucault Again", *The Philosophical Discourse on Modernity. Twelve Lectures*, trans. Frederick Lawrence (Cambridge: Polity Press), pp. 289-90.

<sup>100</sup> *Ibid.*, pp. 285-6.

<sup>101</sup> White, S., (1988) *The recent work of Jurgen Habermas*, p. 131.

<sup>102</sup> Rasmussen, D., (1990) *Reading Habermas*, (Oxford: Blackwell), p. 94.

<sup>103</sup> Habermas, J., (1987) *The Theory of Communicative Action Vol. 2*, p. 174.

commitment. Rather, normative commitments of rationality will be substantive, the distinct forms of integration will only emerge within a hermeneutic dimension, and the potential for advance will unfold with tradition.

#### **§4. Citizenship as a hermeneutical learning process.**

In this section I argue that Habermas' suspicion, that reification or the fragmentation of consciousness may be expressed in prejudicial reflection, does not justify the claim that historically shared presuppositions must be abstracted from in rational activities. Rather, only a hermeneutic capacity can both critically assess accepted presuppositions and understand and direct power relations and social systems. Hermeneutics must therefore pursue the continued learning process concerning how collective interventions can be justified and identified with as legitimate. In this section I attempt to overcome Habermas' objections to a hermeneutic citizenship. Habermas argues that the rational reformulation of life-worlds can only have a normatively negative justification. Only then will we avoid the culturally conservative assumption that contextualist normative commitments are justified by the necessity of our historical life-worlds. Habermas also argues that the dualism of symbolic and material reproduction must be acknowledged. It is only then that linguistic idealism will be avoided and the concrete structure of society critically grasped. Finally, philosophical statements must be formal, Habermas argues, if our account of the substantive differences between historical life-worlds is not itself to be relative to such life-worlds.

In opposition to Habermas, I argue that an historically embedded and ethically committed rational capacity is comprehensive. Further, this corresponds with Marshall's account of the valued practical capacity, which is made possible only in relations of social equality and in the active direction of collective intervention to bring this end about. I argue in this section that Gadamer's hermeneutics can be applied to reformulate social citizenship. This reformulation is itself a learning process which is to ensure a rational and normative advance in the justification of, and identification with, legitimate collective interventions. I argue that Gadamer's concept of the "worldview" can

account for the nature of the practical rational capacity required here. For Gadamer, a worldview is the horizon of a finite and intersubjective capacity. The concept of a worldview is developed by Gadamer from a critique of Edmund Husserl's formal and universalistic account of the rational capacity which reformulates the life-world. It is to Gadamer's discussion of Husserl that I turn first, as this offers a means to criticise Habermas' formal, dual, and negative account of the life-world rational potential. Gadamer's worldview concept can then be developed by thematizing its material and structural requirements, necessities which social equality will ensure.

#### **4.1. Life-world and worldview horizons.**

Gadamer argues that our rational capacity is the potential of a substantive, comprehensive, and positive "worldview." Therefore, this opposes Habermas' account of the formal, dual, and negative nature of the rational capacity to reformulate the life-world. Gadamer derives the concept of the worldview from his critique of Husserl's phenomenological account of the ultimate grounding of the formal and subjective rational capacity of the life-world. Unlike Husserl, Habermas argues that the life-world capacity is always both intersubjective and finitely grounded. However, the problematic nature of Habermas' formal, dual, and negative account will be brought to light in Gadamer's discussion of Husserl. Gadamer and Husserl both reject dualism and argue that there is an original correspondence between subject and object in all activities. They also agree that the non-arbitrary reformulation of the life-world and the understanding of another life-world must have a positive normative commitment. However, Gadamer also rejects Husserl's formal account of a pre-linguistic and subjective grounding and argues instead that the universal correspondence of subject and object remains linguistic, intersubjective, and historically variable. For Gadamer, there is a mutual dependence between historical languages and the world which emerges in them, and between both and our intersubjective, historically realised rational capacity.

Husserl argues that phenomenological reflection abstracts from the "natural attitude" of taken for granted bases for justification, so as to reflect upon why we relate to objects in the way we do. This abstraction is

made possible because objects already correspond with the intentional structure of the Transcendental Ego of every subject. This correspondence can be studied by analysing the subject's abstract meaning entities and its acts of positing objects as real.<sup>104</sup> The universal nature of the signification process can then be made an object of reflection. This is significant as reflection in the natural attitude is unable to identify those commitments which result from, and perpetuate, a distortion of the universal structure of all experience. Husserl argues that the central cause of such distortions is modern science, and the one-sided view it perpetuates of the domination of the objects of experience. As phenomenology abstracts from this one-sidedness, it opens up the potential of a projection of meaning which is free from distortion.<sup>105</sup> The meanings of any life-world can, therefore, be increasingly determined through this phenomenological re-interpretation.<sup>106</sup>

Gadamer's criticism of Husserl centres on the fact that the self-consciousness of the phenomenologist must itself be the result of the historical linguistic life-world, its ontological commitments, and the way in which it enables inter-subjectivity.<sup>107</sup> Husserl, however, articulates the life-world "solely in terms of the epistemological schema", as that which can be derived from the "ultimate data of consciousness."<sup>108</sup> Conferring consciousness with the capacity to abstract from and re-appropriate the historical life-world is a real paradox. Phenomenological reflection thereby alienates what it itself sees as reason's constitutive ontological commitment in language. This in turn deprives language of its constitutive quality, as it reduces the language of historical life-worlds to a set of tools or signs that can be freely taken up and just as freely set aside.<sup>109</sup> Finally, the phenomenological reduction also abstracts from the intersubjective nature of the life-world in which we come to

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<sup>104</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 246, p. 248.

<sup>105</sup> Gadamer, H.-G., (1981) "Philosophy or Theory of Science", p. 134.

<sup>106</sup> This is especially the case in Husserl's later work: Husserl, E., (1936) *The Crisis of European Sciences and Transcendental Phenomenology*: discussed in Kusch, M., (1989) *Language as Calculus vs. Language as Universal Medium. A Study in Husserl, Heidegger, and Gadamer* (London: Kluwer Academic Publishers), p. 77, p.85 ff.

<sup>107</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 348.

<sup>108</sup> *Ibid.*, p. 250.

<sup>109</sup> Gadamer, H.-G., (1960) "The Nature of Things and the Language of Things", in *PH*, pp. 73-4.

consciousness, and thus finds that it must establish the other person and the collectivity anew as other Transcendental Egos. At the level of the understanding pursued between cultures as well, phenomenology abstracts from the way the "Thou" is already given linguistically.

Gadamer and Husserl both assume that an original correspondence between the subject and object can be identified which is not dualistic but holds in all rational activity. However, Husserl assumes that it is within the Transcendental Ego of the subject that this correspondence is identified, and so it holds regardless of our historically variable linguistic experience. For this reason, it enables the attainment of a non-linguistic basis for the ultimate grounding of our reflection concerning the ontological commitments expressed in language. Gadamer criticises Husserl, however, for giving a primacy to the knowing subject which could only be justified if the true nature of our experience of the world was not linguistic.<sup>110</sup> This ignores the distinctiveness of the human experience of "world" from the animal experience of "environment." For humans, Gadamer argues, a speculative linguistic experience of world cannot be overcome. The correspondence of subject and object is therefore mediated continually through the worldview given us by historical language. This is a mutual dependence of language and world, and a dependence of both on our language-use. There would be no language without "factualness", without this world which already emerges in it, but this world in turn depends on that language for its emergence in our use of words, in our understanding an experience "as-something."<sup>111</sup>

There is no non-linguistic experiential basis for the knowledge which, in turn, can provide the basis to freely redefine the words of our language to indicate and point to the correct nature of our experience. Historical languages cannot be treated by the phenomenologist as a system of signs or as an aggregate of mere tools. We are prevented from doing this by the fact that words have meanings only as parts in relation to the whole of an historical language. The valid meaning of a word cannot, therefore, be determined by separating it from its context, because in this word, or

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<sup>110</sup> Gadamer, H.-G., (1963) "The Phenomenological Movement", p. 171.

<sup>111</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 445.

"part", the "whole" of the historical language is already expressed. Furthermore, our own analysis must continue to use the words of this historical linguistic whole. As it must continue to be presupposed, the phenomenologist cannot abstract from, so as to freely re-constitute, this linguistic whole.<sup>112</sup> Gadamer's argument reformulates Hegel's account of speculative reason. For Hegel, through our finite rational capacity is expressed the infinite 'whole' of the final synthesis of the rational and the real attained in pure self-consciousness. For Gadamer, historical language is the whole; an infinite, because open-ended, possibility of meaning. It is continually mediated by individuals with a prejudicial consciousness, individuals who must presuppose this whole as they extend and refine it in their use of words.

The speculative nature of our linguistic experience not only brings the world to understanding, but our intersubjectivity as well. Husserl's phenomenological reduction, on the contrary, must attempt to establish the other "Thou" and the collective "We" from within self-consciousness only as other Transcendental Egos.<sup>113</sup> For Husserl, we apprehend another person first as an object of perception, and only then, through an "empathy oriented to the interiority of self-consciousness", does this object become a Transcendental Ego, another subject like me. For Gadamer, this entails that the "immanent data of reflexively examined consciousness do not include the 'Thou' in any immediate and primary way" for Husserl.<sup>114</sup> I argued in Chapter One Section 2.1., that the prejudicial nature of reflection has a dialogical structure for Gadamer. This entails that our constitutive experience is having being differentiated as an addressee and as a respondent. It is therefore always as a specific "Thou" that we can now address others. To understand another, we must critically distinguish between our presuppositions, but we can only do this from the prejudicial structure which enables our rationality as such. We understand another from a worldview because we must understand them as-something, but also because we can only conceptualise a "Thou" from within a worldview.<sup>115</sup>

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<sup>112</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 414-18, p. 472.

<sup>113</sup> Gadamer, H.-G., (1963) "The Phenomenological Movement", p. 161.

<sup>114</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 250.

<sup>115</sup> *Ibid.*, pp. 357-62, p. 462.

Gadamer reformulates Hegel's speculative dialectic as a "circular" process of returning to, and revising, our original assumptions of what would be encountered in understanding. Therefore, the cultural objects of another life-world can also only be understood by proceeding prejudicially. We cannot, as Husserl claims, derive an ultimate grounding for our knowledge here from the essential formal features of the processes of handing down cultural objects in tradition.<sup>116</sup> Rather, a supposedly formal and pre-linguistic grounding for judgement will merely obscure from view the continued effect of prejudice on our reflection. To interpret another culture, reason must remain "committed" to its worldview, to the extent that it must acknowledge its own prejudicial nature. This entails also that it must accept that the validity of its presuppositions will be consciously determined only in the dialogue through which another worldview is to be understood. Our understanding of what is to count as an advance in learning itself emerges in the continued pursuit of a "fusion of horizons", which characterises the process of learning itself.<sup>117</sup> This is the pursuit of shared presuppositions between factual, hermeneutically circular, and dialogical worldviews. Through such a fusion of horizons the hermeneutic dimension is built back up in new situations in all rational activities.

Gadamer's critique of Husserl also brings to light the problematic nature of Habermas' formal, dual, and negative meta-theory. Habermas does argue, in opposition to Husserl, that the individual's communicative potential to symbolically reproduce the life-world is already present in historical life-worlds. Habermas also rejects Husserl's project of a total suspension of prejudice. He argues instead that it is possible to determine the legitimacy of only certain shared meanings at any one time, and that this occurs against the opaque background of the historical life-world. This follows because the general structures of the life-world are intersubjective. They are not given as necessary subjective conditions for the experience of a concrete historical life-world.<sup>118</sup> However, Habermas'

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<sup>116</sup> Husserl's arguments in *The Origins of Geometry* are discussed in: Kusch, M., (1989) *Language as Calculus vs. Language as Universal Medium*, p. 122.

<sup>117</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 338-9.

<sup>118</sup> Habermas, J., (1987) *The Theory of Communicative Action vol. 2.*, p. 129.

conception of the rational potential to reformulate the life-world is a formally universalizable account of the potential of a formal faculty. It is a rational potential which is only realised when reflection abstracts from the world and intersubjectivity as they are given linguistically in the historical plurality of life-worlds. Even though the suspension of prejudices is achieved intersubjectively and finitely for Habermas, he will still be unable to account for the continued historical belonging of individuals in the life-worlds in which their rational potential emerges linguistically.

Gadamer does accept Husserl's argument that a universal correspondence of subject and object holds for all rational activities. It is on this basis that the reformulation of presuppositions in the life-world can be pursued with normative commitment. The world of scientific knowledge and technical practices are therefore not dualistically separated from practical reason. These worlds also become normatively problematic for both authors when they infringe on the development of the universal rational potential of actors, the Transcendental Ego of Husserl and the hermeneutic insight of Gadamer. Where Gadamer departs from Husserl is in arguing that this correspondence itself continues to emerge in historical life-worlds, as do the bases for our normative commitment. The dangers of the idealisation of scientific experience by the scientific claim to universality cannot be overcome through a reflection which relativises both the scientific and the non-scientific natural attitude.<sup>119</sup>

Husserl is therefore guilty of being overly pessimistic when he argues that the rational capacity of everyday activities is unable to discern that the scientific attitude is not in fact universal. Habermas, on the other hand, is guilty of giving a dualistic account of the distinctions between forms of rational activity in this everyday world. For Habermas, the logocentrism of modern science and the colonization of the life-world by systems result respectively from the claims of positivist science and systemic imperatives to be universal, when in fact they are only one, but one nonetheless, separate dimension of reality. Further, Habermas' normative commitment to the project of modernity claims not to

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<sup>119</sup> Gadamer, H.-G., (1981) "Philosophy or Theory of Science", p. 162.



presuppose the ethos of any specific life-world, and so, as with Husserl, will be unaware of its concealed prejudicial commitment. However, Husserl also shows that the dualism Habermas' proposes is untenable and, rather, that our normative commitments must be realised through the direction we give to science, technology, power relations, and relations of work. However, unlike Husserl, the normative commitment with which the reformulation of presuppositions in all aspects of rational activity can be pursued by hermeneutics must itself remain practically derived. It cannot be given an ultimate grounding on presuppositions which enable our abstraction from the linguisticity of historical worldviews.

#### **4.2. Learning through the historical project of social equality.**

I argued in Section 2. that the reformulation of citizenship, which Marshall calls for, can be continued by applying hermeneutic meta-theoretical reflection in the project of social citizenship. A reformulated social citizenship is to provide, in social equality, the bases for a rational and normative advance in the legitimation of collective interventions. From Husserl, we can see that this normatively committed project must be pursued in all spheres of rational activity. However, it must also proceed prejudicially, rather than from the pure self-consciousness of Husserl's Transcendental Ego. From Habermas, we can see that the legitimate collective intervention must arise from the identification secured through relations of mutuality, so as to overcome crises in integration. However, learning is not a formal, normatively negative, and dualistic process. Rather, the hermeneutic dimension is comprehensive, and so it is a prejudicial and open learning process which must direct the technical aspects and the relations of power of the State and market. This entails, however, that Gadamer's own meta-theoretical reflection must proceed from such activity, so as to account for how the State and the market are to be hermeneutically embedded. Marshall can show that rational capacity must be established from within these activities, due to their necessity for the social equality required for practical excellence.

Habermas argues that a learning process must overcome both systemic crises and the colonization of the life-world. For Habermas, the bases for

justification of learning are restricted by the universalizable conditions of possibility for emancipation and enlightenment, which the process of rationalization has determined. I argued in Section 4.1. that our conditions of possibility emerge as a worldview. Therefore, the appropriate bases for justification continue to unfold in tradition. This entails that a substantive progress in our normative bases for justification is possible and should be pursued. This takes us away from the deontological basis of Habermas' formal and negative ethics, so as instead to focus on the normative duties to enable the conditions of possibility of a substantive and positively justified good life.<sup>120</sup> Further, a substantive progress of this sort must also be possible in the bases for justification of the rational activity of, and our social theoretical knowledge of, the State and market. The distinction of the life-world from systems cannot hold, precisely because Habermas' arguments, and the findings of Kohlberg and Elder which he invokes to support them, express unacknowledged prejudices.<sup>121</sup> Progress will only be possible for a rational capacity that acknowledges and assesses the prejudices from which it proceeds.

Marshall describes the capacity which is to direct this learning process as "professionalism." It is a cultural phenomenon, but it is both enabled by class relations in the division of labour, and is itself a feature which distinguishes social strata.<sup>122</sup> As Esping-Andersen argues, the substance of inequality continues to effect both the conditions of possibility for rationality and the criteria with which to assess social functioning. However, Marshall argues that the cultural nature of rationality gives it a certain autonomy from the material relations in which it emerges. However, although this capacity can only be secured when collective intervention restricts class inequality, practical rationality cannot finally abstract from the continued effects of power relations, whether in the legitimation of collective interventions or in the status which is to be enjoyed as social equality.<sup>123</sup> For Gadamer, professionalism is the capacity

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<sup>120</sup> Bernard Williams also argues that the reduction of normatively significant reasons in ethical reflection by the modern "narrow" conception of duty-based morality is an historical phenomenon of modernity which we can overcome: Williams, B., (1985) *Ethics and the Limits of Philosophy* (London: Fontana Press), p. 8 ff., pp. 37-8.

<sup>121</sup> Warnke, G., (1987) *Gadamer. Hermeneutics, Tradition and Reason* (Oxford: Polity Press), p. 133.

<sup>122</sup> Marshall, T. H., (1953) "The Nature and Determinants of Social Status", pp. 203-4.

<sup>123</sup> Marshall, T. H., (1949) "Citizenship and Social Class", p. 121.

to both rise above one's specific interests, and to be open to learn from others about one's own presuppositions.<sup>124</sup> However, Marshall shows that practical capacity will only be enabled in relations of social equality by the collective interventions of citizenship. To arrive at a basis for justification in learning requires a shared status with a certain autonomy from the factors which make it possible: the requirements of State and market functioning, and relations of inequality.

For Marshall, the valued capacity is ensured in the interaction which comes to a shared understanding of the "public interest" and the "social efficiency" of State and market functioning. Social equality, measured in terms of this capacity, is also both the goal which a socially efficient State should pursue, and is itself realised in the productive practices of a socially efficient market.<sup>125</sup> As I argued in Chapter One, Gadamer's concern has been to point out the dangers which features of collective intervention pose for the hermeneutic capacity. However, for the reformulation of social citizenship, collective intervention to ensure the valued practical capacity as a measure of social equality is a necessary feature of the hermeneutic rational capacity itself. Although strategic interventions must not undermine the "effective reflection" of the unfolding of tradition, social citizenship must mediate strategic and technical criteria. Bureaucratic power and criteria of efficiency must not replace the traditional bases of authority, but State services must be directed by a professional understanding of social efficiency. And although economic criteria of rationality and class relations must not abrogate valued productive practices, collective intervention is to foster the capacity which can attain the valued goals and appropriate insight of practices within market and class relations.

The dimension which hermeneutic learning builds back up in all rational activities is historical, as the revision of prejudices requires both an understanding of tradition and of one's self as a member of it.<sup>126</sup> Hermeneutic learning must also guide the scientific analysis of social functioning. As Imre Lakatos argues, each science decides what "hard

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<sup>124</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 13-14.

<sup>125</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", pp. 160-1, p. 169.

<sup>126</sup> Gadamer, H.-G., (1981) "Philosophy or Theory of Science", pp. 166-7.

core" of presuppositions cannot be falsified by evidence, and so it is with hindsight alone that the better theory falsifies the previous theory, and what it took to be unproblematic background knowledge.<sup>127</sup> Hermeneutics shows us, however, that science must proceed from within a worldview.<sup>128</sup> The presuppositions of justification of a science's "hard core" can only be assessed within the historical language which provides the medium for all traditionally meaningful assumptions concerning the nature of the world and our reasoning. This does not reduce science to a linguistically ideal basis. Rather, as Gadamer's critique of Husserl shows, language and world are mutually reliant. The factualness of material and structural objects of analysis must always emerge in language. Hermeneutics therefore calls for a learning process within science concerning its prejudicial direction.<sup>129</sup> For instance, the sciences which Habermas reconstructs must acknowledge that their conceptions of moral or linguistic development are historically motivated, and can be substantively improved upon.

Social science can only analyse the world of power, class, and social systems in the way in which their factualness is given in language. Therefore, scientific knowledge of objects is never achieved by abstracting from historically shared presuppositions and experiences. Hermeneutic science will conceive of material needs and relations from a prejudicial perspective and in terms of the potential of humans for prejudicial understanding. However, hermeneutics must be consistent concerning the mutual dependence of language and world, the dependence of language on the world which emerges in it. It must acknowledge the significance of the fact that the world studied in social science is brought to language, that the linguistic medium of tradition will be altered as a result. Gadamer argues that social systems and relations of power and technology are the "dependencies" which compound tradition, and are part of the "concrete" features which go to determine the

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<sup>127</sup> Lakatos, I., (1970) "Falsification and the Methodology of Scientific Research Programmes", in *Criticism and the Growth of Knowledge*, ed. Imre Lakatos & Alan Musgrove (Cambridge: Polity Press), pp. 118-9.

<sup>128</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 455.

<sup>129</sup> *Ibid.*, p. 277 ff.

"conditionedness" of our insight.<sup>130</sup> However, unlike Gadamer, I argue that the study of social functioning, and the integratory process itself of the State and market, must be given a positive significance for our capacity. Hermeneutic science must account for the progress of a tradition to which it belongs along with the hermeneutically mediated material and interactive relations it studies.

I argued in Chapter One that changed circumstances entail that some of Marshall's proposals concerning a practical capacity must be reformulated. Further, the hermeneutic account of learning will indicate how this reformulation can ensure the practical and interactive requirements of a valued capacity. First, Marshall argues that only a "semi-professional" status could be achieved in largely functional occupations.<sup>131</sup> Second, Marshall argues that the relations in an organised professional practice are such that the authority of a professional can preside over the ignorance of a client.<sup>132</sup> Third, Marshall assumed that a "national heritage" must be shared in social equality.<sup>133</sup> Fourth, although Marshall conceives of parenting as a practice of socially expected behaviour within status differentiations, he does not go on to conceive of it as a professional practice.<sup>134</sup> In Chapters Three and Four, I argue, first, that social efficiency requires the pursuit of professionalism equally as a measure of social equality; second, that just power relations must also be those of mutual learning; third, that mutual learning between cultures must also be pursued; and fourth, that in recognising the professional value of practices such as parenting the material and cultural features of unjust power relations can be overcome.

For hermeneutics, the valued capacity can only emerge through mutual learning, both in practices where an authoritative insight is developed, and in the mutual relations between practices. I argued in Section 2.1. that Gadamer reformulates Hegel's dialectic as an open-ended learning

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<sup>130</sup> Gadamer, H.-G., (1963) "On the Possibility of Philosophical Ethics", pp. 371-2; (1967) "Rhetoric, Hermeneutics, and the Critique of Ideology", p. 284; (1981) "Hermeneutics as a Theoretical and Practical Task", p. 135.

<sup>131</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", pp. 167-8.

<sup>132</sup> *Ibid.*, pp. 155-6.

<sup>133</sup> Marshall, T. H., (1949) "Citizenship and Social Class", pp. 85-86.

<sup>134</sup> Marshall, T. H., (1953) "The Nature and Determinants of Social Class", p. 185.

process. However, Gadamer does so without giving a positive significance in this dialectic to Hegel's concern, namely: that collective intervention is necessary to ensure the capacity realised both in central life activities and in relations of solidarity.<sup>135</sup> When Gadamer's hermeneutic account of the nature of justification is reconnected to the Hegelian theme the reformulation of social citizenship can be pursued as an open-ended dialectic. From a substantive, comprehensive, and positive basis it will pursue the collective intervention to enable the capacity realised in the good life, one's central life activity, and in the mutual recognition of social equality, the relations of solidarity. This open-ended dialectic is substantive, and open to otherness; it is comprehensive, and accounts for the material requirements of rationality; and it is positive; and committed to mutual learning. As Gadamer argues, the "freedom of all" is the goal and normative commitment of modernity which can not now be reneged on, but one also about which we can not cease to learn.<sup>136</sup>

### **Conclusion.**

I have argued that social citizenship is not justified teleologically but rather through an open learning process within tradition, concerning the application of its principles and forms of rational activity in the present. Further, the legitimate collective intervention of social citizenship is to ensure the status of social equality. It is also in this status that the practical excellence required for the legitimation of social citizenship can be enabled. The required equal status cannot be ensured in an enlightenment sphere of de-commodification which is distinct from the market, as Esping-Andersen argues. Nor can egalitarian intervention be legitimated from within Habermas' account of the formal, dualistic, and negative potential and limitations of life-world integration. Rather, the insight required for legitimation is realised in all spheres, on the historical basis of a shared tradition, and with a positive commitment to pursue the good life. In turn, the State and market can be said to "function" to the extent that this valued capacity is realised here equally. Further, for both Marshall and Gadamer, this capacity must be realised in relations of mutuality where, in Gadamer's terms, mutual learning is

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<sup>135</sup> Plant, R., (1983) *Hegel. An Introduction*, p. 213.

<sup>136</sup> Gadamer, H.-G., (1979) "The Heritage of Hegel", p. 59.

pursued. The mutuality required by a hermeneutic social citizenship will be discussed in Chapter Four, in terms of relations of mutual recognition, and in Chapter Three, in terms of the good life of practical excellence achieved through mutual learning.

I argue in Chapter Three that the normative commitment to enable rational capacity as the good life must be a commitment to enable it equally in relations of mutual learning. While Marshall's proposals fall short of this goal, I argue that the concept of social equality can be reconceived, and therefore retained, by hermeneutics. Chapter Three will develop this position with the help of Emile Durkheim's arguments and in contrast with two distinct enlightenment conceptions of the goal of distributive justice. John Rawls' account of the primary goods which can be distributed as an ethically neutral right to all will be discussed. In Rawls we can still see Habermas' commitment to a conception of the rational action of the good life which is normatively justified in a negative way and which, because of this, can be prescribed as the universally formal account of all rationality. By contrast, Martha Nussbaum has formulated an enlightenment account of the rational capacity of the good life which is not formalistic, negative, or dualistic. Nussbaum rather argues that our rational capacity, developed as capabilities, itself is always normatively motivated by a positive contextually derived commitment. While agreeing with Nussbaum in her rejection of the formal, dual, and negative conception of rational capacity, I argue that human capabilities must be reconceived from within conservative meta-theory if they are to be enabled equally.

## Chapter Three: The Good Life of Practical Capability.

### Introduction.

In Chapter Two I argued that hermeneutic and enlightenment positions will give different accounts of how the goals of citizenship are to be legitimated. However, these positions can agree that the legitimate goal of collective intervention is to ensure that the fundamental needs of individuals are satisfied so that their rational capacity can be developed in full. They can agree that citizenship is to enable the good life of citizens. In agreeing that the goal of collective intervention is to ensure the good life, they share certain assumptions about the nature of justification in the pursuit of the good life and the legitimation of collective intervention. They agree that the good life is neither self-sufficient nor a-social in nature, but requires social resources enjoyed only in a community and through its interventions of social justice. The rational capacity both to pursue the good life and to legitimate these collective interventions of social justice relies on the satisfaction of fundamental needs and the enjoyment of social resources. However, for the enlightenment, these are the requirements which secure the capacity of the individual's power of reason in itself. By contrast, for hermeneutics, they secure the capacity whose nature cannot be separated from the practices in which it emerges as individual excellence. In this chapter I explore the nature and significance of this crucial contrast.

In this chapter I defend Marshall's argument that the goal of social citizenship is to ensure the good life, both by meeting fundamental needs and by enabling a practical capacity which is realised only in relations of social equality. I also argue that, as Marshall proceeds from a meta-theory which corresponds to Gadamer's hermeneutics, he assumes that his specific proposals for social citizenship would have to be revised in new circumstances. Further, I argue that hermeneutics will identify what features of Marshall's account are problematic, and how they can be reformulated. In applying hermeneutics to the concerns of social citizenship, Gadamer's conception of rational capacity can again be distinguished from an authoritarian, ethnocentric, atavistic, and linguistically ideal conservatism. I argue that a hermeneutic social citizenship will enable diverse conceptions of the good life as processes of



mutual learning, and that it will eliminate the suffering which affects our fundamental needs. This chapter also explores the relation between enlightenment meta-theory and substantive theories, in particular in the work of Martha Nussbaum. From Nussbaum, I derive an account of the practical capabilities of the good life. However, unlike Nussbaum, I argue that capabilities are hermeneutically embedded, and will only be realised within practical relations of social equality.

In this chapter I argue that the good life which can be enabled equally, and whose insight can legitimate the rights of social justice, is the hermeneutic conception of the historically embedded and ethically justified rational capacity. In Section 1. I briefly introduce Marshall's conception of an authoritative practical insight realised in relations of social equality, and Gadamer's hermeneutic conception of an Aristotelian good life realised in relations of mutual learning. I also discuss John Rawls' enlightenment position. Rawls offers, from within the enlightenment, an alternative to Habermas' dualistic concern with the life-world. However, Rawls' position is still problematic. He argues that the rational capacity of social justice and of our good life has a formally subjective and negative nature. Rawls assumes that the insight of any subject in the "original position", where knowledge of, and interests in, one's own good life are abstracted from, will identify the legitimate collective intervention. Further, to be legitimate, collective intervention must be composed of the impartial rights which ensure the resources required for the pursuit of any and all conceptions of the good life. I argue instead that historically variable and ethically significant intersubjective conditions must be given a positive role, both in the enablement of the good life and in the rational assessment of collective interventions of citizenship.

In Section 2. I discuss Martha Nussbaum's conception of social democracy which, although it is based on an Aristotelian conception of the good life, proceeds from an enlightenment meta-theory. For Nussbaum, the rational capacity of the good life is developed within valued activities where fundamental needs are met and practical capabilities are enabled. It is this capacity which can, in turn, identify with the legitimate intervention to enable the good life as a right of social democracy. For

Nussbaum, the good life has a substantive, comprehensive, and positive nature. An emotive and practical rational capacity is to be enabled in all aspects of rational activities. Further, the good life is not the possibility of a formal power of rationality, but an emotionally discerning and practically embedded rational capacity. It is also always developed as a positive form of evaluation. This is the evaluation which is directed outwards towards what is desired, towards external objects which satisfy the needs of a good life, and towards practical activities in which rational capabilities can be developed. However, Nussbaum remains within enlightenment meta-theory, and so assumes that an historically embedded shared understanding of the good life is not possible. Rather, she argues that the separateness and vulnerability of the individual's good life, which follows from its emotive and practical characteristics, has a context-specific nature, and so will only be understood through an empathetic identification.

In the third section I argue that, for Nussbaum, a hermeneutic social citizenship must be rejected, as it does not conceive of the individual, in its practical and emotive separateness, as analytically and normatively prior to practice. For Nussbaum, it will lead to an intellectually justified normalisation of the subordinate, an idealist concern with meaning rather than with the seriousness of suffering, and a contextualist, condescending response to the diversity of the good life and the seriousness of suffering. I also argue that similar shortcomings can be identified in Marshall's specific proposals concerning the good life of professionalism: as he assumed that authority was enabled only in a shared national heritage and in deferential relations, and that it could not be enabled in full in all practices. However, I argue that what this indicates is that the hermeneutic account of the necessity of mutual learning for the good life must be followed more consistently in the reformulation of social citizenship. Further, although Nussbaum's account of capabilities indicates the significance of emotive and embodied requirements for the good life, and the possibility of practical excellence in all valuable activities, I argue that capability must be conceived as hermeneutically mediated and must be realised from within the practical relations which enable individual separateness.

In Section 4. I propose a hermeneutic alternative to Nussbaum's enlightenment Aristotelian Social Democracy. As Nussbaum argues, the good life is the rational capacity which is dependent on the practical constitution and satisfaction of certain fundamental needs. It is also the capacity whose insight is enabled in practices. This capacity is only fostered in specific activities but is also always developed in all spheres and as a positive form of evaluation. The good life is, therefore, substantive, comprehensive, and positive. However, Nussbaum's enlightenment position must be criticised for being unable to provide a shared understanding of the value of a good life and, therefore, of the nature and normative significance of the satisfaction of human needs. For hermeneutics, the good life remains embedded within an historical medium where a shared understanding of its requirements must always be actively pursued. This will always be a prejudicial understanding, but one which is open to reformulation where the good life is enabled in relations of mutual learning. As the hermeneutic experience of art shows, such relations of historically embedded mutual learning are possible within partly autonomous practices, where the requirements can be ensured for the capability of practical excellence, the "authoritative" capacity of Marshall's "professional."

### **§1. Human needs and the good life of rational capacity.**

In this section I introduce the argument that a legitimate collective intervention of citizenship must enable the good life. The good life is the rational capacity which can both be enabled as a right of social justice and can, in turn, identify with this collective intervention as legitimate. In this section I introduce briefly how this argument will be developed by conservative meta-theory, both in Marshall's account of a professional capacity realised in relations of social equality, and in Gadamer's account of an Aristotelian good life realised in relations of open-ended mutual learning. I then turn to the enlightenment development of this argument, and focus on John Rawls' account. For Rawls, the good life is the rational capacity which must be enabled in all spheres of life and which the State as a collective agent is to enable. Therefore, Rawls' position does not share Habermas' dualistic distinction of systemic considerations and activity from a life-world sphere, where alone the rights of social justice can be enjoyed and legitimated. However, Rawls'

position will reject both social citizenship and hermeneutic meta-theory. He argues that, if the satisfaction of humans needs is to be an unconditional right, then collective intervention must enable a formal, subjective, and negative conception of the good life.

### **1.1. The good life as the rational capacity of citizenship.**

The hermeneutic reformulation of social citizenship will be legitimated by, and will seek to enable, the insight of a practically derived rational capacity. I argue that Marshall's conception of the good life, as a practical capacity realised in relations of social equality, can be reformulated by following Gadamer's reading of the Aristotelian good life, in which the practical reason of "phronesis" is fostered.<sup>1</sup> For Gadamer, human needs must be conceptualised in terms of a practically realised good life. However, unlike Aristotle, for Gadamer, the good life is a potential rather than a necessity of our rational capacity. It is also a potential whose content is not pre-determined, but continues to develop as part of a practical and mutual learning process. Therefore, the rights of a hermeneutic social citizenship must prejudicially presuppose how the satisfaction of needs will enable the good life. However, this intervention will only be justified and identified with through the continued pursuit of an historically embedded mutual learning process which it enables as the good life.

I argue that the hermeneutic learning process, in which the good life is enabled, and from which it can be known, will only be secured in relations of social equality. For Marshall, social equality can only be ensured by limiting class inequality, so as both to extend the area of common culture and enrich the universal status of citizenship. However, class and status stratification also enable the emergence of valued productive practices in the division of labour. Therefore, relations of inequality can never finally be excluded from the practices in which the valued capacity can be enabled. Marshall uses the concept of "professionalism" as a generic term for the valued capacity enabled in productive practices. It is also used to refer to the specialised practices which deliver essential services such as education and health care. The

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<sup>1</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 307 ff..

rights of social citizenship must enable the good life of practices. They therefore must enable professionalism in the generic sense, as is the case with the "professionalisation" of practices which previously did not attain this standard. Further, through the "socialisation" of the professions within a universal welfare State, essential services can be delivered to "clients" as "citizens." In both instances, a shared status of social equality is to be attained, and will enable the pursuit a shared understanding of the nature of, and requirements for, the good life.<sup>2</sup>

For both Gadamer and Marshall, the rational capacity of the good life is that which is enabled, both according to the considerations which are appropriate to a specific community, and according to what are considered here the possibilities for a life of excellence. The hermeneutic account of the good life of social citizenship must be defended against the enlightenment objections to it. The enlightenment positions I discuss in this chapter also argue that social justice is to enable the good life of a rational capacity. They do not reject the concept of the good life as such, but the hermeneutic version being proposed here. The issue is not whether normative rights can be derived from either consequentialist calculations of the good they bring about or communitarian commitments to a collectivity as a good. The discussion here assumes instead that the legitimacy of rights depends to some extent, but not exclusively, on their effects on the good life. At the same time, the enlightenment critique of hermeneutics will turn on an opposing account of how a life led in community is necessary for the good life. For the enlightenment, it is the power of reason in itself which elicits our respect in communal interaction. The considerations which are appropriate to distinguish a good life must express the equal respect due to each instance of it, independently of our own communally specific conception of practical excellence.

The concept of the good life can incorporate Habermas' formal, dualistic, and negative conception of emancipation and enlightenment. For Habermas, as we saw in the last two chapters, this is the potential for communicative action. A formal account can be given of the

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<sup>2</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", pp. 163-4.

intersubjective and material requirements for this capacity. These are the requirements which ensure that each individual can participate as an equal within the ideal speech situation so as, in turn, to legitimate rights which ensure the material and intersubjective requirements for the good life of all. However, the enablement of our rational capacity must, Habermas argues, only occur in the life-world interaction of communication. The material reproduction achieved through systemic integration is a necessary requirement for our capacity, but is antithetical to the good life as such. Life-world interaction must be protected from systemic encroachment, and so the legitimation of collective intervention can not be determined systemically, whether with considerations of efficiency or through relations of power inequality. The normative justification of the satisfaction of human needs excludes these considerations. Further, the capacity of communicative action which is to be enabled, is the ability to legitimate intervention without presupposing a positive commitment to the valued ends of life derived from one's own interests or community belonging.

This chapter will explore the enlightenment position further through the conceptions of social justice and the good life which John Rawls and Martha Nussbaum propose. Rawls and Nussbaum give a non-dualistic account of both the nature of need and the means to overcome deprivation. However, the enlightenment characteristics which Nussbaum and Rawls share with Habermas must, I argue, also be overcome. The enlightenment assumes that the presuppositions of justification are not those of a shared tradition, and so can not be made commensurable at the level of justification. I argue that, as they do not proceed from a shared basis of understanding, the enlightenment positions are unable to account for the value of the good life and, where it is absent, the seriousness of human suffering. However, within the enlightenment position, we can make some important distinctions. From Rawls, we can see that a comprehensive account of the good life should be adopted over Habermas' dualism. However, Rawls must also be criticised for paying too little attention to the intersubjective conditions of the good life. Further, Nussbaum's account will be of special interest as it is neither formal, dualistic, nor negative. In Section 2. I return to Nussbaum's practically embedded, emotive, and positive account of

"capabilities." Before that, I discuss John Rawls' comprehensively realised subjective and formal good life.

### **1.2. John Rawls' formal, subjective, and negative rational capacity.**

I turn now to discuss John Rawls' enlightenment account of social justice and the good life.<sup>3</sup> For Rawls, the human characteristic expressed in the good life is the power of reason in itself. It is the ability to abstract from shared historical presuppositions in rational activity generally, and in the pursuit of the good life specifically. Therefore, an account of how the satisfaction of need also enables this rational capacity must itself be formulated independently of historically variable presuppositions concerning the good life. It is only then that it will be universalizable. For Rawls, this is also the account of the good life which any person would give. Any account which rests on an assumed authority of insight into the nature of need will, in fact, only express the partial interests of some in the attainment of their own valued aims.

As is the case with Habermas' conception of emancipation and enlightenment, Rawls' conception of the good life claims to be a formal and negative account of our rational capacity. However, Habermas goes on to argue that unconditional rights of social justice will be identified with as legitimate by the rational capacity which they enable only if they respect the dualism of integration. By contrast, Rawls attempts to give a non-dualistic enlightenment account of the unconditional rights of social justice, and of the rational capacity they are to enable. Rawls argues that distributive rights can only satisfy the needs of the good life equally when they attempt to enable the formal, subjective, and negative characteristics of our rational capacity which can be known universally. Unconditional rights of social justice will also only be identified with as legitimate through a normative reflection which itself is formal, subjective, and negative. The good life is the rational capacity which can be achieved in all aspects of social relations. It can be known regardless of social relations because of its formal, subjective, and negative nature.

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<sup>3</sup> Rawls, J., (1971) *A Theory of Justice*. (Oxford: Basil Blackwell).

Rawls argues that a valid conception of the good life must be formal, and must be known subjectively, and independently of any positive commitments to the good life. It will be arrived at only through a complete reflective abstraction from both the ethical and strategic considerations of practice. An account of the resources any one individual would need to pursue any conception of the good life can then be given. These "primary goods" will satisfy the needs of all individuals. They are the equally distributed goods of liberty and opportunity, income and wealth, and the social bases of self-respect.<sup>4</sup> They embody the self-interest of each and every individual to be able to pursue their own conception of the good life.<sup>5</sup> From this subjectively known interest, a negative justification of social justice can be derived. The unconditional rights which ensure that each citizen can enjoy such resources will embody the principle of fairness, as they enable the good life regardless of its content.<sup>6</sup> The rights which ensure these goods for each individual's needs will then also be identified with as the legitimate rights of distribution by each individual, regardless of their own conception of the good life.<sup>7</sup> As the requirements for each individual's rational capacity are neither practically nor ethically determined, then nor can the rational re-organisation of social relations demanded by justice be limited by considerations arising from practical interests and the practically justified value of their attainment.

The good life will only be pursued by using social goods in social interaction, and principles of social justice will be fair only if they enable individuals with divergent conceptions of the good life to live in community together. Nevertheless, Rawls excludes all historically and socially variable presuppositions from what can count as normative considerations. For Rawls, our rational capacity is subjective, to the extent that it does not rely in any fundamental way on intersubjective relations. It is also formal, to the extent that it is defined by the ability to abstract completely from the presuppositions of historical situations. We cannot abstract from the principles of equality and liberty in normative

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<sup>4</sup> *Ibid.*, p. 63, pp. 424-5.

<sup>5</sup> *Ibid.*, p. 397.

<sup>6</sup> *Ibid.*, pp. 30-1.

<sup>7</sup> *Ibid.*, p. 5.



reflection, but we must abstract from our positive commitment to our own conception of the good life. This is achieved in Rawls' hypothetical "original position." It is here that, as rational agents, we can throw a "veil of ignorance" over the ends which we do value, and the goods needed to achieve them. From our self-interest in ensuring our own good life, whose content we do not know, we will identify the formal and negative requirements both of any good life and of a fair distribution of needed resources.<sup>8</sup>

The formal nature of the good life which is identified in the original position is the rational capacity to plan one's own life. It is the capacity to plan so as to ensure one's continued capacity to freely pursue the good life. It is also the capacity to secure the life which is judged to be good according to one's own subjectively derived criteria of value. The capacity to plan a life does entail the ability to make means-end calculations with the information available of how best to achieve one's own valued ends.<sup>9</sup> However, it is also the ability to give priority to those objectives which will help secure one's more significant ends. Rawls argues that the significance of an end is determined by the extent of its generality and permanence, while the most general and permanent of all ends is that which enables one to plan and pursue the good life.<sup>10</sup> The plan of a good life will therefore give priority to those objectives which ensure that the primary goods necessary for any good life will still be available to the individual in the future.

From his account of the primary goods which all individuals do need, Rawls formulates an index of well-being to measure inequality.<sup>11</sup> An account can then be given of the situations of greatest need, where the enjoyment of primary goods will have the greatest normative significance. It does not require the authoritative insight of Marshall's "professional" to determine in each instance what needs must be satisfied to enable the appropriate good life. However, Rawls does place expectations on how the primary goods which can enable his conception

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<sup>8</sup> *Ibid.*, pp. 136-142.

<sup>9</sup> *Ibid.*, pp. 411-2.

<sup>10</sup> *Ibid.*, p. 410, 423.

<sup>11</sup> *Ibid.*, pp. 90-2.

of the good life are to be deployed. The good life must pursue what it is rational for the individual to find valuable, given their specific situation and nature. It must also be planned rationally, so as to ensure that a life remains open to the pursuit of new aims. However, Rawls' concern here is not to determine how to enable the insight which is considered of value in any specific practice. Rather, for Rawls, the abilities to evaluate and to plan a good life are formal and negative powers of each subject's rationality. Neither our knowledge of what any other individual does need, nor of what we would need in our life, are justified with criteria which only the valued insight of a specific practice can identify. These are, rather, the judgements which any one individual could make, but they will only be made and acted on when resources are first distributed fairly.

The universal account of our rational capacity must not presuppose a positive commitment to specific conceptions of the good life. It is possible to specify why a life could be good, and should be enabled, without also presupposing value commitments which will not be appropriate in every life. Rawls argues that we can know that another life is good when it fulfils the formal and subjective requirements of all good lives. Rawls adapts the Aristotelian argument that, as one's happiness is increased by attaining standards of excellence in action, one feels compelled to develop further these valued practical capabilities.<sup>12</sup> For Rawls, the modern application of this principle must acknowledge that it is rational only to adopt standards of excellence which enable the development of capabilities which best express one's specificity. However, Rawls argues that his conception of the good life, and his account of the intervention to enable it, are still valid where the Aristotelian disposition is absent. For Rawls, a life is good if it is rationally planned. It can also be rationally planned even when an individual does not pursue activities that grow ever more complex and develop our capabilities. For instance, for someone who takes great pleasure in counting blades of grass, the good life will be planned so as to secure this end.<sup>13</sup>

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<sup>12</sup> *Ibid.*, pp. 426-430, pp. 440-445.

<sup>13</sup> *Ibid.*, p. 432, p. 441.

Irrespective of the possible example of the individual to whom the Aristotelian principle does not apply, intersubjective relations and value commitments have no fundamental significance here for the evaluation of our rational capacity. An obligation to treat another life with equal respect is legitimated independently of our social understandings of its worth. This individual is also correct to feel a sense of self-respect solely because a plan is possible and worthwhile according to formal and subjective criteria.<sup>14</sup> It is the "social bases of self-respect", rather than the capacity of self respect itself, which can be distributed as a right. Nevertheless, the individual rightly feels a sense of self-respect in the socially defined condition of self-reliance, as it is here that the individual still has access to the primary goods required for any good life.<sup>15</sup> It is not, for Rawls, that the nature of our rational capacity is determined by the intersubjective relations and values of a practice. Rather, it is that, within our mutual dependency, we want others to have the Kantian characteristics of moral autonomy, and it is these which primary goods can enable.<sup>16</sup> The fair rights of justice will be identified as legitimate from the rational capacity which they enable, and this capacity is enabled when it both ensures its own self-respect and social-respect and confers respect on others when appropriate.

Rawls will reject Marshall's and Gadamer's conception of the good life. For Rawls, the good life is not a practically embedded capacity which rises to, and is enabled by, an authoritative insight. The characteristics of the good life can not be specified as that which is an achievement, and according to the members of a specific community, as this would of necessity be an exclusive category. Rather, the characteristics to be enabled as a right must also be the universal characteristics which each has a deontological duty to ensure for others.<sup>17</sup> Primary goods will be distributed to all equally without assessing the value of the life they are to enable. On the other hand, Rawls does not assume Habermas' dualistic

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<sup>14</sup> Ibid., pp. 440-1.

<sup>15</sup> As Sen has argued, Rawls does not maintain a clear distinction between "self respect" and "the social bases of self respect." Sen's argument is that Rawls must attempt to justify negatively, as a social basis, or primary good, what is in fact a positive capability, the capacity entailed in self-respect: Sen, A., (1985) "Rights and Capabilities", p. 142.

<sup>16</sup> Rawls, J., (1972) *A Theory of Justice*, p. 445.

<sup>17</sup> Ibid., p. 30.

limitation of normative considerations. The universal account of the goods which are needed for the rational capacity of each individual can therefore provide a normative standard with which to judge the market and the State. These forms of integration will be justified only to the extent that this distribution is ensured here, and is determined by normative considerations alone.<sup>18</sup> However, Rawls has attained this critical standard of social justice only by jettisoning the social and political concerns which, as Habermas rightly points out, are necessary for a truly critical insight. We should, rather, acknowledge with Habermas that legitimate projects of social justice cannot be identified with independently of the intersubjective relations of an historical life-world.

Habermas argues that the formal requirement of universalizability cannot by itself justify rights which reflect the general interest. Rawls' account of the reflection of the original position must, therefore, be reconstituted as an actual discourse.<sup>19</sup> As rights must be agreed to in relations between individuals, the different substantive interests which individuals actually have must be taken into consideration. The technical conditions and power relations between individuals must also be such as to enable our rational capacity. It is only then that legitimate rights of social justice will be identified with by the reflection of the good life they enable. Rawls' subjective position must be rejected therefore. Instead we must account for the intersubjective nature both of our rational capacity and of our understanding of this capacity and its needs. However, Habermas' formal, dualistic account of the nature of intersubjectivity also fails, as I argued in Chapter Two Section 4.2.. It cannot account for the historical and traditional nature of intersubjectivity and, as a result, for the positive and non-dualistic nature of our rational capacity. However, a non-formal, non-dualistic, and positive account of our rational capacity can also come from an enlightenment position. Yet, as it will not conceive of practical intersubjectivity as traditional and historical, it will remain distinct from hermeneutics.

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<sup>18</sup> *Ibid.*, p. 7, pp. 265-284.

<sup>19</sup> Habermas, J., (1990) "Morality and Ethical Life", p. 322.

## §2. Martha Nussbaum: generous reading of capabilities.

Martha Nussbaum's enlightenment account of rational capacity and social justice is neither formal, dualistic, nor negative. Nussbaum also argues that her account can provide the required intersubjective basis for Rawls' theory of justice. Nussbaum rejects the formal account of rational capacity, and argues that it arbitrarily excludes the emotive and practical aspect of capabilities. Nussbaum also argues that, whether or not it is dualistic, a formal account will be unable to identify and overcome the conditions which undermine the good life. The nature and causes of suffering must be identified in the emotive characteristics of our practical activity in all spheres. Nussbaum's conception of capabilities is also positive, as the discernment of what is of value to the good life is a necessary aspect of rationality. Nussbaum argues that, on this practical and emotive basis for understanding, the collective intervention which takes the form of rights to the resources needed for the good life can be legitimated. The situation of suffering can be understood, and our normative obligations to enable the good life can be legitimated, only by the empathetic identification, which is made possible by the context-specific nature of our capability, and which accounts for the context-specific nature of the requirements for this other good life.

Nussbaum will take us some way to the hermeneutic conception of the rational capacity which is both the goal of social justice and the insight which legitimates collective intervention. As with Gadamer, the experience of art indicates for Nussbaum that the nature of rational capacity is substantive, comprehensive, and positive. However, from her enlightenment meta-theory, Nussbaum assumes that rational activities can be assessed according to the universal requirements for the power of reason. The practical needs of another person can only be understood at the level of translation. As they are also emotive in nature this entails, for Nussbaum, that they can only be understood empathetically. As I will argue in Section 3., Nussbaum would reject the hermeneutic reformulation of social citizenship. She will reject the hermeneutic conception of a shared authoritative insight as both an idealist concern with cultural meaning, over that of the pre-cultural requirements for capability, and as an illegitimate reduction of the presuppositions of justification to those of an intellectual and traditional rational capacity,

over that of the emotive capacity to empathise with others. For Nussbaum, hermeneutics will always proceed with an unacknowledged idealist interest in a reductive conception of the good life.

### 2.1. The fragile good life of capabilities.

Nussbaum's critique of formalism can be discussed first. For the formal account, the good life is a condition of rational self-sufficiency. It argues that the attempt to derive presuppositions of justification from practical activities will undermine this self-sufficiency. In such a condition, our rational capacity is made vulnerable to contingent practical changes. These changes will not only destroy the external objects which are considered to be a part of the goodness of a life, but they will also disrupt what is taken as the source of rational certainty. The formal account argues that a dependent and vulnerable life cannot be distinguished from one which is heteronomous and normalised. In the formally conceived good life, individuals accept responsibility for their own criteria of value and place value either alone in their internal experiences or else in external goods whose availability they can rationally control.<sup>20</sup> Rawls does assume that the good life will only be enabled by social resources, and that just relations are those which enable the pursuit of divergent conceptions of the good life in a community. However, Nussbaum sees the formalist assumption of self-sufficiency in Rawls' account of the subjective power of reflection in the original position, where all practically and emotively related concerns are excluded from what can count as a normative consideration.<sup>21</sup>

Nussbaum argues instead that our rational capacity itself can only be developed in interaction with others. For that reason, it remains

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<sup>20</sup> Nussbaum, M., (1995) "Emotions and Women's Capabilities", in *Women, Culture and Development. A Study of Human Capabilities*, ed. Martha Nussbaum & Johnathon Glover (Oxford: Clarendon Press), p. 367.

<sup>21</sup> Nussbaum has altered some aspects of her position since her discussion of Rawls in: Nussbaum, M., (1980) "Shame, Separateness, and Political Unity", in *Essays on Aristotle's Ethics*, ed. Amelie Oksenberg Rorty (London: University of California Press), pp. 400-4; (1990) "Aristotelian Social Democracy", in *Liberalism and the Good*, ed. R. Bruce Douglas, et al., (London: Routledge), pp. 209-13. She now distinguishes Rawls' liberal theory of justice from his formal and subjective conception of the good life. She argues that a non-formal conception of the good life of each person can be achieved with his redistributive theory: Nussbaum, M., (1999) "The Feminist Critique of Liberalism", in *Sex and Social Justice* (Oxford University Press), pp. 65-70.

necessarily dependent on what is external as a source both of valued things and of the capacity to value. It is, therefore, only right to value practical activity, both as a necessary aspect of the goodness of a life and as a source of criteria of goodness.<sup>22</sup> Nussbaum points to the differences between Plato and Aristotle on this question, so as to take up an Aristotelian alternative to formalism.<sup>23</sup> For Plato, the good man cannot be harmed, as the goodness of his life is determined from within his soul, which itself is inviolable. In contrast, Aristotle argues that the psychological and social aspects of practical activity are of fundamental significance to the goodness of a life. The good characteristics of a life and our understanding of goodness are dependent on the necessity of practical life. They are, as a result, also vulnerable to the disruptions to practical life.

Nussbaum argues that the good life cannot be formal, but is the potential to arrive at what Aristotle called well-being. Well-being is the ethically valued condition which can be achieved for the rational capacity which always proceeds from within the "appearances." The appearances are the ways in which experiences have entered into language as belief. They are also the only way experiences can continue to enter a language, as they provide the necessary means by which we can see or "take" the world. We must always proceed from, so as to revise, or "save", or "order", the shared beliefs and criteria of our appearances. Within the appearances we must distinguish between shared beliefs and the "basic" ways we empirically observe and conceptualise the world. However, although these appearances are more "basic", or significant, they still do not constitute what Plato considered to be a formal knowledge of what is real against which "mere" appearances are contrasted.<sup>24</sup> They do, however, enable us to come to a rational agreement between cultures. This cross-

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<sup>22</sup> Nussbaum, M., (1995) "Emotions and Women's Capabilities", p. 376 ff.

<sup>23</sup> Nussbaum, M., (1986) *The Fragility of Goodness. Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge University Press), Ch.'s 8, 9, 10.

<sup>24</sup> Nussbaum, M., (1986) *The Fragility of Goodness*, pp. 247-9. In Nussbaum's more recent work she argues that Socratic self-examination and logical argument must provide the basis to assess the shared beliefs of a community. Nussbaum's focus has not turned away completely from Aristotelian ethics in her later work, as the Socratic logical self-examination she describes plays the same role as her earlier account of the "basic" Aristotelian appearances: Nussbaum, M., (1997) *Cultivating Humanity. A Classic Defence of Reform in Liberal Education* (London: Harvard University Press), pp. 15-51.

cultural "saving of appearances" will have the greatest significance for our understanding of the nature of the good life, as it will attempt to account for the well-being of all humans.<sup>25</sup>

Nussbaum argues that Aristotle's account of reasoned-desire, or "prohairesis", is both the capacity to pursue the good life and the capacity more generally to save the appearances. It is the rational desire for external sources of value, which accounts both for the nature of human need and for how the satisfaction of need always aims towards the attainment of the good life.<sup>26</sup> This discernment of what is of value has a common order between cultures, which Nussbaum calls the "constitutive circumstances of the human being."<sup>27</sup> Humans must react with discernment to such circumstances if their rational capacity generally, and that of the good life specifically, is to be constituted. Human needs will be satisfied only by both engaging and developing our practical and emotive rational capacity. Nussbaum refers to this capacity, which remains tied to the emotional and practical nature of prohairesis, as our "capabilities."<sup>28</sup> As Amartya Sen has argued, the concept of positive freedom should be defined in terms of a capability to function. What is of significance to freedom is not material resources as such, but what a person can or cannot do or be with these goods.<sup>29</sup> For Nussbaum, capability is the capacity to both correctly evaluate and pursue what is good. Due to the emotive and practical way in which needs are satisfied, the good life is always realised as a dependence of our rational capacity on what is external.

A plurality of features go to make up our constitutive circumstances. They include our nourishment, health, sexual relations, physical mobility, early infant development, and our relations with other humans, animals, and the environment. This plural nature of human need is also a plurality of possibilities for capability. However, our diverse

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<sup>25</sup> Nussbaum, M., (1993) "Non-Relative Values: An Aristotelian Approach", in *The Quality of Life*, ed. Martha Nussbaum & Amartya Sen (Oxford: Clarendon Press), p. 261 ff.

<sup>26</sup> Nussbaum, M., (1986) *The Fragility of Goodness*, pp. 285-6.

<sup>27</sup> Nussbaum, M., (1990) "Aristotelian Social Democracy", p. 219 ff.

<sup>28</sup> *Ibid.*, p. 224.

<sup>29</sup> Sen, A., (1985) "Rights and Capabilities", pp. 135-9.



capabilities must also express the "ubiquitous and architectonic" features of all good lives, both our practical reason and affiliation. Our practical reason is our ability to conceive of and pursue the good life, and our affiliation is our desire to live with and for others.<sup>30</sup> Our capabilities, guided by our practical reason and affiliation, will not be developed in isolation, but in "grounding conditions" where we must choose and act. Included within these conditions are rational activities.<sup>31</sup> The potential for capability is always developed within specific activities according to their standards of excellence or "good functioning."<sup>32</sup> The activity and its criteria of value become that which is both rightly valued and the medium in which valued capabilities are developed. Although practically dependent, the good life is freely chosen and fosters the capacity to act with discernment. It expresses the rational desire to develop one's capabilities according to chosen standards of good functioning.<sup>33</sup>

Nussbaum argues that her conception of capabilities is potentially universal, precisely because it gives a "generous reading" of the rational capacity of the good life. A reading is "generous" when it acknowledges that the standards with which the goodness of a life can be judged are those which are appropriate to the emotional and practical context of this life. It will not judge this life with a supposedly more exacting formal criterion of rationality or of subjective evaluation. A generous reading also acknowledges that the good life is dependent upon practical conditions to constitute both its capacity to value and its fundamental needs. The generous reading does not assume that capability is fundamentally autonomous, and that suffering is only that which obstructs this self-sufficiency. Rather, the suffering which is serious, which others should feel duty-bound to aid, results from situations which disrupt our dependence on valued objects.<sup>34</sup> From the basic assumptions that the good life is practically dependent, and that serious

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<sup>30</sup> Nussbaum, M., (1990) "Aristotelian Social Democracy", p. 226.

<sup>31</sup> Ibid., p. 225.

<sup>32</sup> Nussbaum, M., (1986) *The Fragility of Goodness*, pp. 292-3.

<sup>33</sup> Nussbaum, M., (1995) "Human Capabilities, Female Human Beings", *Women, Culture and Development. A Study of Human Capabilities*, ed. Martha Nussbaum & Johnathon Glover (Oxford: Clarendon Press), pp. 80-1.

<sup>34</sup> Nussbaum, M., (1995) *Poetic Justice. The Literary Imagination and Public Life* (Boston: Beacon Press), p. 38 ff.

suffering is the disruption caused to this dependence, Nussbaum derives an account of the rights of social justice. An "Aristotelian Social Democracy" will legitimate rights to the resources required by each individual, in their specific constitutive circumstances, to develop the capabilities appropriate to that context.

Nussbaum claims that she can adapt Rawls' liberal theory of primary goods, and ensure that it will enable the good life of each person equally, by rejecting its formal and subjective features.<sup>35</sup> A formally subjective account will be indistinguishable from the "mean-spirited" view in utilitarian welfarism, which does not ascribe any normative significance to the specificity of an individual's practical activities. It will not account for what is of value. For welfarism, external objects can have value only as a means to satisfy our desires or realise our preferences. Therefore, it will only see our dependence on external objects which we cannot control as a lack of freedom and, as a result, will not recognise the seriousness of the suffering caused by disruptions to such features of life. Nussbaum also criticises Plato's dualistic attempt to secure the invulnerability of the good life by making it antithetical to the passivity of desire and to relations of necessity with the world of objects.<sup>36</sup> As we saw, Habermas also argues that, although systemic functioning is necessary for the good life of the life-world, the two can and must be kept separate so as to avoid suffering. Nussbaum argues instead that the good life is realised in productive activities in the continuing development of our reasoned-desire. It is in disruptions to this source of value, and of our capacity to value, that suffering must be identified.

As necessary sources of value are external, both they and the good life can be disrupted. As these are disruptions to our rational capacity itself, the "fragility" of the good life can never be overcome. Nussbaum agrees with other enlightenment theories that the bases for justification of the good life can only be made commensurable at the level of translation. However, this translation cannot hope to be based on a formal or dualistic abstraction, which itself identifies the formal or dualistic

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<sup>35</sup> Nussbaum, M., (1996) "Compassion: The Basic Social Emotion", *Social Philosophy and Policy*, vol. 13, no. 1, p. 28.

<sup>36</sup> Nussbaum, M., (1986) *The Fragility of Goodness*, p. 264.

requirements for the goodness of a life. Rather, it must account for the context-specificity which is required of our rational capacity in a dependent and vulnerable good life. First, the practical contexts in which alone the good life is attained are themselves ongoing. The rational capacity appropriate to this mutable or unfixed good life will be an improvisatory one. Second, the contexts of the good life are complex and various. An indefinite or indeterminate good life must therefore develop the rational capacity of responsiveness. Third, these contexts are made up of experiences, such as those of the family, which are particular and unrepeatable. The rational capacity of the good life must include the partiality which acknowledges the serious ethical weight due to the experiences of love and fellowship.<sup>37</sup>

The potential of all lives for serious suffering follows directly from the necessarily fragile nature of the good life. The fragility of life already demands much from our rational capacity. However, the required improvisation, responsiveness, and partiality can themselves be undermined by certain practical contexts. Nussbaum argues that material and psychological hardship can generate the emotional dispositions of a "brutalised identity", which prevent the individual from developing valued capacities and the capacity to value.<sup>38</sup> These dispositions are evident where individuals positively value activities and achievements which fall far below what they are capable of. From our intersubjectively shared values concerning what activities are worthwhile, we can identify where an individual's sense of self-respect in such a situation is groundless. However, the generous view does not take these dispositions at their face value. Rather, it assumes that individuals will often accommodate their expectations and desires to a situation where a valued life seems unattainable. Nussbaum, therefore, rejects Rawls' assumption that subjective evaluations can be independent of practical conditions and are, therefore, the only indicator we have of what an individual needs.<sup>39</sup>

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<sup>37</sup> *Ibid.*, pp. 302-4.

<sup>38</sup> Nussbaum, M., (1996) "Compassion: The Basic Social Emotion", pp. 31-2.

<sup>39</sup> Nussbaum, M., (1980) "Shame, Separateness, and Political Unity", pp. 401-2.

Nussbaum argues that her Aristotelian Social Democracy can legitimately intervene to enable the good life, without being guided primarily by the preferences of those who are suffering. This intervention will entail a strategic form of action and the deployment of technological methods, and is to be judged by the extent to which it brings about the good life. Strategic and technical action are not dualistically divided from emotive and practical features of our capacity. They are, rather, basic appearances, and so they do not provide a basis for reflection which is external to the world of the good life. Unlike Habermas, an ethical understanding of the good life must guide "material reproduction" if it is to ensure our basic needs. The nature of the good life itself also entails that we can not take an external view of it. Our emotive practical relations with the world of objects is a sphere we actively constitute as part of the good life. There is, therefore, no causal law of reasoned desire which can be discovered to explain each good life. When another person is unaware of the needs of their good life, neither the social scientist nor the moral theorist can supply this knowledge. Rather, an intervention will alleviate suffering only when it enables the capacity of the individual within their dependence on a practical, specific context to constitute their own needs and the satisfaction of those needs.

## **2.2. Empathy and the good life of another.**

Nussbaum argues that a normatively positive account must be given of both the rational capacity of the good life and the rights of social justice which are to enable it. The rational capacity of the good life can only be developed from within the reasoned-desire which is already fostered in discerning what is of value. This capacity which is developed can only then be known as that which is already committed to specific conceptions of the good life. Nussbaum argues that we will only make the good life of another person commensurable through a generous reading. This is a form of reflection which presupposes what can be expected from others in regard to the nature of their positive commitment to the good life. From this generous reading we can then specify the nature of the good life which is to be both the legitimate goal of social justice and the insight which will identify with these rights of social justice as legitimate. The generous reading which motivates the rights of social justice is the "compassion" which does not condescend but, rather, sees in the

condition of suffering the potential for the positive conception of the good life.

Nussbaum argues that Rawls is right to insist that a life can only be good when it expresses that individual's own life plan. On this point Rawls' position is distinct from the mean-spirited view in welfarism, which equates goodness merely with an end-state, regardless of the role the individual played in bringing it about. Nussbaum's generous view places value instead in the "separateness" of persons, which is realised in the capacity to plan one's own life and the satisfaction of its needs.<sup>40</sup> However, for Nussbaum, Rawls' account of rational planning is insufficient. It does not acknowledge the need for a positive conception of the good life, and does not specify the perfectionist requirements of rationality.<sup>41</sup> As Rawls cannot give a non-subjective account of the "character" and "intellect" required for the good life, he cannot finally identify a life which is either rational or qualitatively good. This will not be avoided by Rawls' attempt to derive the requirements of a life plan from a formal account of the resources necessary for any plan. This account of the formal usefulness of goods cannot finally be distinguished from the welfarist attempt to reduce all qualitative judgements to calculations of benefit. It would also undermine the practical emotive basis of the good life. It controls as a means what we must instead remain dependent upon as the source of value and the ability to value.<sup>42</sup>

Nussbaum argues that in family relations the emotional and practical presuppositions of the good life are formed by the romantic love between partners and the partial commitment of parents and children to ensure each other's well-being.<sup>43</sup> Further, the nature of the good life will also be distinguished between ethnic cultures, as rational capacity will only be developed here in ways that are appropriate to the specificity of this context.<sup>44</sup> A positive conception of the good life is therefore required

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<sup>40</sup> Nussbaum, M., (1995) *Poetic Justice*, p. 14, p. 25, p. 38.

<sup>41</sup> Nussbaum, M., (1980) "Shame, Separateness and Political Unity", pp. 402-403, p. 424.

<sup>42</sup> Nussbaum, M., (1990) "Aristotelian Social Democracy", pp. 209-13.

<sup>43</sup> Nussbaum, M., (1995) "Emotions and Women's Capabilities", pp. 368-70, pp. 381-5.

<sup>44</sup> Nussbaum, M., & Sen, A., (1989) "Internal Criticism and Indian Rationalist Traditions", in *Relativism. Interpretation and Confrontation*, ed. Michael Krausz (University of Notre Dame Press), p. 313.

which will account for its lack of fixity, its complex variety, and its partial particularity. In contrast, the mean-spirited view will treat familial and ethnically distinct activities in a biased way. It can only justify rights which enable what it takes to be the rational capacity of the good life. It can, therefore, only aid those who can control their emotive and practical context and use it as a means to some other end.<sup>45</sup> The mean-spirited view will, therefore, have inegalitarian consequences. The capacity for discernment which it considers formal, and therefore universal, is in fact developed primarily in the social categories of the male middle class majority culture. The mean-spirited account implicitly confers legitimacy on the desire to control as it is established as a social phenomenon.<sup>46</sup>

Nussbaum needs to show how her generous reading will in fact give a more adequate account of the human needs which must be satisfied to enable the good life. On that basis, the intervention called for by an Aristotelian Social Democracy can be identified with as legitimate by the capacity it is to enable. She argues that the generous reading which identifies the vulnerability of the good life can be justified as an "insight" of "practical wisdom."<sup>47</sup> This is the capacity formed from a long experience of a life led in practical activities. From experience, an awareness is developed that the good life is vulnerable and, therefore, that the good life of another cannot be reduced to a measure of its formal rationality. The good life of another can only be understood through the "imaginative identification" which "empathises" with the fragility which all good lives share. However, to acknowledge that another life is fragile is also to accept the fundamental separateness of the other person.<sup>48</sup> The practical insight is aware that the separateness of another is mutable, complex, and particular in nature. It also attempts to understand the good life of another through improvisation, responsiveness, and an awareness

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<sup>45</sup> Nussbaum, M., (1990) "Aristotelian Social Democracy", pp. 209-13.

<sup>46</sup> Nussbaum, M., (1995) "Human Capabilities, Female Human Beings", pp. 100-2.

<sup>47</sup> Nussbaum, M., (1986) *The Fragility of Goodness*, pp. 302-6. Nussbaum's more recent work is influenced as much by Rousseau, Kant, Rawls and Adam Smith as it is by Aristotelian ethics. This is reflected in the use of the term "imaginative identification" now in place of the previous "insight" of "practical wisdom." However, both refer to the same emotional or desiderative disposition to empathise with the other life by seeing in its separateness the shared characteristics of the fragile life: Nussbaum, M., (1995) *Poetic Justice*, pp. 19-20.

<sup>48</sup> Nussbaum, M., (1996) "Compassion: The Basic Social Emotion", pp. 34-5.

of partiality. Nussbaum argues that this practical excellence required to understand the good life of another can also be learned from artistic experience.

Nussbaum argues that to understand literature an interpretative act of imaginative identification is required on the part of the reader with the intentions of the author and the situations of the characters. This has an immediate relevance for ethical reflection, as the work of literature expresses the good functioning of the writer. It expresses what Walt Whitman called the ability to "see eternity in men and women" by representing to the reader the complexity of human agency.<sup>49</sup> To correctly determine the value of this work of art the reader must attempt to understand this intended artistic representation. This is an intention which is expressed within the specific activity of literature, where alone it could have the meaning it does for the reader. As with any other contextually specific activity, it offers its own criteria of choice and value for the reader.<sup>50</sup> The subject matter which is represented here and which we attempt to understand is, along with its complexity, the mutability and particularity of human agency. Nussbaum argues that in literature this subject matter is presented within the lives of fictional characters. We will, therefore, understand the author's artistic representation of human capability only through an empathetic identification with the characters in which this intention is made manifest.<sup>51</sup>

The meaning of a novel such as Dickens' *Hard Times* can only have significance to the extent that the reader empathises with its characters. The reader will have to see in the characters' lives the fragile and separate nature of the reader's own life. Nussbaum argues that Bitzer's cold-hearted instrumentalism in *Hard Times* personifies the effects which mean-spirited practices of education can have. These are educational practices which teach children to reduce all knowledge to observable facts, and to reduce the value of all practical involvements to their strategic usefulness.<sup>52</sup> Such practices will stunt both the ability to empathise with

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<sup>49</sup> Nussbaum, M., (1997) *Cultivating Humanity*, p. 96.

<sup>50</sup> Nussbaum, M., (1995) *Poetic Justice*, p. 7.

<sup>51</sup> Nussbaum, M., (1997) *Cultivating Humanity*, p. 90 ff.

<sup>52</sup> Nussbaum, M., (1995) *Poetic Justice*, p. 30.

the humanity of others and the emotional discernment necessary for the goodness of one's own life. We will only understand Bitzer's situation as one of serious suffering if we empathise with his experiences as an orphan educated according to the mean-spirited view. We will also only empathise with the fictional character of Bitzer if we recognise how such suffering could arise in the practical situations in which we live. On that basis we can, moreover, judge that the nature of the good life and its requirements in practice will never be accounted for through the mean-spirited view.<sup>53</sup> A formal and negative conception of the good life will never enable us to make the diversity of the good life commensurable at the level of translation.

Nussbaum argues that compassion is the basis on which to legitimate collective intervention. From a generous reading, we can appreciate that the suffering of others is serious and should be pitied, and that it could just as easily descend upon our own fragile life, and so from our self-interest we can develop an interest in egalitarian measures. This is, she argues, a positively justified "emotional analogue" of Rawls' original position.<sup>54</sup> The insight into the good life is fostered as a capability in rational activities, including the activity of art. These are the activities which foster intersubjectively recognised standards of excellence in action and reflection. However, persons with insight do not attempt to understand with the standards which are appropriate to their own activities those experiences which are, rather, of another person in another situation. From the positive commitment to one's own good life, and an awareness of its context-specific nature, can be developed an awareness of the fragility and separateness which will also characterise this other good life. It is the awareness that this good life is fragile due both to its irreconcilable plurality and its vulnerability to practical disruption.<sup>55</sup> An enlightenment reflection must abstract from inappropriate presuppositions in understanding the other, but the person of practical insight does so, Nussbaum argues, so as to empathise with the other in the separateness of their fragility.

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<sup>53</sup> Nussbaum, M., (1997) *Cultivating Humanity*, pp. 30-4.

<sup>54</sup> Nussbaum, M., (1996) "Compassion: The Basic Social Emotion", pp. 36-7.

<sup>55</sup> Nussbaum, M., (1986) *The Fragility of Goodness*, p. 301.



The practical insight fostered in specific activities can therefore give the generous reading which is required of the nature of capabilities themselves. It is also this generous reading which legitimates our normative duties to aid the good life of another.<sup>56</sup> The understanding we can have of the requirements for the good life in another situation can only ever be empathetic. The normative principle which obliges us to aid the other person cannot displace the practical insight with which alone we can identify what is called for in this situation. The considerations which justify our actions here can not be derived from a basic moral premise, such as the requirements of fairness. Rather, universal rules are posterior to particular judgements, while the good judgement "is concerned with the apprehending of concrete particulars, rather than universals."<sup>57</sup> The appropriate normative principle can only ever be a guide. It is an outline which past wise insights, or "authoritative judgements", provide of the normative obligations which follow from the fragility of the good life. Each new authoritative judgement of the normative requirements in any situation is an empathetic understanding of the nature of the good life, which itself can "supplement" the principle as yet a further past wise judgement.<sup>58</sup>

Nussbaum's conception of the good life will positively value the capabilities realised in activities throughout social relations. As the good life must give a central place to the unrepeatable particular experiences of love and friendship, the family role of parenting can be shown to be worthwhile. The capabilities which are of value for the parent will be contextually specific to this activity, but will also represent a development of the constitutive circumstances of the human good life. Further, as we come to understand the good life through art, the development and training of artistic capabilities can also rightly claim to be an aspect of the good life. This does not devalue everyday roles, by contrasting them with the autonomy of art and the creativity of artistic experience. In fact, it is the experience of art, especially in reading the modern novel with its democratic concerns for everyday life, which confirms for us that an insight of practical wisdom is necessary for each situation, and must be

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<sup>56</sup> Nussbaum, M., (1995) *Poetic Justice*, pp. 8-9.

<sup>57</sup> Nussbaum, M., (1986) *The Fragility of Goodness*, pp. 300-1.

<sup>58</sup> *Ibid.*, p. 301.

suiting to each situation.<sup>59</sup> Through an empathetic understanding, made possible by these activities, we can specify the context-specificity of the good life and of the suffering caused by its absence. From this insight, the collective interventions to enable the good life as an unconditional right can be legitimated.

### **§3. Hermeneutic circle of appearances.**

There is a close correspondence between Nussbaum's position and the hermeneutic reformulation of social citizenship which I propose, concerning the valued capacity which is to be enabled as a right and which itself is to identify with this legitimate collective intervention. For Nussbaum, the valued capacity remains practically derived due to the comprehensiveness of its substantive and positive features. For both the hermeneutic reformulation of social citizenship and for Nussbaum, collective interventions must respond to the ever changing practical requirements of the good life and, also, the ever present practical dangers which lead to suffering. However, these two positions will give opposing accounts of a rational and normative advance in the good life, with regard both to our understanding and enablement of the good life. This opposition can be analysed by returning to the specific rational and normative advance which is the concern of this thesis, namely: how Marshall's conception of social citizenship can be reformulated.

I argue that there are certain shortcomings in Marshall's treatment of the good life which can be overcome when a more consistent hermeneutic line is taken. I criticise his arguments that the authority of practical excellence is established over those that are ignorant, that the good life cannot be enabled in full for all, that the status of social equality is based on a national heritage, and that parenting can be excluded from the category of "professional" practices recognised in citizenship. I argue that these features of Marshall's position are antithetical to both the hermeneutic account of a freely and rationally conferred authority and to the hermeneutic commitment to enable the capacity for learning in others. By contrast, Nussbaum's position will see these shortcomings as arising from conservative meta-theory itself, from the fact that it does not

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<sup>59</sup> Nussbaum, M., (1995) *Poetic Justice*, pp. 33-5.

respect the enlightenment conception of the power of reason by acknowledging that the individual is analytically and normatively prior to practice. For Nussbaum, a hermeneutic social citizenship will always be unable to identify suffering, and will be unwilling to ensure the good life for all equally, because its bases for justification do not enable either the empathetic transcendence of traditional commitments to specific good lives or the specification of the pre-cultural requirements for the good life of each individual.

### **3.1. Shortcomings in Marshall's account of professionalism**

In Chapter Two Section 4.2. I indicated four shortcomings in Marshall's proposals which I elaborate on here. First, Marshall argues that an authoritative insight into the nature of needs can be developed as a rational capacity within professional practices. However, for Marshall, the basis for this insight and the power relation of this practice contrasts the "authority" of the professional and the "ignorance" of the client. Second, Marshall argues that the rational capacity of the good life is compatible with the skilful deployment of techniques appropriate to a practice and the bureaucratic intervention of the State to enable practices to attain the status of professionalism. However, he also argues both that the technical nature of certain practices require only the ability of a functionary and so inhibit the development of this valued capacity, and that the State cannot freely intervene in the division of labour to ensure instead the full measure of social equality. Third, although the shared status of social equality is to recognise status differences of other forms, Marshall assumes that it must be based on the unified civilization of a national heritage. Fourth, Marshall excludes the practice of parenting, which requires an appropriate insight and entails a social status, from the practices whose professional status is considered a right of citizenship. I argue that these proposals fall short of ensuring the basis required to legitimate collective intervention, namely: the practical excellence which is fostered in, and constitutes the substance of, mutual relations of social equality.

The first shortcoming concerns the nature of power relations and the basis for justification in the delivery by professionals to clients of a service which is essential to the satisfaction of needs. The professional's claim to

an authoritative insight must be justified, while this entails that the identification of the client with the legitimacy of this insight must be secured. Marshall argues that, as the satisfaction of any one individual's needs relies upon the activities of others, and in turn affects others, a social measure of need and its satisfaction is required. It is also only the professional who can adopt a disinterested yet insightful perspective to determine what an individual's socially conceived needs are. For this reason, the standards to measure needs, and assess in what way they should be satisfied, can only be developed and deployed by professionals within the appropriate professional practices.<sup>60</sup> Individuals turn to the professional practice to have their needs met because its standards are not available in everyday interaction. However, professional standards are only ever correctly deployed through the judgement of an individual with the personal qualities of discernment which could be fostered only in this professional practice.<sup>61</sup> The professional practice is unique, as here alone certain needs can be met, but this uniqueness will only be maintained if, Marshall argues, the authority of the individual professional can be contrasted with the ignorance of the client.<sup>62</sup>

I argue that, while this is unacceptable, Marshall's own basic premises point to a different conclusion. Marshall's description of how a professional's insight itself is developed can be characterised as a Gadamerian mutual learning process. It is only through individual qualities of discernment that professional standards are made meaningful, yet such discernment could only have been fostered in a professional practice.<sup>63</sup> At the same time, the goal of professional service is to enable the rational capacity of civilization for the client. Thus, medicine is to instil an "education in the art of life." Its goal is to enable the clients' authoritative insight into their own and others' human needs, a practical capacity which has all the features of a professional insight.<sup>64</sup> Therefore, I argue, the nature of the service delivered to a client should itself have the quality of a professional practice, a continuous

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<sup>60</sup> Marshall, M., (1939) "The Recent History of Professionalism", p. 156.

<sup>61</sup> *Ibid.*, pp. 154-5.

<sup>62</sup> *Ibid.*, p. 156.

<sup>63</sup> *Ibid.*, p. 155.

<sup>64</sup> *Ibid.*, pp. 165-6.

mutual learning process. The rational capacity not only of the client, but of the professional as well, must be conceived as dependent on this learning process. As Gadamer has argued, both the power relations and bases for justification of an authoritative insight must be derived from, and conducive to, mutual learning rather than an unreflective obedience.<sup>65</sup> In this way, it is possible to counter the prevailing concerns, which Habermas expresses, that professionals are merely disengaged elites.<sup>66</sup>

The second shortcoming concerns Marshall's argument that, although the good life requires a professional status in practices which develop an insight into human needs, only a semi-professional status could be ensured in practices where, instead, the qualities of accuracy and efficiency are appropriate.<sup>67</sup> Therefore, the extent to which the good life can be enabled through rational re-organisation is limited, as collective intervention must not undermine the existing class relations and contractual market integration in which valued productive practices can emerge.<sup>68</sup> However, a different, Gadamerian, conclusion can be reached from Marshall's own basic premises. As I argued in Chapter Two Section 4.2., Marshall in fact argues that we must continue to assess the conditions of possibility for the good life, and do so from the commitment to ensure it as the basic element of the status of social equality. This is the case as the nature of practical capacity, and the relations of social equality which are its necessary bases, have a certain cultural autonomy from relations of inequality and the technical and strategic features of integration. From the practical insight we do have, we must continue to assess when collective intervention and market integration enable the good life, and when instead they lead to suffering; and when stratification is compatible with the emergence of valued practices, and when instead it results in domination.

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<sup>65</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 279-280.

<sup>66</sup> Gadamer, H.-G., (1967) "Rhetoric, Hermeneutics, and the Critique of Ideology", pp. 285-6.

<sup>67</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", p. 168.

<sup>68</sup> *Ibid.*, p. 153, p. 156.

When practices remain at a semi-professional status, then Marshall falls short of ensuring the shared basis of social equality that is necessary for the good life and for the justification of social rights. This is the case also in the third and fourth shortcomings I pointed to, where Marshall assumes that social equality relies on a unified and national heritage,<sup>69</sup> and when practices which are socially valued, such as parenting, are not also recognised as instances of professionalism which the rights of citizenship are to foster and ensure. Again, Marshall's basic premises point to a different conclusion. Marshall gives a positive justification of the good life. The satisfaction of human needs is understood in terms of the ethical value of the good life which this can enable, while appropriate criteria of ethical value are identified from within valued practices.<sup>70</sup> However, this positive conception can only have legitimacy if it is based on a continuous Gadamerian mutual learning process. This follows, from Marshall's own arguments, for the delivery of services to clients, which should enable the good life mutually, and for the collective intervention to enable professional practices, which must respond to changed opportunities and requirements. Marshall assumes that a shared mutual basis of understanding is required for cross-cultural interaction, but does not see the need for such a basis in the justification of State intervention.<sup>71</sup> Marshall also argues that parenting is a productive task requiring practical insight and entailing a social status, but does not include it as a practical capacity recognised within citizenship.

### **3.2. Nussbaum's critique of traditionalism, intellectualism, and idealism.**

I have outlined above how Marshall's conception of the good life can be reformulated. I argued that his substantive, positive, and comprehensive account will be consistent and can be defended when it is re-conceived according to the requirements for a Gadamerian mutual learning process. This is intended to overcome Marshall's account of practical relations of authority, which fall short of the requirement of mutual learning, and his account of collective intervention, which falls short of securing social

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<sup>69</sup> Marshall, T. H., (1949) "Citizenship and Social Class", pp. 85-6, pp. 124-5.

<sup>70</sup> Ibid., p. 114, p. 118.

<sup>71</sup> Marshall, T. H., (1959) "International Comprehension in and through Social Science", in *Sociology at the Crossroads and other essays* (London: Heinemann, 1963), p. 47 ff..

equality as its justified goal and as the required basis for the legitimation of this goal. As we saw, Nussbaum also argues that the bases from which to both identify the legitimate collective intervention and pursue the good life are substantive, positive, and comprehensive. However, the specific way in which Nussbaum realises the enlightenment position in an emotive conception of practical rationality ensures that she will reject the proposed hermeneutic reformulation of social citizenship. For Nussbaum, a hermeneutic understanding will not specify the pre-cultural requirements for the power of reason, and nor will it enable us to empathise with the context-specific way in which it is realised. It cannot, therefore, specify the requirements for the rational capacity of the individual over and above traditional interests in specific good lives, and nor can it specify the fundamental and diverse requirements to overcome suffering.

First, Nussbaum would reject the hermeneutic critique of formalism. For Nussbaum, the good life has a fragile nature due to its emotive and practical characteristics. However, these characteristics also ensure that the individual is normatively and analytically prior to practice.<sup>72</sup> Just as the emotive characteristics of the good life are derived from pre-cultural constitutive circumstances, so too they enable the empathetic identification with another in the context-specificity of their separateness, over and above the practical or traditional horizon of their specificity. For Nussbaum, hermeneutic understanding will remain tied to traditions whose scope are limited. It will be unable to conceptualise the universal nature of the good life, and will be unable to empathise with the separateness of the individual, precisely because it does not leave traditional horizons behind in understanding another culture or activity.<sup>73</sup> Further, Nussbaum argues that the value of a capability can only be accounted for by the reasoned-desire which is appropriate in specific grounding conditions. It, therefore, cannot be "reduced", by those who claim a superior insight, to its supposedly shared hermeneutic meaning. Therefore, Nussbaum would reject hermeneutics as being an

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<sup>72</sup> Nussbaum, M., (1997) *Cultivating Humanity*, p. 37; (1999) "The Feminist Critique of Liberalism", p. 62.

<sup>73</sup> Nussbaum, M., & Sen, A., (1989) "Internal Criticism and Indian Rationalist Traditions", pp. 315-316.

intellectualist concern with meaning. In the same way that Plato prioritises the rational aspect of the soul, hermeneutics will not acknowledge the incommensurable plurality of the desiderative nature of the good life.<sup>74</sup>

Second, Nussbaum would also reject the hermeneutic claim to have overcome Habermas' dualism. Nussbaum argues that only a reasoned-desire which is directed to the external world will be aware of the more "basic" nature of some appearances, such as empirical experience and deductive logic.<sup>75</sup> In contrast, hermeneutics will be seen as idealist, as a reduction of all appearances to those of cultural beliefs. Therefore, for Nussbaum, hermeneutics will be unable to give a direction to science. It will be unable to ensure that science both enables the good life, to the extent that this is possible, and does not itself undermine the good life and cause suffering through a technological objectification of human relations. Nussbaum argues that suffering can only be accounted for by a reasoned-desire which also assumes that the good life has a practically emotive nature. The shared basis for the good life and for our knowledge of it is derived from the "pre-cultural" overlap of emotive and practical human grounding conditions. It is only when the significance of this overlap is acknowledged that we will be able to account for serious suffering, whose locus is in our grounding conditions of mortality, embodiment, pleasure and pain, infant development, practical reason and affiliation. For Nussbaum, hermeneutics will be unable to account for the suffering which is more basic and fundamental than that caused by disruptions to our cultural self-understanding.<sup>76</sup>

Third, Nussbaum would also reject the hermeneutic positive conception of the good life. For Nussbaum, the good life is mutable, indeterminate, and particular. The diversity of good lives, and the fragile nature of each, entails that there can be no one correct interpretation of a good life which expresses either the intellectual certainty of the interpretation of texts or the certainty of a life led within a tradition which is shared.

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<sup>74</sup> Nussbaum, M., (1986) *The Fragility of Goodness*, pp. 272-3.

<sup>75</sup> Nussbaum, M., (1986) *The Fragility of Goodness*, pp. 247-9; (1997) *Cultivating Humanity*, p. 36 ff.

<sup>76</sup> Nussbaum, M., (1993) "Non-Relative Values: An Aristotelian Approach", pp. 263-4.



Hermeneutics will be seen as both traditionally embedded and intellectualist. For Nussbaum, it will be unable to adopt appropriate emotive presuppositions to understand others empathetically. It will not only reduce the separateness of individuals to their practical horizon, but will reduce the goodness of their lives to the traditional and ethical validity of their beliefs. For Nussbaum, hermeneutics will also be unable to account for the normative significance of suffering where the good life is absent. Nussbaum argues that it is as a consequence of "brutalising conditions", which strip persons of the necessary external requirements of humanity, that an individual's ethical self-understanding will be distorted. For Nussbaum's position, hermeneutics could only be aware of the fact that the individual now gets it wrong in their traditional and intellectual reflection. It will always be a condescending response to suffering, an offer of aid which assumes the inferiority of the recipient's perspective.

Nussbaum would assume that hermeneutics cannot overcome the shortcomings I have criticised in Marshall's work. For Nussbaum, a hermeneutic authoritative insight must be premised on a superiority measured in terms of greater intellectual certainty. A hermeneutic professional will always presuppose the ignorance of the client, a subordinate for whom a conception of the good life can be ascribed. Nussbaum will also characterise hermeneutics as idealist, as it does not distinguish between the interpretation of meaning and the formulation of scientific truths and the implementation of scientific findings. For Nussbaum, hermeneutics will be unable to pursue a rational re-organisation which both enables the good life and avoids the perpetuation of suffering in the process. Nussbaum would also argue that hermeneutics will be unaware why it will not recognise and enable the diversity of the good life. It will be unaware that it is tied to a traditionally specific and intellectualist conception of human need, which prevents it from acknowledging the significance of different good lives, such as that of parents, of minority cultures or in unorthodox family forms. It is these characteristics which will also, for Nussbaum, prevent hermeneutics from understanding the diversity and significance of human suffering, the context-specific way in which the locus of suffering is sited within human grounding conditions.

### 3.3. Hermeneutics, professionalism, and mutual learning.

In Section 4. I attempt to overcome the critique of hermeneutics which I have ascribed to Nussbaum. However, in that section I also give a hermeneutic account of Nussbaum's argument that capabilities are the necessary features of practical excellence. Before arguing that hermeneutics can be defended, and is necessary for any commitment to ensure capability, I criticise Nussbaum's account by pointing out the problems which follow from her enlightenment meta-theoretical position. For the enlightenment, rational activities are incommensurable at the level of justification. An enlightenment position will determine if a rational activity is acceptable, but only by assessing whether it expresses the power of reason over and against the force and the authority of others and the dissimulating nature of accepted traditional truths. For Nussbaum, the power of reason is an emotive and practical capacity. Acceptable bases for justification can be made commensurable at the level of translation, but only through an empathetic identification with the context-specificity of activities.

Nussbaum argues that we can only have knowledge within the "appearances." However, we must abstract from the appearances to empathetically understand the context-specificity of the good life. For this reason, the insights which identify our authoritative obligations to the good life of another must "supplement" the normative principle. It is an empathetic insight into the nature of the good life and into its normative significance. Nussbaum also claims to have distinguished this insight of practical excellence from the reflection of the brutalised identity. However, Nussbaum cannot account for this as an enlightenment distinction between the presence and absence of the power of reason. Rather, Nussbaum's concern with the brutalised identity is the quality of its presuppositions concerning the nature of the world and of reflection, of what activities are both possible and worthwhile. This a distinction in the substance of the presuppositions of justification, and can only be made where the presuppositions of both perspectives are mutually assessed. By contrast, Nussbaum's empathetic identification of the brutalised identity does not allow the perspective of the compassionate observer to be questioned. Instead, I argue, a hermeneutic reflection which remains embedded within the appearances is required to identify

both the legitimate intervention and the nature of the valued capacity to be enabled.

Due to her enlightenment position, Nussbaum is also unable to account for the process of learning through which an excellence in practical reason is developed. Nussbaum assumes that we proceed from "constitutive circumstances" to develop "good functioning", but she also assumes that we abstract from the appearances in doing so. The good life is fragile, she argues, as there is no shared basis on which each context-specific aspect of an individual's own good life, or the lives of different individuals, can be made meaningful. However, Nussbaum's position therefore offers no way to account for the basis for understanding which is required either to enter an activity and develop its good functioning, or to specify what the good functioning of another activity is and whether it should be enabled through intervention. Nussbaum's emotive discernment of what is of value to one's own life, and her empathetic understanding of another good life, both abstract from the "appearances" which are necessary if we are to see or take the world in these activities. Hermeneutics, on the contrary, argues that it is possible to recognise the potential worth of a capability developed in an activity because it is always necessary to come to a shared historically embedded understanding of it, an understanding within the appearances. It is only then that we could establish what value capabilities such as parenting and art have, and why they are good lives which should be enabled as an unconditional right of social justice.

For Nussbaum's positive account of the good life, the individual is not a self-contained, self-sufficient, or harmonious unit, as individuals remain practically and emotively dependent on external sources of value. Nussbaum also argues that a life is only good when the separateness of the individual is ensured, when the individual actively plans their life according to acceptable criteria of rationality and value. However, for Nussbaum, the practical basis of the good life is not a necessary hermeneutic dimension, but a series of appearances from which we must be able to abstract. Therefore, separateness is ensured only where the individual is conceived as "analytically and normatively prior" to practice. This leads to the argument that the good life in its diversity will

only be enabled and pursued when resources are distributed in a Rawlsian manner, to ensure the freedom and equality of individuals independently of their membership of practices. However, what this then overlooks in the legitimation of rights are the practical requirements of Nussbaum's own conception of capabilities. I argue instead that the plurality of the good life can only be known from practical bases for understanding, specifically the bases established in the shared status of social equality. Social equality must also be the goal of intervention, and must be constituted by the hermeneutic mediation of what Nussbaum has called capabilities.

For the hermeneutically reformulated social citizenship, valued practices must provide the bases from which to pursue the good life and legitimate collective interventions to enable the good life. I argue in the coming section that the valued capacity can only be developed by individuals in partly autonomous practices and relations of social equality which, however, proceed from power inequalities and social and economic functional requirements, as well as shared normative commitments. For Gadamer, a mutual learning process creates the hermeneutic dimension which enables practices to have a certain autonomy, but only by also connecting what does occur here with its social and economic background.<sup>77</sup> For the reformulated social citizenship, the partly autonomous status of social equality required for the good life can only be maintained by determining what limits must be placed on social and economic features which could undermine the good life. For hermeneutics, although the valued capacity will only be enabled in an historically embedded mutual learning process, this does not make the individual "secondary" to practice. Rather, the shared hermeneutic basis is only significant because it enables, for the sake of the individual, both the good life and our shared understanding of the legitimate collective intervention.

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<sup>77</sup> Gadamer, H.-G., (1976) "What is Practice? The Conditions of Social Reason", pp. 81-3.

#### **§4. Hermeneutic capability and practical insight.**

In this section I attempt to overcome the shortcomings in Marshall's account concerning the nature of the valued capacity and the shared basis required to understand and enable it. I argue that, in its hermeneutic reformulation, social citizenship must be legitimated through the mutual learning made possible in relations of social equality where a hermeneutic capacity is enabled in full. I also defend this hermeneutic account of capacity against the criticisms I ascribed to Nussbaum's position so as, in turn, to hermeneutically conceptualise the capabilities of practical excellence. I argue that hermeneutics can reject formalism by showing that a shared basis of understanding is given and rationally determined again within history and tradition. This is not an intellectual basis, but is the medium which constitutes our fundamental needs and our emotional dispositions of learning. Nor is this a basis which is traditionally bound, but enables the insight which must both proceed from a horizon and transcend this horizon in the understanding of another. Further, this basis for the good life can be attained only where, unlike Marshall's proposals, this mutuality is a requirement of practice and ensured equally. I argue that a hermeneutic conception of capability and authoritative insight will be enabled by a mutual learning process and committed to ensuring this capacity for others.

I also argue that hermeneutics is not an idealist concern with meaning. A comprehensive hermeneutic dimension can provide the bases for justification required to understand suffering, both at its most fundamental level and in the diverse ways in which this is manifested. Moreover, it can guide strategic and technical activities so as to both enable the good life, where this is possible, and avoid the suffering brought about through objectification. On this basis, the rational re-organisation to ensure the good life equally can be pursued in social citizenship. Finally, I argue that rational capacity must proceed with a positive commitment not just to the content of a good life, but also to the value of learning. Although the enablement of the good life must proceed from a prejudicial commitment, it must also entail a mutual revision of the positive conception of the good life and justification of social rights. Moreover, an interest in aiding others can be fostered only from an awareness that the rational capacity of each is hermeneutically

finite, or reliant on mutual learning. Unlike Nussbaum's account, a shared basis in practice is required for the pursuit of the capabilities of the good life, while, unlike Marshall's proposals, this shared basis must be established by ensuring social equality in full.

#### **4.1. The hermeneutic authoritative insight of phronesis.**

A hermeneutic conception of social citizenship will share some basic premises with Nussbaum's Aristotelian Social Democracy. Both positions argue that our rational capacity and its needs are constituted in a fundamental way by the practical activities in which we live. The intersubjective nature of our rational capacity remains embedded within practice, in its plurality and variability. The correct conception of the good life will, for that reason, be non-formal. For hermeneutics, however, this does not entail that each aspect of our rational capacity is emotive and context-specific. Instead, it is as an historically embedded mutual learning process that our practical capabilities are extended towards an insight of practical excellence. The distinct aspects of our capabilities, and the distinct ways in which we can develop them in responding to the world, must be potentially meaningful to this one individual and to others, and so must be potentially commensurable at the level of justification. This shared basis for understanding is not intellectualist, but rather mediates our reasoned-desire. Although this basis is prejudicial, it is not contextually specific, but opens reason to the necessity of pursuing a shared understanding. This hermeneutic account can be seen in Gadamer's reading of Aristotle, which differs from Nussbaum's significantly.

Gadamer's conception of the good life gives a central place to "phronesis" rather than "prohairesis" within Aristotle's discussion of practical reason. While prohairesis is the capacity for voluntary choice and action, phronesis is the capacity for ethical insight which is fostered through a life led in a community.<sup>78</sup> Phronesis is "a determination of moral being which cannot exist without the totality of the 'ethical virtues', which in turn cannot exist without it."<sup>79</sup> The principles of a community are

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<sup>78</sup> Gadamer, H.-G., (1963) "On the Possibility of Philosophical Ethics", p. 368; (1989) *Truth and Method*, pp. 312-3.

<sup>79</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 22.

legitimate only when they are applied, and the insight of phronesis is fostered only through the continuous efforts to apply them correctly. However, the capacity which does attain excellence and the application which is authoritative are not, as Nussbaum argues, context-specific.<sup>80</sup> Gadamer argues that the necessity of application in phronesis entails that it has a temporal nature which Aristotle does not thematize.<sup>81</sup> The bases for justification of phronesis must be established as a continuity of meaning in the present with the tradition of past applications which has authority for us. This in itself requires a process of mutual learning. The presuppositions of justification for phronesis, the basis on which to legitimate an authoritative application, must be formed through a mutual assessment of our presuppositions now and those of the tradition to which we and the principle belong.<sup>82</sup>

A hermeneutic capacity is not contextually bound. It must continually form the bases for justification through a mutual learning process between its horizon now and that of the principle and its tradition. Practical excellence is the capacity to pursue mutual learning, and the awareness which results from learning.<sup>83</sup> Further, this is not an intellectualist capacity, but is necessitated by, and in turn mediates, capabilities arising from our emotive and practical nature. Our reasoned desire is made possible by the abilities, possibilities, and circumstances that precede us and are not simply at our disposal.<sup>84</sup> However, as features that we necessarily share with others, they enable a capacity for insight which is realised only in pursuing a potentially shared basis for understanding. For Gadamer, the pursuit of this potential shared basis is a mediation of what Nussbaum conceives as context-specific: our desire for what is of value and the rational development of our desires in capabilities. As Gadamer's prejudicial understanding has a dialogical structure where we are constituted as a specific addressee, reasoned-desire will be mediated with a dialogical, prejudicial insight. In turn, for hermeneutics, the emotional dispositions of character required for

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80 Gadamer, H.-G., (1963) "On the Possibility of Philosophical Ethics", p. 368; (1989) *Truth and Method*, p. 315.

81 Gadamer, H.-G., (1989) *Truth and Method*, p. 312.

82 Gadamer, H.-G., (1963) "On the Possibility of Philosophical Ethics", p. 368.

83 *Ibid.*, pp. 370-1.

84 *Ibid.*,

practical excellence in judgement are expressed in a desire to be open to learn from what is other.

For Gadamer, and also for Marshall, insight is possible in practices which rely on and enable excellence in practical reason, or "professionalism." These practices are partly autonomous from everyday interaction. They both place their own requirements on practical excellence and enable the participant to intervene in society in a distinctive way. An horizon, or "standpoint", can be developed here which also makes it possible to rise above this specificity and attain a shared basis of understanding.<sup>85</sup> However, Gadamer argues that the autonomy of valued practices is only maintained where the hermeneutic dimension is actively built back up as, and through, dialogue. The capacity for insight relies on the continued pursuit of a shared basis for understanding, while dialogue is the means to continually establish this shared basis. A genuine conversation opens one's own horizon to the potential insight of others, as it seeks to reach agreement on a subject matter, rather than to merely find the meaning of another's views in the supposed separateness of his horizon from our own.<sup>86</sup> A person and an insight cannot have authority over those considered ignorant, as Marshall claimed. Rather, to be open is to accept that insights which are authoritative may be plural and competing; while openness can only be ensured when relations of power do not stifle, but derive their legitimacy from, the plural insights of participants.<sup>87</sup>

The valued practice corresponds with what Gadamer calls the game of art, and the experience of art will also confirm that insight relies on an openness to the historical potential for shared understanding. The "beautiful" in art does present itself and command our acknowledgement as if it were unmediated, and as if no reasons could be given for it. However, this experience will arise from our efforts to "read" the meaning of a work and, therefore, to arrive at a basis for understanding it.<sup>88</sup> The plurality of such efforts is what constitutes the game of art

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<sup>85</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 293-4, p. 302.

<sup>86</sup> *Ibid.*, p. 303.

<sup>87</sup> *Ibid.*, p. 307 ff.

<sup>88</sup> Gadamer, H.-G., (1977) "The Relevance of the Beautiful", in *The Relevance of The Beautiful and Other Essays*, trans. Nicholas Walker, ed. Robert Bernasconi (Cambridge: Cambridge University Press, 1986), p. 39.



which, pace Nussbaum, is not a context-specific world entered into through empathetic identification. Rather, art is a tradition we participate in as historical perspectives, and the insight attained here corresponds with, and brings to realisation, the prejudicial nature of all capacity. Art requires a distanciation from everyday activity. In art, we must not view time as measurable units, but instead allow ourselves to adopt the pace and tempo which the work of art itself has.<sup>89</sup> However, this willingness to spend the time required for a painting to have meaning is already the requirement of dialogue. We can have meaningful experiences with another person by giving ourselves over to the flow of the conversation, while this specific tempo follows from the prejudicial divergence of our perspectives on a subject matter which we must be open to learn from.

Although Marshall fails to acknowledge its status as one of the professions to be recognised in citizenship, the hermeneutic conception of partly autonomous practices can account for the value of parenting and its appropriate capability and insight. As Nussbaum rightly argues, in a situation such as parenting, it is correct both to proceed with criteria of value which are not appropriate elsewhere and to give a partial priority to the needs of family members.<sup>90</sup> However, the "moral particularism" called for here is not, as Nussbaum argues, justified by conceiving of the individual as prior to practice. Rather, and as Durkheim argues, it is justified by the requirements of practical functioning, which itself is conceived in terms of the freedom of the individual which it is necessary for.<sup>91</sup> To justify deploying the standards of excellence of a practice, and valuing the capability ensured here, requires a practically derived understanding of their appropriateness. The appropriate considerations in parenting are not determined simply by an emotional response to the unrepeatable features of a context-specific life. Rather, it is only from the insight enabled by the practice which precedes us that we can determine the requirements of good functioning here. Only on that basis can it be determined when partiality is appropriate, and what is called for in such a disposition.

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<sup>89</sup> Ibid., pp. 42-3.

<sup>90</sup> Nussbaum, M., (1995) "Emotions and Women's Capabilities", pp. 381-2.

<sup>91</sup> Durkheim, E., (1957) *Professional Ethics and Civic Morals*, pp. 3-5, p. 30.

As Nussbaum argues, the rational capacity which is the goal of collective intervention is not formal, but continues to emerge in practice and in the development of our capabilities towards good functioning. Therefore, the basis from which to legitimate collective interventions also is not formal, but is an understanding pursued in practice. However, I argue both that the reasoned-desire of our capabilities is always mediated by a hermeneutic insight, and that this prejudicial perspective must be open to pursue a shared understanding. The basis to identify the legitimate collective intervention is determined through a prejudicial fusion of horizons, and not through an empathetic abstraction. It is also through the pursuit of this shared understanding that the necessary basis for our rational capacity is determined. Separateness does not, pace Nussbaum, place us normatively and analytically prior to practice. As can be seen in the example of parenting, it is not a rational power prior to practice which determines the substance and value of the capabilities developed here. Rather, individuals can only proceed as parents by both acknowledging the authority of this practice and establishing their own authority through the dialogical, plural application of its presuppositions of good functioning.

#### **4.2. Comprehensive hermeneutic capacity.**

The hermeneutic rational capacity is not intellectualist or bound to traditional horizons. It incorporates reasoned-desire in a prejudicial constitution which has a dialogical structure. I argue here that rational capacity is not dualistic. However, I also argue that the comprehensively realised capacity has a hermeneutic, but non-idealist, nature. Suffering is not that which undermines pre-cultural constitutive circumstances, by removing what is believed to be, on the basis of reasoned desire, necessary for capability. It is, rather, that which undermines the potential an individual has to develop capabilities towards a hermeneutic insight, and must be understood from a shared hermeneutic understanding. Further, scientific, technical, and systemic aspects of rational activity can not be accounted for on the basis of "basic appearances", and nor can a contextually specific empathy direct such activity to ensure the good life. Rather, practical insight is enabled by the dialogical relations which build the hermeneutic dimension back up in all activity, and it must, in turn, guide that activity to ensure a hermeneutic conception of good

functioning. On a hermeneutic basis, the collective interventions to eliminate suffering can be legitimated, and Marshall's problematic assumption can be overcome, that only a limited possibility exists for the rational re-organisation to attain social equality.

As is the case with Nussbaum, hermeneutics embeds rational activities in the direction given to them by a practical understanding of the goal of the good life. However, for hermeneutics, this basis for understanding is not arrived at empathetically, or by saving the more "basic" appearances which specify pre-cultural constitutive circumstances. Rather, a hermeneutically mediated phronesis must both guide rational activity and be the legitimate object of collective intervention. Gadamer has been concerned primarily to distinguish Aristotle's phronesis from "techne", the tool-like skill to attain pre-given ends of craft production.<sup>92</sup> Gadamer points out that the communal and ethical phronesis is the capacity to understand and reformulate valued goals. It is neither a method that can be learned and forgotten nor merely a strategic ability to ensure desired outcomes.<sup>93</sup> However, as hermeneutics is comprehensive, as all technical activity proceeds from traditional presuppositions concerning the nature of the world and reflection, then Gadamer should also thematize the necessity of technical activity for the hermeneutic capacity.<sup>94</sup> This will ensure both that hermeneutic understanding does not have a merely ideal basis, as Habermas argues, and that, in the reformulation of social citizenship, the necessity for our capacity of technical activities in the collective intervention of justice can be acknowledged.

For the hermeneutic account of the nature of justification, the hermeneutic dimension must be built back up in modern science, technology, and strategic and administrative action. Gadamer's argument is that, as they proceed with historical presuppositions, a hermeneutic understanding alone can ensure that technical and strategic activities

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<sup>92</sup> Gadamer, H.-G., (1981) "Hermeneutics as a Practical Philosophy", p. 90, pp. 91-2; (1981) "Philosophy or Theory of Science?", p. 160, p. 166; (1989) *Truth and Method*, p. 314 ff., p. 450 ff..

<sup>93</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 318.

<sup>94</sup> The historical aspect of Aristotle's techne is analysed by: Dunne, J., (1993) *Back to the Ground. 'Phronesis' and 'Techne' in Modern Philosophy and Aristotle* (London: University of Notre Dame Press), pp. 315-355.

succeed on their own terms. Further, such activities must be guided by an awareness that normative considerations are appropriate to them.<sup>95</sup> Hermeneutics will not make normative prescriptions for an activity, but will "give an account" to it of its normative nature.<sup>96</sup> Normative principles will only be applied appropriately by the insight of those within practice. This calls for phronesis and, therefore, the historically embedded dialogue which, however, the increasingly symbolic language of technology claims to have abstracted from. Gadamer argues in response that even a purely symbolic language is always a derivative of natural languages.<sup>97</sup> The hermeneutic dimension can be built back up here if we reject the argument, accepted by Romantics and the Philosophes, that historical and methodological bases for reflection are antithetical.<sup>98</sup> Rather, it is not the heightened self-conscious abstraction of technical and strategic activity which is problematic, but the attempt to monologically exclude historical dialogue from rational activity.

Methodological abstraction and technological terminology do not overcome the need for individuals to understand what they are doing in historical and ethical terms. This also indicates that the methodological basis of technological practice does not overcome the historical nature of human experience. It is the continued effect of this experience which will also disrupt methodological certainty. However, experience does not only falsify a theory, but can also problematise our hermeneutic self-understanding.<sup>99</sup> For Gadamer, beyond the certainty offered by method, the "immediate living certainty" of a life led in community has greatest significance, and it is in its disruption that serious suffering is evident.<sup>100</sup> However, hermeneutics must also distinguish between more and less serious suffering, if it itself is to avoid existential impotence in the face of life's dangers.<sup>101</sup> From Nussbaum, we can see that serious suffering

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<sup>95</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 324.

<sup>96</sup> Gadamer, H.-G., (1981) "Philosophy or Theory of Science?", p. 161; (1981) "Hermeneutics as a Theoretical and Practical Task", p. 134; (1989) *Truth and Method*, p. 313.

<sup>97</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 414-7.

<sup>98</sup> *Ibid.*, pp. 272-6.

<sup>99</sup> *Ibid.*, p. 353.

<sup>100</sup> *Ibid.*, p. 238.

<sup>101</sup> Gadamer, H.-G., (1981) "Philosophy or Theory of Science?", p. 160; (1989) *Truth and Method*, p. 238.

undermines the requirements for our capabilities, and is understood from a practical understanding of its significance. However, unlike Nussbaum, these capabilities should be conceived as possibilities for a hermeneutic insight and as an object of a shared hermeneutic understanding. Further, it is the hermeneutic conception of social equality which must ensure the shared basis which eliminates suffering and enables the understanding to identify with this collective intervention as legitimate.

Gadamer argues that the experience of the beautiful in art indicates to us the nature of all understanding. Understanding is experienced both as an event, a disruption of our shared horizon, and as an immediacy of self-presentation, where the tradition of which we are a part is expressed in the words we use in understanding.<sup>102</sup> However, just as art continues to be historical and practical, nor does hermeneutics conceive of art as the essence of meaningful experience against which everyday life is contrasted.<sup>103</sup> For hermeneutics, technical and strategic activity are neither a mere distortion of a fundamental experience which is artistic, nor a dualistically separate sphere from meaningful experience. As hermeneutics is comprehensive, I argue, it can account for the hermeneutic nature of all activity and of the seriousness of suffering. Hermeneutics is not a merely cultural understanding over which more "basic" appearances enable us to identify and eliminate serious suffering. Rather, pace Nussbaum, scientific objectivity will only be ensured through the establishment of the hermeneutic basis within science which is required for success on its own terms. Further, what Marshall should acknowledge is that social equality is a possibility whose realisation in full we can always strive towards. The continued pursuit of social equality is also necessary for the legitimation of social citizenship intervention in, and understanding of, the good life in practice.

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<sup>102</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 485-490.

<sup>103</sup> *Ibid.*, p. 70.

### 4.3. The hermeneutic positive conception of the good life.

I argue here that hermeneutics will help overcome the shortcomings in Marshall's account. Hermeneutics will show how an understanding of the possibilities for the good life can be derived from the potential now for shared understanding so as, in turn, to legitimate the attempt to attain social equality and acknowledge the value of diverse cultures and of practices such as parenting. This understanding must, as Nussbaum argues, proceed from the awareness that a lack of self-sufficiency characterises our capabilities and insight. However, I argue that the individual's good life is not, as Nussbaum claims, analytically and normatively prior to practice, while the shared understanding of the good life must be established in practical relations of social equality. From a practical awareness of our mutual dependence in the division of labour, we can identify the potential for the good life; and from practical interests in the value of mutual learning, we can derive the motivation to aid others. I noted in Section 3. that Nussbaum would reject hermeneutics as traditionalist, intellectualist, and idealist, as being only able to offer a contextualist, condescending response to suffering. I argue that hermeneutics can overcome this critique if, in reformulating social citizenship, it accounts for the capacity which proceeds from specific good lives in relations of inequality but attains a shared and critical insight into the equal potential for the good life.

Nussbaum argues that a positive commitment to our good functioning enables us, through empathy, to feel pity for the context-specific suffering of others. The emotion of pity is non-condescending when it understands the brutalised identity on the basis of her human needs and rights, irrespective of the worth of her insights. Nussbaum would argue that a hermeneutic basis for the emotion of pity will also entail a condescension arising from prejudice. Pity can only be legitimated with an account of the pre-cultural needs abrogated in suffering, while empathy is only possible when we leave behind our horizons, with their inappropriate criteria and commitments. However, Gadamer's positive conception of the good life does not entail condescension, and precisely because it requires a shared basis for understanding between practical perspectives. For hermeneutics, the person motivated by sympathy, or "sunesis", will seek a fusion of horizons, as in this way he "thinks along with the other from the

perspective of a specific bond of belonging, as if he too were affected."<sup>104</sup> This can be combined with an analysis of a practice in terms of its nature as a game that "plays" us, an analysis of the insight which could be attained.<sup>105</sup> A critical analysis of the potential for the good life is possible here, but only if a commonality is established between perspectives through an ongoing mutual assessment of prejudices.

A critical, sympathetic, but prejudicial perspective can understand practices which threaten the good life, which reduce activity to the "adaptive power" of the "functionary" at the expense of the "creative power of practical reason."<sup>106</sup> As practices are hermeneutically mediated, we can pursue a shared understanding of the practical requirements for the valued rational capacity. In contrast, although Nussbaum argues that capabilities can only be developed in activities, she insists that activities are of secondary significance for rational capacity. In her earlier work, she did argue that worthwhile relations of production are a requirement for the good life and a right of social justice.<sup>107</sup> By contrast, more recently she has argued both that individuals do not have a right to specific practical conditions and that individuals are "normatively and analytically prior" to practice.<sup>108</sup> However, there is a consistency here with her earlier work. Her earlier argument, that worthwhile practical conditions are necessary, was a minimal specification, that which could only be ensured below a threshold of what was instead a freely, rationally, and individually chosen good life.<sup>109</sup> The conditions of activities have the same significance as all resources, a significance determined by the separateness of the individual which they ensure.

Collective interventions which are to ensure the good life can only do so by enabling what is already a potential, and according to an understanding projected into the future of how this can be realised. Hermeneutics can show us that this projection can not be legitimated

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<sup>104</sup> Ibid., p. 323.

<sup>105</sup> Ibid., p. 100.

<sup>106</sup> Gadamer, H.-G., (1976) "What is Practice? The Conditions of Social Reason", pp. 73-4.

<sup>107</sup> Nussbaum, M., (1990) "Aristotelian Social Democracy", pp. 230-1.

<sup>108</sup> Nussbaum, M., (1995) "Human Capabilities, Female Human Beings", p. 85; (1999) "The Feminist Critique of Liberalism", p. 62.

<sup>109</sup> Nussbaum, M., (1990) "Aristotelian Social Democracy", pp. 229-230.

empathetically. Rather, it is the presuppositions which distinguish our standpoint that enable us to come to a shared understanding with another perspective concerning their potential good life. Through hermeneutics, we can pursue a shared understanding with the other person and an uncertain future. The hermeneutic response to human need is not contextualist but, rather, enables us to transcend specificity and understand the potential for good functioning. It also enables us to transcend unjustified relations which constitute our standpoint. Durkheim argues that occupations emerge in a mutually reliant division of labour, and are distinguished by the extent to which practical excellence can be fostered in them. For Durkheim, the obligation to aid others is derived from our awareness both that their freedom will only be enabled through the quality of their practices and that it is possible to accept a collective responsibility for the distribution of this potential.<sup>110</sup> The potential for the valued capacity can, pace Nussbaum, only be understood by beginning from the practices in which separateness is at all possible.

For hermeneutics, the motivation to enable the good life, and the content of this conception of the good life, must both be derived from the fusion of horizons. Gadamer argues that, as our prejudicial nature has a dialogical structure, the "other" that we learn from is always already present in a specific perspective. This is not an empathetic relation with a context-specific other. Rather, we cannot choose not to learn, and nor can we learn by abstracting from our horizon.<sup>111</sup> Further, not only is it the historicity of the other that we learn from, but this is the constitutive requirement of each good life. Therefore, our self-interest in our own good life already disposes us to ensure the good life of others as that which we learn from. Nussbaum argues that, from our lack of self-sufficiency, we can be aware of a self-interest to enable the plurality of good lives. However, as reasoned-desire is mediated, then it is as finite hermeneutic selves that we are dependent. Gadamer argues that, from this dependence, we can be aware of the value of plurality, and realise this as a commitment both to learn from others and to "strengthen" and

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<sup>110</sup> Durkheim, E., (1957) *Professional Ethics and Civic Morals*, pp. 3-7, 23, pp. 30-1, p. 46 ff., pp. 63-4, p. 69 ff., p 90 ff..

<sup>111</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 461 ff..



transform their standpoints into their "utmost possibilities."<sup>112</sup> In the reformulation of social citizenship, this positive commitment can be adopted in the attempt to establish the shared basis for understanding required for each good life and for the legitimation of collective intervention.

Nussbaum justifies the obligation to aid others from the common experience of a lack of self-sufficiency. However, for Nussbaum, this is intended to justify the obligation to aid the separateness of others over and against their context, and so the only valid normative considerations are those which acknowledge that the individual is prior to practice. What Marshall and Durkheim have emphasised instead, is that the good life of individuals will only be secured when we intervene in the nature of productive practices to enable practical excellence. In contrast, attempts to enable the freedom of individuals in their isolation will fail, because they conceive of freedom independently of practice. In the legitimation of claims to rights and in the content of rights enjoyed, they do not acknowledge or secure the necessity of practical conditions for freedom.<sup>113</sup> Marshall and Durkheim call for a specific intervention in practice. However, they also assume that it will only be identified with as legitimate when there is a shared awareness of the specific nature in which the good life is realised through a mutual dependence. This is the awareness both that the good life of individuals has practical requirements, and that a mutual responsibility can and should be accepted to secure these requirements.

As we saw in Chapter Two, Gadamer reformulates Hegel's dialectic as an open-ended mutual learning process. I argue that this can provide a model for the interactive relations Marshall and Durkheim call for, and can show how an awareness of their nature can be fostered. For Gadamer, dialectic proceeds from, and remains open to, a mutual dependence of prejudicial perspectives for self-understanding. As a corollary to accepting that our rational capacities are finite, it is rational to "hope" that we will

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<sup>112</sup> *Ibid.* pp. 367-8.

<sup>113</sup> In the reformist policies of the civil-political stage of citizenship in Britain, which I mentioned in Chapter Two Section 1.1., efforts to enable the practical requirements for citizenship could not be included as a right, and so could not be securely ensured.

learn from others in the future.<sup>114</sup> As hermeneutic beings already engaged in dialogue, we are also obliged to continue this learning process. However, individuals must be made aware of this mutual dependence so that the obligations which come with it can be acknowledged. The nature of understanding is analogous to moral I-Thou relations, where we treat others as ends in themselves.<sup>115</sup> It is only when we accept the possibility that an individual's attitudes are worth listening to, and ask questions which are not merely to elicit answers which confirm our presuppositions, that an insight will be learned from. As a corollary to this, normative interaction is conceived as a learning process. Only by accepting the obligation to treat the other human as an end can we learn both about the ultimate purposes we share and about the presuppositions which distinguish our specific good lives.

Gadamer's reading of Hegel indicates how social equality can be identified as the legitimate goal of intervention, from an awareness of its necessity as the shared basis of understanding for the good life. The concerns of social citizenship also re-connect Gadamer to one central aspect of the Hegelian position: the argument that our rational capacity is developed in central life activities, and in the legitimation of the collective intervention through which they are enabled. For Gadamer, the dialectic of learning is ongoing because it continues to be motivated by the practical interests and concerns of our situation. In relations of social justice, the good life will only be enabled for others when we also acknowledge the specific interests which motivate us. However, we are also motivated by a hope that what is valued, understanding, will be attained here, and so we must also safeguard the possibilities of openness and plurality.<sup>116</sup> This hermeneutic position can be developed in social citizenship to account for the open-ended dialectical relations of social equality. Hermeneutics must account for how an understanding can be attained in practice of the "interests" in learning, the "value" accrued from the capacity of others, and the "hope" placed in this. To attain social equality through hermeneutics, this understanding must be established in situations with competing criteria of utility, profit, and power.

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<sup>114</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 349-50.

<sup>115</sup> *Ibid.*, pp. 358-62.

<sup>116</sup> *Ibid.*, p. 294, p. 355.

The central concern of Marshall's social citizenship is how the intervention of social justice can legitimately enable the good life. I have argued that a hermeneutic conception of social citizenship can be formulated which is motivated by the value of learning so as to enable the good life of others. The rights of social citizenship must take as their goal the good life in such practices as art and parenting. In turn, suffering must be conceived as that which prevents the development of capability and practical insight within these practices. What I have a partial interest in need not be a good thing which social justice should enable. Parenting and art will only be established as valuable when parents and artists acknowledge the need to learn from what is other, and establish their value judgement on a shared basis. It is only then that the worth of a practice will be established with some autonomy from the demands of monetary or strategic criteria so as, in turn, to be secured as a goal towards which the market and the State should be guided to achieve. Learning must entail making an advance beyond our initial presuppositions, including those of social justice. In this instance, we must be open to the possible need to reconceptualise why we think parenting and art are valuable, and why legitimate rights of social justice will enable these capacities.

The elimination of deprivation also calls for an active and anticipatory intervention. It obliges us to discern what is as yet often only a possibility of the good life which can be fostered with our help. We must therefore be open to the possibility of learning in the sense that we must invest in its future possibility. Hermeneutics does not attempt to determine in advance how tradition can be mediated, and so, nor will it attempt to close off the possibilities of learning.<sup>117</sup> Gadamer's negative argument, that our constituting prejudices can never be kept free from question, is also put positively. As we can never specify in advance what will have significance with regard to our self-understanding and our insight into a subject-matter, we must invest in the future possibilities of learning. This is the case in conversation, where we must strengthen the arguments of others if we are to attain a shared understanding which enables us both to

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<sup>117</sup> *Ibid.*, p. 295.

transcend the limitations of our perspectives. We should be open, as this offers the potential of arriving at a shared understanding between perspectives on our ultimate purposes. What needs to be understood is how diverse forms of life can be pursued together, and how, in living together, we can continue to learn about each other and our ultimate purposes.

### **Conclusion.**

I have argued in this chapter that hermeneutics can be reconceived to account for the necessity of social equality for the rational capacity of the good life which, in turn, is to legitimate the collective interventions of social citizenship. I argued that John Rawls' enlightenment position is superior to Habermas' dualism, and points to the need for a normative justification for the State and market. However, Rawls' subjective and negative formalism cannot account for the ongoing practical determination of the good life. By contrast, Nussbaum's Aristotelian conception of the good life attempts to account for the ongoing practical and positive development of capabilities towards insight. However, from an enlightenment commitment to the power of reason, Nussbaum cannot account for the practically derived shared understanding required to enable the good life and legitimate collective intervention. Instead, I have proposed a hermeneutic account of the Aristotelian good life, as an historically embedded and mutual learning process within partly autonomous valued practices. This argument, supported by the experience of art, is intended to overcome the shortcomings of Marshall's proposals where relations of authority have a one-sided and deferential quality, where only a semi-professional status can be enabled in many social roles, where social equality requires a unified national heritage, and where the valued practice of parenting can be excluded from the status differences recognised in citizenship.

I argued in Chapter Two that, if Gadamer's hermeneutic account of an open-ended dialectic is to be applied to the reformulation of social citizenship, it must also be re-connected to the Hegelian argument: namely, that the rational capacity which is to legitimate collective intervention must be enabled both in central life activities and in relations of solidarity between such activities. In this chapter I argued that

Gadamer's open-ended dialectic can account for the necessity for our rational capacity of the shared understanding required for the pursuit of the good life and for the legitimation of collective interventions which enables it. I will argue in Chapter Four that Gadamer's hermeneutics can account for the relations of mutuality which establish the shared understanding required to socially constitute pursuits of the good life as identities, or to recognise them. The interrelations required for recognition must also be distinguished from ideological conditions which dominate rational capacity and distort the constitution of identities. In the reformulation of social citizenship, a hermeneutic critique of ideology will have to account for the relations of inequality which could undermine social equality. For Marshall, the socially equal status of citizenship was to provide the basis from which status differences could be recognised and stabilised. I argue that, by consistently pursuing Gadamer's account of mutual learning, the shortcomings in Marshall's own account can be overcome, and non-deferential, egalitarian, and pluralistic relations of mutual recognition established.

## Chapter Four: Mutual Recognition and Critique of Ideology.

### Introduction

The enlightenment and hermeneutic positions discussed in the last chapter were in agreement that rational capacity is not self-sufficient. The rational capacity both to pursue the good life and to legitimate projects of social justice has certain requirements which must be secured. It not only requires the satisfaction of fundamental needs, but this itself is only possible with social resources and in communal relations. The previous chapter analysed this lack of self-sufficiency in terms of the capacity realised as a good life in practice. The implications of what that assumes is explored in this chapter: that a lack of self-sufficiency entails a mutual dependency between pursuits of the good life. This chapter explores how interrelational requirements for rational capacity are to be secured in the mutual recognition of each good life as an identity, and how critique of ideology is to specify the requirements for non-distorted recognition. For conservative meta-theory, critique must specify how rational capacity can proceed from within an authoritative horizon and yet identify its illegitimate relations and assumptions. For the enlightenment, critique must specify how the interrelations of a community can be justified only to the extent that they emanate from the power of reason. For the radical, the subjugation of mutuality must be seen through and the necessity of transgression made apparent.

In this chapter I argue that Marshall's conception of social citizenship can be reformulated as a hermeneutic project of recognition. Marshall argued that citizenship was to recognise certain status differences, but that it could only do so by also both limiting material inequality and expanding the area of common culture in which the practical excellence of valued practices could be ensured. As I argued in Chapter Three, there are shortcomings in Marshall's account which can be overcome. He assumed that not all practices could enable the rational capacity required for recognition, that the common culture required for recognition must be derived from a national heritage, that parenting could be excluded from the valued practices to be recognised, and that recognition could be conferred in relations which had a deferential nature. However, I argue that these shortcomings do not arise from the conception of social

citizenship itself. They can also be overcome by following consistently the meta-theory which Marshall presupposes and which, as I have argued, corresponds to Gadamer's hermeneutics. In this chapter I also defend hermeneutics itself from, on the one hand, Foucault's radical characterisation of relations of mutual recognition as forms of disciplinary subjugation. On the other hand, I argue that Habermas' criticism, that hermeneutics cannot be distinguished from cultural conservatism, is a charge which, instead, is applicable to the Romantic commitments in Charles Taylor's communitarian position.

In Section 1. I argue that the hermeneutic reformulation of social citizenship can defend an account of the mutual recognition which is realised in relations of social equality. I defend Marshall's argument that practical excellence must be recognised within social equality. Alongside this I defend Durkheim's account of corporately justified interventions which are to ensure, in the market and elsewhere, the interactive relations required for practical excellence. In the reformulation of social citizenship, Gadamer's conception of the open-ended learning process required for rational capacity must itself be reconceived. In line with the Hegelian argument, hermeneutics must account for the necessity for capacity of relations of solidarity secured through collective intervention. Further, hermeneutic analysis will enable us to revise social citizenship and reject Marshall's proposed recognition which did not acknowledge the value of parenting or enable professional status equally, and which also proceeded from a national heritage of deferential relations of authority. As hermeneutic recognition and critique remain practically derived as learning processes, we can not arrive at a final basis to justify our knowledge of the requirements for recognition or of the criteria of recognition. Therefore, we are obliged to continue to pursue a mutual learning process in critique and recognition, a learning process which is culturally plural, egalitarianly inclusive, and based on just power relations.

In Section 2. I argue that many of the charges laid against hermeneutics by critical theory are in fact applicable instead to Charles Taylor's communitarianism. Taylor also proceeds from conservative meta-theory. He agrees with Gadamer that the rational capacity of recognition is reliant

upon the interrelations which extend tradition. He also argues that the material and structural requirements for recognition will only be understood and ensured through a practically derived and ethically committed critique. However, I distinguish Taylor's account from the hermeneutic conception of practical excellence which, I argue, is to be recognised in relations of social equality. Gadamer's recognition and critique are processes of mutual learning through which shared presuppositions of justification are applied in new situations. Taylor proposes, instead, a Romantic argument that bases for justification arise from an identification with one's collective subjectivity. I argue that since Taylor's recognition and critique are not processes of mutual learning, he is unable to distinguish, in a non-ideological way, the ideological condition from relations of recognition. As mutual learning is absent from his account of traditional relations of authority, Taylor's position will tend to justify authoritarian, ethnocentric, and atavistic interrelations.

Michel Foucault's radical position is discussed in Section 3.. For Foucault, hermeneutic criteria can only be established through an arbitrary evaluative exclusion of other ways of knowing and doing. Further, for Foucault, the hermeneutic reformulation of social citizenship, which recognises practical excellence within relations of social equality, would merely intensify the subjugation already characteristic of relations of mutual recognition. Foucault argues that in place of mutual recognition, "games of liberty" must be pursued which resist subjugation so as to establish ethical practices of the self in regimes of the body. These are relations of power and knowledge which minimise the subjugation of the self. They do so, however, by violently rejecting the normative claims of others, whether in relations of recognition and distributive justice, or in the practices of technical experts where the goodness of a life is assessed. I argue, however, that the radical project cannot be justified. It assumes that acts of resistance can transgress both the requirements for rational capacity and the necessity of relations of mutuality. I argue instead that such acts can always be understood, that hermeneutics will enable us to do so, and that this insight is possible only for practical perspectives enabled in socially just relations of mutual recognition.



In Section 4. I return again to Habermas' position, and his attempts to specify and secure the mutuality required in recognition. Habermas' position is an advance on Taylor's inability to exclude ideological conditions, and on Foucault's rejection of mutuality as such. Nevertheless, Habermas' account of an egalitarian recognition would reject my argument that the recognition of historically specific good lives across all aspects of interaction is both possible and necessary. For Habermas, recognition must be negative, pursuing the general interest alone; formal, conferring recognition only on the characteristics equally shared by all; and dualistic, free from the colonizing forces of systems. Freedom from ideology is attained only to the extent that shared presuppositions, unconscious motives, and social forces are made increasingly transparent and assessed in relations of mutual reflective abstraction. He argues that this is the potential for dialectic advance in recognition and critique, and that it has been determined by the universal process of rationalisation. However, I argue instead the dialectic of critique and recognition must be substantive, comprehensive, and positive, as it must be motivated by the partly concealed presuppositions and interests we have concerning the enablement of practical excellence. I also argue that the potential for this dialectic is only available to the capacity constituted in the mutuality of social equality.

### **§1. The necessity of social equality for hermeneutic critique and recognition.**

In this section I introduce the hermeneutic conception of mutual recognition, and the hermeneutic critique of ideology which is to specify the requirements for recognition. I argue that hermeneutic relations of mutuality are necessary for the development of rational capacity as an identity of the good life. Hermeneutic mutual learning provides the necessary basis to both legitimate the collective interventions of citizenship and pursue the good life in practice. The concept of mutual learning places certain requirements on interaction, on the role which relations of power, control, struggle, and traditional authority can play. Critique of ideology must, in turn, specify when a transgression of these limits has occurred which undermines the requirements for recognition and, thus, the rational capacity of individuals in interaction. I also argue both that the hermeneutic position can be applied in the reformulation of

social citizenship, and that Marshall's conception of a socially equal recognition can be shown to be necessary for hermeneutic capacity. However, Marshall's commitments must also be revised. Unlike Marshall, I argue that social equality cannot be based on deferential relations within a national culture, where the valued capacity is not enabled equally, and where socially valued practices such as parenting are excluded. Rather, mutual relations of learning must also be culturally plural relations of justified power and egalitarian inclusion.

### **1.1. Hermeneutic mutuality and the requirements for social citizenship.**

In Chapter Three I argued that the rational capacity of a good life could only be enabled when certain needs are met through collective intervention, including the need for, and the needs of, social interaction. The reflection on recognition argues that these material and interactive conditions will only enable this capacity as a good life if they also constitute it as one identity among others. The good life is an identity, as there must be considerations which are appropriate to determine whether the way in which needs are satisfied can enable the outcome of a good life. These must be considerations appropriate to understanding the goodness of a life, rather than merely that of a situation. They are also considerations which distinguish a good life from the other potentials of a rational capacity. To distinguish a good life requires ethical considerations which determine what significance is to be given to an interest in the good life of others, and in what way the criteria governing a life can be applicable to all good lives. Further, rational capacity can only ever be constituted as the identity of a specific good life. The considerations which distinguish a rational capacity as a good life must do so for a specific identity, this specific psychological, physical, and historical "I."

A rational capacity can only be constituted as the identity of a good life when it is recognised as such by those who share this potential. It must be acknowledged as an instance of the shared rational capacity, where the considerations which can distinguish an identity of the good life will be relevant. The way in which these relevant considerations are deployed must also be acknowledged as being appropriate for the identity of a good

life. It is only others who share this rational capacity and pursue the good life who can acknowledge an identity as a valid difference within what is shared. However, recognition does not simply acknowledge differences, but itself determines what considerations are appropriate here and, therefore, actively constitutes the identity of the good life. For instance, the considerations which are appropriate for the identity of a parent will differ between practices, and precisely because the good life of the parent has been constituted in different ways in these practices. Practices which deliver services such as health care or employment rights to individuals, on grounds determined by their being parents, are at the same time determining what considerations go to constitute the identity of the good life of a parent.

A good life is constituted as an identity in recognition according to the appropriate application of the considerations of the good life. There must therefore be criteria of recognition with which to determine when such an application is appropriate. However, it must also be possible to assess whether these criteria of recognition are themselves valid. A critical reflection is required if we are to assess, for example, the constitution of the parent's identity in health care services and employment legislation. However, this example shows that the criteria of recognition will be arrived at within ongoing interaction and will, in turn, be deployed in the recognition of specific individuals in diverse practices. A critical reflection must therefore assess this interaction itself. It must determine the interactive conditions which can enable a justified process of recognition. The interaction of recognition must itself express our rational capacity. At the same time, the criteria of recognition which are determined through this interaction must themselves be valid for the constitution of the identities of our rational capacity. We must, therefore, account for how this rational capacity required for recognition can be secured within intersubjective relations against those features which could distort or undermine it.

The radical, enlightenment, and hermeneutic positions each assume an ideal in some form of the social interaction which is required for recognition. The enlightenment and hermeneutic positions share a commitment to "mutual" recognition. In Section 3. I turn to the radical

argument that mutuality itself is a site of subjugation which must be overcome. In Section 4. I discuss Habermas' enlightenment account, where mutual relations of the life-world are to ensure the equal respect necessary for the enablement of the power of reason of individuals in interaction. However, in this section I discuss the hermeneutic account, where mutual relations ensure the rational capacity realised in self-understanding within the progress of tradition.

For Gadamer, rational capacity necessarily requires conditions of mutuality which treat each individual as an end in themselves. It is only in these conditions that an individual's rational capacity will both be constituted as an identity and determine valid criteria of recognition. Mutual relations treat the individual as an end, and so power relations must not either "dominate" capacity, by reducing the individual to an effect of forces, or "normalise" identity, by imposing a good life on the subordinate.<sup>1</sup> Mutual relations also avoid technological objectification, as individuals must neither be an object that is controlled nor a subject whose sole interest is to control and predict the interaction with others.<sup>2</sup> Mutual relations must also incorporate the forceful struggle to be recognised, the conflict which all authentic dialogue requires as a "standing up for" our projected self-understanding.<sup>3</sup> Not only will seemingly antithetical identities generate disagreement on questions where agreement is considered important, but certain specific lives can be characterised by conflict in themselves, such as the creative conflict associated with an artistic life.<sup>4</sup> Mutuality must also incorporate the power relations structured through an unequal access to authoritative insight. Such relations are mutual where authority is conferred freely and rationally, rather than in blindly doing what another desires.<sup>5</sup>

A critical hermeneutic reflection must specify what presuppositions which we hold are in fact invalid. Hermeneutic critique of ideology must specify where disruptions to the recognition of our rational capacity

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<sup>1</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 358-9.

<sup>2</sup> *Ibid.*, p. 358.

<sup>3</sup> *Ibid.*, pp. 260-1.

<sup>4</sup> Gadamer, H.-G., (1963) "The Phenomenological Movement", p. 139.

<sup>5</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 361.

explain our tendency to hold invalid presuppositions. Hermeneutic rational capacity is enabled in all aspects of interaction, and so critique of ideology must specify how it can be realised comprehensively. As I argued in Chapter Three Section 4., the hermeneutic conception of capacity mediates the reasoned desire of Nussbaum's prohairesis. Hermeneutic critique of ideology must therefore account for those material conditions, situations of serious suffering, which disrupt the potential for self-understanding. Hermeneutic relations of mutuality must enable the fusion of horizons between perspectives. Not only must critique of ideology account for features of power, control, struggle, and authority which may enable or hinder this. It must also account for the potential for valued practices, which require a certain autonomy from everyday purposive requirements. Finally, this shared understanding must be attained between those with divergent partial interests in the good life. Critique of ideology must not only account for how this partiality can be compatible with attaining shared understanding, but also for how it could lead to processes of normalisation in relations of inequality.

In this chapter I attempt again to proceed from Gadamer's own arguments so as to fully realise his hermeneutic position in the reformulation of social citizenship. I argued in Chapter Two that Gadamer's conception of an open-ended dialectic should be reconnected with Hegel's concern, that rational capacity can only be enabled in central life activities and in relations of solidarity, and in legitimating the collective interventions which enable both. In Chapter Three I argued that Gadamer's hermeneutic account of an Aristotelian good life could incorporate Nussbaum's focus on the capabilities of good functioning. I also argued that it should be conceived according to Marshall's ideal of practical excellence which can only be realised in valued practices which attain the status required for social equality. My discussion of hermeneutic recognition and critique of ideology follows on from these arguments. Hermeneutic critique and recognition must incorporate the Hegelian argument that collective intervention is necessary to ensure the solidarity required for our rational capacity. The mutuality required in hermeneutic recognition to enable Aristotelian good functioning must also be conceived in line with Marshall's social measure of equality. A

practically-derived hermeneutic critique must continue to identify the requirements for the recognition of social citizenship.

Marshall argued that the status of social equality must also recognise valued social differences. However, the inequalities of income and power must first be reduced sufficiently, Marshall argued, so that an area of culture common to all classes and statuses could be extended. This would be realised in the common enjoyment of essential services, such as health care, housing, and education. It was also to be realised in a "sharing of heritage" constituted by the shared experience of valued productive practices in which practical excellence could be attained, the status of professionalism.<sup>6</sup> For Marshall, it was on this material and cultural basis of social equality that the status differences between productive practices could be recognised and stabilised. These were the differences ensured through the fair wage, a socially just account of inequality which ensured that differentiation could be contained and prevented from undermining social equality.<sup>7</sup> Marshall argued that the State was to be directed to attain this end of social equality, and that the market was to be mediated through this status. A shared understanding was, therefore, required of "social efficiency" for the functioning of the State and the economy. Practical excellence was to be recognised not only as a status difference within social equality, but in legitimating the collective interventions to bring this about.<sup>8</sup>

I argue, however, that there are certain shortcomings in Marshall's account. Although Marshall was aware of the need to attain shared understandings between communal perspectives in analysing social interaction,<sup>9</sup> he nevertheless argued that a "national heritage" was to be shared in citizenship. This assumed homogeneity can no longer be accepted as the basis for social equality, considering the culturally diverse ways in which needs such as education are conceptualised. Marshall also argued that social progress must provide an equal opportunity for

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<sup>6</sup> Marshall, T. H., (1949) "Citizenship and Social Class", p. 121.

<sup>7</sup> *Ibid.*, p. 118.

<sup>8</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", p. 169.

<sup>9</sup> Marshall, T. H., (1959) "International Comprehension in and through Social Science", in *Sociology at the Crossroads and other essays* (London: Heinemann, 1963), p. 46 ff..

women and the working class to attain valued productive roles.<sup>10</sup> At the same time, as we saw in Chapter Three, he conflated relations of authority with those of deference. Within the division of labour, deferential relations will have a class-specific authoritarian consequence, as can be seen in the exclusion of many practices from the equal status of professionalism. It will also have gender-specific consequences, as can be seen in Marshall's exclusion of parenting as a practice from those statuses recognised in citizenship. However, I argue that these shortcomings do not follow from the meta-theory evident in Marshall's account of recognition and, therefore, they are problems hermeneutics can help overcome. If the ideal of mutual learning is followed consistently, then the recognition pursued in social citizenship will avoid ethnocentric and authoritarian conclusions.

This discussion reconnects hermeneutics with the Hegelian argument that rational capacity is enabled by collective intervention and in legitimating such intervention. This capacity is realised in an identification with one's central life activity. However, it will also be realised in relations of solidarity established between good lives. The considerations which can go to constitute an identity must be derived from the shared presuppositions of a specific community and its relations of recognition. The reflection of recognition must proceed from the presuppositions which are appropriate to the specific practice of the good life in an attempt to understand the good life of another. Through recognition, a shared understanding can be arrived at of the requirements for our rational capacity and for the differentiations of identity. As Hegel argues, an essential feature of recognition will be the communally specific reciprocal relations between practices, corporate bodies, and State agencies. The collective interventions of justice are to enable this rational capacity and, therefore, must enable the pursuit of recognition between practices. However, collective interventions can only be legitimated by this practically-derived insight and, therefore, through the awareness achieved concerning the requirements for recognition in relations of mutuality between practices.<sup>11</sup>

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<sup>10</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", p. 155; (1949) "Citizenship and Social Class", pp. 112-5.

<sup>11</sup> See: Plant, R., (1983) *Hegel. An Introduction*, pp. 219-225.

Rational capacity both has material requirements and can alone be developed within specific practical conditions. As a result, relations of recognition can only be established when the material and interactive requirements for the good life are ensured. However, the redistributive intervention called for here cannot be justified separately from the pursuit either of the good life or of recognition. Each identity is mutually reliant on others for its recognition. The duty to recognise others therefore also entails a duty to ensure the material and interactive requirements for the good life of others. As I argued in Chapter Three, for Gadamer, the rational capacity of the good life is substantive, comprehensive, and positive. Gadamer argues that this capacity is realised in a dialectic of recognition which is an open-ended learning process. Therefore, for hermeneutics, we must proceed with prejudicial conceptions of the criteria of recognition and the requirements for recognition about which we continue to learn. In applying hermeneutics to the reformulation of social citizenship, this open-ended learning process must also justify the redistributive intervention Hegel calls for as part of recognition. It is justified by an awareness of the requirements for mutuality arrived at through a practically derived mutual learning process which we are obliged to pursue.

### **1.2. The mutual practical relations of social equality.**

I argue here that Gadamer's claim, that mutual learning is necessary for our rational capacity, can account for the nature of recognition and critique. For Gadamer, rational capacity is developed as a practical excellence within partly autonomous practices, the "games" which "play us." The appropriateness of considerations for the constitution of an identity will be determined from within the hermeneutic horizon of a practically derived reflection. Practices are also already structured by relations of power, of technological control, and of unequal access to authoritative insight. The hermeneutic nature of our rational capacity prevents us from establishing criteria to assess interaction which are not themselves derived from these features of practice.<sup>12</sup> However, the hermeneutic nature of our rational capacity also obliges us to continue to

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<sup>12</sup> Gadamer, H.-G., (1967) "Rhetoric, Hermeneutics, and the Critique of Ideology", p. 284.



pursue non-arbitrary criteria of recognition and critique. It is because our partly autonomous games are hermeneutically mediated that they can, and must, be critically assessed.<sup>13</sup> Judgements made within a hermeneutic practice can only be justified with shared criteria. This is because our rational capacity can never be contextualist. It can not limit by fiat the other which addresses and informs it.<sup>14</sup> Our criteria of justification are, therefore, determined by the necessity of a hermeneutic perspective to overcome the specificity of its constitution in games.

For Gadamer, a practice can only rationally and normatively advance if it proceeds by building back up the hermeneutic dimension. The valid understanding of how a practice can continue to enable rational capacity must be derived from a shared understanding with other perspectives. Further, the mutual learning required to build the hermeneutic dimension back up is already a goal which the participants of a practice are obliged to pursue in relations of recognition. Participants must be mutually open to revise their presuppositions of justification. It is only through the pursuit of a shared understanding with some other identity that we can learn about the subject matter of recognition and, therefore, constitute our identity.<sup>15</sup> This must be the case when identities of recognition are constituted at a political level. They are constituted in Gadamer's Aristotelian relations of "friendship", which both make life concrete and mediate between virtues and goods which exist only in being shared. This relation of mutuality is also the basis from which to legitimately intervene and enable relations of mutual recognition in social interaction elsewhere, in different forms of "education."<sup>16</sup> Recognition in politics, the intervention to enable recognition elsewhere, and the recognition thus enabled, must all proceed as hermeneutically embedded mutual learning processes.

Gadamer's argument, that mutual learning is necessary for rational capacity, will also account for the nature of critique of ideology. For Gadamer, a "limit situation of understanding", which obstructs mutual

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<sup>13</sup> Ibid., pp. 288-9.

<sup>14</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 462-3.

<sup>15</sup> Ibid., p. 359.

<sup>16</sup> Gadamer, H.-G., (1963) "On the Possibility of Philosophical Ethics", pp. 371-2.

learning, also hinders the development of the rational capacity which is reliant on that process. Hermeneutic practices are therefore antithetical to relations of domination and normalisation, both because the latter are relations of unreflective obedience and because this itself undermines rational capacity. This is a practically derived meta-theoretical understanding that mutual learning alone will enable rational capacity. This forms the basis for a hermeneutic critique to identify ideological conditions which either distort shared meanings or undermine rational capacity.<sup>17</sup> For Gadamer, critique can also proceed from the practically-derived reflection of recognition itself, as this is the "continual definition and redefinition on our lives."<sup>18</sup> In practical reflection we continue to assess our presuppositions of justification, which concern not only what can be accepted as true, but why this is the case. As these assumptions are thought to be necessary for the attainment of understanding in a practice, they must remain open to the reformulation which learning requires. However, such a reformulation is also a critical assessment of the presuppositions which guide the course of a practice.

Hermeneutic critique will give a distinctive account of mutuality, and also of how it is to be established. As the presuppositions of a practice are also hermeneutically embedded, the prejudicial identity of a practice will be constituted only in relations of mutuality with the identities of other practices. As the prejudicial constitution of an identity is also dialogical in structure, relations of mutuality will be hermeneutically embedded and continuous learning processes. Relations of recognition must be constituted by, and continue to pursue, shared presuppositions of justification. This must be the case both for the political relations where the rights of social justice are determined, and for the relations of civil society and the family in which these rights are enjoyed. The interaction of these spheres must be conceived as a practice, while this interaction is also composed of divergent practices. The interaction of and between practices must pursue a hermeneutically embedded mutual learning process. They will proceed with presuppositions concerning the proper limits of relations of power and control, of struggle, conflict and

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<sup>17</sup> Gadamer, H.-G., (1976) "What is Practice? The Conditions of Social Reason", pp. 70-73, pp. 78-80; (1981) "Hermeneutics as a Practical Philosophy", pp. 104-109.

<sup>18</sup> Gadamer, H.-G., (1967) "Rhetoric, Hermeneutics, and the Critique of Ideology", p. 284.

prejudicial insight. The continuous practical constitution of identity must, however, entail the mutual revision of these presuppositions.

For both Marshall and Durkheim, however, such an account of recognition pursued within and between practices necessitates the establishment of "corporate" bases for interaction and collective intervention. I argued in Chapter Three Section 4. that, for Durkheim, the standards of excellence of a practice can only be determined by considerations of practical functioning. Durkheim also argues that the good functioning of a practice must be ensured through secondary groups, such as guilds and modern professional associations.<sup>19</sup> An association is to perpetuate a valued practice, by securing its considerations from dissolution under the force of the price mechanism in the market, by ensuring that State intervention is directed towards its enablement, and by ensuring that participants maintain the standards of excellence of the practice. There is a mutually sustaining relation between the practice and the association. However, it relies upon a similar relation between the State and the practices and associations from which the identities of political recognition are derived. The enablement of the good life as a practically constituted identity must be the subject matter of political recognition. It is also collective intervention which recognizes the identities of civil and familial relations with the status of practical excellence, of "professionalism", as Marshall argued.

As Durkheim and Marshall argue, no final limitation of power relations in practices can be formulated, as they can be justified only with criteria drawn from the practice which continues to develop through such relations. To pursue standards of excellence is also to struggle to be recognised as having authority. However, to be recognized is to be granted the authority to apply, or revise, the standards of excellence of the practice.<sup>20</sup> As Gadamer argues, domination continues to be a danger where there is struggle, if one that is never realised in its totality.<sup>21</sup> Within the continuous exertion of force within our practical horizon, the

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<sup>19</sup> Durkheim, E., (1957) *Professional Ethics and Civic Morals*, p. 24, pp. 37-40, p. 46, pp. 63-4, pp. 81-4.

<sup>20</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", p. 153, p. 156; Durkheim, E., (1957) *Professional Ethics and Civic Morals*, p. 8, pp. 12-13, p. 29.

<sup>21</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 359.

practical insight must be developed which can in turn distinguish the ideological condition from the relation of recognition. For Gadamer, the exertion of power can be legitimate only if it is a moment of, and conducive to, mutual learning. However, as Marshall argues, it is necessary to intervene so as to create the conditions in which this insight is possible. It requires a basis for understanding which has a certain autonomy from the brute forces of inequality and power.<sup>22</sup> However, this partly autonomous status can also only be established by limiting power so as to create the space of social equality. This is the space of mutuality, in which considerations which remain practically derived are, nonetheless, not derived from conditions of domination.

The mutuality of recognition established at the political level must enable us to return and ensure the relations of learning required for the identity of the good life. For Gadamer, in the "hermeneutic circle" of dialogue, an advance must always be sought on the presuppositions from which we had proceeded. We must proceed by projecting before us a "fore-conception of completeness", the truth we assume can be attained from this conversation, so as to come back and revise our motivating presuppositions.<sup>23</sup> Similarly, critique of ideology enables us to proceed with a preconception of the hoped-for community of recognition, a "utopia" whose presuppositions we will only assess when we apply it in relations of recognition.<sup>24</sup> Through Marshall and Durkheim we can reconnect hermeneutics to the Hegelian theme, and in so doing specify the prejudices we must proceed from in recognition and critique. It is the shared status of social equality, necessary for the capacity of mutual recognition and the critique of ideology, which must be the prejudicial commitment of intervention. As a process of mutual learning, this commitment must be revised in the changing relations between cultures, genders, and classes. At the same time, it is in this active determination of the requirements for social equality given new situations that the hermeneutic capacity will be realised.

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<sup>22</sup> Marshall, T. H., (1953) "The Nature and Determinants of Social Status", pp. 188-9.

<sup>23</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 294 ff..

<sup>24</sup> Gadamer, H.-G., (1976) "What is Practice? The Conditions of Social Reason", pp. 81-2.

## §2. Romanticism and communitarian equal recognition.

I turn now to discuss Charles Taylor's communitarian position, which is also derived from conservative meta-theory. For both Taylor and Gadamer, it is the certainty of a life led in tradition which is sought, both in critical reflection and in the recognition of identities. Bases for justification must, therefore, be derived from a shared traditional horizon which has authority for reflection, while recognition is attained where rational capacity is realised as an identity in the continuity of tradition. Furthermore, Taylor's goal is, in several respects, similar to the hermeneutic social citizenship. He wants to account for the egalitarian recognition of the plurality of cultural identities which, in turn, are realised in "ordinary life" activities of employment and family life. I have argued in Section 1. that Gadamer's hermeneutics can establish bases for justification in recognition and critique because the prejudicial nature of reflection both enables and obliges the continuous pursuit of a mutual learning process. However, this is distinct from Taylor's "Romantic" account, where the presuppositions and commitments of practical rational capacity arise from an identification with one's collective subjectivity. Taylor's account of practically-derived recognition and critique is problematic because its bases for justification are not established through a mutual learning process.

In Chapter Three I argued that Gadamer's conception of the good life was not an authoritarian account of relations of practical excellence, and nor was it bound to closed horizons. This follows from my argument in Chapter One, that Gadamer's hermeneutics can be distinguished from the "cultural conservatism" of Heidegger and Romanticism, with its tendency towards an authoritarian, ethnocentric, and atavistic conception of rational capacity. In this chapter I make a similar distinction concerning recognition between hermeneutics and Taylor's communitarianism. Taylor's position does not assume that mutuality is necessary for learning and just power relations. For that reason, I argue, it is unable to pursue relations of recognition or to identify ideological conditions in a non-ideological way. First, its account of a one-sided authoritative insight cannot be distinguished from the ideological condition of non-reflective obedience. Second, it cannot account for the necessity to learn from divergent horizons, and so it will be unable to

pursue a traditionally embedded and committed recognition without perpetuating a contextualist ethnocentric or atavistic normalisation. Finally, it will be unable to identify the significance of the mutual distribution of resources which enable relations of mutual learning. It will therefore be unable to justify measures to ensure socially just relations which enable an authoritative insight.

### **2.1. Collective subjectivity and the horizons of understanding.**

From within conservative meta-theory, Taylor and Gadamer both argue that rational capacity remains embedded within historical practice.<sup>25</sup> The identity of the good life can only be constituted where the criteria of recognition are derived from the historically specific understandings of individuals in the good lives they have an interest in pursuing.<sup>26</sup> These partial interests are not arbitrarily determined and justified. The specific lives we have an interest in pursuing derive their normative significance from the fact that they are necessary, in the interrelation with others, both to constitute identity in recognition and to perpetuate the sustaining dimension of tradition. Taylor's position also corresponds in an important respect with our conception of social citizenship, as he argues that parenting and paid employment can be recognised as identities of the good life because of the value modernity places on such "ordinary life" practices. Taylor and Gadamer also agree that the bases for justification of recognition and critique are formed from traditional presuppositions which have authority for reflection. They must be formed through an "authoritative insight" into these shared presuppositions.<sup>27</sup> As the continuity of meaning in tradition is equally significant to each identity, the authority of the socialised insight into the perpetuation of this shared dimension must be acknowledged.

A distinction needs to be drawn, however, between Gadamer's and Taylor's conceptions of a practical authoritative reasoning. Taylor argues that a "higher-order preference" is the commitment against which all other preferences should be judged. It is derived from an insight into the

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<sup>25</sup> Taylor, C., (1990) "Comparison, History, Truth", pp. 146-164, in *Philosophical Arguments* (London: Harvard University Press, 1995).

<sup>26</sup> Taylor, C., (1989) *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press), pp. 19-20.

<sup>27</sup> *Ibid.*, pp. 82-3.

"moral sources" of one's practice, such as those which confer value on "ordinary life" activity.<sup>28</sup> To be successfully recognised, I must identify with my higher-order preference and its moral sources.<sup>29</sup> However, Taylor assumes that some other person with an authoritative insight can "second-guess" my higher-order preference, whether by specifying what it is or that it should be acted on. This follows as, for Taylor, an authoritative insight is derived from the "ad hominem" reasoning of inescapable commitment to practical presuppositions.<sup>30</sup> Taylor's authoritative insight is not derived from a Gadamerian mutual understanding with the other perspective. Rather, Taylor understands the moral source by "bringing it close", rather than by assessing the presuppositions of both his historical situation and his tradition.<sup>31</sup> Taylor also second-guesses the moral source of another's life, rather than coming to a mutual understanding about the presuppositions of both perspectives. For Taylor, mutual learning is not therefore essential for authority nor, specifically, for the recognition of identities.

Taylor draws on Humboldt's and Herder's Romanticism here. He argues that identity is constituted within the effort to attain the continuity of a tradition through an "ad hominem" insight into our collective subjectivity, or the moral sources of our group's "horizon."<sup>32</sup> But Gadamer's hermeneutics is distinct from this Romantic version of conservative meta-theory. For Gadamer, the content of a tradition can only provide a basis for reflection now if the presuppositions of justification of both the tradition and the present situation are mutually put at risk in understanding. An horizon can only be authoritative for reflection if there is some way to identity and exclude its arbitrarily derived or dissimulating aspects. We must determine what aspects of an horizon can be applied, such that they have authority for us. However, we must always pre-judge what does have significance for us, as it is prevailing interpretations of this traditional horizon that go to form our

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<sup>28</sup> Ibid., p. 27.

<sup>29</sup> Taylor, C., (1979) "What's wrong with negative liberty", in *Liberty*, ed. David Miller (Oxford University Press), pp. 160-1

<sup>30</sup> Taylor, C., (1989) *Sources of the Self*, pp. 92-3, 96-7.

<sup>31</sup> Ibid., pp. 92-3.

<sup>32</sup> Taylor, C., (1995) "The Importance of Herder", in *Philosophical Arguments* (London: Harvard University Press), pp. 91-2; (1995) "Cross Purposes: The Liberal-Communitarian Debate", in *Philosophical Arguments* (London: Harvard University Press), pp. 185-6.

worldview, which is "always already affected by history."<sup>33</sup> The authority of a traditional horizon can only therefore be established if we are willing to assess both our understandings and this horizon itself.

An ethical commitment can only be derived from our tradition when we are open to learn. Any commitment we do derive must also be accompanied by a normative obligation to continue to learn. Therefore, communal considerations can only constitute my identity in the way in which they are "applied" in the present situation. My identity is not a standard with which to assess my life independently of this application.<sup>34</sup> Further, the authoritative understanding of these considerations cannot be established through my non-reflective obedience. Authority must itself be freely and rationally conferred through a process of mutual learning.<sup>35</sup> An authoritative horizon can only emerge from mutual learning. Therefore, what is taken to be an authoritative horizon must not be the outcome or cause of ideological conditions. It must not merely reflect, or help perpetuate, power relations which normalise our identity, or dominate our rational capacity. Gadamer's account of freedom from ideology is based on the model of a mutual learning process. Where this is absent our rational capacity will be threatened. Mutual learning is also itself the means by which a critical reformulation of our presuppositions is possible. Therefore, Taylor's exclusion of mutuality removes the means both to critically identify ideological conditions and to bring about relations of recognition freed from ideology.

My criticisms of Taylor must be distinguished from those put forward within enlightenment critical theory which are directed against conservative meta-theory as such. Nancy Fraser and Axel Honneth argue that the certainty of recognition and critique can be ensured only by securing the requirements for the power of reason in itself.<sup>36</sup> These

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<sup>33</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 300.

<sup>34</sup> *Ibid.*, p. 281.

<sup>35</sup> Gadamer, H.-G., (1967) "Rhetoric, Hermeneutics, and the Critique of Ideology", p. 285; (1989) *Truth and Method*, p. 281.

<sup>36</sup> Honneth, A., (1992) *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, trans. Joel Anderson (Cambridge: Polity Press), pp. 17-19, p. 25, pp. 172-3; Fraser, N., (1999) "Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation", in *Culture and Economy after the Cultural Turn*, ed. Larry Ray & Andrew Sayer (London: Sage), pp. 33-37.



universalizable requirements can only be specified formally and negatively, without communally-specific presuppositions and commitments. The capacity thus enabled is also the ability to reflectively distance itself from the partial interests of a communally specific identity. Through distancing, we can make transparent to reflection the presuppositions of justification of recognition and critique and, moreover, ensure the formal and normatively negative requirements for the constitution of any identity. For critical theory, conservatism will inevitably lead to ethnocentric and atavistic normalisation. It does not enable the universal capacity to rationally assess the worth of identities. Instead, it is committed to constitute specific identities, and to do so through relations of power whose bases for justification are concealed from the reflection of subordinate, non-authoritative, groups. Conservatism cannot, therefore, ensure that it will not enforce identities on groups considered subordinate due to the marginality of their culture or their traditionally subordinate role in the division of labour.

In Section 4. I discuss Habermas' critical theory, and will defend hermeneutics there from the charge that it cannot account for recognition or critique of ideology. However, in this section my concern is to distinguish from Romanticism the hermeneutic development of the conservative argument, that recognition and critique are forms of practically derived authoritative reflection, reflection which proceeds from concealment and commitment. I argue that it is only when mutual learning is excluded from a practically derived recognition and critique that it will tend to perpetuate ideological conditions. Without mutual learning, a traditionally-embedded and committed practical reflection will lend itself to a normalisation of identity which is motivated by ethnocentric and atavistic contextualist commitments. I argue that Taylor's approach will suffer from these problems. However, this is not because Taylor conceives of recognition and critique as practically derived processes of reflection. It is rather due to his attempts to base practically derived reflection on the moral sources of a collective subjectivity. A hermeneutic recognition and critique can avoid these problems through its pursuit of a practical mutual learning process.

Gadamer argues that the recognition sought in political relations is a shared status of "friendship" and "fellowship." This is both the active sharing of the goods and values of political membership, and the active participation in a learning process from which a shared understanding of these goods and values is derived. This political recognition will also have to account for the inclusion of new groups. In many situations it will have to come to a shared understanding of "utopian" representations of the hoped-for community of recognition. This must be a mutual understanding where the ideal hoped-for recognition of diverse groups is "applied" in the present situation. The pursuit of this shared understanding also practically applies the ideal of mutual learning itself. What each process of recognition must determine is how groups with divergent conceptions of the good life can have a right to shape the public interest and, in turn, to determine the distribution of the material requirements for the good life in social interaction. The shared understanding of recognition must determine in what way the learning process of the good life, which attains the practical excellence of good functioning, is to be enabled throughout social interaction. The continuing process of recognition can avoid the danger of normalisation through mutual learning and, therefore, by continuing to practically apply the ideal of mutuality.

Taylor is also concerned with how a non-distortive recognition of new or minority groups can be ensured, as in the struggle of the Francophone Quebecois for cultural equality.<sup>37</sup> He argues that critique must identify the practical and ethical requirements for the constitution of the identities of this group and the larger society. Taylor also argues that the subject matter to be recognised is the way the groups' moral sources can be realised as conceptions of the good life in practice. The cultural equality of the minority group will only be ensured in the realisation of their moral sources in modernity's valued "ordinary life" activities, such as employment and parenting. The non-distortive nature of recognition will be manifest only in the way in which it enables substantive conceptions of the good life throughout social relations. Taylor's position rightly rejects the arguments of critical theory here, that the material

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<sup>37</sup> Taylor, C., (1992) "The Politics of Recognition", pp. 25-73, in *Multiculturalism and "The Politics of Recognition"*, ed. Amy Gutmann (Chichester: Princeton University Press).

requirements for recognition can be specified formally and negatively.<sup>38</sup> For Taylor, these material requirements will only be identified through an understanding of, and ethical commitment to, the ways they can be deployed in specific forms of life. Conceptions of the good life must therefore motivate political recognition itself and the collective intervention in social interaction, and they must also provide the medium for the interaction of the family, the market, and civil association.

For Taylor to justify this project of recognition, it must be shown that it will avoid or overcome certain ideological conditions. Therefore, he must be able to account for critique of ideology. This critique must identify the conditions which undermine rational capacity and prevent the constitution of the identity of the good life. It must also identify conditions which generate dissimulating shared beliefs which conceal from view the nature of interaction. Critique of ideology must also account for how the rational capacity and shared beliefs established in ideological conditions themselves perpetuate these conditions. Shared beliefs which hide from view the worth of an identity can justify treating a group in such a way as to undermine their rational capacity; while the dominated capacity cannot be aware of what the requirements in interaction are for the valid constitution of identities, its own and others. Taylor's critique of ideology must specify what conditions will undermine the capacity of the Quebecois, parents, and the employed. He must also specify how to overcome the accepted beliefs which undervalue the culture of another group and the life led in certain practices. This will provide a basis to argue for a form of recognition which also overcomes the power relations and material inequality which were the cause of such domination and of the ideological distortion of shared beliefs.

Taylor argues that recognition is a non-distortive understanding of identity, and that this itself requires the attainment of a shared perspective of understanding. The criteria for this recognition must be based on mutual bases for justification and so, in the process of

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<sup>38</sup> Honneth, A., (1992) *The Struggle for Recognition*, p. 172; Fraser, N., (1999) "Social Justice in the Age of Identity Politics", p. 36.

recognition, each perspective must overcome its own specificity. Taylor claims that this follows from Gadamer's account of a "fusion of horizons" in genuine understanding.<sup>39</sup> However, Taylor's "shared horizon" is not formed from a mutual reconceptualisation of the presuppositions of justification of both perspectives. It therefore remains distinct from Gadamer's account in a crucial way. For Taylor, the new horizon formed after the process of recognition includes the bases for justification of both horizons as equally valid, but mutually discreet, bases for judgement within a shared horizon. They remain discreet, as it is the bases for justification of the group's horizon in its distinctiveness which continue to provide moral sources for the collective subjectivity of its members. At the same time, reflection can proceed from the new shared horizon in understanding the other and ourselves. However, the purpose of this shared horizon is to enable the "cultural survival"<sup>40</sup> of each group, or in other words, the survival of the collective subjectivity of each.

Taylor's position does not pursue a Gadamerian mutual learning process. However, he argues that his position will not lead to the anomaly where atavistically regressive, ethnocentric, or merely partial judgements are justified in recognition. He claims that his position will treat each group equally, that it will assess the value of each horizon with shared criteria, and that it will also only confer value on the traditional content of an horizon which has a continued relevance. He argues that this will be ensured by the conferral of a preliminary judgement of equal worth which establishes an equal status between participants in recognition. The equal value of a cultural horizon can be identified by the fact that it has motivated a community over a long period, and is not now going through a period of decadence and decline.<sup>41</sup> Taylor's concern is not so much with an analysis of decadence, and why it should be excluded. It is, rather, to establish the equal potential worth of cultural horizons which are distinct from those of Western society, and to do so on the basis alone that they express a continuity of tradition. However, this is to establish who the subject of recognition could be and, therefore, who must be

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<sup>39</sup> Taylor, C., (1992) "The Politics of Recognition", p. 67.

<sup>40</sup> *Ibid.*, pp. 61-2.

<sup>41</sup> *Ibid.*, p. 64, p. 66.

excluded from this category. For Taylor, this subject will be absent from the decadent period as this is an era where the continuity of tradition demanded by Romanticism is not secured, the perpetuation of a community's moral sources through the obedience elicited by an authoritative insight.

Taylor argues that he can identify freedom from ideology as the condition where a culture can ensure its traditional continuity. He also identifies as an ideological dissimulation the assumption that this culture cannot be learned from. Taylor must also identify where the rational capacity required for recognition can and should be enabled. However, for Taylor, the collective interventions of justice are to enable the freedom from ideology which ensures the Romantic continuity of a tradition. It is therefore the reasoning of Taylor's strong evaluation that is to identify the moral sources for distributive justice, both in the evaluative commitments of modernity to "ordinary life" relations and of specific communities to the goods pursued there.<sup>42</sup> Further, redistribution is only legitimate if rights are enjoyed in a way which is compatible with the identity which follows for individuals from these moral sources. This returns us again to the question of how the horizon of an identity is to be determined, the horizon of recipients of rights, of the decadent period, or of the period of cultivation. Taylor can only delineate these horizons without distortion if it is the case, first, that the form of an horizon can be separated from its content, and second, that the form of an horizon is represented by the willingness of members to identify with their collective subjectivity.

## **2.2. The hermeneutic mediation of tradition.**

Taylor argues that a Romantic recognition can avoid ideological conditions so as to constitute non-distorted identities. The non-ideological character of Romantic recognition is also to be determined in advance by the formal criterion which distinguishes the rational capacity which can participate in recognition. However, these criteria are never purely formal, as Gadamer argues in regard to the concept of the

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<sup>42</sup> Taylor, C., (1976) "The Nature and Scope of Distributive Justice", in *Philosophy and the Social Sciences. Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985), p. 296; (1989) *Sources of the Self*, p. 85.

"classical", and its use to designate a stylistic historical era between archaic rigidity and baroque dissolution.<sup>43</sup> The problem with formal criteria is that their motivating presuppositions are not put at risk. To attain a genuine understanding in recognition or critique it must be possible to mutually assess the prejudicial motivations of our norms and theoretical categories. This mutual assessment is necessary in a recognition which can be distinguished from ideological conditions. It is also necessary in theoretical critique, so that the ideological condition can be distinguished in a non-ideological way. Further, the necessity of mutual learning is not itself established by Gadamer as a formal criterion. What the learning process both of critique and recognition must continually determine is the requirements for our rational capacity. They must take the nature of a learning process itself as their subject matter.

I argued in Chapter Two Section 4.1. that Gadamer's concept of the "worldview" is derived from a critique of Husserl's formal and subjective account of a life-world and the Transcendental Ego which provides an ultimate grounding for it. Further, and in contrast to Taylor, Gadamer's "worldview" is also derived from a critique of Herder's and Humboldt's formal conception of linguistic horizons as the expression of a collective subjectivity.<sup>44</sup> Gadamer argues that horizons do not originate from, so as to be reconstituted by, the collective subjectivity of a group such as the nation. Rather, they originate from the continuous reflective and prejudiced mediation of its content in practice. Further, the theoretical reflection concerning our horizons of understanding is derived from practice, to be returned to it in application. Theoretical critique will not identify the formal structure of rationality, precisely because the criteria which distinguish the necessary conditions for all horizons will themselves be prejudicial. Theoretical criteria are established in the practical mediation of horizons which is ongoing, and so to deploy them is always to do so prejudicially, with an anticipation of the content of valued horizons which must be mutually assessed in the ongoing mediation of horizons. For Gadamer, the prejudices motivating our theoretical criteria must be put at risk in understanding, both within and between horizons.

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<sup>43</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 285-290.

<sup>44</sup> *Ibid.*, pp. 438-42, p. 448.

The absence of a mutual learning process entails that Romantic critique and recognition cannot ensure that ideological conditions can either be identified or avoided. The proper role of power in Taylor's recognition cannot be distinguished from domination, as the reflective basis of authority is not a mutual relation. Further, as Taylor's authoritative insight can second-guess the other, he cannot ensure that mere partiality and contextualism are overcome in recognition. He cannot avoid the danger of imposing a normalised identity on the subordinate group. Romantic normalisation can express regressive attitudes concerning the values of practices associated with subordinate groups in the division of labour. It can also be ethnocentric, as the new "shared horizon" of recognition does not arise from the reformulation of the presuppositions of a culture in an attempt to learn. These possibilities of domination and normalisation arise because the presuppositions of justification of horizons are not put at risk in understanding the identity of another. Romantic critique of ideology cannot distinguish the condition of freedom from ideology. It also cannot distinguish the ideological condition in a non-ideological way. The ideologically decadent condition is excluded, by Taylor, without assessing the cultural presuppositions motivating this categorisation of an identity.

For hermeneutics, critique of ideology must proceed from presuppositions regarding the requirements for our rational capacity and its non-distortive recognition. Not only must critique be open to reformulate these presuppositions. The model for this learning process is derived from the concept of the rational capacity which is to be enabled in recognition, what Gadamer refers to as *phronesis*, the practical excellence attained in valued practices. The goal of recognition is to ensure the dialogical mediation of the content of tradition in the present situation. For a tradition to be continuous, it must be both the space within which reflection proceeds, and that which is itself mediated through this reflection. Therefore, tradition is not an atavistic or ethnocentric projection, a content projected into the future over and against the demands of the present and of plurality. Rather, continuity is only maintained where a plurality of perspectives reconceptualise the presuppositions of tradition in new situations. However, Marshall's

commitment to enable social equality can, once again, be seen to be necessary for hermeneutics. A hermeneutic continuity of tradition will only be ensured where a diversity of perspectives are available for mutual understanding. To distinguish hermeneutics from Romanticism will call not only for the careful examination of our prejudices in pursuit of understanding, but also for the active intervention which brings about the capacity of mutual learning for subordinated groups.

Hermeneutic collective interventions of justice will proceed as part of the open-ended mutual learning process of recognition. They must be able to ensure the freedom from ideological conditions of subordinate groups, such as single parents in poverty, or members of a marginal culture. The normative principles of a community will have to be applied here through a mutual understanding of the appropriate good life. We cannot determine in advance whether this understanding will be possible to achieve. This is the case because our communal presuppositions must be problematised here, and so they do not provide the basis to determine what the content of such an agreement should be. We cannot but approach the situations of poverty and marginality with the assumption that a shared horizon of normative evaluation will be difficult to achieve. However, this expectation is the feature of all attempts to understand which at first are problematic. It is also an expectation which is always derived from a presupposition regarding the potential truth content of the perspective of the other on a shared subject matter. Therefore, it is only by pursuing a mutual understanding with regard to this content that we can determine whether the expected obstacle to mutual recognition can be overcome.

Gadamer argues that the mutual learning process which is a requirement for certainty in normative reflection is also a requirement for non-ideological relations of recognition. The self-understanding of an identity will only be constituted in relations where we can learn from other identities. This entails that the I-Thou relations of mutuality must correspond to a Kantian model of moral relations, as the other identity must be treated as an end in itself. To do so one must assume that the truth of a subject matter will be learned from this other in interaction. Recognition is therefore motivated by the desire to learn from the other,



rather than merely by a partial interest in one's own good life. It is also motivated by the search for a shared basis to understand the good life which, therefore, transcends the limited scope of any specific identity. However, this motivation to learn is prejudicial, as reflection remains derived from practice, from concealed and motivating presuppositions. Relations of learning never abstract from the practical basis of reflection in our partial interest in a specific good life, as these are the characteristics which enable us to progress mutually in understanding. This mutual progression is what Gadamer calls an open-ended prejudicial dialectic. It must also characterise critique of ideology, in taking relations of domination and normalisation as our subject matter.<sup>45</sup>

Critique of ideology must specify the "limit situations" of our capacity to understand and to come to an understanding. These are the situations which disrupt our capacity to mediate the content of tradition in the present, situations of power which dominate, situations which objectify the individual as a technical means, and situations which enforce a prejudicial conception of the good life on others.<sup>46</sup> Taylor argues that the ideological justification of class inequality in the past, which created the illusion that the working class were a valued part of a "society of work", has itself become a moral source for us in the present which serves the function of integration. As such, the moral sources of "ordinary life" are no less legitimate now simply because they once served an ideological function.<sup>47</sup> However, because Taylor's moral sources are not applied in the present he does not ask whether they are ideological now. He does not ask whether our presuppositions regarding the work society do not serve to hide from view now the domination and normalisation of work practices, and the unjustified exclusion of groups from the status attained in valued practices. Not only must such presuppositions be applied now in our present situation of mutual learning, but the application of

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<sup>45</sup> Gadamer, H.-G., (1981) "Hermeneutics as a Practical Philosophy", p. 104; (1981) "The Heritage of Hegel", p. 60; (1989) *Truth and Method*, p. 376-9.

<sup>46</sup> Gadamer, H.-G., (1967) "Rhetoric, Hermeneutics and the Critique of Ideology", pp. 283-4.

<sup>47</sup> Taylor, C., (1971) "Interpretation and the Sciences of Man", in *Philosophy and the Social Sciences. Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985), pp. 45-7.

presuppositions must critically identify the prejudices which disguise ideological conditions.

As Gadamer argues, we are obliged to attempt to understand that other whom we cannot help but encounter. Therefore, the assumption that certain conditions are a limit situation for understanding has the nature of a "question" which continues to be raised in a dialectical manner. In Gadamer's revision of Hegel's dialectic, the pursuit of understanding overcomes the limits to understanding which we have presupposed, the limits which finite beings must presuppose if understanding is to begin at all.<sup>48</sup> Taylor's theory of recognition maintains Hegel's account that the spirit of a community is expressed in its substantive distinctions, in its "sittlichkeit." However, for Taylor, this content does not emerge dialectically, but is "a source of meaningful differentiation" which can be "recovered."<sup>49</sup> Rather, as Durkheim argues, our understanding of the universal conception of freedom progresses only as we develop specific practices of the good life.<sup>50</sup> It is our understanding of the normative significance of individuals qua their humanity which is furthered by each pursuit of the good life, while from every insight into our obligations to humanity is derived an insight into our obligations to fellow community members. We must continually decide again who the subject of recognition is, because we must continually decide again what this entails, what its content is and in what relations it will be ensured.

Hermeneutic phronesis is the ideal account of our rational capacity whose conditions of possibility we can seek to explain theoretically. The explanations of the social sciences and the therapeutic practices of medical science and psychoanalysis must, however, be directed towards this object by a practically derived reflection. We must decide what their objects for inquiry should be on the basis of our pre-understanding of the nature of recognition and, in turn, on the basis of our pre-understanding of its limit situation: that which we presuppose must be accounted for by a

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<sup>48</sup> Gadamer, H.-G., (1961) "Hegel and the Dialectic of the Ancient Philosophers", in *Hegel's Dialectic. Five Hermeneutical Studies*, trans. P. Christopher Smith (London: Yale University Press, 1976), pp. 32-4.

<sup>49</sup> Taylor, C., (1975) "Hegel: History and Politics", in *Liberalism and its Critics*, ed. Michael Sandel (Oxford: Basil Blackwell, 1984), p. 177, p. 196.

<sup>50</sup> Durkheim, E., (1957) *Professional Ethics and Civic Morals*, p. 70, pp. 74-5.

science directed by the hermeneutic critique of ideology. This can be so in our analysis of the conditions of psychological ill-health, which prevent the individual from using the language of others in a way that enables understanding to be achieved with one's self and with others.<sup>51</sup> Freud's own understanding of psychoanalysis, that the goal of its causal and interpretative knowledge is to make motivations transparent to understanding, can be replaced by our conception of the necessarily prejudiced nature of rationality. This hermeneutic critical understanding of the goal of science then becomes the assumption which we reassess in the pursuit of recognition, while recognition is to realise a learning process for the capacity which proceeds from the sustaining dimension of prejudice so as to critically analyse the validity of its presuppositions.

### **§3. Radical transgression at the limits of rational capacity.**

In Section 2. I argued that hermeneutic relations of recognition are established as the learning process which mutually risks the partial interests and presuppositions of identities. A hermeneutic critique of ideology will, through its own hermeneutically applied learning process, distinguish these relations of mutual recognition from the ideological conditions which disrupt our rational capacity and generate distorted identities. I also argued that this capacity of practical excellence itself can be realised only through a collective intervention which is pursued by, so as to enable again, the mutual relations of social equality. By acknowledging the necessity of social equality for rational capacity, a hermeneutic recognition that is distinct from Romanticism can be ensured. However, as I discuss in this section, the radical meta-theory of Michel Foucault will reject this hermeneutic recognition of social equality. I argued in Chapter One that Foucault's rejection of humanism could not be realised by Laclau and Mouffe in a radical citizenship, and for this reason they fall back on enlightenment assumptions. In Chapter Two I also rejected the radical argument that social citizenship is a necessarily teleological project. However, I return now to the radical critique that social citizenship will intensify subjugation. Specifically, I discuss Foucault's proposed alternative to mutual recognition and critique of ideology and assess its implications for social citizenship.

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<sup>51</sup> Gadamer, H.-G., (1981) "Hermeneutics as a Practical Philosophy", p. 108.

Foucault argues that the prevailing "humanist" formulation of mutual recognition and critique of ideology are implicated in projects of subjugation. For Foucault, truth and liberty will only be attained instead by resisting these relations of power and knowledge. A radical critique must therefore transgress what is taken as necessary for the constitution of our rational capacity. It can then account for how this subjugation can be resisted in "games of liberty", the ethical practices of the self established as regimes of the body. Games of liberty are relations of power and knowledge which minimise the subjugation of the self. However, they will only do so by rejecting what I have so far argued are the necessary relations of a socially equal recognition. They will violently reject the normative claims of others in recognition and social justice, and the shared presuppositions on which authoritative insights can claim to assess the goodness of a life. In response, I argue that the radical project could only be justified if, first, it could in fact transgress the requirements for our rational capacity and, second, if this transgression was necessary for liberty and truth. I argue instead that such acts can always be understood and assessed and that it is a hermeneutic understanding which will enable us to do so within socially equal relations of mutual recognition.

### **3.1. Games of liberty at the frontiers.**

Foucault would agree with the hermeneutic argument put forward in Section 2. which rejects the enlightenment assumptions of critical theory. For critical theory, it is the power of reason in itself which we must account for in critique and secure in recognition, and we will do so only in the transparency attained through a reflective abstraction from practice. For the radical and for hermeneutics, the considerations which can constitute an identity are practically derived, and so express partial interests and historically specific evaluative criteria. Further, the critical assessment of conditions which could undermine our rational capacity is also a practical reflection which does not abstract completely from these conditions. However, the radical rejects the hermeneutic definition of freedom from ideology. For the radical, the hermeneutic attempt to specify the "limit situations" of understanding is a violent and arbitrary evaluative exclusion of subordinate ways of knowing and doing. Further,

this evaluative exclusion must, the radical argues, also be perpetuated in a hermeneutic recognition. For the radical, hermeneutics must consider certain identities to be antithetical to the capacity required for mutual relations, where we are obliged to treat the other as an end in itself. The radical critique is to identify both the exclusionary process entailed here and the need, in turn, to transgress what is necessary for our rational capacity.

Foucault argues that hermeneutic sciences attempt to identify conditions which distort self-understanding, so as to then exclude these "limit situations" from hermeneutic practices where individuals can attain an undistorted understanding. In the hermeneutic science of psychoanalysis, the rational capacity of patients is ensured when they learn to interpret their actions through the psychoanalytic framework, which distinguishes pathological from normal sexual needs. Foucault argues that in a successful treatment, the patient must exclude other ways of knowing and doing and accept the doctor's authoritative interpretation. The successful treatment creates a subject who disciplines itself by adopting the professional's interpretative framework. However, this self-discipline itself creates the openings which can undermine this constitution, as the subjugated self does not finally exclude the "other" of pathological needs but retains them as that which must be discovered and overcome.<sup>52</sup> Foucault characterises this as an arbitrary subjugation, because it is both attained through unacknowledged irrational means and undermines the certainty it claims to offer. For Foucault, it characterises the modern "humanist" pursuit of non-arbitrary critical knowledge and moral relations, but provides the opening for the truth and liberty acquired through transgression in the strategic playing of games.

Foucault conceives of radical critique as a transgression that can identify the conditions of possibility for "games of liberty." These games are to overcome the humanist pursuit of non-arbitrary criteria, both in critique and in relations of mutual recognition. They are, therefore, distinct from Gadamer's hermeneutically embedded and partly autonomous games of mutual learning. For Foucault, games of liberty will only be attained

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<sup>52</sup> Foucault, M., (1976) *The History of Sexuality Vol. 1*, trans. Robert Hurley (London: Billing & Sons Ltd.), pp. 83-4, p. 117, p. 130.

when individuals also actively reject the shared presuppositions and mutual expectations of a subjugating recognition. At the same time, liberty is attained only for a plurality of "parodic" "others", and not for the self of recognition, with its false seriousness and unity. These games therefore reject Gadamer's pursuit of a shared horizon in which the individual attains an authoritative self-understanding. Further, Foucault argues that the identity of liberty is fostered in regimes of the body which, as "practices of the self", minimise the subjugation of relations of mutual understanding and recognition. Bodily experience is, therefore, not to be hermeneutically mediated in a traditionally embedded authoritative self-understanding, and so the autonomy of games does not itself presuppose a common hermeneutic dimension of dialogue and understanding.

Foucault argues that his Nietzschean genealogical reflection is a transgression of the requirements for rational capacity. He argues that it undermines the certainty claimed for a humanist critique and recognition. It is to show that the moral obligation to treat another as an end in itself will, both as a universalizable law and as a relation of mutual recognition, violently excludes "other" ways of knowing and doing.<sup>53</sup> He argues that genealogy is a transgression in the further sense that it actively rejects the demands for mutual recognition which perpetuate this subjugation. Genealogy is to "cut away" at the certainty with which people assume that their own identities can be constituted with considerations and interactive relations which are not violently arbitrary. However, he also argues that genealogy does this when it "occupies" the limit situations assumed in recognition and critique, and so shows that the "others" were never finally excluded. For Kant, the "mature" self relies on its reason alone by acknowledging its limitations. For Foucault, the mature self relies on its capacity to transgress its constitution and create, from these excluded others, its own values without recognition.<sup>54</sup> As in games of liberty we refuse to enter relations of mutual recognition, the radical rejects Gadamer's I-Thou relations, which claim to establish mutuality, and so treat the other as an end in itself.

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<sup>53</sup> Foucault, M., (1971) "Nietzsche, Genealogy, History", p. 95.

<sup>54</sup> Foucault, M., (1984) "What is Enlightenment", p. 46.

Foucault argues that genealogy undermines the supposed unity of the self as it uncovers the other ways of knowing and doing within one's constitution. He argues that it also replaces the false significance of this illusory unity with a radical awareness that the plurality of my potential others do not themselves contain the truth of my self. Foucault argues that liberty and genealogy must also ensure that the self is not reduced again to any one potential other which claims to be an identity freed from ideology. This plurality cannot be reduced to a shared basis of understanding established within the horizon of tradition. Foucault argues that to ascribe authority to tradition one must falsely assume that there is an original meaning for words which can be discovered, a meaning from which all understanding should teleologically unfold. It is also to assume that the truth of our selves lies in our origins, that the original meaning of words established in traditional contents has a special significance for our identity. He argues instead that tradition is established through subjugation, and is perpetuated by the hermeneutic assumption that truth and identity can be discovered in traditional self-understanding. In a transgressive response, genealogy is instead to discover in our tradition a series of parts which can be performed as a "parody" of the potential others one could have been.<sup>55</sup>

Genealogy is to make us aware that all activities are composed by a relation of power and knowledge. However, Foucault's games of liberty are not only to resist the power/knowledge nexus in which individuals are constituted. Rather, they must be instituted as "regimes of the body." Games of liberty are to be established by overcoming what Foucault sees as the dominant presuppositions of the modern power/knowledge nexus concerning the dichotomy of mind and body. He defines this as the assumption that the universal potential of rational capacity will be realised once bodily experience is freed from distortive conditions. For instance, psychotherapy only considers patients to be free and aware when they agree to control their bodies through an interpretation of needs which follows from accepting the framework of psychoanalysis. What Foucault calls the arbitrary exclusion of otherness to the "limit situations" of understanding is, he argues, attained here through

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<sup>55</sup> Foucault, M., (1971) "Nietzsche, Genealogy, History", p. 93.

techniques which discipline the body. As Foucault's games of liberty are to be a project of resistance, they must be established at the frontiers of practices such as these and, therefore, have as their goal a re-inscription of the body. The "marks" of discipline are to be overcome through "ethical" practices, where the self relates to its self with its own power/knowledge regime centred on the body.<sup>56</sup>

Foucault argues that genealogical parody and ethical regimes of the body are to continue to undermine the illusion of unity and certainty in relations of recognition. As a transgression, radical practice operates where shared presuppositions no longer have authority for the constitution of the self. For Foucault, there is therefore no shared hermeneutic dimension in which the bodily experience of a radical game of liberty is mediated. This is the case for the irreducible plurality of each self, and for the plurality of such ethical practices. Foucault argues that radical games of liberty emerge by resisting attempts made to reduce this plurality through relations of recognition. For radical followers of Foucault, this resistance must also be directed to relations of social justice which are to ensure the interactive requirements for recognition. As I argued in Chapter Two Section 1.2., radical commentators characterise the welfare State in terms of an extension of "technical practices" which intensify disciplinary domination. As relations of recognition, they extend process of subjugation to ever-more areas of the self, as technical experts seek to define and meet ever-more aspects of human need. In the efforts to enable "autonomy" through welfare measures the other of "dependency" remains to undermine certainty.<sup>57</sup> However, for the radical, this is not an era of decline, but the site now for resistance, and the only possible site we could have in which to define and pursue liberty.

Foucault argues that we cannot hope to give a non-arbitrary account of progress in the rational action of social justice and recognition. He argues that such an account would have to exhaustively specify the

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<sup>56</sup> Foucault, M., (1984) *The History of Sexuality Vol. 3.*, p. 133 ff.; (1984) "What is Enlightenment", pp. 48-9.

<sup>57</sup> Waxman, C., (1983) *The Stigma of Poverty*, pp. 87-9; Dean, M., (1991) *The Constitution of Poverty*, pp. 13-14; Schram, S., (1995) *Words of Welfare*, p. 35 ff., p. 77 ff., p. 145.



requirements for our rational capacity as the goal towards which all social action is to lead. It would also, he argues, have to assume that all social groups have a real interest in attaining this ideal. For Foucault, this is represented in the Marxist argument that a freedom from ideology will emerge as a social condition when the opposition of class interests is overcome through class dialectic.<sup>58</sup> Foucault rejects what he sees here as a Hegelian teleology, where the development and differentiation of identity in recognition is to overcome the conflict of difference itself.<sup>59</sup> Foucault therefore rejects any attempt to give what would be accepted as a non-arbitrary account of the real interests of all identities in attaining a specific ideal of rational capacity. He argues that this would necessitate an extensive project of violent exclusion. For Foucault, we should instead accept that critique and recognition can never be non-arbitrary, precisely because they are always established through a partially motivated evaluative exclusion of otherness. Liberty is possible, but only by overcoming mutuality and only by doing so arbitrarily.<sup>60</sup>

### **3.2. The hermeneutic event of understanding in the dialectic of tradition.**

I argue here that Foucault cannot achieve what he calls the transgression of our rational capacity. These acts, of resistance and of embodied self-relation, in fact call for a shared understanding, and it is through this understanding that the requirements for our rational capacity are attained. Foucault argues that, by proceeding from its limit situations, from the other of our rational capacity, a transgression undermines what had been the requirements for our rational capacity. This transgression does not establish a foundation outside the power/knowledge nexus, but creates a new aspect of that dimension. It is not a subject of pure power or knowledge which accomplishes this transgression.<sup>61</sup> Foucault claims that this transgression has both undermined the specific power/knowledge nexus of the subject and yet is still meaningful. However, for this to be

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<sup>58</sup> Foucault, M., (1977) "Power and Sex", in *Michel Foucault. Power, Philosophy, Culture. Interviews and other writings 1977-1984*, trans. Alan Sheridan, ed. Lawrence Kritzman (London: Routledge, 1988), p. 123.

<sup>59</sup> Foucault, M., (1971) "Nietzsche, Genealogy, History" p. 83.

<sup>60</sup> *Ibid.* pp. 87-8.

<sup>61</sup> Foucault, M., (1977) "Power and Sex", p. 18; (1984) "The Concern for Truth", in *Michel Foucault. Power, Philosophy, Culture. Interviews and other writings 1977-1984*, trans. Alan Sheridan, ed. Lawrence Kritzman (London: Routledge, 1988), p. 255, p. 258, pp. 263-5.

the case, there must be a dimension of potential meaning which is shared and which encompasses the transgressive act and the relation of power and knowledge. This would explain why a self can never be a subject of pure knowledge or power, and yet can revise the requirements for its rational capacity in its specific interrelations. However, Foucault cannot allow the necessity of such a dimension. It would entail that the act which establishes a game of liberty is not a transgression which undermines what is necessary for our rational capacity.

For Gadamer, in the good life and in mutual recognition, an immediate living certainty is attained only in partly autonomous games of mutual learning. Unlike cultural conservatism, hermeneutic practices cannot be reduced to an horizon, but must remain open to learning, while learning cannot be authoritarian, but must be a mutual relation of justified power. This follows from the nature of the shared dimension which, pace Foucault, does encompass each practice. For Gadamer, this is the linguistic medium of experience.<sup>62</sup> It is a dimension of potential meaning but one that is only realised as the necessary requirement for rational capacity in the mutual relations of learning in which it comes to self-presentation. Although this dimension is only realised in the fusion of horizons, this itself is the requirement for certainty as such. We can only proceed with valid presuppositions of justification from an authoritative self-understanding, from the shared understanding attained of these presuppositions. The certainty attained in pursuing freedom and insight, which is made possible by the partly autonomous nature of games, is reliant on a shared horizon which has authority for it. The "fusion of horizons" is disruptive, as an "event" of coming to understanding. However, it is not a transgression, as it also brings our linguistic dimension to self-presentation.<sup>63</sup> The risk we run when we open our prejudices to assessment enables a shared understanding which is necessary for the constitution of rational capacity as an identity.

Hermeneutic critique argues that partly autonomous games of the good life are established through relations of mutual learning. Mutuality can therefore be shown to be necessary for the attainment of the goals we

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<sup>62</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 389 ff.

<sup>63</sup> *Ibid.*, pp. 485-6.

have partial interests in. From this partial interest we can foster an interest in attaining mutual relations which both enable what is valuable to others and establish a shared basis for evaluation. Hermeneutics shows us that to be open to mutual learning I must treat another as having a potential insight which itself arises independently of my will. To treat the other as a partner to a dialogue, I must treat the other as an end in itself.<sup>64</sup> I must approach the other with a pre-understanding of what is necessary for an identity which can be understood, of what limit situations of understanding must be avoided. However, I must assume that I can learn from another, and that I can learn about the subject matter of identity. Therefore, I must assume that through this dialogue our initial pre-understandings of the requirements for a valid identity can be revised. Such a revision can be neither a subjugation nor a transgression, but must be a shared understanding determined by a mutual process of reconceptualisation. The hermeneutic dimension enables this subject matter of the requirements for rational capacity to appear to both perspectives, as it also enables each to overcome their initial presuppositions concerning it and to learn.<sup>65</sup>

Gadamer argues that relations of learning are an open-ended dialectic. A dialogue of question and answer in dialectical relations enables us to learn about a subject matter, to move beyond our original presuppositions to a new shared basis to understand that subject matter.<sup>66</sup> Gadamer also argues that the priority of the question must be emphasised, as this dialectic will not be reconciled in the final answer. There will be no final Hegelian self-consciousness of spirit where the other is no longer experienced as other, as that which requires this reconceptualisation. This is because dialectic is not a Hegelian movement of consciousness but of tradition.<sup>67</sup> The experience of otherness will not be overcome for the understanding that proceeds from presuppositions embedded within the linguistically mediated dimension of tradition. Understanding progresses dialectically when it mediates tradition in the present, while this mediation is made necessary by the historical

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<sup>64</sup> *Ibid.*, p. 383 ff.

<sup>65</sup> *Ibid.*, pp. 463-4

<sup>66</sup> *Ibid.*, p. 302.

<sup>67</sup> *Ibid.*, pp. 472-3.

experience which will disrupt a prejudicial awareness. The games of the good life are not Foucault's irreconcilably different parodic transgressions. Not only does the reconceptualisation of presuppositions of justification require a shared understanding in relations of mutuality. Through this we come to understand the diverse aspects of ourselves in terms of the necessary traditional nature of our partly autonomous perspectives.

As the hermeneutic dimension is sustaining, it limits what the shared presuppositions of a fusion of horizon could be. The prejudicial perspectives it enables, although divergent, rely on a shared dimension of meaning. It is only from such a prejudicial basis that we could come to an understanding. Therefore, each perspective must acknowledge the necessity of its traditional horizon in coming to understand its own good life. Further, one must proceed from meanings which are shared with others, but as a specific perspective one can only do so by interpreting them.<sup>68</sup> A hermeneutic critique can make us aware that an understanding of the good life is dependent upon meanings which are not only traditional but which are always appropriated by diverse perspectives. It is the awareness that an authoritative self-understanding of one's good life must also be open to the understanding of others concerning one's presuppositions. For this reason, Freudian psychoanalysis would have to be altered if it is to be a hermeneutic practice itself or a model for everyday practices. Hermeneutic practice will not claim to have an interpretative framework for understanding oneself and others which is not itself open to reformulation. Such frameworks must be open to reformulation through a traditionally based understanding with others, if an authoritative self-understanding is to be arrived at.

Gadamer argues that our prejudices ensure that all experience can be meaningful, because they enable us to conceive of any experience, any strangeness, as a question addressed to us. But its nature as a question is determined by the potential it poses to problematise our presupposed criteria of correct interpretation, the prejudicial basis on which we made the assumption that the experience could be meaningful.<sup>69</sup> An

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<sup>68</sup> *Ibid.*, pp. 461-3.

<sup>69</sup> *Ibid.*, pp. 355-6.

interpretation of the meaning of this experience answers the question to the extent that it responds to this challenge to our prejudices. In this sense, the hoped-for recognition, or utopia, projected into the future is a question asked of our prejudices. It is neither a "transgression" nor an anachronistic representation of our "moral sources." It provides the potential to learn by making what we assume to be the necessary requirements for our rational capacity questionable and, therefore, in need of revision. However, as Marshall argued, the question directed to our presuppositions by the ideal of social equality has a special significance. The attempts to reformulate the ideal of social equality are necessary for our self-understanding as citizens. Not only is it the shared status within which the differentiated statuses of practical excellence can be recognised. Practical excellence itself can only emerge in the continued attempts to reconcile the ideal of social equality with the features of inequality which make productive practices possible.

Gadamer argues that the linguistic nature of our experience ensures that recognition has the "speculative" structure of a progressive but open-ended dialectic. It determines that all experiencing subjects are finite, or prejudiced, but that all such experience expresses what is infinite, the infinite potential of meaning in language, the "many" in the "one."<sup>70</sup> Therefore, what the radical presents as a transgression is in fact a hermeneutic question posed for the presuppositions we must proceed from, and about which we can come to an authoritative mutual understanding. This is the mutual understanding which we are obliged to pursue concerning the requirements for our rational capacity and the goodness of a life. This open-ended potential for meaning also mediates our reasoned-desire, as I argued in Chapter Three. Therefore, regimes of the body will not establish bases for self-understanding which remove the need for mutuality and shared understanding. In "finding the right words" for physical experience we find the words that were already there for them. This is not the retrieval of an originating meaning in a Romantic moral source. It is an interpretative effort directed at these words and their criteria of correct usage. The very strangeness of the

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<sup>70</sup> Gadamer, H.-G., (1960) "The Nature of Things and The Language of Things", in *PH*, pp. 80-1; (1989) *Truth and Method*, p. 461, p. 473.

experience which is accounted for extends the potential of our language to put such experiences into words in the future.<sup>71</sup>

For Gadamer, in recognition I become aware that a shared understanding is necessary if the goals of my good life are to be enabled. From the partial interest in this life can be generated the interest in attaining the mutual I-Thou relations where recognition can be conferred. However, such relations of recognition must also account for the struggle for recognition. My struggle for recognition must presuppose the concept of the Thou through which my recognition can be ensured. I must presuppose what requirements for rational capacity must be met, so that intersubjective relations of struggle can still have the structure of a question and answer dialectic. For Gadamer, this requirement is met by mutual learning, where a free and reasoned conferral of authority distinguishes a just power structure from the arbitrary exercise of force.<sup>72</sup> However, as Marshall argues, relations of social equality are necessary to sustain the mutual respect required to attain practical excellence. Gadamer argues that the authority of practical excellence must be attained in relations of justified power which are also conducive to attaining insight. In such relations, the presuppositions on which authority itself is justified can be the subject matter of learning. However, it is only with the limitation of material inequality that, as Marshall argues, the area of common culture can be extended in which the mutuality and struggle of recognition could be compatible.

Gadamer's hermeneutic account of critique can also be directed to attain what Marshall defined as a practically understood "public interest." The understanding of the public interest in attaining social equality must continue a learning process with regard to the requirements for our rational capacity which social justice is to enable. New shared understandings must be pursued regarding the nature of physical, embodied need and the interrelations in which it can be satisfied. Practical understanding must also concern itself with how partially motivated struggles to be recognised can be incorporated within the public interest. For instance, when parenting is recognised as a

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<sup>71</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 383-9, pp. 431-2, p. 453.

<sup>72</sup> Gadamer, H.-G., (1967) "Rhetoric, Hermeneutics, and the Critique of Ideology", p. 285.

worthwhile activity, the physical needs of children and the means by which they can be satisfied take on a new broader significance within the public interest, which is itself shaped by the interests of parents. However, Gadamer's discussion of art, satire, and festival celebrations can also show how the public interest of social citizenship could emerge from these activities. These practices have attained a peculiar degree of autonomy from everyday activity in the presuppositions of justification which are appropriate to them. However, their insights have significance, not as transgressions, but in bringing to a practical awareness the necessary hermeneutic nature of our rational capacity.

Gadamer argues that if I am to correctly "play" in such games as art, satire, and festival celebration I must take the game seriously. I must know what is expected of me in playing such a game. I must also take its playing of me seriously as it is my self which comes to presentation in this game. For Gadamer, these games do entail the suspension of instrumental goal-oriented action of other kinds. However, they do not do so as a transgression. Rather, art will be experienced only when the continuity of the meaning of this work of art with its own tradition and my own life are both ensured through a shared understanding.<sup>73</sup> Further, just as jokes will only be understood when a shared sense of community is established between interlocutors,<sup>74</sup> so too the satirical critique of our political practice does not come to our understanding as a transgression.<sup>75</sup> It is experienced as a hermeneutic question which, in understanding it, offers the potential for learning about the requirements for recognition. Similarly, although the festival which is celebrated on any one occasion is always something different from the original, it is not a form of transgression of the everyday or of the tradition of that festival. Rather, the festival still only has significance for me when my celebration is a part both of its tradition and of the temporal nature of my own self.<sup>76</sup>

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<sup>73</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 101-3, pp. 108-9.

<sup>74</sup> *Ibid.*, pp. 24-5.

<sup>75</sup> *Ibid.*, pp. 146-7.

<sup>76</sup> Gadamer, H.-G., (1986) "The Relevance of the Beautiful", pp. 40-2; (1989) *Truth and Method*, pp. 122-3.

To take part in such games we must agree to step out of the practices of strategic action in which we pursue other communal goals.<sup>77</sup> In this way a unique critical insight into the requirements for our rational capacity is possible. However, the practices of art, satire and festivity must still be hermeneutically mediated. They must still be understood within our hermeneutic understanding of ourselves as traditional beings. They are, therefore, an instance of a broader potential for meaningful experience and valuable insight which is shared with everyday practices where our strategic interests are pursued. Such disruptions to everyday activity may provide a valuable insight into our nature. However, such an insight does not follow from a transgression and, therefore, does not entail the violent rejection of the normative claims for recognition in everyday interaction. Not only should we reject the nature of Foucault's distinction between liberty and technical rationality, a distinction between transgression and subjugation. We should also reject the implications which follow from Foucault for the project of a socially equal recognition and freedom from ideology. Rather, the pursuit of recognition freed from ideology is the learning process which we cannot step out of. A social equality of the good life can, therefore, be pursued both through practices of the everyday and their transcendence.

#### **§4. The open-ended dialectic of critique and recognition.**

So far in this chapter I have argued that hermeneutic critique attempts to account for the mutual dependence of each specific good life for the recognition which ensures the material and interactive requirements of solidarity for rational capacity. I also argued that the hermeneutic capacity must be established in the mutual relations made possible by social equality and its limitation of the forces of power and inequality. In this section, I turn once more to Habermas' enlightenment critical theory. Chapter Two looked at Habermas' argument that the legitimate collective intervention must ensure equality in material resources and power relations, and that this also provides the basis required to legitimate intervention. In this chapter we will see that, for Habermas, this intervention must be legitimated through mutual recognition, and must enable the equal relations required for recognition. However, as I noted

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<sup>77</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 123-4, p. 128.



briefly in Chapter Three, Habermas' egalitarian politics is to enable a good life whose nature is formal, dual, and negative. For Habermas, this is also the nature of the interrelational requirements for mutual recognition. The considerations of recognition must be restricted to an impartial account of the general interest. Only then can the normalised imposition of an identity on subordinate groups be prevented. Further, for Habermas, it is only in attaining the transparency made possible through reflective distanciation that we can specify the formal, dual, and negative structural requirements for freedom from ideology.

For Habermas, recognition cannot be pursued by, so as to enable, prejudicial identities in practical relations of authority. Rather, with the necessary social requirements, our rational capacity of recognition can make the motives for, and forces of, action increasingly transparent. We can then see through ideological systemic compulsions. But the necessity of attaining this transparency also entails that there can be no justification for relations of recognition pursued by an authoritative insight which proceeds from concealed prejudicial commitments. For Habermas, mutuality and a non-distorted understanding both require relations which justify norms impartially, with principles available to any identity, so as to recognise only the characteristics shared by all. I argue instead that freedom from ideology is not an ideal only of ever-greater transparency, realised in relations dualistically distinct from systems, and where norms are justified by a fundamental principle of impartiality. Rather, the reflection of recognition and critique must be substantive, comprehensive, and positive as it remains practically derived from partial interests in specific good lives. It is this which enables a dialectical progress in freedom from ideology, while a social equality of practical excellence must be the goal of recognition if this capacity is to be enabled.

#### **4.1. Critical theory: the recognition of communicative competence.**

Habermas argues that humans are reliant on each other for a recognition which is mutual in nature. The rational capacity of each individual can only be developed as an identity when intersubjective relations also

enable the mutual conferral of recognition between identities.<sup>78</sup> This mutual reliance in recognition has the form of a dialogue and is situated within dialogue. The goal of recognition is attained in relations where we can understand the perspective of the other as a partner to a dialogue, and so the interaction of recognition must enable an exchange of views. Habermas agrees with Gadamer that natural language is the medium in which the perspective of another on substantive issues can be understood, because the shared beliefs of tradition are already mediated through it. However, as we saw in Chapter Two Section 3., Habermas goes on to argue that all communication makes use of the same presuppositions regarding the requirements for understanding. These presuppositions already provide a formal structure for understanding within the linguistic mediation of tradition, which is dualistically distinct from the material reproduction of systems.<sup>79</sup> Therefore, the universal requirements for all recognition can be identified in every specific dialogue pursued in natural language.

Habermas defines the universal nature of recognition as the potential for "communicative action." Habermas' "ideal speech situation" is to enable communicative action by excluding all those features of practice which would undermine it. It thereby also ensures that it is the self of communicative action alone which interacts with others. It is the self freed not only from the systemic considerations of power and control, but also from partial interests in a positively valued good life. Habermas argues that this is the necessary requirement for the recognition which consensually determines the norms of interaction. He claims that rational potential can be freed from conditions which would prevent agreement so that, in turn, individuals can genuinely exchange views in interaction where the only determining factor is the unforced force of the better argument.<sup>80</sup> Not only can individuals make their motivations increasingly transparent, so as not to compulsively perpetuate systemic relations of power and control. They can also abstract from their interests in a positive conception of the good life, so as not to normalise the identities of others in recognition. In acting as the self of communicative

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<sup>78</sup> Habermas, J., (1994) "Struggles for Recognition", pp. 131-2.

<sup>79</sup> Habermas, J., (1990) "Discourse Ethics", pp. 94-5.

<sup>80</sup> *Ibid.*, pp. 85-87.

action, the legitimate consensus attained will justify impartial norms which ensure the social requirements both for the attainment of the good life and for the participation in recognition in the ideal speech situation.<sup>81</sup>

Habermas argues that we must abstract from practical presuppositions both in critique and recognition. As we saw in Chapter Two, critical theory is to take the external observer's perspective on the universal structure of communicative action. At the same time, the ideal speech situation is to enable us to abstract both from the effects of unnoticed forces and from our partial interests in a positively valued life. For Habermas, this is the requirement of recognition, as it realises the potential of our communicative competence to adopt the hermeneutically non-distortive perspective of the general interest. It is this characteristic which is then to be conferred with recognition, a formal moral and dialogical ability which is shared regardless of our historically specific identity.<sup>82</sup> Habermas, therefore, rejects Taylor's and Gadamer's conservatism, and argues that the external perspective of critical theory must be adopted so as to identify the universal requirements for recognition. Only this will prevent criteria of critique and recognition from altering arbitrarily within everyday practice, as a result either of non-linguistic forces or of the non-discursive capacity of the dominant. As conservatives cannot adopt this critical perspective, they will perpetuate the ideological conditions of compulsion and normalisation.<sup>83</sup>

For Habermas, critique and recognition are a potential of the communicative competence of modern subjects and, therefore, of the dual nature of its constitutive environment. As critical theory is a potential of the life-world, it must neither be distorted by, nor itself perpetuate, a systemic colonization. In turn, it is to identify the universal requirements for recognition. For Habermas, recognition must rely on, but remain separate from, systemic integration and the objective sciences. Habermas argues that all discourse must respect this duality. Even

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<sup>81</sup> *Ibid.*, p. 99.

<sup>82</sup> Habermas, J., (1990) "Discourse Ethics", pp. 62-3; (1994) "Struggles for Recognition", p. 113.

<sup>83</sup> Habermas, J., (1970) "On Hermeneutics' Claim to Universality", pp. 316-7; (1994) "Struggles for Recognition", p. 111, p. 123, p. 130.

Foucault must assume that the unforced force of the better argument is the only basis for accepting his claims. Habermas, therefore, finds Foucault guilty of a "performative contradiction" in denying that truths are accepted independently of the instrumental exertion of force. It is for this reason that radical reflection does not accomplish its claimed transgression.<sup>84</sup> Habermas would therefore reject my argument in Section 3., that the radical must admit that reflection remains traditionally embedded. Instead, for Habermas, the reflection of critique and recognition must abstract from its hermeneutic situation so as to make its motivating forces transparent and, thus, exclude the continued colonizing effects within it of relations of power and control.<sup>85</sup>

I noted in Chapter Two that, for Habermas, the requirements for rational capacity have been determined by a universal rationalization process. This process has also reconciled the dialectical development of modernity. All development now in recognition and critique proceeds from a formal, dual, and negative basis. However, this is not a Hegelian dialectical synthesis, a pure self-consciousness attained in reconciliation with a communal spirit. For Habermas, criteria of critique and recognition are now equally available to all, but on the basis of their formal communicative competence alone. At the same time, communicative competence is a potential of finite beings, who will never make all presuppositions and motivations transparent.<sup>86</sup> However, as the requirements for critique are equally available, we can increasingly make transparent, so as to reject, those presuppositions which are antithetical to the universalizable requirements for recognition. It is only on this basis, Habermas argues, that we can identify where relations are neither mutual nor impartial but impose a normalised identity. We can also identify the domination which obstructs our communicative competence, the objectification which reduces interaction to strategic considerations, and

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<sup>84</sup> Habermas, J., (1990) "Discourse Ethics", p. 77, p. 97; (1994) "An Alternative way out of the Philosophy of the Subject", p. 294; "Some questions concerning the theory of power: Foucault Again", p. 279.

<sup>85</sup> Habermas, J., (1970) *On The Logic of The Social Sciences*, pp. 171-4

<sup>86</sup> Habermas, J., (1994) "An Alternative way out of the Philosophy of the Subject", pp. 294-5.

the cultural impoverishment which fragments our ability to be consciously aware of these processes.<sup>87</sup>

Habermas also argues that the reconciliation of the dialectic of modernity is dualistic. Critical reflection must therefore account both for the conditions of possibility for recognition in the life-world and for the systemic conditions on which it relies, but from which it must be kept separate.<sup>88</sup> In Chapter Two I noted that, for Habermas, rationalization is not a class-determined process, and so its crises cannot be resolved with class-specific considerations. In recognition, relations of power and control can play only a restricted role in bringing about the required mutual relations. They cannot be the outcome of a Marxist violent dialectical reversal of the economic dependence of the middle class on exploited workers.<sup>89</sup> Further, Habermas' account of the rational capacity of recognition is also distinct from Marx's "species being" realised in work relations freed from commodified alienation. Habermas argues that work relations continue to be determined by systemic considerations of the media of money and power. The rights and duties legitimated through the ideal speech situation must ensure that the relations of work provide material requirements for rational capacity. However, the communicative action of recognition itself is attained only by abstracting from the considerations appropriate to systems so that the unforced force of the better argument alone can justify neutral norms of interaction.<sup>90</sup>

For Habermas, the reconciliation of modernity's dialectic establishes the formal, dual, and negative nature of the requirements for rational capacity. It is the basis from which to continue to critically identify these requirements and pursue relations of recognition. As it is the requirements for communicative competence which must be specified, then the limit situations of recognition will be identified in disruptions to language itself. Therefore, in critique of ideology we must abstract from

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<sup>87</sup> Habermas, J., (1970) "On Hermeneutics' Claim to Universality", p. 305.

<sup>88</sup> Habermas, J., (1990) "Morality and Ethical Life", pp. 327-332.

<sup>89</sup> Habermas, J., (1990) "What Does Socialism Mean Today? The Rectifying Revolution and the Need for New Thinking on the Left", trans. Ben Morgan, *New Left Review*, no. 183, Sep./Oct., p. 13, pp. 19-20.

<sup>90</sup> Habermas, J., (1985) "The crisis of the Welfare State and the exhaustion of utopian energies", in *The New Conservatism: cultural criticism and the historians' debate*, trans. Shierry Weber Nicholsen (Cambridge, Mass.: MIT Press, 1989), pp. 56-58.

the concealed commitments of historical languages if the social sciences are to be reconstructed in the interest of the recognition of all. In contrast, for Habermas, hermeneutic analysis is limited both by its concealed commitments to specific identities and by its sole concern with distorted language-use. Habermas' reconstructed sciences are to analyse the pre-linguistic structure of meaningful action, and identify where an increasing freedom of reflection from the disruptions caused to language itself is possible.<sup>91</sup> Causal explanations are to make transparent both the forces which we may be unaware of and the dissimulating presuppositions which obscure them. Psychoanalysis must also make our unconscious compulsions transparent, so that action can then be pursued with a greater awareness of motivations. Critical theory can, Habermas argues, enable conditions in which communicative action can be fostered as a capacity and accepted socially as the source of all authority.<sup>92</sup>

The mutuality required for Habermas' communicative action is to ensure that the power relations of domination and normalisation are avoided. He argues that the interest of critical theory in emancipation and enlightenment ensures that it can identify these requirements. It does not presume that identities can be constituted by the power of the State, and nor does it specify what the substantive agreement on the norms of interaction ought to be. It seeks merely to enable conditions where the communicative capacity to identify valid norms is realised and, therefore, where social norms do not dissimulate.<sup>93</sup> In Chapter Two I noted that, for Habermas, the State's collective intervention to ensure social equality will lead to reification. Reification will be an ideological condition, as it both distorts the communicative competence required for recognition and imposes a normalised identity based on the utopia of an employment society.<sup>94</sup> For Habermas, critical theory can identify the requirements for recognition because it abstracts from the hermeneutic dimension. In contrast, hermeneutic recognition proceeds prejudicially, from concealed interests in specific good lives which only the "authoritative" can assess.

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<sup>91</sup> Habermas, J., (1970) "On Hermeneutics' Claim to Universality", 314-5; (1970) *On the Logic of the Social Sciences*, pp. 165-7.

<sup>92</sup> Habermas, J., (1970) "On Hermeneutics' Claim to Universality", p. 307, p. 310.

<sup>93</sup> Habermas, J., (1990) "Morality and Ethical Life", p. 330.

<sup>94</sup> Habermas, J., (1987) *The Theory of Communicative Action Vol. 2*, p. 361 ff.; (1985) "The crisis of the Welfare State and the exhaustion of utopian energies", pp. 56-58.

It will therefore justify collective interventions with reasons which can never be made fully transparent. In contrast, for Habermas, recognition is ensured only when the reasons for action can be made transparent by all and shown to be in the equal interests of all.

The open-ended formal, dual, and negative development is, Habermas argues, enabled by the critical deployment of causal knowledge. For Habermas, only critical theory can deploy such knowledge and attain this end due to its motivating interest in emancipation and enlightenment. Outside the uses it is put to here, the instrumental rationality of our capacity to control the world will objectify humans and human relations. He therefore excludes it from the sphere in which norms are legitimated. In contrast to Marshall, the practical excellence which is derived from practices and their technical conditions must be excluded from recognition. For Habermas, not only do those who determine the "public interest" for welfare State intervention colonise the life-world, but their own elite status also perpetuates a fragmented consciousness which conceals this process. Habermas also claims that his critique of ideology respects these limits to be placed on our knowledge of control, since its analysis of the pre-linguistic structure of all meaningful action abstracts from all language and language-use.<sup>95</sup> In contrast, he argues, hermeneutic critique will not be able to abstract from the way in which the instrumental knowledge it deploys is implicated in relations of control. It will therefore unknowingly perpetuate systemic colonisation, this time in its critique of ideological conditions.

#### **4.2. The recognition of hermeneutic perspectives through social equality.**

Habermas assumes that the dialectic of critique and recognition can only be open-ended and yet non-arbitrary if it is formal, dual, and negative. What hermeneutics shows instead is that it is detrimental to the attainment of understanding either to separate the form of rational capacity from its substantive and positive content, or to divide linguistically-mediated norm-governed relations from relations of power and control. Dialectical relations must instead proceed from the

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<sup>95</sup> Habermas, J., (1970) *On the Logic of the Social Sciences*, p. 173.

practically derived content of identity, but without reducing rational capacity to a contextualist horizon. This dialectic must also be comprehensive, but without reducing our rational capacity to the immediacy of relations freed from domination and objectification. Finally, our rational capacity must proceed from its necessary prejudicial interests in a good life, but, again, without reducing capacity to a final convergence in a monistic evaluative commitment. However, I argue that it is the shared standard of living of social equality which Gadamer's conception of recognition and critique requires. As social equality is a status which is derived from, yet limits, inequality, technical considerations, and partial interests, it provides the shared basis hermeneutics requires so that recognition and critique can remain substantive, comprehensive, and positive without also being reductive.

Gadamer argues that the reflection of recognition and critique must remain practically derived. For that reason, Gadamer's open-ended but non-arbitrary dialectic is comprehensive, as communicative understanding and evaluation cannot be distinguished from a sphere of power and control. However, nor can they be reduced to the immediacy of power and control and to the Marxist class dialectic. In Hegel's dialectic of the master and servant, the potential of a true self-consciousness is realised through the ability of the servant. Unlike the Marxist interpretation, for Gadamer, this potential is not brought about solely through the reversal of the contradictory power relation of the master's dependence on the servant he dominates. It is most importantly a reversal of the self-consciousness of the master, who realises that the servant's ability brings him closer to freedom.<sup>96</sup> However, Gadamer argues that this self-understanding of the valued capacity and its just relations cannot be grounded in a Hegelian pure self-consciousness. The comprehensive basis for the valued capacity is also the substantive hermeneutic dimension which continues to unfold, the dimension of historically-derived ethical commitment. It is here alone that the capacity of practical excellence, *phronesis*, has the resources to pursue relations of learning which are also just relations of power.

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<sup>96</sup> Gadamer, H.-G., (1971) "Hegel's Dialectic of Self-Consciousness", in *Hegel's Dialectic. Five Hermeneutical Studies*, trans. P. Christopher Smith (London: Yale University Press, 1976), pp. 67-8.



This comprehensive dialectic does not reduce rational capacity to the immediacy of justified power relations, and so domination continues to be a danger. This comprehensive dialectic also incorporates the technical conditions and knowledge of practice. However, it will not reduce rational capacity to the immediacy of technical conditions: specifically, to the immediacy of liberated Marxist relations of work. Gadamer argues that, for Hegel, freedom is not a potential of the specific productive activity in which the servant's capacity to shape the world is confirmed. It is rather the potential of the form of this ability to shape as such. This potential is realised in the liberation from our dependence on the material world which this ability enables. Again, Gadamer argues that this ability cannot be grounded in pure self-consciousness. It is the ability made possible by our finiteness, our historically-derived prejudicial understanding. It is, therefore, the practically-derived perspective of phronesis which can develop this potential. This ability is also made necessary by this finiteness. It is only in response to disruptive historical experiences that our prejudicial understanding is compelled to develop.<sup>97</sup> The potential to overcome the immediacy of the material world is never completed, and it can also be disrupted by the practical technical conditions from which this potential is derived.

A comprehensive and substantive capacity is therefore also the positive capacity of practical excellence. It is the capacity derived from a partial interest in a specific good life. Gadamer argues that it is also only this finite perspective which can ask the "real questions" necessary for dialectical advance.<sup>98</sup> A real question must have a background of presuppositions which express the hermeneutic interest in the subject-matter under discussion. These presuppositions cannot be made completely transparent by either the questioner or the addressee. However, to answer the question one must still come to some understanding of where it is coming from, and so one must come to some understanding of the validity of the presuppositions motivating it. The question will not be understood if we abstract from the hermeneutic

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<sup>97</sup> *Ibid.* pp. 70-2.

<sup>98</sup> Gadamer, H.-G., (1961) "Hegel and the Dialectic of the Ancient Philosophers", p. 23, pp. 26-7, p. 32; (1989) *Truth and Method*, pp. 367-8; .

dimension so as to proceed from presuppositions which, when appropriate, are appropriate for any and all perspectives. Rather, it will only be understood through the fusion of horizons of a practical learning process. As an addressee, I will only understand the question when I am aware that the specificity of my own perspective determines the direction I anticipate the question to have. This is the awareness that the question will only be understood when the perspective behind it is assessed and, therefore, when the presuppositions of the addressee and questioner are put at risk.<sup>99</sup>

As with the subject, so also the subject matter of real questions must be open to alteration. Reflection begins from anticipations of the truth or logic of the subject matter which we advance on only through a question and answer process which attempts to follow this logic. The logic of the subject matter is always anticipated, however, and so it can only be followed through an understanding directed towards the presuppositions motivating the questions and answers. Therefore, a real question has meaning if it problematises our accepted answers and, therefore, makes the subject matter appear in a new light to the questioner and addressee.<sup>100</sup> Therefore, we can never finally determine the appropriate presuppositions of questions, nor finally limit what their subject matter can be. However, we must always attempt to limit the subject and subject matter of recognition and critique and, I argue, it is the goal of social equality which should motivate us here. The perspective which can ask real questions is only enabled in the mutual relations which free each self from the forces which obstructs capacity, whether of domination, objectification, or normalisation. Recognition and critique will proceed through enabling this perspective, and, therefore, through the awareness created of the mutual dependence of each perspective on this specific form of substantive, comprehensive, and positive dialectic.

As Gadamer argues, the criteria with which we measure progress must themselves be open to advance. In contrast, the requirements for Habermas' freedom from ideology are universalizable, and so can not themselves be made the subject matter of dialogue. For Habermas, the

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<sup>99</sup> Gadamer, H.-G., (1989) *Truth and Method*, p. 294, p. 299, p. 303.

<sup>100</sup> *Ibid.*, p. 368, p. 375.

norms of the general interest will vary between communities, but the principle of impartiality itself must be an unquestioned basis for justification. His external observer's perspective of critique also presumes the universalizability of these requirements, as it is itself a "methodological objectification of the life-world" concept.<sup>101</sup> However, in its attempt to establish a foundation for progress, Habermas' position can be criticised as providing no way for understanding to progress. In abstracting from the hermeneutic dimension, by presupposing that rational action is dual, and by pursuing a negative recognition, it excludes the real subjects and subject matter of reflection. For Gadamer, an advance must be measured by hermeneutic presuppositions applied through a mutual learning process. In the reformulation of social citizenship, this learning process will be established only when the relative autonomy of relations of social equality has been secured. To ensure that it is a progression, the identities recognised must now include the practices of parenting and cultural minorities which have been marginalised.

Habermas argues that our conscious awareness will always be finite. However, he posits as an ideal a state where the motives for, and causes of, action are transparent to consciousness. It is only to the extent that transparency is approximated that an advance in understanding has occurred. However, as Gadamer argues, it is only because prejudice is a productive necessity for understanding that consciousness can be finite. Even in psychoanalysis, the re-interpretation of motives must proceed from, and extend, the presuppositions of everyday language. The patient will only be freed from disruptive compulsions through an understanding which applies psychoanalytic presuppositions in a fusion of horizons with the prejudices of the patient's life.<sup>102</sup> For hermeneutics, "concealment" is a productive necessity of understanding. To give reasons for any belief, it is necessary not to have to give a reason for every belief. Further, Habermas assumes that the success or failure of the treatment does not influence the validity of the psychoanalytic interpretative framework itself.<sup>103</sup> This assumption, that the bases for

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<sup>101</sup> Habermas, J., (1987) *The Theory of Communicative Action* Vol. 2., p. 374.

<sup>102</sup> Gadamer, H.-G., (1967) "Rhetoric, Hermeneutics, and the Critique of Ideology", p. 290.

<sup>103</sup> Habermas, J., (1970) *On the Logic of the Social Sciences*, p. 184.

justification of a science can only be comprehended from its own discursive horizon, is undermined by the necessity of prejudice for the understanding attained in treatment. It is the necessity of applying the presuppositions of the science in a broader horizon.<sup>104</sup>

Hermeneutic understanding cannot be excluded either from the self-understanding attained in psychoanalytic treatment or from the theoretical analysis of phenomena such as repressed compulsions. The prejudicial reflection of practical excellence cannot be excluded from a sphere whose mediation is supposedly non-linguistic. At the same time, action resulting from hidden forces must itself be hermeneutically understood.<sup>105</sup> A situation still has meaning independently of whether we can ascribe it to the motives of individuals. As Gadamer argues, we can comprehend the significance of an historical event independently of our understanding of the intentions behind that event.<sup>106</sup> This is a significance reason has access to through the presuppositions of a prejudiced perspective concerning what can be learned from. The understanding individuals have of their own place within historical events can be judged to be ideologically-free, but this cannot be established solely by the extent to which they have made their motivating forces and intentions transparent. The concerns of ideological analysis cannot therefore be restricted to the analysis of how, and to what extent, transparency can be ensured. When this is acknowledged, the prejudicial commitments which ideological critique must itself proceed from can then play a positive role in coming to an understanding of the historically specific and prejudicial aspects of the capacity freed from ideology.

A hermeneutic account must replace Habermas' reduction of freedom from ideology to the approximation of transparency. For hermeneutics, greater freedom from ideology extends the capacity to utilise the productive potential of one's hermeneutic situation, whether or not to see through dissimulation. This is a capacity which, as Gadamer argues, relies on mutual relations which, as Marshall argues, must attain the

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<sup>104</sup> Gadamer, H.-G., (1967) "Rhetoric, Hermeneutics, and the Critique of Ideology", p. 290.

<sup>105</sup> Gadamer, H.-G., (1989) *Truth and Method*, pp. 373-4.

<sup>106</sup> *Ibid.*, pp. 371-2.

ideal of social equality. The criteria of advance in freedom can also not claim to be universalizable. The practical insight realised in a substantive, comprehensive, and positive dialectic must apply our theoretical criteria in an ongoing learning process.<sup>107</sup> For social citizenship, what must be determined is how relations of inequality can be overcome, and an advance in the mutual recognition of social equality secured over and over again. Further, the legitimacy of power relations also will not be determined solely by the extent to which they are based on transparent and equally available justifying principles. The prejudicial application of these principles already relies on relations justified through an authoritative insight, just as the critical assessment of power itself seeks to attain an ideal of learning within existing authoritative relations. Social equality requires not only the attainment of learning in all practices, but the equal recognition of all valued practices in the status of social equality and the conception of the fair wage.

Hermeneutics shows us both that only an authoritative perspective can be learned from and that only certain conditions enable the emergence of this perspective. The hermeneutically reformulated social citizenship can be justified as a process of recognition when it seeks to enable such a capacity, and when it itself proceeds from this practical insight. It must proceed with an insight into the public interest, an insight only legitimated in the mutual relations of social equality it is to enable. Habermas' fundamental and negative principle of the general interest must be replaced by the prejudicially motivated public interest. This insight into the public interest must be derived from our partial interests in, and presuppositions of justification of, the good life. The legitimate intervention of citizenship must be guided by the public interest, established in relations of mutuality, so as to ensure the requirements for mutuality in social interaction. For social citizenship to be legitimated, critique must establish an awareness that social equality is necessary for

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<sup>107</sup> As Ricoeur argues, the critique of ideology is like the disruption of our everyday activity in art. However, this does not entail that his "hermeneutics of suspicion" can claim to be distinct from the mediation of tradition. As we saw, the activity of art will only enable significant insights when it is also hermeneutically applied: Ricoeur, P., (1973) "The Hermeneutic Function of Distanciation", p. 131, pp. 142-4, (1974) "Science and Ideology", pp. 239-46. Both texts printed in *Hermeneutics and the Human Sciences. Essays on Language, Action and Interpretation*, ed., trans. J. Thompson (London: Cambridge University Press, 1981).

mutual recognition. It must bring to awareness the fact that finite individuals, who cannot finally overcome the dangers of ideological conditions, can, however, continue to attempt to safeguard the requirements for practical excellence through social equality.

### **Conclusion.**

Hermeneutic recognition and critique of ideology must be pursued as mutual learning processes, and it is the prejudicial motivations of practice which ensure that this circular learning process is also progressive. I argued that the direction in which the mutual learning of hermeneutic recognition must be taken is to establish relations of social equality, as here alone the capacities realised in productive practices can be secured. A mutual learning process is to distinguish recognition and critique from ideological conditions. It also distinguishes hermeneutics from a cultural conservatism, as I argued in Chapter One, and from Taylor's Romantic communitarian account of recognition. Hermeneutics "applies" presuppositions of justification in dialogical interaction in the present situation. It can therefore account both for the constitution of identities and the critical assessment of the presuppositions of recognition. As a critique of ideology, hermeneutics proceeds with a presupposed conception of recognition which can be distinguished from ideological conditions. The mutual learning process of hermeneutic understanding can be distinguished from the dominative relations of non-reflective obedience and the normalised imposition of identities on the subordinate. A hermeneutic critique is also itself distinct from such ideological conditions in its own pursuit of a shared understanding.

I have rejected the radical interpretation of social citizenship as a teleological concept, and I have argued that the radical meta-theoretical awareness of transgression cannot be realised in a conception of citizenship. However, nor do the qualities of "humanistic" recognition and critique call for a radical response of transgression in games of liberty. The progress of mutual learning will be prejudicially embedded within relations of power and control and in games that are partly autonomous. However, the necessity of power, control, and prejudice does not entail that we should respond to practice with radical suspicion and acts of transgression. The hermeneutic dimension remains authoritative for

understanding, and so also it is one's true self which comes to understanding in a practically-derived recognition and critique. Nor is the partly autonomous status of games of the good life, and of distinctive games such as art, established by transgression and suspicion. The arrival at understanding is an event, a disruption to our horizon, but one which brings to presentation the necessary hermeneutic dimension of potential mutual learning. The rational capacity of recognition is reliant on relations of mutuality which presuppose the authority of the shared dimension built back up through mutual learning. From this hermeneutic conception of rationality and freedom an advance in relations of recognition can be assessed.

I have argued that the rational capacity to be enabled, and to legitimate citizenship intervention, is not an enlightenment account of the power of reason. The valued capacity is not enabled in Esping-Andersen's equal power relations of de-commodification, and nor can the capabilities of the good life be enabled for the individual capacity which, for Nussbaum, remains prior to practice. In this chapter I have argued that the mutuality required for the enablement of rational capacity does not, as Habermas argues, have a formal, dual, and negative nature. Rather, it is the capacity of practical excellence which is to be enabled and, I argued, can only be enabled in social equality. Mutual recognition must therefore be substantive, comprehensive, and positive. It must be a recognition which is hermeneutically embedded, and so pursued in all spheres, and pursued from the partial interest of identities in the good life. The presuppositions of justification of recognition and critique cannot therefore be kept from problematization. They are not unquestioned bases for justification, but must be applied. Further, the advance in understanding to be sought is not simply a greater transparency of motivations to consciousness, but is the concealment which enables insight. It is an advance for the finite capacity which must continue to overcome the dangers posed to this capacity. Through social equality, the insight required for recognition and critique can be safeguarded, so that the threats to the good life and recognition can be confronted and overcome.

## **Conclusion: Social Democratic Citizenship.**

### **1. Social citizenship and conservative meta-theory.**

In this conclusion I consider how the arguments of the previous chapters bear on Anthony Giddens' rejection of Marshall's social citizenship. I noted in the Introduction that, unlike the New Right, Giddens argues that egalitarian policies of social democracy are necessary for the freedom secured through both social justice and economic efficiency. However, he argues that social democracy can only be defended by rejecting Marshall's third, social, stage and conception of citizenship. Giddens argues that the State can no longer guarantee social equality in the services citizens enjoy, in their working experiences, and in their income and security. Rather, the State must only guarantee the civil and political rights for individuals to secure services, employment, and income for themselves, while it must confront the unemployed with duties to enter economic activity. For Giddens, social citizenship is now an obstacle to freedom due to the changed nature of the world and the way in which it must be understood. However, I argued that this can be seen as a meta-theoretical claim concerning the nature of justification. Further, in the chapters following on from the Introduction, I argued that Marshall's position can be defended, both because it presupposes the correct account of the nature of justification, and because this itself enables us to overcome the shortcomings in Marshall's proposals while remaining committed to the third, social, stage of citizenship.

I noted in the Introduction that meta-theoretical reflection cannot itself deliver the substance of a legitimate conception of citizenship. Rather, the reason for turning to meta-theory is to specify what the nature of a legitimate conception of citizenship is, the nature of the goals which collective intervention should have and the requirements which must be met for its legitimation. I argued that the application of Gadamer's hermeneutic meta-theory to the concerns of the citizenship debate shows that Marshall, in his conception of social citizenship, presupposes the correct nature of legitimate collective interventions of citizenship. As Marshall argued, the status of social equality, attained through the rights and duties of social citizenship, is the necessary requirement for the capacity to both legitimate collective interventions and pursue the good



life in relations of recognition. I also argued that, as Marshall presupposes a meta-theory which corresponds to Gadamer's hermeneutics, he also saw the necessity for the continuous reformulation of the social conception of citizenship. Further, hermeneutic meta-theory can show how this reformulation can occur and also what of Marshall's commitments must be reformulated to be consistent with the meta-theoretical position he presupposes.

I have argued that hermeneutics can be defended, and not only as an account of the nature of justification which shows how social citizenship can be legitimated. I have also defended hermeneutics as it is realised in the reformulation of social citizenship. For hermeneutics, rational capacity is made possible by a practical horizon which we extend through interaction in the present situation. In the reformulation of social citizenship, hermeneutic capacity can be conceived as reliant on the interactive relations of social equality, and on the collective intervention which limits inequality so as to create the cultural space for necessary valued practices. I have also defended hermeneutics against opposing meta-theories, and in doing so I focused primarily on the way enlightenment and radical positions will be realised in projects of citizenship. I have argued that enlightenment conceptions of capacity, as the power of reason in itself, do not acknowledge that practical requirements for capacity are mediated through a shared hermeneutic dimension, and so will not see the sharing of social status as necessary for capacity. I have also argued that radical conceptions of the capacity for transgression will only offer local resistance to citizenship, and so cannot account for the necessity of collective interventions whose goal is a substantive, comprehensive, and positive conception of rational capacity.

I have argued that the project of social democracy needs to be continually reformulated from within the commitment to social equality, and so our concern should be with the legitimation of the substantive policies of social citizenship. In the Introduction I said that I would return and defend social citizenship against Giddens' critique. I will attempt to do that now by assessing the implications which the arguments of my main chapters have for Giddens' position. I will reject Giddens' argument that the project of social democracy must abandon its commitment to social

citizenship. I will argue that Giddens derives his position from a misinterpretation of the meta-theory realised in Marshall's conception of social citizenship. I will also argue that Giddens himself presupposes an enlightenment meta-theory which cannot account for the nature of justification. I also show how Giddens takes up the concerns of radical and conservative positions from within the enlightenment. The way in which he does so ensures, I will argue, that he cannot account for the learning process required either for the reformulation of social citizenship or for the enablement of rational capacity through collective intervention.

## **2. Giddens' rejection of social citizenship.**

I turn now to briefly review the account I gave in the Introduction of Giddens' rejection of social citizenship. For Giddens, Marshall's social citizenship must be rejected as it necessarily presupposes unacceptable assumptions about the nature of the world and reflection. According to Giddens' interpretation, Marshall assumes that the social world is made up of national cultures and economies, and productivist and traditionalist practices. Marshall is also held to reduce our understanding of the social world to an account of our material needs, mutual dependency, and shared values. For Giddens, these are the assumptions which are appropriate only to a world where rational capacity has a "traditionalist" and "productivist" nature. In such a world, social equality can be pursued by predicting and controlling interaction in largely fixed and materialistic practices. This intervention is also legitimated by shared interests in the predictable reproduction of practice according to traditional and productivist requirements. However, Giddens argues that our world now is more "reflexive" due to the processes of "globalisation" and "post-traditionalism", and can be understood only with criteria which are primarily "psychic", individually determined, and irreconcilable.<sup>1</sup> The conditions of rational capacity which, Giddens claims, are necessary for social citizenship have now been displaced.

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<sup>1</sup> Giddens, A., (1990) *The Consequences of Modernity*, p. 51 ff.; (1994) *Beyond Left and Right*, p. 192 ff.; (1994) "Living in a Post-Traditional Society", pp. 56-7; (1998) *The Third Way*, pp. 62-4.

Giddens argues that the processes of globalisation and post-traditionalism have created the conditions for an alternative conception of social democratic citizenship. He argues that conditions of reflexivity invalidate Marshall's assumption that the State could intervene in the market to ensure valued outcomes, specifically a life-long working experience. Rather, the nature of interaction now has a global interdependency, and so cannot be controlled by the State, while relations and means of production must be flexibly adaptable, rather than rigidly controlled as a right of citizenship. Giddens also argues that Marshall's position is incompatible with post-traditionalism, that it implies an ethnocentric commitment to a national culture and an authoritarian commitment to deferential relations of authority. For Giddens, as cultural diversity now problematizes the nature of such basic goods as education and health, the State can no longer attempt to satisfy a culturally substantive conception of human needs. Further, not only do worker's representatives no longer have the authority for corporately based politics, due to the demise of large-scale industrial production, but their authority has also been undermined by the replacement of employment with the sphere of life-style as a locus of human fulfilment.

For Giddens, the basic assumptions entailed in social citizenship are only appropriate in a materialistic, predictable, and closely interdependent productivist community. Giddens argues that our post-productivist society is, instead, a world of post-materialist rather than materialist orientations, an environment of reflexivity rather than of predictably rigid and deferential roles, and an environment of increasing self-determination rather than of mutual communal reliance. On the one hand, reflexivity is a phenomenon of a period where employment is no longer the primary source of valued experiences. Yet, it is also only with post-productivist employment relations that gender equality can be ensured as the equal potential for reflexivity. On the other hand, the attainment of gender equality through employment also shows up the exclusionary assumptions Marshall's thesis relies on. Giddens' interpretation is in agreement with the radical commentators discussed in Chapter Two Section 1.2., to the extent that he also argues that Marshall's concept of social citizenship necessarily presupposes the active exclusion of certain groups from equality. Giddens argues that Marshall

conceives of interaction solely in terms of a male working experience, while the potential for reflexivity now makes this employment- and male-centred exclusionary social citizenship untenable.<sup>2</sup>

For Giddens, the "autotelic self" is the capacity of primarily psychic needs which does not rely on pre-given forms of rationality and power relations. It is the capacity for individuals to constitute their own environment of risk and to do so with commitments which are irreducible. Giddens claims that Marshall's social citizenship would, instead, assume that the valued experience can be assessed with materialist criteria of need and its occurrence predicted and then controlled by the nation State's regulation of production. For Giddens, social citizenship is necessarily a materialistic, authoritarian, and ethnocentric intervention. Further, Giddens argues that Marshall attempts to justify this intervention with an unacceptable conception of rights. He is in agreement with Esping-Andersen's interpretation which, as we saw in Chapter Two Section 1.3., characterises Marshall's social citizenship as a de-commodified sphere of unconditional rights. However, for Giddens, de-commodification is antithetical to the freedom secured through civil and political rights, and also generates a passive reliance on benefits derived from the State. The legitimacy of de-commodification also cannot be secured, as it creates an irresolvable conflict of interests and principles between, on the one hand, market interaction and civil and political citizenship and, on the other, the Statist bureaucracy of social citizenship.<sup>3</sup>

For Giddens, rational capacity is, increasingly, realised as freedom over and against the pre-given considerations of one's environment generally and the sphere of employment specifically. However, Giddens argues that the legitimate collective intervention should enforce a work obligation on the unemployed, and should legitimate this duty by appealing to the traditions and customs of a community.<sup>4</sup> The goal of this intervention, however, is to foster a disposition to enter market activity where, in turn, the normative and social context of work fosters the dispositions required

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<sup>2</sup> Giddens, A., (1994) *Beyond Left and Right*, p. 177.

<sup>3</sup> Giddens, A., (1994) *Beyond Left and Right*, pp. 70-77; (1998) *The Third Way*, pp. 100-7.

<sup>4</sup> Giddens, A., (1994) *Beyond Left and Right*, pp. 47-50; (1998) *The Third Way*, pp. 65-8.

by the autotelic self for self-determination.<sup>5</sup> Giddens claims that this does not rely on the productivist assumption that employment is the autonomous and sovereign sphere of human fulfilment. Rather, he argues, employment must itself be made a site where the autotelic self is realised, in its freedom over and against the pre-given forms of rationality and power structures of materialistic practice. To ensure this end, individuals can be granted "civil" rights, such as those guaranteeing basic employment conditions, which do not pre-judge and predict the substance of valued roles. The individual must also have the "political" right to determine the nature of such roles. Through the individual political participation of employees, occupational power relations can be justified.

### **3. Marshall, meta-theory, and the reformulation of social citizenship.**

In Chapters Three and Four, I argued that the legitimate collective intervention is to enable the capacity of practical excellence in relations of social equality, which remains practically dependent upon mutual recognition. Further, the basis on which to legitimate this intervention must be derived from the mutual learning made possible by relations of social equality. I argued that this position proceeds from a conservative meta-theory where rational capacity remains dependent upon its practical horizon which, in turn, it actively mediates and reformulates in its interaction in new situations. I also argued that this is the meta-theory presupposed by Marshall. As I argued in Chapter One, this position is distinct from the traditionalism and productivism ascribed to Marshall by Giddens. Therefore, I argue that Giddens' rejection of social citizenship is based on a mis-interpretation of Marshall's position. Admittedly, there are certain shortcomings in Marshall's substantive proposals. But these do not indicate that social citizenship is tied to productivism and traditionalism. Rather, the meta-theory which is presupposed by Marshall indicates how his account can be revised while retaining the commitment to social equality.

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<sup>5</sup> Giddens, A., (1994) *Beyond Left and Right*, pp. 13-18; (1998) *The Third Way*, pp. 109-111.

The misinterpretation of Marshall can be seen in regard to the three hypothetical situations of social justice I have discussed which, for Giddens' position, would show that social citizenship is now inappropriate: the single unemployed parent in poverty; the individual who derives valuable experiences from a life of art; and the diverse demands for essential services arising from cultural difference. For Giddens, social citizenship cannot account for gender relations of a post-traditionalist society. It will not therefore seek to enable the characteristics of the autotelic self for the unemployed single mother, and so it will not ensure, through welfare duties, her equal opportunity in employment. Giddens also argues that Marshall's citizenship cannot account for the meaningful experiences of a post-productivist society. He would argue that it cannot account for the potential value of the life of the artist, whether art is a life-style choice or a practice outside the productivist employment structure. Giddens also argues that Marshall's social services would only seek to meet those needs defined within a homogeneous national culture. For Giddens' position, universal common social services will not respond to the diverse cultural requirements of individuals.

I argued in Chapter Two that, for Marshall, the development of citizenship is not teleological, but is an open-ended learning process. He does not reduce this development to the features characterising a normative advance but, indeed, highlights how groups were excluded from citizenship equality. However, Marshall shows how the exclusions from equality in the civil and political stages has a normative significance due to the absence here of social equality. What these stages show, for Marshall, is that the equal freedom promised by civil and political citizenship can be attained only with the social equality secured in the social stage,<sup>6</sup> but Marshall does not assume that the attainment of social equality overcomes the ideological opposition to it arising from interests in gender and class inequality. Again, this opposition could only be resolved by establishing the necessity of social equality for freedom.<sup>7</sup> Marshall assumed that we must continue to revise our understanding of the requirements for a normative advance and for the legitimation of

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<sup>6</sup> Marshall, T. H., (1949) "Citizenship and Social Class", pp. 90-91 pp. 114-5.

<sup>7</sup> *Ibid.*, pp. 119-120.

intervention. Therefore, Marshall's account of social equality as a national culture which excludes parenting from recognition and which is compatible with a "semi-professional" status can, I argued, be revised. However, unlike Giddens' rejection of social citizenship itself, as Marshall argues, this revision must proceed from social equality so as to determine again how to attain this goal.

Giddens' interpretation and critique can be rejected for the further reason that, as I argued in Chapter Two, Marshall's social citizenship does not pursue de-commodification. Rather, social rights create a conceptual horizon in which civil and political rights can be ensured for all. They do not displace negative liberties and the positive freedoms of participation. Further, social citizenship must also create a sphere which contains, rather than excludes, the freedoms and interests of the market and of politics. The shared interest in attaining social citizenship must be established with the considerations appropriate to these diverse activities and dimensions of citizenship. However, Marshall also assumed that the legitimation of this shared interest must be re-established in new situations. Therefore, the reformulation of social citizenship must show again that we have normative obligations and a self interest to attain a society where mutual dependency is regulated through the rights and duties of social equality. This brings us to the arguments of Chapters Three and Four. A shared interest in social equality will be generated only with an account of the good life which emphasises the reliance of rational capacity on material resources enjoyed through mutual relations. What must be determined again is the nature of social equality which is necessary to sustain the shared interest in policies which enable rational capacity through mutual reliance.<sup>8</sup>

For Marshall, social citizenship is to enable the good life which, I argued, he conceives as a mutual learning process, and not as an ethnocentric, authoritarian, and atavistic conception of capacity. Personal freedom can only be attained where the authority of one's horizon is acknowledged. Freedom cannot be sought instead over and against practice, whether in life-style choices free from work or in reflexive freedom in work. What

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<sup>8</sup> Marshall, T. H., (1939) "The Recent History of Professionalism", p. 169.

must be determined again is how relations marked by status differentiations can still be those of mutual learning. Further, we must also be more consistent than Marshall in our conceptualisation of the good life as a mutual learning process. That is, we must continue to pursue the commitment to ensure these conditions equally for all. Marshall also argues that, while acknowledging the authority of tradition, citizenship could only advance through the reinterpretation of its principles in the light of the diverse demands of the present situation. Marshall's social citizenship is already open to diversity in the pursuit of the good life. This is because Marshall acknowledges that traditionally-derived commitments of the good life are necessary for capacity, and so must motivate our interaction. To enable diverse good lives, the considerations of citizenship cannot, pace Giddens, be those of civil and political rights alone.

I argued in Chapter Three that Marshall does not reduce the good life to materialist considerations, but shows the significance which the satisfaction of material needs has for the good life which it makes possible. Nor does Marshall justify citizenship intervention solely according to a materialist understanding of the requirements for production and distribution. Rather, he demonstrates how conceptions of social efficiency, derived from the insight attained in the relatively autonomous status of social equality, can and must guide State and market interaction to attain social equality. As I argued in Chapter Four, for Marshall, social equality ensures both the recognition and the material requirements each embodied capacity is mutually dependent on. In arguing that identity has material requirements, Marshall does not reduce the self to an object of prediction and control. Nor, in arguing that each identity is mutually responsible for the recognition of others, does Marshall reduce the self to a dependence on others for the satisfaction of needs and the confirmation of evaluative commitments. Rather, for Marshall, freedom is secured through, not over and against, the interactive and material requirements for practical capacity. What must be determined is how mutuality can be ensured now, how it can be compatible with both the functioning of systems and with diversity and individuality.



#### 4. Enlightenment meta-theory and the autotelic self.

As I argued in Chapter One, Marshall's position is neither productivist nor traditionalist. That is, it does not presuppose a materialist, authoritarian, ethnocentric, or atavistic conception of capacity. As I argued in Chapter Two, Marshall's position also does not assume that citizenship unfolds teleologically into a de-commodified sphere antithetical to competing considerations and interests. Therefore, I reject Giddens' interpretation of Marshall's position. I have argued instead that Marshall presupposes an account of capacity and legitimation which corresponds to Gadamer's conception of mutual learning. For that reason, Marshall's social citizenship can be reformulated. However, I will also argue here that Giddens' critique proceeds from an enlightenment meta-theoretical position which should be rejected. Giddens conceptualises the enlightenment power of reason as the reflexivity of the autotelic self. For this reason, Giddens explains and evaluates the development of post-productivism solely in terms of the enablement of a power of reason, a capacity which itself is only realised to the extent that it is free from practice. I have argued that the enlightenment cannot account for the shared basis required for capacity. However, I argue here that Giddens' enlightenment duty-led social justice is especially problematic in the way it adopts radical and conservative concerns.

From my discussion of the enlightenment position, I suggest that Giddens also gives an enlightenment account of how social democracy can only be secured in civil and political citizenship. For Giddens, civil and political rights can safeguard and ensure capacity in itself, over and against the practice in which it may find its realisation. He normatively justifies specific civil and political rights alone according to the extent to which they do enable the independently realised features of reflexivity. These are the features ensured by an equal opportunity which, for Giddens, is the freedom the individual can attain over and against the inegalitarian structure of practice.<sup>9</sup> Giddens argues that, in contrast, social rights confer normative significance on the practice over and against the individual, whether the valued occupation or its productive relations. Giddens also argues that the legitimation of collective intervention must

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<sup>9</sup> Giddens, A., (1994) *Beyond Left and Right*, pp. 144-5.

be derived from the insight of the autotelic self. In contrast, he argues, social citizenship cannot be legitimated, as it only allows individuals to participate on the terms ascribed to them by their roles. Giddens argues that, just as corporate politics reduces participants to their class and occupation role, so also it excludes individuals whose practices are not valued, such as women in the "shadow economy" of domestic labour.<sup>10</sup>

I have criticised an enlightenment account of capacity as the power of reason which is prior to, and realised over and against, practice. I have argued that, as the enlightenment position claims to abstract from prejudice, it remains unaware of the continued effects of concealed presuppositions on its reflection. It therefore also misses the opportunity to utilise prejudice through a process of mutual learning. This is so even where Nussbaum conceives of capacity as having an embodied, practically embedded, and mutually reliant nature. By conceiving of the individual as prior to practice, she is unable to account for the mutual learning required to intervene in, and pursue, the good life and recognition. Instead, Gadamer's account of mutual learning as a fusion of horizons can be secured for the reformulation of social citizenship in the shared status of social equality. Giddens' conception of rational capacity is, however, distinct from the enlightenment positions I have discussed. For Giddens, the autotelic self is largely psychic, rather than materially embodied; it is not reliant on practices, but sees them strategically as risk environments; and is not mutually dependent, but increasingly self-reliant. I argue here that these commitments express the way Giddens takes up radical and conservative concerns to account for the enlightenment capacity of the autotelic self.

Giddens, along with the radical commentators discussed in Chapter Two Section 1.2., rejects the claims made on behalf of reformist projects that a shared conception of the material requirements for human well-being and the value of its enablement has been identified. Rather, he argues, evaluative commitments have become increasingly irreconcilable, while human fulfilment is neither necessarily secured by, nor even reliant upon, the satisfaction of what are held to be essential needs. Thus, even

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<sup>10</sup> *Ibid.*, pp. 139-40.

in the material deprivation of the socially stigmatised condition of homelessness, human fulfilment is possible.<sup>11</sup> However, unlike a consistently radical position, Giddens argues that an increasing independence from traditionalist and productivist conditions can be identified and judged as a normative advance. Our self-realisation and social interaction can only be ensured now in an environment which increasingly resembles a radical conception of self-reliance and self-determined certainty. But this merely reflects the extent to which the universal power of reason has been freed and made responsible for its own capacity.

Giddens also argues that tradition and custom must be appealed to in the legitimisation of citizenship intervention, specifically to justify a work obligation. Where a cultural separation threatens to open up between the non-poor and the poor, it is legitimate to appeal to traditional and customary beliefs: for instance, that the parents of a family have a social duty to ensure that their own needs and those of their dependants are secured independently and, therefore, through market employment.<sup>12</sup> However, just as the autotelic self must respond to the environment as an opportunity to be turned to one's advantage, so too Giddens' appeal to tradition is merely strategic. Unlike the consistently conservative position, Giddens' goal is not to ensure the shared horizon of tradition as that which is necessary for freedom. Rather, work obligations are justified because the environment of work re-connects the individual with the social and normative requirements for reflexivity. These are the requirements which ensure one's freedom over and against one's environment, one's ability to respond to the demands of an environment without relying on the accepted solutions to such problems. The cultural separation to be overcome is, therefore, the absence of this disposition and capacity of the autotelic self.

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<sup>11</sup> *Ibid.*, p. 181.

<sup>12</sup> *Ibid.*, pp. 147-8.

### 5. The ongoing learning process of hermeneutics and social citizenship.

There are some apparent areas of correspondence between the hermeneutic reformulation of citizenship and Giddens' Third Way. Giddens also rejects the de-commodification thesis. He argues that the valued capacity is realised in all aspects of practice and that the legitimation of collective intervention does not rely on activities and considerations which are antithetical to the market. Further, Giddens claims both that his collective interventions proceed from a "philosophical conservatism" and that relations of social justice must enable a "learning" process between social classes. However, for Giddens, the appeal to tradition is only valid when it enables an enlightenment conception of capacity, and so Giddens' collective intervention must also reject social rights, rather than just their de-commodified version. Further, Giddens argues that the learning process required is to make us aware of the reflexive nature of capacity: where the non-poor can learn from the potential for fulfilment in poverty so as, themselves, to no longer be "compulsively" dependent on employment; and, where the poor must come to see the necessity of work as a means to ensure their own reflexive self-reliance.<sup>13</sup> The learning process of legitimation Giddens calls for is to usher in the life-style changes of post-productivism.

Giddens argues that a learning process will confirm the largely psychic nature of well-being. However, to arrive at this conclusion, Giddens must already have excluded an embodied rational capacity from the subject of dialogue, its subject matter, and the goal of subsequent intervention. Giddens also argues that the learning process of poor and non-poor will justify a duty-led welfare relation. However, to do so, Giddens excludes the shared, embedded nature of capacity which, instead, would call for a fusion of prejudicial horizons. The traditional beliefs which are to help justify Giddens' welfare duties only have an instrumental significance. No shared understanding is required of them, and so they can be kept from being assessed. Therefore, a single standpoint is to justify the conditional distribution of the resources required for capacity. Not only is this antithetical to the dialogical model of hermeneutic understanding; it

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<sup>13</sup> Ibid., pp. 194-5.

is also antithetical to the hermeneutic moral demand, that to understand the other, I must treat her as an end in herself. Thus, as Marshall argued and as Gadamer will help reformulate, unconditional rights to mutually ensured resources are necessary both for a rational advance in interaction and for morally justified power relations.

From the discussions of Chapter Three and Chapter Four, we can see that the enlightenment positions of Rawls, Nussbaum, and Habermas would be in agreement with Marshall, and opposed to Giddens, in their support of unconditional rights of social justice. They agree that certain resources have a significance for our rational capacity which justifies their status as unconditional rights. For each author, the satisfaction of fundamental needs is a necessity for capacity which others are duty bound to enable due to the mutual dependence of our capacity. Not only are social resources needed to ensure capacity, but their distribution can be normatively governed by collective interventions. However, although these enlightenment positions agree that capacity is mutually dependent, they each argue, if for different reasons, that capacity can only be identified and enabled through a reflective distancing from the substance of this mutual dependence. Instead, for the hermeneutic reformulation of social citizenship, the basis from which to identify unconditional rights to needed resources remains derived from the productive practices in which, in turn, capacity can be enabled.

The reformulation of social citizenship must also reconceive Gadamer's hermeneutic conception of capacity as dependent upon the material and interactive substance of the status of social equality. On that basis, a hermeneutic justification can be pursued again of the unconditional rights to necessary social material resources. This can be conceived as a right to take part in the mutual learning of the good life and recognition. Mutual learning is antithetical to the power relation and to the claimed authoritative insight of a duty-led social justice which is legitimated with criteria which are kept from assessment. However, a learning process must proceed prejudicially. The understanding of the requirements for capacity will be derived from a standpoint taken from within our mutual, material dependence in a community, a standpoint taken on the potential for capacity within that mutuality. Unlike Nussbaum, I have

argued that the characteristic which has significance for evaluation and explanation of capability is not that which is an expression of the individual over and against, or independently of, practice. Rather, the relations of learning and of just power which are necessary for capacity, and which must be the object of concern for collective intervention, are not derived from the individual in her independence.

The enlightenment distributes resources to enable capacity in its independence from practice. However, this entails that it cannot take as its subject matter the way in which resources are used. I argue instead that the resources which enable capacity can only be known as they are used. We must proceed with a commitment to the practices where resources are used in a valuable way, where capacity is enabled. But we must also proceed with the commitment to learning. For Gadamer, in dialogue, one must proceed by strengthening the argument of the other, but so as to also overcome the specificity of the horizons with which the dialogue was begun. For the hermeneutic reformulation of social citizenship, the prejudicial enablement of the good life must be an investment in potential. For the hermeneutic position, and unlike cultural conservatism, the goal of intervention is not to recreate life-patterns. Rather, the valued capacity can only be enabled in a practice by also opening that practice to the force of the authoritative insight which is enabled here. Similarly, with the enablement of any one practice, the nature of the mutual dependence between practices for learning is also opened to advance. The fact that a community recognises the value of parenting as a practice, and intervenes to ensure its requirements, alters the ethical and social context in which all practices emerge.

The reformulation of social citizenship must determine again the way in which mutual learning is the requirement for a valued practice. However, in doing so, the hermeneutic conception of capacity will have to be reconceived from within the different relations in which it can be attained. For social citizenship, educational practices will not be conceived simply as resources which could be enjoyed, but as activities which can already enable capability. Its primary concern must therefore be with relations of learning. It must determine how they can be socially just and foster understanding, and how they can be established in relations of

unequal power and insight, such as that between the teacher and student. However, the good life of mutual learning is not only a concern of education. For instance, if an artistic activity is also to be a good life it must be materially and socially valued within a community as a productive practice. Of particular concern here is how such valuable practices can be enabled in market relations. What must be attained is an awareness of the changing nature of mutuality and of our mutual dependence on a practice such as art, in the market and elsewhere. It is this awareness alone which can motivate the normative obligation to intervene, just as it alone can provide an understanding of the potential for capacity which can be enabled in valued practices.

The policies called for in a hermeneutic social citizenship reflect, I suggest, many of the commitments of the Swedish model of a universal and comprehensive welfare State. On this model, citizenship intervention is to ensure an equal quality of the essential services needed by all citizens, while such intervention is to be legitimated through corporate participation. This again raises the distinctions I have made between a hermeneutic social citizenship and the positions of both Nussbaum and Esping-Andersen. I disagree with Nussbaum's argument that the Swedish model shows how the separateness which is prior to practice can be enabled by resources which foster the full scope of each individual's potential, such as their artistic abilities.<sup>14</sup> Rather, individually ensured resources cannot by themselves enable the valued capabilities of artistic life, as they are only attained in practices. Even when the artist works alone, it is as part of a tradition of art, within a broader social and political context, that this artistic capacity is realised as in a practice. Collective intervention must, therefore, focus on the conditions of valued practices, and it is this which Swedish legislation governing the quality of working experience has attempted to do.<sup>15</sup> An artistic practice can be worthwhile only where features that cannot be reduced to the individual enable learning, while such valued practices

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<sup>14</sup> Nussbaum, M., (1990) "Aristotelian Social Democracy", pp. 240-242.

<sup>15</sup> For a discussion of this model and recent criticisms of it from within Sweden, see: Tilton, T., (1991) *The Political Theory of Swedish Social Democracy. Through the Welfare State to Socialism* (Oxford: Clarendon Press), pp. 235-40.

can only be enabled by policies which also focus on the interrelations between practices, in the market and elsewhere.

I also disagree with Esping-Andersen's argument that the Swedish model shows that citizenship equality can only be attained in de-commodified relations, and that, in altered market and class conditions, it can be attained now only by socialising the costs of reproduction for the individual.<sup>16</sup> Rather, corporate-based policies were not abandoned from Swedish policy in the 1980s, but were reconceived for a situation where industrial mass production had less significance in the division of labour.<sup>17</sup> As Durkheim argues, it is in the growing complexity of the division of labour that individual freedom is enabled, and so it is in these changing conditions that social rights must intervene and enable valued practices. Social citizenship must be able to respond to new forms of productive practice. For example, it must reconceive the nature of relations of authority so as to account for relations within artistic practices and between such practices and the broader community. This mediation of the division of labour itself necessitates a commitment to social equality which, in turn, is continually re-applied in this process. As Marshall argues, the fair wage, which ensures market rewards for valued practices, requires a cross-class commitment to egalitarian measures within mutual dependency whose goal is to actively enable valued practices. It is this which has distinguished the Swedish model, making it an exemplar for the reformulation of social citizenship.

Gadamer argues that the choice of areas in which to pursue hermeneutic study necessarily affects the nature of the understanding attained there. In attempting to give a hermeneutic defence of social citizenship I have argued that the hermeneutic conception of rational capacity must be reconceived from within the necessity of the collective interventions of social justice. Further, Marshall also argued that his substantive commitments to social justice had to be revised. Although hermeneutic meta-theory does not deliver the substance of a conception of social

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<sup>16</sup> Esping-Andersen (1990) *The Three Worlds of Welfare Capitalism*, pp. 187-188.

<sup>17</sup> For a discussion of these developments, see: Nielsen, K., & Pedersen, O., (1991) "From the mixed economy to the negotiated economy: The Scandinavian countries", pp. 145-160, in *Morality, Rationality, and Efficiency. New Perspectives on Socio-Economics*, ed. Richard M. Coughlin (New York: M. E. Sharpe).



citizenship, it does show how it can be reformulated. I have argued that it should be reformulated, that social equality is necessary for the legitimation of collective intervention and for the enablement of rational capacity. The reformulation of social citizenship must take as its subject matter the enablement of valued practices as a goal now of citizenship. It must not only assess the valued practices which can be enabled. It must also determine how the collective intervention of the State can be directed by a hermeneutically formulated public interest, and how that public interest can be realised in the market, and elsewhere, in the attainment of the good functioning of valued practices. In the enablement of practical excellence, the potential for hermeneutic understanding is thereby also given a grounding in relations social equality.

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