

## Introduction

### ***The Theory of Communicative Action After Three Decades***

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Published in *Constellations* 20:4 (2013): 516–17.

Three decades after its publication in German the *Theory of Communicative Action (TCA)* remains a productive framework for social criticism.<sup>1</sup> Jürgen Habermas has gone on to make many important contributions to critical social theory, from discourse ethics and the discourse-ethical justification of democracy and law in *Between Facts and Norms (BFN)*<sup>2</sup> to his more recent work on the challenges of naturalism and religion, postmetaphysical thinking and the constitutionalization of international law. Nonetheless, there are many lines of continuity between TCA and his more recent work. For example, as Bill Scheuerman points out in his contribution to this section, Habermas' account of law in *BFN* takes up and revises in a much more sophisticated way arguments first formulated in *TCA*. The same is true of his evolving account of religion, which is the subject of much ongoing philosophical discussion.<sup>3</sup> Moreover Habermas remains committed to the general framework of *TCA*, including the analysis of communication aimed at mutual understanding, the distinction between system and lifeworld, and the diagnosis of social pathologies in terms of colonization. The contributors to this section re-examine the philosophical cogency of this general framework and assess its contemporary relevance.

The first two contributions address the normative status of *TCA* and ask what form of social criticism it licences. James Gordon Finlayson addresses Habermas' claim that *TCA* is “the beginning of a social theory that is concerned to validate its own critical standards” (*TCA* I, xxxix). Critics often have argued that Habermas does not succeed in justifying the normative premises of his social theory, and Finlayson gives this argument an interesting twist. He agrees that *TCA* does not contain the kind of justification that its critics see as lacking, but he argues that it does not need such a justification. As a “sideways-on” theory *TCA* does not purport to offer thick moral or ethical judgments about the social world. Rather, the diagnoses of pathological developments that Habermas offers in *TCA* receive their normative force from moral and ethical arguments that must be justified independently. In this sense, *TCA* remains an unfinished project. In contrast, Titus Stahl argues that Habermas grounds the normative claims of *TCA* in a form of immanent critique. Stahl calls this form of immanent critique “practice-based,” because the normativity that justifies social criticism is inherent in social practices. But while Habermas restricts such normativity to practices of communicative action, Stahl suggests that non-communicative practices, such as

cooperative work practices and intimate relationships, can also generate and sustain normative potentials that can justify social criticism. If this is right, then the distinction between lifeworld and system also comes under pressure, because systemic action coordination would then also contain normative potentials. However, this extension of inherent normativity from communication to non-communicative practices of cooperation or affectivity would require a fundamental revision of Habermas' social ontology. Clearly, the normative impact of *TCA* and its plausibility remain the subject of disagreement among commentators.

In the next contribution Daniel Gaus thematizes the continuity between *TCA* and *BFN*. He argues that the method of rational reconstruction, which plays such an important role in *TCA*, is also at the heart of *BFN*, and that its role in the latter, as in the former, is explanatory as well as critical. On this account, *BFN*, like *TCA*, is concerned with answering the question of how social order can be secured normatively under postmetaphysical conditions. Contrary to those who see *BFN* as a work in merely normative political philosophy, much like Rawls' *Theory of Justice*, Gaus argues that it continues Habermas' project of combining social criticism and social explanation.

The remaining two contributions examine Habermas' colonization thesis in detail. Bill Scheuerman subjects *TCA*'s diagnosis of juridification to a thorough analysis and points to some empirical and conceptual weaknesses. In particular, he argues that Habermas' criticism of social welfare law misfires, because such law is highly materialized rather than formal, and therefore an unsuitable target for the charge of reification. However, Scheuerman also shows that Habermas' much more sophisticated treatment of law in *BFN* remains concerned with juridification, pointing to an important – and often overlooked – continuity in Habermas' work. What worries Scheuerman about this focus on juridification is that it seems to replace, rather than supplement the focus on directly economic processes that hitherto had characterized Frankfurt School critical theory. Timo Jütten's contribution aims to rectify this one-sided focus through a reconstruction of what the colonization thesis would say about commodification. He uses the commodification of higher education as a case study of commodification-as-colonization and argues that Habermas' framework has considerable explanatory power. Jütten also considers Habermas' conception of the market as “norm-free sociality” (*TCA* II, 171) and the many criticisms that this characterization has elicited over the years. Drawing on a distinction between *TCA*'s systematic elements and its time-diagnostic thrust, he concludes that while many of these criticisms are unfounded, we have good reason to revise Habermas' conception in light of recent developments. In fact, Scheuerman and Jütten agree that it is because of the recent financial crisis that the

colonization thesis remains timely, and that we must not lose sight of the potentials for social criticism lodged in Habermas' work.<sup>4</sup>

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## Notes

<sup>1</sup> Jürgen Habermas, *Theorie kommunikativen Handelns*, 2 Volumes (Frankfurt: Suhrkamp, 1981); *The Theory of Communicative Action*, 2 Volumes, trans. Thomas McCarthy (Boston: Beacon Press, 1984 and 1987).

<sup>2</sup> Jürgen Habermas, *Faktizität und Geltung* (Frankfurt: Suhrkamp, 1992); *Between Facts and Norms*, trans. William Rehg (Cambridge: Polity, 1996).

<sup>3</sup> See, for example the recent collection *Habermas and Religion*, ed. Craig Calhoun, Eduardo Mendieta and Jonathan VanAntwerpen (Cambridge: Polity, 2013).

<sup>4</sup> Many thanks to the editors of *Constellations* and their editorial staff for their patience and support during the preparation of this special section.