

## JÜRGEN HABERMAS

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This essay seeks to give an overview of the development, central themes, and main claims of Jürgen Habermas's thought.<sup>1</sup> Given its extraordinarily wide thematic range, its pervasive influence in both public and academic fora across diverse fields and disciplines, and the fact that it has taken many different twists and turns (and reversals) over its course, any comprehensive consideration of that body of thought will need to be selective. This essay selects through three schematics. First, it periodizes Habermas's academic work into six phases that provide the essay's organization. The section headings provide a rough summary of the focus of the periods: (i) present-oriented philosophy of history; (ii) epistemology via philosophical anthropology; (iii) the theory of communicative action; (iv) the discourse theory of morality; (v) the discourse theory of law and politics; and (vi) systematic philosophical consolidation. Second, the essay pays particular attention to the contexts of debate that have shaped Habermas's thought in these periods. Finally, the essay attempts to trace three leitmotifs throughout Habermas's philosophical career and corpus: a focus on *communication* as the immanent locus of the transcendental, an insistence on the achievements of *reason* without ignoring the ravages of modernity's one-sided

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1. Jürgen Habermas (June 18, 1929– ; born in Düsseldorf, Germany) was educated at the Universities of Göttingen, Zürich, and Bonn (1949–54); and received his *Promotion* (~PhD) from the University of Bonn in 1954, and habilitation from the University of Marburg in 1961. His influences are Adorno, Dilthey, Durkheim, Freud, Hegel, Horkheimer, Kant, Marx, Mead, Nietzsche, Peirce, Schelling, and Weber, and he has held appointments at the Institut für Sozialforschung, Frankfurt (1956–59), the University of Heidelberg (1961–64), University of Frankfurt (1964–71), Max-Plank Institut, Starnberg (1971–81), University of Frankfurt (1975–94), and Northwestern University (1994–2004).

employment of reason, and a conception of philosophy as *critical theory*, that is, as reflective interdisciplinary theory oriented toward human autonomy. The aim of the essay, then, is not so much to provide a systematic presentation of Habermas's philosophy *simpliciter* as to provide an overview of some of its main themes, problems, and claims by putting them in biographical and interactive contexts.

## I. PRESENT-ORIENTED PHILOSOPHY OF HISTORY

As a twenty-four-year-old student of philosophy, Habermas had his first impact not with a distinctive philosophical thesis or argument, but with a public intervention as a critic in the sphere of letters. In 1953, he published a short newspaper piece criticizing Martin Heidegger's republication of his 1935 lectures, *Einführung in die Metaphysik*, which were not only soaked through with rhetoric celebrating "the inner truth and greatness" of National Socialism, but also attempted to align the question of Being itself with the ascendancy of German fascism.<sup>2</sup> What shocked Habermas about these lectures was that they were republished with no expression of regret or explanation, no acknowledgment of the painful truth of the horrors of the Third Reich, no admitting of political mistake or moral remorse. He treated this silence not simply as a mark against Heidegger, but as indicative of a general, and quite troubling, amnesiac silence across postwar German culture, a constant evasion of "the problem of the prehistory of fascism."<sup>3</sup> The basic intellectual charge leveled in that short piece – that the underlying thought structure and content of Heidegger's philosophy did not undergo a "turn"<sup>4</sup> from the earlier to the later work motivated by internal philosophical reasons but rather only a rhetorical repackaging in response to contemporary politics – remained constant throughout Habermas's published considerations of Heidegger's legacy across the decades.<sup>5</sup> This piece

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2. Jürgen Habermas, "Martin Heidegger: On the Publication of the Lectures of 1935," William S. Lewis (trans.), in *The Heidegger Controversy: A Critical Reader*, Richard Wolin (ed.) (New York: Columbia University Press, 1991); originally published as "Mit Heidegger gegen Heidegger denken: Zur Veröffentlichung von Vorlesungen aus dem Jahre 1935," *Frankfurter Allgemeine Zeitung* (July 25, 1953).

3. Habermas, "Martin Heidegger: On the Publication of the Lectures of 1935," 191.

\*4. Heidegger's "turn" is discussed in the essay on Heidegger's later work by Dennis Schmidt in *The History of Continental Philosophy: Volume 4*.

5. Beyond the 1953 article, see also "Martin Heidegger: The Great Influence" (originally published in 1959), in *Philosophical-Political Profiles*, Frederick G. Lawrence (trans.) (Cambridge, MA: MIT Press, 1983), 53–60; and "Work and Weltanschauung: The Heidegger Controversy from a German Perspective" (originally published in 1988), in *The New Conservatism: Cultural Criticism and the Historians' Debate* (Cambridge, MA: MIT Press, 1989), 140–72. Further

marks the end of Habermas's time as a thoroughgoing follower of Heidegger's thought,<sup>6</sup> and signals his commitment to the Enlightenment ideals of "individualistic egalitarianism" and antinationalistic "cosmopolitanism."<sup>7</sup> By the time Habermas finished his 1954 dissertation on philosophical problems in Schelling's account of the role of the absolute in history, a dissertation strongly influenced by Heidegger, he added a long "introduction setting late German Idealism in relation to Marx."<sup>8</sup>

After the completion of his dissertation, Habermas worked for two years as a left-wing journalist writing on social issues before he became the personal assistant of Theodor Adorno at the *Institut für Sozialforschung* in Frankfurt. During the next few years, in addition to sociological work on such issues as postwar German university students and their political attitudes, Habermas was also occupied with philosophically comprehending and assimilating what he had encountered first from a narrowly political point of view: the Marxist project of a critical theory of society, especially as it had been transformed and updated in the Western tradition of Hegelian Marxism starting with Georg Lukács and continuing in the work of the so-called "Frankfurt School" of critical theory by, among others, Adorno, Max Horkheimer and Herbert Marcuse.<sup>9</sup> What especially interested Habermas was the prospect opened up in the early Marx of continuing the critique of modernity set in motion by German idealism and Romanticism in the form of an account of a one-sided exploitation of the potentials of reason and rationalization. In quick succession appeared two books that would bring together the two already-expressed leitmotifs of a critical theory of society and an ambiguous attitude toward the promise and peril of modern reason, with the third motif of a focus on communicative interaction as the immanent locus of context-transcending ideals.

In the first, his *Habilitationsschrift*, completed in 1961 under Wolfgang Abendroth in Marburg, *The Structural Transformation of the Public Sphere*,

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elaborations of Habermas's account of Heidegger's philosophy and its influence can be found throughout *The Philosophical Discourse of Modernity: Twelve Lectures*, Frederick Lawrence (trans.) (Cambridge, MA: MIT Press, 1987).

6. In "Martin Heidegger: On the Publication of the Lectures of 1935," Habermas claims that *Sein und Zeit* was "the most significant philosophical event since Hegel's *Phänomenologie*" (191) and closes with the admonition to "Think with Heidegger against Heidegger" (197). In interviews from the 1970s and 1980s collected in *Autonomy and Solidarity: Interviews with Jürgen Habermas*, Peter Dews (ed.) (New York: Verso, 1992) he repeatedly refers to the centrality of Heidegger to his early philosophical development; see, e.g., 80, 147, 189, 192.

7. Habermas, "Martin Heidegger: On the Publication of the Lectures of 1935," 196.

8. Habermas, *Autonomy and Solidarity*, 148.

\*9. For discussions of Adorno, Horkheimer, Marcuse, and other members of the "Frankfurt School," see the essays by John Abromeit and Deborah Cook in *The History of Continental Philosophy: Volume 5*.

Habermas pursued the sociohistorical study of a central organizing category of liberal capitalist societies: the “public sphere” of humane letters and opinion where an interested public of private citizens comes together to exchange reasons, ideas, and arguments coalescing into a determinate public opinion. It traced how the public sphere first arose in the eighteenth century, was anchored in new institutions such as widely distributed newspapers, coffee houses, salons, and civil associations, was then institutionally changed by the rise of commercial journalism in the early nineteenth century, and was finally permanently transformed by the development of mass welfare-state democracies into a realm dominated by the mass media as [166] platform for advertising to a culture-consuming public. In addition to being a historical investigation of the rise and degeneration of new forms of communicative interaction, the book is also a methodologically sophisticated interdisciplinary theory with emancipatory intent. By revealing both the normative ideals embedded in the historical practice of the political public sphere, and the ways in which those ideals became ever more ideological and false as the public sphere itself changed, Habermas showed that questions of political philosophy concerning the legitimacy of liberal democracy must be systematically connected to questions concerning the specific sociohistoric institutions and social arrangements in which those ideals are embedded. *Structural Transformation* introduced most of the themes that would form the backbone of the next five decades of Habermas’s work. *Theorie und Praxis*, a collection of essays appearing a year later, continued in the same vein, but approached its subject by reworking the themes of classical political theory – especially those of social contractarianism, natural law liberalism, and constitutional republicanism – from within the framework of an updated, but still recognizably Marxist, present-oriented philosophy of history.<sup>10</sup>

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10. Habermas, *Theorie und Praxis: Sozialphilosophische Studien* (Neuwied-Berlin: Herman, 1963); partially translated into English, with essays added from 1966, 1967, and 1971 as *Theory and Practice*, John Viertel (trans.) (Boston, MA: Beacon Press, 1973). For further bibliographic details concerning the contents of various collections of Habermas’s writings in both German and English, see the excellent bibliography through 1980 compiled by René Görtzen and Frederik van Gelder, “A Bibliography of Works by Habermas, with Translations and Reviews,” in Thomas McCarthy, *The Critical Theory of Jürgen Habermas* (Cambridge, MA: MIT Press, 1978), and the comprehensive bibliography through 1995 edited [167] by Demetrios Douramanis, *Mapping Habermas from German to English: A Bibliography of Primary Literature 1952–1995* (Sydney: Eurotext, 1995).

## II. EPISTEMOLOGY VIA PHILOSOPHICAL ANTHROPOLOGY

Habermas received his first professorship at Heidelberg in 1961, thanks in large part to the efforts of Karl Löwith and Hans-Georg Gadamer, two prominent students of Heidegger. Even more important for his development, however, was the near simultaneous publication of two books that decisively influenced all his future work by re-orienting his considerations of everyday, ordinary human communication from being one among several interesting topics to being the absolute center of his philosophical thought – a position, even through many changes, that it has retained to this day. As he himself put it, Gadamer’s “*Wahrheit und Methode*, together with [Ludwig Wittgenstein’s] *Philosophischen Untersuchungen* which appeared at the same time, gave the stimulus to the thoughts which one could fully describe as the ‘linguistic turn of critical social theory.’”<sup>11</sup> At the same time, his friend and frequent collaborator Karl-Otto Apel<sup>12</sup> introduced him to American pragmatist thought, especially the work of Charles Sanders Peirce, John Dewey, and George Herbert Mead. He has remarked that “from the outset I viewed American pragmatism as the third productive reply to Hegel, after Marx and Kierkegaard, as the radical-democratic branch of Young Hegelianism, so to speak.”<sup>13</sup>

The ten years from his Heidelberg appointment, through his double professorship in Frankfurt in philosophy and sociology (taking the place of Horkheimer) in 1964, to his resignation from that post in 1971, were extraordinarily fruitful and saw the development of a fully articulated, comprehensive research program for critical theory. In retrospect what is remarkable is that most of the major topoi of Habermas’s philosophical career – the critique and diagnosis of modernization processes, the aim to grasp the place and import of science and technology in our life-world, the methodological clarification of critical theory, the endeavor to update its substantive claims under changed historical conditions, the differences between communicative modes of socialization and market and bureaucratic modes, the import of a pragmatic consideration of language in its everyday use, the diversity of forms of reason and its claims to universal validity – were already broached during this period. Yet most of the specific content of his substantive claims, arguments, and theories concerning those topoi would undergo significant if not radical transforma-

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11. Habermas, “Hommage an Hans-Georg Gadamer: Er erforschte ‘*Wahrheit und Methode*’ der philosophischen Erkenntnis – Am 11. Februar wird er 100,” in *Der Tagesspiegel* (January 2, 2000), quoted in the short biography by Rolf Wiggershaus, *Jürgen Habermas* (Hamburg: Rowohlt Verlag, 2004), 59 (my translation).

\*12. For a discussion of Karl-Otto Apel, see the essay by James Swindal in this volume.

13. Habermas, *Autonomy and Solidarity*, 148.

tion in the next period. Given constraints, the treatment here of this period is especially selective.

One critical encounter during this period is Habermas's *Auseinandersetzung* with hermeneutics, especially as powerfully formulated by Gadamer.<sup>14</sup> Habermas was an early and important defender of hermeneutic methods in the social sciences, and he agrees with many of the foundational ideas of Gadamer's account of hermeneutics.<sup>15</sup> What then separates the two? On the one hand, there is a basic difference of temperament: the more conservative Gadamer comfortable with the truths of tradition versus the more radical Habermas suspicious of accepting anything on the mere authority that it has been long accepted, the theorist of judgment versus the theorist of reflection, the contextualist versus the universalist, the humanist versus the enlightener. But there is also the more important issue concerning the status and scope of philosophical hermeneutics' claim to universality. While Gadamer insists that no form of experience, no form of science or knowledge can be excepted from the methodological constraints of hermeneutics since the community of language and tradition simply is the medium of the human form of life, Habermas holds out for the possibility of modes of analysis that reveal systematic forms of constraint or distortion operating, as it were, behind the backs of ordinary language users. Thus while Gadamer insists on absolutizing the form of understanding theoretically articulated by hermeneutics, Habermas insists that insight can be gained from other forms of inquiry such as ideology critique, psychoanalysis, sociological functionalism, and materialist philosophy of history. In each case, Habermas does not want to renounce the potential insights of empirical social sciences that attempt to theorize causal mechanisms and generalize their results across various traditions in the name of a hermeneutic idealism that would insist on seeing all social phenomena in culturalist terms all the way down.

During this period, the same ideas of pointing out one-sided absolutizations of important insights and of insisting on the plurality of the uses and methods of reason were foremost in Habermas's critical encounters with Popper's positivism and other forms of scientism, as well as with their polar opposite, the

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14. See especially *On the Logic of the Social Sciences*, Shierry Weber Nicholsen and Jerry A. Stark (trans.) (Cambridge, MA: MIT Press, 1988), "A Review of Gadamer's *Truth and Method*," in *Understanding and Social Enquiry*, Fred Dallmayr and Thomas McCarthy (eds) (Bloomington, IN: Indiana University Press, 1977), and "On Hermeneutics' Claim to Universality" (originally published in 1970), Josef Bleicher (trans.), in *Contemporary Hermeneutics: Hermeneutics as Method, Philosophy and Critique*, Josef Bleicher (ed.) (London: Routledge & Kegan Paul, 1980).

\*15. For a discussion of Gadamer's hermeneutics, see the essay by Wayne Froman in this volume, as well as the essay by Daniel L. Tate in *The History of Continental Philosophy: Volume 4*.

critique and wholesale rejection of technocratic society.<sup>16</sup> Against the scientific insistence on hypothetical-deductive sciences' exclusive claim to rationality, and against positivistic claims to the value neutrality of both science and the philosophy of science, he insisted that the domain of cognitive claims went beyond a narrowly delimited field of exact sciences and that scientific standards themselves cannot be justified independently of determinate human values. In fact, the false self-understanding of science as value-neutral also plays an ideological role in justifying antidemocratic forms of decisionism or of political control by experts. While these critical theses largely agree with the critiques of technocracy put forward by Heidegger and Marcuse that were then quite prevalent, Habermas insisted that the exact sciences and their technological offshoots were nevertheless unsurpassable achievements of modernity. They are not a mere historical accident, nor can they be disposed with, at least as long as humans seek increasing independence from material need. Thus while positivism has insights into the rationality of science and the critics of technocracy have insights into distorting dominance of means–ends rationality, both programs fail by insisting on the exclusive universality of their own preferred conceptions of reason.

Not content with the piecemeal critique of other theories, Habermas's 1965 inaugural address at Frankfurt announced his intention to provide an *epistemological* foundation for an integrated, interdisciplinary theory with emancipatory intent, an intention that was brought to fruition in the masterful *Erkenntnis und Interesse* of 1968. Critically evaluating the epistemological programs of a diverse range of philosophers including Kant, Fichte, Hegel, Marx, Comte, Mach, Nietzsche, Pierce, Dilthey, and Freud [168], Habermas attempted to show how their insights and limitations could best be understood from a basic anthropological perspective. Rejecting the classical epistemological doctrine that pursuing practical interests is antithetical to achieving knowledge, he maintained that all forms of epistemic inquiry should be seen as motivated by one of three anthropologically basic, fundamental human interests: the *technical* interest in the prediction and control of the natural environment; the *practical* interest in the reproduction of the social form of life achieved through intersubjective communication; and the *emancipatory* interest in freeing our selves and our societies from all forms of falsely naturalized but changeable constraints.

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16. See, for example, Habermas, "Dogmatism, Reason, and Decision: On Theory and Praxis in our Scientific Civilization" (originally published in 1963), in *Theory and Practice*, 253–82; "The Analytical Theory of Science and Dialectics" (originally published in 1963), and "A Positivistically Bisected Rationalism" (originally published in 1964), both in *The Positivist Dispute in German Sociology*, Theodor Adorno (ed.) (London: Heinemann, 1976); and "Technology and Science as 'Ideology'" (originally published in 1968), in *Toward a Rational Society: Student Protest, Science, and Politics*, Jeremy J. Shapiro (trans.) (Boston, MA: Beacon Press, 1970).

The audacious claims of the book were that these three interests operate as constitutive conditions of possibility in the organization of three different forms of inquiry – empirical-analytic sciences, historical-hermeneutic sciences, and critical sciences – where each form of inquiry is internally structured by its distinct underlying fundamental human interest and each interest in turn structures a central element of human social life: work, language, and power respectively. While modern science, technology, and social labor are all structured by the technical interest, the interpretive social sciences, the humanities, politics, morality, and language are all structured by the practical interest. Finally, according to Habermas, the otherwise surprising structural similarities between psychoanalysis, ideology critique, and critically reflective philosophy are best understood by seeing that all three are forms of inquiry shaped by the interest in emancipation from falsely naturalized, but actually changeable, power relations not otherwise evident or obvious on the surface of psychological and social life.

Although *Knowledge and Human Interests* was greeted by an enthusiastic critical reception, by 1973 Habermas had significant reservations about the book and had attempted to resolve them – not by revising the project, but by developing a different research program that would attend to the earlier problems along the way.<sup>17</sup> Among the most significant problems was a concern about the third form of epistemic inquiry: the status and aims of critical social theory itself. In the book's attempts to revive the insights of the German idealist tradition of reflective self-critique, it suffered a systematic ambiguity in the use of the concept of reflection between the Kantian idea of reason's reflection on its own necessary conditions of possibility and the young Hegelian<sup>18</sup> idea of persons' and societies' reflection on otherwise inconspicuous forms of domination and power. While the first form of reflection aims at grasping the universal generative structures and rules of a particular use of reason, the second form aims at emancipation from systematically constraining, but unacknowledged forces and powers, whether intrapsychic, ideological, social, or material. But how can the same activity – critical social theory – both delimit the timeless necessary conditions of human inquiry and uncover the sociohistorically contingent features of modern life that impede the realization of freedom, at the same time and with the same tools? To advance beyond the epistemological prolegomena that was *Knowledge and Human Interests*, Habermas needed to develop a much clearer picture of the various components of a critical social theory, how they related to one another, and the status of their respective validity claims.

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17. Jürgen Habermas, "A Postscript to Knowledge and Human Interests," *Philosophy of the Social Sciences* 3(2) (1973).

\*18. For a discussion of the young Hegelians, see the essay by Lawrence S. Stepelevich in *The History of Continental Philosophy: Volume 1*, and the essay by William Clare Roberts in *The History of Continental Philosophy: Volume 2*.



## III. THE THEORY OF COMMUNICATIVE ACTION

In 1971, the physicist and peace activist Carl Friedrich von Weizsäcker invited Habermas to be codirector of the Max Planck Institute for Research into the Living Conditions of the Scientific-Technical World in Sternberg, outside Munich, enabling Habermas, together with at least fifteen co-workers, the opportunity to reconstitute his research program on a new foundation, one thoroughly grounded in the latest results of diverse social-scientific [169] domains and results. Having become suspicious of the heavy argumentative burdens his earlier program assumed in incorporating strongly Hegelian and metaphysical conceptions of notions such as truth, totality, and philosophy, Habermas sought ways to make critical social theory as he understood it much more receptive to empirical research and methodologically open to empirical fallibility. Turning away from epistemology as the royal road for critical theory, he sought to develop a substantive theory of society to show how communicative action is itself the immanent, practical locus of context-transcending reason and the impetus toward emancipation.

Continuing to exercise his apparently limitless capacities for assimilating, comprehending, and systematizing entire research programs across all fields of social-scientific and humanistic investigation – witnessed earlier in his productive interactions and debates with the varieties of Western Marxism, modern political philosophy, analytic philosophy of science, German idealism, various forms of phenomenology, Gadamer's hermeneutics, American pragmatism, the varieties of psychoanalytic theory – Habermas in the late 1960s and accelerating into the early 1970s was busy coming to terms with a multiplicity of cutting-edge research, including: ethnomethodology and social phenomenology; the theory of a universal, generative grammar; analytic speech act theory; classical sociology; contemporary structural functionalist sociology and social-psychology [170]; and cognitive and moral developmental psychology.

The next decade saw a remarkable proliferation of work – including the influential 1973 book *Legitimation Crisis*, articles on cognitive and psychoanalytic psychology, on moral development, on ego identity, on social psychology, on evolutionary theories of history, on the reconstruction of historical materialism, on communicative competence, on systematically distorted communication, on linguistic and interactive pragmatics, on truth, and many on individual philosophers and social theorists<sup>19</sup> – culminating in 1981 with the appearance

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19. An important collection of essays from this period is Habermas, *Zur Rekonstruktion des Historischen Materialismus* (Frankfurt: Suhrkamp, 1976), partially translated into English as *Communication and the Evolution of Society*, Thomas McCarthy (trans.) (Boston, MA: Beacon Press, 1979).

of Habermas's magnum opus: the two-volume *The Theory of Communicative Action*. Rather than work through all of this material historically, I will give an overview of the themes and central claims of the mature critical social theory developed in this decade, organized around three themes: the linguistic turn in critical theory, the integration of systems theory and attendant diagnoses of the present, and the debate with poststructuralists and postmodernists over the meaning of modernity.

### *The linguistic turn*

The most important component of Habermas's new version of critical theory – and the most recognizable one in its reception – is surely his focus on language, specifically on the basic structures evident in the *use* of language for purposes of intersubjective communication aimed at coordinating action. Taking off from John Austin's and John Searle's speech act theories, Habermas reconstructs the implicit yet highly developed know-how that competent linguistic communicators presuppose and rely on when they engage in communicative action. He aims, then, at developing a formal pragmatics of language use: a theory that articulates the pretheoretical knowledge, competences, and concepts employed by ordinary persons any time they endeavor to communicate with another person about something in order to coordinate their individual actions.

A starting-point for understanding the theory might be the distinction between two different ways in which one can employ language in order to achieve some intersubjective result. On the one hand, one might use language simply as a way to influence the behavior of others without at the same time seeking mutual understanding with them. In this case, Habermas claims, one is using language *strategically*, for example to express threat potential while bargaining or to intentionally coerce, manipulate, or deceive. On the other hand, one might use language to come to a mutual understanding with another person about something such as an objective state of affairs or a relevant social norm. Success in this *communicative* use of language hinges on the ability of a respondent to take up a “yes” or “no” position on another's speech act offer, and we can speak of *communicative action* when the coordination of persons' individual action plans is achieved through mutual agreement between them. Although Habermas has repeatedly revised and reworked his formal pragmatics since its initial development in the early 1970s,<sup>20</sup> one crucial thesis has remained

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20. Many of the early preparatory papers and lectures are collected in Jürgen Habermas, *Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns* (Frankfurt: Suhrkamp, 1984). Two English-language collections contain much of this work, as well as further revisions from the 1980s and 1990s: *On the Pragmatics of Social Interaction: Preliminary Studies in the Theory*

constant: the communicative use of language is fundamental, whereas other uses of language – strategic, fictional, figurative – are parasitic on or derivative from the properties and structures of communicative action.

Communicative action is fundamentally intersubjective in the sense that each individual is assumed to be a competent actor who can assess the inherent *validity claims* made by others, and action coordination is achieved only when all involved come to a mutual agreement accepting the speech act offer. Habermas distinguishes between four types of validity claims made in each and every speech act: (i) that the utterance is *comprehensible* (semantically and grammatically well-formed); (ii) that the utterance is *true*; (iii) that the norms of social action invoked are *right*; and (iv) that the speaker is *truthful* or *sincere* in making the utterance. While the claim to comprehensibility is limited to the formation of the particular speech act, the other three types may be described as *universal* validity claims insofar as they involve an in-principle appeal to the notion that any competent agent would have to agree with the content of the claim, under suitable conditions for the evaluation and redemption of that kind of validity claim. Thus any time a speaker makes a communicative utterance, the speaker concomitantly makes four types of validity claims that are assumed to deserve intersubjective recognition – even if, as is usual, only implicitly – and the hearer of the speech act may challenge the speaker on any of the four registers. According to Habermas, it is precisely this intrinsic link between ordinary language use and the validity claims actors implicitly raise and accept that accounts for the illocutionary force of speech act offers, or what he often calls “the binding/bonding force” of language. Individuals who come to a mutual understanding on a speech act are rationally motivated to carry through on their action commitments because their own agreement to the content of the utterance is freely made on the basis of their own individual insight into the propositional truth, normative rightness, and subjective sincerity of its content.

Habermas’s claim that social order is produced and reproduced through the consensus formation witnessed in communicative action might seem highly improbable. After all, not only is such a consensus ever threatened by new problem situations, new experiences, differing perspectives of individuals, changing states of the world, and so on, but it is also fully contingent on the unforced agreement of social participants who can at any time refuse to say “yes” to a speech act offer. Here Habermas agrees with a host of twentieth-century theories – especially social phenomenology, hermeneutics, ethnomethodology, and ordinary language philosophy – that insist on the need for a massive background consensus to stabilize reciprocal understanding. He adopts Husserl’s

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*of Communicative Action*, Barbara Fultner (trans.) (Cambridge, MA: MIT Press, 2001) and *On the Pragmatics of Communication*, Maeve Cooke (ed.) (Cambridge, MA: MIT Press, 1998).

concept of the life-world<sup>21</sup> to explain how this unthematized background knowledge contains the shared meanings, beliefs, norms, and personality structures that absorb, as it were, the contingency built into communicative action. The life-world operates as a font of epistemic and practical certainties for interlocutors who can largely presuppose that others live “in the same world” that they do.<sup>22</sup> Of course, when communicative interaction breaks down, it is possible for interlocutors to bracket ordinary interactions, explicitly focus on one, specific contested part of the life-world background, and engage in a distinctive kind of reflective argumentation that Habermas labels “discourse.” Here interlocutors suspend their ordinary purposive orientations in a collective, more or less disinterested search for the truth of the matter – or for the normative rightness of the standards invoked, or for the degree of sincerity of the speaker – and they engage in more demanding processes of reason-giving under the supposition that consensus can be achieved only according to the “unforced force of the better argument.”

While one might investigate the specifics of different societal life-worlds, Habermas is interested in the deep, formal, and invariant structures of all life-worlds. For whereas philosophers traditionally sought to identify and justify the ideals of reason through speculative metaphysics, he seeks to locate these ideals immanently in the very practices of communicative intersubjectivity. Formal pragmatics articulates the various *idealizing pragmatic presuppositions* competent social actors inevitably make when they engage in linguistic interaction: for example, that individuals share a common objective world or that, in the cooperative search for the truth, no competent persons have been excluded from the conversation. To be sure, all of these presuppositions are counterfactual in the sense that they are never fully realized in any concrete interaction, but they are nevertheless factually effective in structuring actual interactions. They can, in fact, be used normatively to critique any actually achieved agreement as deficient from the point of view of the very standards of reasonability built into the practice itself. The pragmatic presuppositions of communication and discourse function thereby as immanent standards of self-correcting learning processes. Formal pragmatics represents a flowering of what was previously an undertheorized concept in *Knowledge and Human Interests*, namely,

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\*21. For a discussion of Husserl’s concept of the life-world, see the essay by Mauro Carbone in *The History of Continental Philosophy: Volume 4*.

22. For instance, one might note here the similarity to Pierre Bourdieu’s notion of *doxa*. While Habermas specifically develops Alfred Schutz’s social interpretation of the life-world, Schutz’s notion is clearly indebted to Husserl and Heidegger, as is, of course, Bourdieu’s, indicating their parallel development of this idea (as well as a host of others) via a shared set of forbears. Schutz is discussed by Diane Perpich in her essay in *The History of Continental Philosophy: Volume 3*.

the quasi-transcendental. For while the analysis aims at the conditions of possibility of fundamental communicative practices – and is in this sense a continuation of Kantian transcendental philosophy aimed at unavoidable, universal features of language – its claims are distinctly rooted in an empirical analysis of actual language use by ordinary speakers – and is in this sense an *a posteriori* endeavor fallibilistically subject like all empirical knowledge to evidentiary testing. If correct, formal pragmatics locates in linguistic intersubjectivity itself the immanent locus of context-transcending reason.

A substantive social theory can then be built out of elements of the theory of communicative action. The standard sociological distinction between culture, society, and personality can be clarified through formal pragmatics, since each is focused around one characteristic speech act type centrally thematizing one form of validity claim: constatives thematize truth claims, regulatives thematize normative rightness claims, and expressives thematize subjective sincerity claims. Furthermore, in modern complex societies, discourse itself has become reflective and taken on methodical institutional form in differentiated knowledge systems corresponding to the three universal validity claims: science and philosophy systematically investigate propositions according to the logic of truth claims, law and morality systematically investigate illocutionary content according to the logic of rightness claims, and art, literature, and criticism of taste investigate intentional and expressive content according to the logic of authenticity and sincerity claims.

From a historical perspective, Habermas claims that societal changes can be seen as developmentally progressive precisely to the extent to which rational accountability, rather than unthinking reliance on falsely naturalized authority or tradition, organizes ever more aspects of life. For instance, he puts forward a thoroughly intersubjectivist account of individual development in the Hegelian tradition: individuals become who they are only through socialization into linguistically structured social relations.<sup>23</sup> As societies modernize, however, individuals are increasingly required to interact on the basis of defensible reasons rather than contingently presumed meanings, truths, conventions, and values, and so increasingly to become responsible for their own beliefs, actions, and individual forms of self-realization. Thus even though Habermas decisively rejects atomistic, empty, and individualistic accounts of the self characteristic of much Enlightenment rationalism, he is able to show how the ideals of individual

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23. Besides the material in *The Theory of Communicative Action*, 2 vols, Thomas McCarthy (trans.) (Boston, MA: Beacon Press, 1984, 1987), see also “Moral Development and Ego Identity,” in *Communication and the Evolution of Society*, 95–129, and “Individuation through Socialization: On George Herbert Mead’s Theory of Subjectivity,” in *Postmetaphysical Thinking: Philosophical Essays*, William Mark Hohengarten (trans.) (Cambridge, MA: MIT Press, 1992), 149–204.

rationality, autonomy, and authenticity are nevertheless not merely the ideological precipitates of contingent historical and social configurations, as many poststructuralists argue.

Modernization in cultural and social domains can also be seen as a process of rationalization, at least to the extent to which communicative action and formal discourse, rather than coercion or blind obedience, organize ever more aspects of collective social life. Without getting into details, Habermas claims that we can retrospectively reconstruct historical changes in terms of a stage-sequential series of irreversible improvements in modes of consciousness that enable heightened problem-solving through openness to discursive testing and rational belief fixation.<sup>24</sup> The basic idea here is that structural changes in the life-world can be understood as learning processes – not only in increasing capacities for the scientific and technological control of the material world, but also in the universalization of open procedures for justification and decision in moral-practical domains. This ambitious set of sociohistorical claims is intended to show that the standards of rationality celebrated in contemporary Western societies are not merely contingent conceits of a particularistic worldview, but can lay claim to universal, context-transcending validity. The theory of communicative action and its resultant social theory can best comprehend the normative content of modernity: fallibilistic culture that is committed to critical testing of truth claims, social solidarity founded on collective will formation through universal discourse, and personal socialization aiming towards expanded individuation and self-realization. Beyond answering general skeptical doubts, this developmentalist defense of Enlightenment ideals answers a problem specific to the tradition of critical social theory: the inability of Horkheimer, Adorno, and others to give a coherent justification for the ideals of individual autonomy, substantive social equality, and an emancipated society that they employed in critiquing the pathologies of modernity.

Yet one should not confuse Habermas's developmental claims with a Whiggish philosophy of history smugly justifying the present, or with a (right) Hegelian philosophical demonstration that the real is fully rational. The key here is to see that Habermas claims only to be reconstructing the *logic* of successive stages of life-world structures, while making no parallel claims about the *dynamics* of historical development. Societal change is dependent on contingencies concerning the material reproduction of society, and changes in these conditions are neither predictable nor developmentally progressive. In contrast then to the later Marx, there are no iron laws of history dictating a systematic

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24. Besides the material in *The Theory of Communicative Action*, see also *Communication and the Evolution of Society*, chs 3–5, and *The Philosophical Discourse of Modernity*, lectures XI and XII.

progression through various modes of production. Yet it is possible to reconstruct, at a suitable level of abstraction, individual and sociocultural learning processes that are both irreversible and clear improvements over earlier stages.

*The integration of systems theory and diagnoses of the present*

If the contingent dynamics of historical change are distinct from its progressive structural logic, then what explains the former? Here Habermas employs contemporary sociological functionalism to explain the reproduction of the material conditions of life. In essence, historical dynamics are to be understood in terms of responses to systemic steering problems encountered in the functionally integrated domains of the economy and state administration. To understand this, we need to look at a critical encounter that began in 1971 and was decisive for Habermas's mature social theory: his extended debate concerning the social systems theory that Niklas Luhmann developed by streamlining and radicalizing the functionalist theory of his teacher Talcott Parsons.<sup>25</sup> Although much of the debate turned on technical matters of sociological theory construction, at least two of Habermas's critical concerns are worth noting here. First, Habermas argued that systems theory runs into internal problems by putting forward radically functionalist accounts of all social phenomena. No matter how powerful functionalism proves to be for illuminating economic and bureaucratic control processes, it could only distort phenomena such as meaning and truth that are irreducibly tied to the rich symbolic resources of ordinary language and the communicative perspectives adopted by language users. Habermas's second main reservation was straightforwardly normative and political. Luhmann advocated withdrawing decisions in many social spheres from the explicit oversight of democratic politics and the public sphere, in order to take advantage of the supposed complexity-controlling achievements of publicly unaccountable technocrats schooled in systems theory. In short, to the extent that a fully radicalized systems theory promotes a "counter-enlightenment" [171] social technology, Habermas rejected the practical realization of functionalist insights in the name of the dialogical, public exercise of critical reason and democratic self-government.

Although critical of Luhmann's systems theory for its one-sided absolutization of the functionalist paradigm, Habermas made significant use of it in his 1973 *Legitimation Crisis*, a sociotheoretic study of modern "steering crises" in economics and administration. The book advanced, in a programmatic and

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25. Jürgen Habermas and Niklas Luhmann, *Theorie der Gesellschaft oder Sozialtechnologie – Was leistet die Systemforschung* (Frankfurt: Suhrkamp, 1971). Several further follow-up volumes in the Suhrkamp series have been published containing papers from others on this topic.

provisional way, a bold set of diagnostic theses concerning the interrelations, in contemporary capitalist democracies, between economic performance, administrative rationality, the extent of perceived legitimacy of the government, and the degree to which individuals are motivated to participate in business and politics. The basic thesis of the book is that crises in individual social subsystems are “solved” by another subsystem, but only at the cost of opening up that other subsystem to its own crisis potentials. It thus raised questions about the sustainability of modern societies if they endemically shuffle steering problems between the economic, administrative, legitimization, and motivational subsystems. While the entire framework of this book is deeply indebted to systems theory, it also pointed to its limits with respect to functionally inassimilable cultural meanings, social norms, and individual identities. Habermas was apparently persuaded by systems theory’s power to illuminate the tremendous growth and success of contemporary capitalist economies and bureaucratic administrations, but had not yet settled on a way of integrating its insights while avoiding its limitations.

The basic methodological idea in *The Theory of Communicative Action* is to adopt a dual-perspective approach – life-world and systems – to investigate the social coordination and integration of individual actions, and thereby synthesize action-theoretic and functionalist forms of sociology. While the life-world perspective attends to communicative interactions oriented toward achieving mutual understanding, the systems perspective attends to actions purposively oriented toward the achievement of individual ends. Through the binding-bonding force of ordinary language agreements, life-world coordination fulfills the functions of cultural reproduction, social integration, and individual socialization. Through anonymous functional imperatives built into economic and administrative systems – that is, the rigid valorization of increasing profit and power – systems coordination achieves the material reproduction of society behind the backs, as it were, of individuals. When turned toward history, this dual perspective approach shows the complexity of processes of modernization. First, changes in life-world structures can be reconstructed as learning processes releasing the rationality potential inherent in communicative action, as described above. Second, economic and administrative systems become increasingly independent of life-world strictures, for instance when individuals are freed from traditional precapitalist norms and allowed to pursue unlimited profit maximization in market spheres. This “decoupling” of systems from life-world thereby enables systems to become increasingly complex, ever more responsive only to their own internal functional logics, and thereby more efficient in achieving the material reproduction of society. Yet third, increases in the scope of functional systems leads to the “colonization” of the life-world by systems: systemic forms of integration take over functions of social reproduction that can be achieved



only through the symbolic resources of the life-world. Modern societies thereby surrender essential decisions to functionally organized institutions steered by the value-free media of money and power. Colonization is taken to lead, fourth, to life-world “pathologies” caused by systems overextending their reach: cultural loss of meaning (the assimilation of rich and meaningful ordinary language to the hollowed-out “semantics” of money and power), social anomie (the breakdown of integrating social norms and values), and individual psychopathologies (including withdrawal of motivation, disorienting senses of the loss of freedom, and mental illness).

On this account of Western history, then, modernization processes are critically evaluated as fundamentally ambiguous: both progressive and regressive. Insofar as the life-world becomes rationalized and systems become more complex, modernization can be seen as both releasing the rationality inherent in ordinary language and solving endemic problems of material reproduction. Yet insofar as heightened systems autonomy decreases the scope for free, conscious activity in the light of intersubjectively justified norms and in fact causes life-world pathologies through colonization effects, modernization appears as a process of ever-proliferating, but socially caused, maladies.

When this tendency towards the uncoupling of system and lifeworld is depicted ... the irresistible irony of the world-historical process of enlightenment becomes evident: the rationalization of the life-world makes possible a heightening of systemic complexity, which becomes so hypertrophied that it unleashes system imperatives that burst the capacity of the lifeworld they instrumentalize.<sup>26</sup>

With this grand synthesis of hermeneutic and systems theoretic approaches to sociology, Habermas claims to be able to better account for the social deformations that interested the great original sociologists of modernity – Marx, Durkheim, Weber, Lukács, Horkheimer and Adorno [172] – without either the sociotheoretic determinism or the one-sided cultural pessimism that often infects their theories.

### *Postmodernism and poststructuralism*

With this understanding of Habermas’s ambiguous assessment of modernization, we can now appreciate his interaction with the concerns of poststructuralist and postmodern thinkers of the 1970s and 1980s. In *The Philosophical*

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26. Habermas, *The Theory of Communicative Action, Volume 2: A Critique of Functionalist Reason*, 155.

*Discourse of Modernity*, concerned with the distinctive sense of time-consciousness expressed in philosophical theories of modernity, Habermas acknowledged the continental and worldwide importance of the radical critique of reason that had developed in contemporary French thought under the influence of a distinctive reception of Nietzsche's and Heidegger's thought. His thesis is that one should understand French poststructuralism as the culmination of a long-running critique of the philosophy of consciousness, stemming from a rejection of Hegel's grand attempt to reconcile modernity with itself through absolute knowledge. Habermas dedicates chapters to many variants of this radical critique of reason: Nietzsche's and Heidegger's complementary destructions of subjectivist metaphysics, Horkheimer's and Adorno's negative dialectics of instrumental reason and domination, Derrida's and his American acolytes' deconstructionist transformation of philosophy into literature, Bataille's surrealist celebration of the obscene, the impossible, and the taboo, and Foucault's specific genealogies of the interconnections between modern power, the human sciences, and contemporary subjectivity. In each case, the relentless critique of abstract, utilitarian Enlightenment reason and its supposed incarnation in the sovereign, ratiocinating, decentered subject has been carried forward in the name of all of the impurities such conceptions of reason and the subject have left out: history, tradition, cultural specificity, power, desire, embodiment, rhetoric, metaphor, myth, narrative, ordinary practice, the unconscious, the irrational, the liminal, the non-identical, heterogeneity, contingency, idiosyncrasy, and so on. According to this radical critique, however, such impurities are not mere externalities, but are centrally and ineradicably constitutive of reason and subjectivity themselves.

Habermas's response to French poststructuralism and its Nietzschean forebears is twofold. On the one hand, he agrees with their critique of the philosophy of the subject as a thoroughly exhausted philosophical paradigm that is doomed by both its internal contradictions and its idealizing disregard of the inevitably situated character of reason and subjectivity. Yet on the other hand he argues that the overly totalizing skeptical conclusions drawn from this critique are unwarranted. To begin, he argues that the radical critique of reason ends in its own aporias and paradoxes, particularly when it leads to relativistic conclusions. Whether making truth claims that it cannot redeem in the face of its relentless critique of the very idea of truth, or relying in a cryptic way on normative intuitions about autonomy and nondomination while arguing that normative standards themselves are nothing more than effects of contingent relations of power and domination, the radical critique of the philosophy of the subject runs up against self-referentiality paradoxes. According to Habermas, however, there is an alternative path out of subject-centered philosophy: namely, the thoroughly intersubjectivist theory of communicative reason that sees reason and

subjectivity as fully situated and immanent in everyday practices, but also as intrinsically oriented toward context-transcendence by virtue of their connections to validity claims. This alternative path can reinterpret the foundational ideas of the Enlightenment – truth, individual autonomy, collective solidarity, and authentic self-realization – outside the monological concepts that originally doomed their interpretation to the endless back and forth between subjectivism and objectivism. He also argues that many of the specific critiques of instrumental and functionalist employments of reason found in the earlier generation of critical theorists and in French poststructuralism (especially in Foucault) are better understood in the ambiguous theory of modernization developed in *The Theory of Communicative Action* than in the totalizing critique of postmodernity.

#### IV. THE DISCOURSE THEORY OF MORALITY

One of the most significant components of Habermas's theory of communicative action concerns discourse theory: an account of the meaning of and justification procedures for the unconditional validity claims to truth, rightness, and sincerity that are made at least implicitly in any communicative use of language. This and the next section treat discourse theory as applied to issues of practical reason.<sup>27</sup> The central organizing principle of Habermas's normative theorizing – developed over the years in close connection with Apel – is summed up in a general criterion for practically establishing normative validity called the “principle of discourse”: “Just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses.”<sup>28</sup> The central idea here is that those affected by an action norm ought to be able to approve of it for themselves in order for it to gain their rational adherence. And the most plausible way of insuring this is to expose the proposed norm to public critical testing in the light of all relevant information, perspectives, and argument so

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27. The discourse analysis of truth claims will be treated in the final section of this essay. There is comparatively little that can be said philosophically about sincerity claims that, although they claim to hold unconditionally, can only be justified in the light of particular information about the consistency or lack thereof of the speaker's specific past behavior with purported truthfulness of their current claim.

28. Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, William Rehg (trans.) (Cambridge, MA: MIT Press, 1996), 107. Although the principles of discourse and of universalization were introduced first in *Moral Consciousness and Communicative Action* (originally published in 1983), and then further elaborated in *Justification and Application* (originally published in 1991), he revised both their specific formulations and, more importantly, his account of their relationship in *Between Facts and Norms* (originally published in 1992) and other later work.

that, in the end, an agreement concerning it can be expected to reflect only the weight of reason.

At this point, Habermas introduces the notion that there are different ways of employing practical reason, with claims of different scopes and types, and with distinct practical logics. *Pragmatic* questions concern the best means to adopt to [173] some contingently given preferences or goals; *ethical* questions arise when these preferences become problematic and one asks what is good for one to do in the light of who one is; *moral* questions arise when one's actions in pursuit of the good may conflict with the interests of others such that one must ask what universally applicable norms of action might govern anyone's actions in the same situation. He next explains how the discourse principle – which is an intersubjectivist interpretation of the general idea of impartial justification – gets operationalized in rules of argumentation for the different employments of practical reason. According to Habermas, applying the discourse principle to the justification of moral norms generates the principle of universalization: “(U) For a [moral] norm to be valid, the consequences and side effects that its *general* observance can be expected to have for the satisfaction of the particular interests of *each* person affected must be such that *all* affected can accept them freely.”<sup>29</sup> While the discourse principle can be operationalized in an appropriateness principle for moral application discourses and in a democratic principle for discourses justifying legal norms (discussed below), it can also be operationalized in technical/strategic calculations concerning pragmatic questions, and even in the nonprincipled employment of reflective judgment operative in the hermeneutic and appropriative discourses concerning ethical-existential and ethical-political questions about the good, character, and identity.

Habermas's (U) offers a procedure for testing the moral rightness or validity of proposed norms that meets four demands: it explicates the binding character of moral “ought” claims, remains at the level of formal procedures, depends on the cognitivist practice of giving reasons, and provides a universalist moral theory that transcends concrete forms of life. Unlike Kant's deontology or Rawls's theory of justice, however, discourse theory insists that, since the interests of those actually affected are morally relevant, moral validity depends on the real consensus of participants in actual discourses. It is this latter element of *intersubjectivity* at the heart of Habermas's theory that clearly sets it apart from other impartialist moral theories. The impartiality of the moral point of view can be secured only through actual reasoned dialogue, concerning consequences for individuals' concrete interests, among all those affected. Thus (U) abstracts neither from the real world of consequences nor from the self-interpretation

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29. Jürgen Habermas, *Moral Consciousness and Communicative Action*, Christian Lenhardt and Shierry Weber Nicholsen (trans.) (Cambridge, MA: MIT Press, 1990), 120.

of the needs and interests of concretely situated persons. Hence moral practices constitutively involve the need for mutual recognition, reciprocal perspective-taking, listening to others' claims, a willingness to learn from others, and a responsiveness and responsibility to other's ultimate authority to agree or disagree with intersubjectively raised validity claims.

Whence [174] the warrant for these ambitious claims concerning morality? Habermas combines a phenomenological account of the sense of normative obligation, a semantic account of the meaning of action norms, an anthropological account of our vulnerability to intersubjective misrecognition and harm, and a pragmatic analysis of the unavoidable presuppositions of engaging in practical justification (universal access to discourse, equal participation, noncoercion, decision on the weight of argument, and so on) in order to buttress his idealizing account of moral argumentation procedures. Moral philosophy, then, is another type of reconstructive science that attempts to elucidate the always-already presupposed, quasi-transcendental conditions that structure the actual moral discussions we already engage in. Philosophy itself can only elucidate the formal nature of the procedures of moral argumentation, however; it has no special access to or claim over which putative norms are actually morally justified. For in the end, this is a matter for actual agreement among the universe of persons, and a philosopher is just another participant in the universal conversation. Notably, morality in this "postmetaphysical" view is not grounded in a transcendent reality nor a particular ontological feature of the world, but rather is a thoroughly human, constructivist affair. There are no "facts of the matter" that operate as moral truth-makers; ideal warranted assertability before all affected simply constitutes moral validity.

Of course universalist deontological approaches to morality (and closely allied liberal approaches to justice) have come in for serious criticism during the same decades as Habermas developed his discourse theory; only the briefest indications of Habermas's extensive work in addressing such criticisms can be given here. First in response to cultural or historicist relativists, it should be evident that Habermas's entire program is oriented toward rebutting relativism, mainly through combining quasi-transcendental formal pragmatics with a restriction of philosophy's claims to the procedural features of moral discourses rather than the substantive first-order norms that different societies accept. Next, in response to the radical moral skeptic who doubts that there is any cognitive content to moral claims, Habermas appropriates an argument developed by Apel to the effect that the skeptic must either engage in argumentation concerning morality – and thereby performatively presuppose the very standards s/he denies theoretically (a "performative self-contradiction") – or, on pain of psychopathology, withdraw from the sociocultural form of life itself. Habermas is also quite concerned to respond to neo-Hegelian, neo-Aristotelian, and communitarian objections

to overly formalist and abstract accounts of persons' concrete identities and the thick ethical space they are embedded in. Here he repeatedly makes the Hegelian point that morality in the narrow sense requires an accommodating form of ethical life that anchors, fosters, and sustains morality in cultural understandings, social interaction patterns, and individual motivational structures. While agreeing that, in everyday life, ethical and pragmatic issues are often more pressing, salient, and difficult to resolve than moral issues, he insists on the priority of the right over the good, that is, on the way in which a small set of universally binding moral norms puts constraints on our individual and collective pursuit of context specific ethical goals and values. Finally, in response to feminist care theorists and other moral particularists who critique abstract, rule-based moralities for their insensitivity to our commitments to concrete others in nonsymmetrical relations of love, care, and concern, Habermas argues that such relationships can be morally comprehended in discourses of application that apply presumptively justified, abstract moral norms to concrete situations.

#### V. THE DISCOURSE THEORY OF LAW AND POLITICS

Nineteen ninety-two saw the publication of what might be considered Habermas's third magnum opus – *Faktizität und Geltung* – a book dedicated to a simple but extraordinarily ambitious thesis: “the rule of law cannot be had or maintained without radical democracy.”<sup>30</sup> It brings all of the tools developed over the years to the domain that is arguably most central to Habermas's thought – politics – even though politics is investigated through its institutional infrastructure in modern nation-states: law. The reason for focusing on law is already announced in the title – literally *Facticity and Validity* – for modern, putatively legitimate law systematically presents a Janus face to the conflicting phenomena it simultaneously partakes in: claiming to be ideally justified and factually efficacious, addressing individuals as autonomous subjects and as objects of coercion, employing the communicative power of the people and yet simultaneously an administrative power over the people, and so on. Adopting the multidisciplinary, pluralist approach Habermas is famous for, the study combines three main analyses: a sociological and historical account of modern law, a political philosophy justifying constitutional democracy, and a normative-cum-empirical political theory explicating deliberative democratic politics.<sup>31</sup>

30. Habermas, *Between Facts and Norms*, xlii. [\*] For a discussion of radical democracy, see the essay by Lasse Thomassen in *The History of Continental Philosophy: Volume 7*.

31. For space reasons, I omit here a fourth analysis of the book: Habermas's development of a dialogical jurisprudence aimed at comprehending the specific rationality of judicial adjudication.

From the historical-sociological point of view, the rise of modern positive law can be seen as a response both to the disintegration of medieval worldviews with their totalistic and encompassing religiously cemented certainties and to the decoupling of economic structures from direct political (and clerical) control in the form of modern capitalism; for modern positive law makes direct, secular claims of authority over the actions of individuals through the threat of coercive sanction for nonperformance, while at the same time unburdening individuals from some of the normative constraints of communicative sociation. Law thereby allows individuals, in delimited spheres such as the economy, to act rather as pure, strategic actors calculating the individual costs and benefits of various courses of action. Yet modern law cannot be legitimated through its monopoly on the coercive use of force alone, for it also makes claims to being a rational, normatively correct structuring of social interaction, claims captured in liberal and republican social contract theories and manifestly informing the eighteenth- and nineteenth-century bourgeois revolutions. To put it in the terms of *The Theory of Communicative Action*, modern positive law partakes simultaneously in communicative and systemic forms of social integration: law “talks” in terms of both ordinary communicative language and the specialized codes of media-steered subsystems.<sup>32</sup> From the point of view of Habermas’s critical social theory, this is a remarkable development, for law now occupies pride of place as a potentially effective emancipatory mechanism. Through law, communicative action can counter-steer functional subsystems [175] run amok without, however, losing the apparently irreplaceable efficiencies of capitalism and rationalized bureaucracy for material reproduction. In the central metaphor of the book, law is the “transmission belt” that transforms social solidarity and mutual recognition into binding controls over anonymous, functionally integrated economic and administrative systems.

Showing how law can be legitimate falls to a political-philosophical reconstruction of the social contract tradition, in particular of the normative core of constitutional democracy: the system of interlocked individual, political, and social rights, and the basic scheme for the separation of powers. These elements are interpreted in discourse-theoretic terms, such that the system of rights is grasped as exactly those rights individuals would need to legally grant one another if they wish to legitimately regulate their interactions through the medium of law, and the separation of powers is interpreted in terms of different ideal-typical employments of practical reason: legislation justifying legal norms, adjudication applying them, and administration making them pragmatically

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32. It should be noted that throughout the 1980s Habermas did not view law in these bridging terms, seeing modern positive law rather as itself a functionally integrated subsystem, with its own distinctive pathological form of the colonization of the life-world called “juridification.”

effective. When the discourse principle is operationalized in the domain of politics, it yields a principle of legitimacy for constitutional democracy: “only those statutes may claim legitimacy that can meet with the assent [*Zustimmung*] of all citizens in a discursive process of legislation that in turn has been legally constituted.”<sup>33</sup> This “principle of democracy” specifies a purely proceduralist understanding of legitimacy requiring democratic participation and deliberation structured according to legitimate legal norms ensuring publicity, openness, and accessibility. Notably, Habermas’s deliberative democratic account of constitutional democracy sides with the radical democratic element of classical republicanism stressed by Rousseau: citizens must be able to understand themselves simultaneously as the authors of the very laws they are subject to. But in order for such collective authorship to be legitimate, individuals, in accordance with the liberal tradition, would need to have strong individually guaranteed rights not only to political participation, but also to individual freedom and the social conditions necessary for the equal employment of their various rights. According to Habermas, this means that private and public autonomy are “equi-primordial”: individuals must have equal individual liberties but they themselves must deliberate and decide collectively about what is to be treated equally and what not. In a similar vein, democracy and constitutionalism are not antithetical ideals, but in fact mutually presuppose one another: democracy requires the rule of law to enforce procedurally required constraints, and the rule of law requires democracy to vindicate its inherent claim to normative legitimacy.

The third major analysis of law in the book concerns the institutional means by which communicative power is politically transformed into administrative power. Notable here is the extension and modification of the model of the public sphere developed in his *Habilitationsschrift* into a two-track model of politics. He now distinguishes between the informal public spheres of noninstitutionalized, heterogeneous, and relatively anarchic arenas of debate and discussion found throughout civil society, and, the formal public sphere of state institutions justifying and applying legal rules, including parliamentary, administrative, and judicial bodies. Ideally, communicative power is formed in informal public spheres in response to felt problems; this communicative power is fed as public opinion into formal public spheres that, through the “sluice gates” of legislative processes, is transformed into law that can steer administrative power. When robust deliberation in the various public spheres can underwrite the expectation of rational outcomes from this circuit of power, the state’s use of coercive force can be seen as legitimate. Of course, as Habermas recognizes, this circuit is only an ideal, honored more in the breach. Normally, power flows from economic and administrative social powers into the legislative process, ensuing

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33. *Ibid.*, 110.



in laws responsive to special interests rather than public opinion. Accepting realistic limits to his radical democratic ideals, Habermas argues that, as long as an ideal circuit of power can be put to use by a mobilized citizenry in times of heightened concern, the normal counter-circulation of power does not delegitimize the actual practices of contemporary constitutional democracies.

Since the 1990s, Habermas applied the social-political [176] theory of *Between Facts and Norms* to any number of topics in both academic and broader public discussions: multiculturalism, collective identities, and social struggles for recognition; the future of nationalism and the possibility of a nontribalist constitutional patriotism; tolerance in the liberal state between religious believers and nonbelievers; the status and character of political philosophy; citizenship rules and immigration policies; the justification of and prospects for the international extension of human rights; terrorism and the criminal law; increasing global inequalities and the ideologies and mechanisms of economic neoliberalism; and the changing face of international relations from the fall of the Berlin Wall to the unipolar moment of hegemony of the US.<sup>34</sup> For instance, in a 2003 piece notably cosigned by Jacques Derrida, he argues for a common European foreign and defense policy aligned with international law as a counter-hegemon to the lawless, unilateralist US war machine.<sup>35</sup> This last topic of European unity has been central to Habermas's latest political writings, as he argues for the adoption of a European constitution and the development of a European federalism that could realize the normative ideals of deliberative democratic constitutionalism on a transnational level.

Habermas has also devoted much attention to reconstructing and justifying the general outlines of Kant's cosmopolitan project for a supranational or global order. His argument here is that the ideals of constitutional democracy are not best realized in a single global government but rather in the medium of law itself. Specifically, he argues for a constitutionalization of extant international law with an invigorated United Nations dedicated to securing human rights and promoting peace at the global level, while at the regional level, transnational blocs would adopt various modes of federation, with democratic legitimation fed through the already existing participatory mechanisms of nation-states. In essence, this proposal radicalizes an idea already in *Between Facts and Norms*, namely, a desubstantialized, proceduralist understanding of democratic

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34. Most of Habermas's recent political writings can be found in the following collections in English: *The Inclusion of the Other: Studies in Political Theory*, Ciaran Cronin and Pablo De Greiff (trans.) (Cambridge, MA: MIT Press, 1998); *The Postnational Constellation: Political Essays*, Max Pensky (ed. and trans.) (Cambridge, MA: MIT Press, 2001); *Time of Transitions*, Ciaran Cronin and Max Pensky (eds and trans.) (Cambridge, MA: MIT Press, 2006); and *The Divided West*. Ciaran Cronin (ed. and trans.) (Malden, MA: Polity, 2006).

35. Jürgen Habermas, "February 15, or: What Binds Europeans," in *The Divided West*, 39–48.

sovereignty as no longer invested in a delimited set of citizens making up a bounded *demos*, but rather as resting in the very communicative structures and democratic procedures that allow for decisions to be made only in the light of sustained public criticism and testing.

## VI. SYSTEMATIC PHILOSOPHICAL CONSOLIDATION

Since 1990, in addition to work on the broad themes treated throughout his critical social theory, Habermas began to publish various pieces that might be considered more in the domains of traditional philosophy, specifically concerning ultimate questions of human meaning and concerning epistemology and metaphysics. Hence these years might be characterized as a kind of systematic philosophical consolidation, tying up various loose ends and addressing topics previously held slightly out of reach. In the domain of questions of ultimate human meaning, two topics deserve mention. First, Habermas has written increasingly on topics concerning religion: appreciative essays on prominent theologians, interviews and articles treating the Christian and Jewish origins of ideas and thought complexes close to his work, and a reassessment of Enlightenment modernism. Notable here was an exchange in 2004 with then-Cardinal Ratzinger (soon to become Pope Benedict XVI), which contained an apparent shift in tone, if not wholly in substance, from his sociological theory of modernity developed two decades earlier.<sup>36</sup> For while *The Theory of Communicative Action* couched modernization as a learning process involving the progressive rationalization of life-world structures, it also couched these very same processes in classical sociological terms: as the “disenchantment of religious-metaphysical worldviews” and the “loss of the authority of the sacred canopy.” [177] In the Ratzinger exchange and elsewhere, however, Habermas is more sensitive to what has been lost with the changes in consciousness that he interprets as the linguistification of the sacred and as unambiguously leaving us in a postmetaphysical condition. Thus he now stresses that secular reason – which he still staunchly defends – must apply the canons of reflexivity to its own thinking, and open itself to potential learning in which the irreplaceable symbolic and expressive potentials of religious experience are not wholly excluded, especially its sensitivity for diagnosing individual and societal losses, disfigurements, and pathologies. This idea is also evident in his intervention

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36. Jürgen Habermas and Joseph Ratzinger, *The Dialectics of Secularization: On Reason and Religion*, Brian McNeil (trans.) (San Francisco: Ignatius Press, 2006), 43–4. See also the following collections of Habermas’s articles in English: *Religion and Rationality: Essays on Reason, God, and Modernity*, Eduardo Mendieta (ed.) (Cambridge, MA: MIT Press, 2002), and *Between Naturalism and Religion*, Ciaran Cronin (trans.) (Malden, MA: Polity, 2008).

into debates, spurred by Rawls, concerning the public, political use of religious reasons where, in contrast to Rawls's endorsement of a restricted code of religiously cleansed "public reason," Habermas argues that religious reasons must be allowed in the informal political public spheres both for functional reasons and so that the special sensitivities of religious language for ethical deformations may be drawn on, as long as these reasons can be translated into secular reasons in the formal political sphere.

The other important work on ultimate questions of human meaning concerns Habermas's intervention into bioethical debates, specifically concerning the ethics of liberal eugenics, that is, genetic interventions by potential parents aiming to improve or optimize their offspring in some way or another.<sup>37</sup> Supporting the conclusion that we should not engage in liberal eugenics, he argues that various forms of genetic technology would, if employed, fundamentally alter our species-wide self-understanding of ourselves as individual beings who are authors of our own lives and responsible for that authorship. But this massive change in our species-wide ethical-existential understanding of ourselves would then undermine our moral self-understandings as responsible authors of our own lives. At the very least, in suggesting an altered understanding of the relation between ethical values and moral principles, whereby context-transcendent moral principles are taken to be embedded in a context-specific ethical worldview – admittedly a worldview that is allegedly species-wide – this argument will force a reconsideration of central meta-ethical issues in Habermas's work.

In the 1999 *Truth and Justification*, Habermas has clarified and restated his epistemological and metaphysical views. His first serious go at a theory of truth was in the 1973 paper "Wahrheitstheorien," where he laid claim to a "consensus" theory of truth: statements are true when they have been agreed to by all dialogue participants under ideally extended conditions of justification.<sup>38</sup> He thereby rejected both correspondence theories of truth – for naively supposing linguistically and conceptually unmediated access to brute facts – and coherence theories of truth – for overinflating the significance of linguistic mediation to the degree that they ignore the responsiveness of truth claims to states of affairs. However, at least since 1999, Habermas has abandoned a purely epistemic theory of truth in terms of ideal assertability conditions in favor of a version he calls pragmatic realism. Here he is careful to differentiate truth and ideal warranted assertability

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37. Jürgen Habermas, *The Future of Human Nature*, Hella Beister, Max Pensky, and William Rehg (trans.) (Malden, MA: Polity, 2003).

38. Jürgen Habermas, "Wahrheitstheorien," in *Wirklichkeit und Reflexion: Festschrift für W. Schulz*, H. Fahrenbach (ed.) (Pfullingen: Neske, 1973). That Habermas was never satisfied with this working paper is evinced by the fact that he never let it be published in English translation.

in order to emphasize that, unlike in the case of justified moral and legal norms, truth is not constituted or exhausted by agreement under ideal conditions. There is always the possibility that the empirical propositions we agree to, even under ideal conditions, could be false. We should thus acknowledge the different ways in which claims to truth function in everyday life and in reflexive discourses. In our everyday dealings with the world we are firm realists, convinced of the unconditionality and context-transcending validity of truth claims: “we do not walk onto any bridge whose stability we doubt.”<sup>39</sup> Yet when we engage in reflective discourse about particular truth claims, for instance in scientific investigation, we realize that truth claims are epistemically tied to unavoidably linguistic practices of justification, are inherently fallible, and ultimately are only under ideal conditions redeemable to an unlimited communication community.

This change in the understanding of truth has led to the recognition of a need for a theory of reference, and here Habermas has largely endorsed Hilary Putnam’s theory of direct reference, thereby confirming what was always implicit: his epistemological realism. From the pragmatic point of view, our knowledge-gathering practices stem from problem-solving interventions in the world, interventions that make intersubjective learning processes possible through error correction and responsiveness to objections. Antirealist linguistic idealism cannot account for surprising experiences that outstrip our current linguistic frameworks, while hyperobjectivist faith in direct access to brute reality ignores ineliminably intersubjectivist practices of justification. In addition, he has sought to incorporate Robert Brandom’s inferentialist semantics as a natural complement to universal pragmatics even as he is wary of Brandom’s exclusive focus on representational uses of language to the exclusion of communicative uses.<sup>40</sup> Finally, Habermas endorses what he calls a “weak naturalism” that treats both the natural and the sociocultural worlds as objective domains open to empirical investigation, yet rejects a reductivist “strong” naturalism. The normative self-understanding of competently speaking and acting subjects simply cannot be done justice to in a reformulated causal language of objectively observable events and states of affairs; the hermeneutic perspective is irreplaceable for comprehending the life-world, even as we need not thereby endorse hermeneutic idealism.

In the end, Habermas continues to defend communicative practices as the immanent locus of the transcendent, since the pragmatic presuppositions of linguistic interaction are themselves the point at which regulative ideals of reason become actually effective. Yet whether reconstructing the achievements

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39. Jürgen Habermas, *Truth and Justification*, Barbara Fultner (trans.) (Cambridge, MA: MIT Press, 2003), 39.

\*40. For a discussion of Brandom and naturalism, see the essay by John Fennell in *The History of Continental Philosophy: Volume 8*.

of theoretic reason in terms of a Kantian pragmatism or acknowledging the losses and social deformations attendant to secularization, he continues to insist that we must attend not only to the ideals of reason but also to their potential illusions and misuse. The point, finally, of such an ambiguous assessment of reason and modernity is precisely to develop a robust critical theory, a systematic, interdisciplinary theory oriented toward human emancipation in all its forms.

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