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Ethics and Politics in the Work of Jürgen Habermas

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Political philosophy is more than ethical theory. It must attempt to formulate categories appropriate to partisan struggles for power, situations in which ethical considerations cannot be the exclusive focus of attention. What, then, is the role of ethical theory in political philosophy? This essay explores the view of Jürgen Habermas, the most significant contemporary German political philosopher, on this issue.

In section I, Habermas' ethical theory, termed a "communicative ethics", will be sketched. In section II the problem for political theory of the relationship of ethics to power considerations will be introduced through a discussion of how this issue was confronted by two earlier German political theorists, G. F. W. Hegel and Max Weber. It then will be shown how this problem emerges within Habermas' own theoretical framework. Two arguments Habermas presents for the "priority" of his communicative ethic over power considerations will be dissected in section III. These arguments attempt to show that the exercise of power is a derivative phenomenon, dependent upon communicatively established norms. It will be argued that neither of these arguments ultimately is compelling. In the final section a third argument is considered. This argument differs from the earlier two in granting the nonderivability of power factors. But it concludes nonetheless that the principles formulated in Habermas' communicative ethic provide a foundation for an adequate political theory. It is suggested that this final argument is worthy of our attention.

I. HABERMAS' COMMUNICATIVE ETHIC

Jürgen Habermas is the leading contemporary representative of the so-called "Frankfurt School" of social theory.[1] The members of the Frankfurt School from the beginning referred to their work as "critical theory" But criticism can only be made by reference to some standard. And the earlier thinkers of the Frankfurt School failed to face the question of normative standards adequately. They therefore neglected to articulate a satisfactory foundation for their social critiques.[2] Jürgen Habermas has realized this and has devoted great effort to-

1. For a discussion of Horkheimer, Adorno, and the other members of the Frankfurt School prior to Habermas see Martin Jay's *The Dialectical Imagination* (Boston: Little, Brown, 1973.)

2. Their critique took the form of showing that liberal bourgeois society could not meet its own claim to fulfill values such as liberty, or equality. The problem with this procedure is that when

wards working out a normative foundation for a critical social theory. The foundation, he claims, is to be found in a "communicative ethic" The outline of this communicative ethic will be presented in the remainder of this section.

For Habermas, the normative standard which serves as the foundation for a critical social theory is that of the "universalizable" or "generalizable" interests of the members of society. This option for a principle of universalizability, he claims, does not rest on a subjective and ultimately irrational decision. Instead it is "built into" the structure of communication. Briefly, Habermas derives this principle through an explication of conceptual connections among the following notions: "communicative action," "validity claims," "discourse," "ideal speech situation," and "principle of universalizability."[3] In *communicative social action, validity claims* are made. The acceptance of these claims forms a "background consensus" without which the language game in question would cease to function. These claims are accepted only as long as the participants find it plausible to assume that they could be shown to be worthy of recognition were they to be called into question. When this assumption is no longer present, then either the communication breaks down or an immanent transition is made to a *discourse* situation in which the validity of the claims is tested through argumentation. If this argumentation is to be rational—as it must be, if the distinction between "the force of the better argument" and "argument by force" is to be respected—then an *ideal speech situation* is anticipated. And in an uncoerced discourse within which an ideal speech situation is anticipated only those claims which embody *generalizable interests* would be agreed upon. *Hence there is a nonarbitrary link between "communicative action," on the one hand, and the "principle of universalizability," on the other, a link mediated by* an analysis of an immanent connection between the validity claims necessarily made in communication and the testing of those claims in uncoerced discourse.

Many may not find this argument immediately compelling. Let us examine more closely the two key propositions which Habermas must establish: (1) The anticipation of an ideal speech situation is not based on a merely arbitrary decision, and (2) The ethical principle of universalizability is "built into" speech which anticipates an ideal speech situation.

Proposition (2) is unproblematic. In a discourse without coercion the participants would agree only to proposals and evaluations in their interest. And so any consensus reached would be an expression of generalizable interests. It is proposition (1), then, upon which Habermas' argument rests.

Habermas' efforts to establish proposition (1) rest on a unique sort of argument, with a unique structure and—most importantly—with conclusions

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bourgeois society entered its positivistic phase in which these values were no longer referred to, the basis for the critique was lost. See Habermas' discussion of Adorno in *Philosophisch-politische Profile* (Frankfort: Suhrkamp, 1973).

3. Cf. Habermas' article "What is Universal Pragmatics?" in *Communication and the Evolution of Society* (Boston: Beacon Press, 1979) for a fuller discussion.

which claim a unique status. We can term this argument a *tu quoque* ("you also") argument.*

Let us suppose that someone is attempting to refute Habermas' thesis by imagining some more or less involved counter-example (a typical pastime of philosophers!) in which the ideal speech situation is not presupposed. Habermas, I think, would claim that his thesis that an ideal speech situation is anticipated in all communicative speech can be defended and rationally affirmed *prior* to hearing the results of the ingenuity of philosophers in constructing counter-examples. This can be done simply by considering the process whereby the philosophers who had imagined the counter-example would attempt to convince their colleagues that it indeed constituted a refutation of Habermas' notion of the ideal speech situation.

A refutation can be undertaken only through the presentation of arguments. It is, of course, always possible for a speaker to bring about a change in the attitude of his or her audience towards a thesis through the threat of force. Ordinary usage, however, quite correctly refuses to term such a process of manipulation a "refutation." An argument which is to count as a refutation brings with it a claim to be rationally compelling. Or, in other words, it is an argument which would be accepted in a situation where the force of the better argument—and not argument by force—prevails. And it is precisely this situation which the description of the structure of an ideal speech situation attempts to explicate. Thus *any* attempt at refuting the notion of an anticipation of an ideal speech situation—which, qua refutation, must be presented as an argument—itself *presupposes* that anticipation. Of course this does not mean that Habermas' theory of the ideal speech situation cannot be revised in the sense of being open to proposals for clearer formulations, or conceptualizations which bring out aspects neglected in Habermas' account. It means instead that the general point of Habermas' thesis cannot be revised or refuted because any attempt to do so itself presupposes what it set out to question.

So far, all that has been established through Habermas' *tu quoque* argument is that rationally presenting an argument involves the presupposition of an anticipated ideal speech situation. Could not one grant that on the level of argumentation the ideal speech situation indeed is anticipated, but that the move to the level of argumentation itself involves a nonrational decision? In other words, a new objection might be formulated which might state that *if* one is in the language game of argumentation, *then* the ideal speech situation may indeed be anticipated, but in presupposing that we are in this language game Habermas has begged the question. For argumentation is surely not the only language game. And so the *tu quoque* argument has at best a restricted significance: it does not establish the relevance of the ideal speech situation to any other language game besides that of argumentation.

We are already familiar with Habermas' reply to this objection from the pre-

ceding discussion. Any functioning language game—that is, any language game within which an exchange of speech acts takes place such that communication occurs—presupposes a background consensus. That background consensus is not part of an immutable order; for any number of reasons it may break down. When it does break down, if the communication is to be reestablished, that which was taken for granted before must then be made a subject for discussion and argument. Thus *any* functioning language game *always* has an immanent connection to the language game of argumentation. The ideal speech situation—and the "principle" of universalization built into its structure—does not rest upon any arbitrary choice that we make, beyond the "choice" that always has already been made for us to be communicating beings:

> Anyone who does not participate, or is not ready to participate in argumentation stands nevertheless "already" in contexts of communicative action. In doing so, he has already naively recognized the validity claims—however counterfactually raised—that are contained in speech acts and that can be redeemed only discursively. Otherwise he would have had to detach himself from the communicatively established language game of everyday practice.[5]

We may summarize the discussion thus far with the following argument:

Premise 1: The anticipation of an ideal speech situation is not based on an arbitrary decision.

   Premise 2: A "principle" of universalizability is built into the communication anticipating an ideal speech situation.

   Conclusion: Therefore the acceptance of a principle of universalizability is not arbitrary and based on mere decision.

Premise 1 is justified by the fact that an anticipation of the ideal speech situation is built into the structure of all communication. Premise 2 follows from the fact that in an uncoerced speech situation participants would agree only to what was in their interest, so any consensus reached would be an expression of generalizable interests.

Armed with this principle of universalizability Habermas feels he has provided a foundation for critical social theory. The principle of universalizability provides a standard which allows the theorist to critique those social systems in which for structural (noncontingent) reasons the generalizable interests of its members are not met (a set which he—as a neo-Marxist—feels includes all class societies).

The ultimate cogency of Habermas communicative ethic will not be examined here.[6] Instead we shall be concerned with Habermas' attempt to extend

5. *Legitimation Crisis in Late Capitalism* (Boston: Beacon Press, 1975), p. 159 (henceforth "LC").
   6. See my "Values in the Social Science of Weber and Habermas," *Philosophy and Social Criticism*, vol. 8 no. 1, for a detailed analysis of Habermas' communicative ethic.

the force of the principle of universalizability beyond the realm of ethical theory. For he claims that his communicative ethic provides the first principle for an adequate political philosophy as well. As was noted at the beginning of this paper, the political realm is intimately tied up with considerations of power. Therefore even if we grant for the sake of argument that Habermas' communicative ethic is adequate as an *ethical* theory a further question is posed as soon as Habermas claims a specifically *political* relevance for his theory: How does this ethical viewpoint relate to power considerations?

In the next section the attempt will be made to situate Habermas' response to this question within the German tradition of political theory. Two of his predecessors, G. F. W. Hegel and Max Weber, will be discussed. They both faced the question of the relation between ethics and politics, arriving at quite divergent conclusions. Then we shall show how this issue emerges within Habermas' own framework.

II. ETHICS AND POLITICS IN HEGEL AND WEBER

A. Hegel

A tension between ethics and politics is thematized in Hegel's writings. This tension can be approached from two angles. On the one hand the politically powerful often enough are precisely those with the least developed moral sensibility, for

> Passions, private aims, and the satisfaction of self desires, are . the most
> effective springs of action. Their power lies in the fact that they respect none of
> the limitations which justice and morality would impose on them.[7]

On the other hand the most virtuous individuals and peoples often enough have suffered tragic fates in political history, leading Hegel to call history "the slaughter-bench at which the happiness of peoples, the wisdom of states, and the virtue of individuals have been victimized."[8] Reflection on this state of affairs easily leads to "intolerable disgust" of the political realm.

Hegel, however, rejects this standpoint. He says of this feeling of disgust that "it is not the interest of such sentimentalities really to rise above those depressing emotions; and to solve the enigmas of Providence which the considerations that occasioned them present."[9] In his view it is this task of solving the "enigmas of Providence" that must be faced. And it is philosophy which accepts this challenge: "Philosophy wishes to discover the substantial purport, the real side of the divine idea, and to justify the so much despised reality of

7. G. F. W. Hegel, *The Philosophy of History* (N.Y.: Dover, 1956), p. 20.
8. *Ibid.*, p. 21.
9. *Ibid.*, p. 21.

things."[10] Specifically, Hegel feels that he has resolved these enigmas in his philosophy of history. When history is properly grasped, he asserts, the tension between ethics and politics is transcended: "The insight then to which . . . philosophy is to lead us, is, that the real world is as it ought to be—that the truly good—the universal divine reason—is not a mere abstraction, but a vital principle capable of realizing itself."[11] How does Hegel justify this conclusion?

The core of Hegel's philosophy is found in his *dialectical metaphysics*. The basic thought behind this metaphysics is that realism (the view that universals have independent existence, are "real") and nominalism (the opposed metaphysical position that universals are mere names, that concrete individuals alone are real) are both equally one-sided. For Hegel, "the true is the whole", that is, the true consists of universals and the concrete individuals in which they are manifested taken together as a dialectical unity-in-difference: "The union of universal abstract existence generally with the individual . . is truth."[12]

The political realm is not an exception to this reconciliation of universal and individual. Hegel's term for the universal moment in history is the "World Spirit", while individuals here are the particular epochs in world history. The thesis of the unity of universal and individual thus means in this context that the development of the history of the world "has been a rational process . the history in question has constituted the rational necessary course of the World-Spirit—that Spirit whose nature is always one and the same, but which unfolds this its one nature in the phenomena of the world's existence."[13]

From this perspective the "tension" between ethics and politics takes on a new light. We can return to the two instances of that tension mentioned at the beginning of the present subsection. Hegel's term for those who have stood victoriously upon the political stage while being motivated by "immoral" passions is world historical individuals. He insists that it is a category mistake to apply moral categories to such people. With these individuals, the adequate viewpoint is to see how their "own particular aims involve those large issues which are the will of the World-Spirit."[14] Their conduct still may often have been "obnoxious to moral reprehension."[15] But nonetheless

> they were thinking men, who had an insight into the requirements of the time
> —*what was ripe for development.* . . It was theirs to know . . the necessary, directly sequent step in progress, which their world was to take; to make this their aim, and to expend their energy in promoting it.[16]

There remains to be considered cases in which the ethically superior come to naught in the realm of political activity. Here Hegel distinguishes a merely

10. *Ibid.*, p. 36.
11. *Ibid.*, p. 36.
12. *Ibid.*, p. 25.
13. *Ibid.*, p. 10.
14. *Ibid.*, p. 30.
15. *Ibid.*, p. 32.
16. *Ibid.*, p. 30.

"subjective" from a "true and substantial" standpoint. If one's ethical convictions are of merely individual significance, then one indeed can be alienated from the political realm. But if one's principles are reconciled with the universal principle governing world history, then they "will inevitably attain actual existence—be realized."[17] Only then is the subjective will "true", for "Truth is the unity of the universal and subjective will."[18]

In summary, for Hegel a tension between ethics and politics does exist. But it exists only on the level of the merely subjective attitudes of individuals. On the level of world history, a level which is for Hegel "higher" and "truer", this tension is overcome:

> They who on moral grounds, and consequently with noble intention, have resisted that which the advance of the spiritual idea makes necessary, stand higher in moral worth than those whose crimes have been turned into the means—under the direction of a superior principle—of realizing the purposes of that principle. But in such revolutions both parties generally stand within the limits of the same circle of transient and corruptible existence. Consequently it is only a formal rectitude—deserted by the living Spirit and by God—which those who stand upon ancient right and order maintain.   . Moral claims that are irrelevant, must not be brought into collision with world-historical deeds and their accomplishment. The litany of private virtues—modesty, humility, philanthropy and forbearance—must not be raised against them.[19]

B. Weber

Weber's political theory, no less than Hegel's, has a metaphysical dimension. But the metaphysics implicit in Weber's view fundamentally reject Hegel's belief in "Providence". It is based instead upon what Weber terms "the ethical irrationality of the world".[20] On this view the cosmos is ultimately indifferent to human moral effects. There are no metaphysical guarantees that in the course of human history the ethical and the political ultimately will be reconciled. In fact, just the opposite is the case. Ethical irrationality is an *intrinsic* feature of the political realm:

> "Public political activity leads to a [great] surrender of rigorous ethical requirements .   . since political activity is oriented to average human qualities, to compromises, to craft, and to the employment of other ethically suspect devices and people, and thereby oriented to the relativization of all goals."[21]

Chief among these "ethically suspect devices" is the use of force. Indeed for Weber it is violence which *defines* the political sphere:

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17. *Ibid.*, p. 24.
18. *Ibid.*, p. 39.
19. *Ibid.*, p. 67.
20. Gerth and Mills, eds., *From Max Weber* (N.Y.: Oxford U. Press, 1958), p. 122.
21. Max Weber, *Economy and Society* (N.Y.: Bedminster Press, 1968), p. 593.

> It is absolutely essential for every political association to appeal to the naked violence of coercive means in the face of outsiders as well as in the face of internal enemies. It is only this very appeal to violence that constitutes a political association in our terminology. The state is an association that claims the monopoly of the *legitimate use of violence*, and cannot be defined in any other manner.[22]

Since "the very success of force, or the threat of force, depends ultimately upon power relations and not on ethical 'right', even were one to believe it possible to discover objective criteria for such 'right',[23] the conclusion that must be drawn from an ethical perspective is "the theoretical insight that the political apparatus of force could not possibly provide a place for . . rational ethics."[24]

Based upon this analysis Weber concludes (a) that the political realm is in an irresolvable tension with the ethical sphere, and (b) that "power" rather than any ethical principle must be the ultimate category employed in political theorizing. In his view one is forced to choose between an apolitical ethics or an amoral politics: "He who seeks the salvation of the soul, of his own and others, should not seek it along the avenue of politics, for the quite different tasks of politics can only be solved by violence" [25]

III. HABERMAS ON THE ALLEGED "PRIORITY" OF COMMUNICATIVE ACTION OVER STRATEGIC CONSIDERATIONS OF POWER

Habermas follows Weber in his rejection of the idea of an immanent logic in history unfolding itself with rational necessity.[26] He therefore also rejects the Hegelian idea that the tension between ethical values and political power relations is somehow automatically overcome on the level of world history. But neither does he accept Weber's dismissal of ethical considerations from the political realm. As was stated above, Habermas feels that his communicative ethic provides a foundation for a specifically *political* standpoint. How would he respond to the Weberian thesis that he is wrong here, that "power" is the appropriate first principle of political theory?

In a first response he might reply that the *tu quoque* argument established that the principle of universalizability cannot be rejected or even revised fundamentally. But a close re-examination of the *tu quoque* argument seems to suggest that this defense cannot be made here. *The* tu quoque *argument only works*

22. *From Max Weber, op. cit.,* p. 334.

23. *Ibid.,* p. 334.

24. *Economy and Society, op. cit.,* p. 593.

25. *From Max Weber, op. cit.,* p. 126.

26. Habermas' most explicit assertion of this point is found in "Literaturbericht zur philosophischen Diskussion um Marx und den Marxismus" in *Theorie und Praxis* (Frankfort: Suhrkamp, 1971).

within the context of communicative action. Someone who is authentically communicating of necessity makes certain validity claims whose very sense is that these claims could be defended in a discourse anticipating an ideal speech situation, were they to be called into question. In an uncoerced discourse the participants would agree only to what was in their interest, and so any consensus reached would embody generalizable interests. And so a principle of universalizability is presupposed within all communication, even the communication of those whose intention is to reject or revise that principle. But in power struggles whatever communication might exist is *not* oriented towards the attainment of a rational consensus. It is oriented instead to success, to victory. One does not want to convince the other, but to *defeat* him or her. Rather than implicitly presupposing the principle of generalizable interests, the person or group engaged in power struggles explicitly and consistently *negates* the interest of the opponents in their victory and avoidance of defeat. Hence the *tu quoque* argument has no force in this context.

It often is asserted that Habermas is not aware of this difficulty, that he is guilty of a "reduction of 'praxis' to communication."[27] If this were the case his political philosophy would not be worthy of further consideration. This interpretation, however, is quite mistaken. For example, in referring to the institutionalization of discourse which he advocates Habermas writes "that such institutionalizations . . . have not been themselves the result of discourses but rather of struggles, normally of class struggles, is trivial."[28] This fact points to the necessity of what Habermas terms *strategic action* in the political realm, an action-type oriented towards *success* rather than mutual understanding. In the formulation of tactics to attain success the "other" is not one with whom one communicates. Here the "other" is one against whom one struggles with a "declaration . . . of the temporary incapacity for dialogue on the part of the strategic opponent."[29] In strategic action "the opponent . . . has been excluded by the breaking off of communication."[30]

Within Habermas' own thought, then, the tension emerges between power consideration (strategic action) and ethical considerations (his communicative ethic). This presents him with the following theoretical task. In order to maintain that his communicative ethic provides an adequate foundation for a specifically political theory, Habermas feels that he must show that communicative action has priority over strategic action *within the political realm*. We next shall discuss two arguments by means of which he attempts to draw this conclusion, one on a microsociological plane and one on a macrosociological

27. Connerton, Paul: *The Tragedy of Enlightenment* (N.Y.: Cambridge U. Press, 1980), p. 108.

28. *Zur Rekonstruktion des historischen Materialismus* (Frankfort: Suhrkamp, 1976), p. 331 (Henceforth "RHM") Translations from the German are my own.

29. *Theory and Practice* (Boston: Beacon Press, 1973), p. 39 (henceforth "TP").

30. *Ibid.*, p. 38.

level.[31] Both of these arguments maintain that strategic action is derived from (or, to put the point yet more strongly, is parasitic upon) communicative action.

On a microsociological level Habermas writes that "the family cannot be even pictured as a . . . network of strategic action." This, he concludes, suggests that "Life relations which are built around direct understanding in a certain sense are fundamental."[32] Here we have hints of an argument which might be reconstructed as follows:

1. The formation of the identity of a "self" can occur only within a context of communicative action (institutions such as the family provide this context).

2. Since to act strategically is to act in one's *self*-interest, strategic action presupposes the formation of the identity of a "self."

3. Therefore, communicative action is in this sense prior to strategic action.

The first proposition is an empirical hypothesis which can be assumed true here. The second proposition is a tautology. Given these premises the conclusion indeed follows. But what is established by such an argument? The argument provides compelling reasons for parents to treat their children communicatively. But does it provide reasons for these same parents to grant "priority" to communicative action when they themselves act in the world? In a conflict situation among adults in which a choice is required between communication oriented towards consensus with the other and strategies oriented towards success against the other, this argument seems quite irrelevant.

In other writings Habermas admits as much. He writes that on a microsociological level in contexts outside the private sphere of the family it appears that the "decisionism problematic" remains, that one can simply "*choose* between consensual and strategic action."[33] But in his view "this appearance is an artifact of a manner of consideration which individualistically proceeds from the modes of action of isolated individuals and contractual behavior in small groups." His fundamental argument for the priority of communicative action, then, lies on the macrosociological plane: "that also individuals in situations rich in political consequences cannot arbitrarily choose between the orientation of a consensual or a strategic actor becomes clear as soon as whole social systems are taken as the point of reference for analysis." This is because "Societies cannot indefinitely replace intersubjectively valid institutions and norms of action obviously in need of legitimation with maxims of purposeful-rational ac-

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31. The systematic employment of sociological considerations is characteristic of Habermas' political philosophy.

32. These remarks are found in *Materialien, op. cit.* They were made in response to queries from Thomas McCarthy, who was the first to remark on the importance of showing the priority of communicative action for the coherence of Habermas' position.

33. RHM, p. 340. The following quotations are from the same passage.

tion . . This means that on the level of social systems that possibility of choice which to a certain extent we may grant to individuals normally doesn't exist: the possibility of deciding between consensual and nonconsensual forms of conflict regulation."

With what argument does Habermas attempt to establish this conclusion? His argument can be reconstructed in the following steps.

1. The success sought in strategic action depends upon power. This proposition may be granted at once.[34]

2. On the political level power is not *the* fundamental reality. For "the political system cannot dispose of power at will. Power is a good for which political groups compete and with which political leadership disposes, but both in a certain way find this good, they do not produce it. That is the weakness of the powerful—they must borrow their power from the producers."[35]

3. This "production" of power occurs through the bestowing of recognition. "Strategic disputes concerning political power have neither called forth nor continued the institutions in which they are anchored. Political institutions do not live from power, but from recognition."[36]

4. This recognition in turn depends upon an acceptance of certain cultural norms in terms of which the political order can be legitimated. For "When binding decisions are legitimate, that is, when they are made independent of concretely exercised force and manifestly threatened sanctions and likewise regularly can be carried through—even against the interests of those concerned—then they must be able to count as the fulfilling of recognized norms."[37]

5. These cultural norms do not reside in some Platonic realm. "They have concrete significance only for acting subjects who meet one another on the level of intersubjectivity."[38]

6. Finally, to have validity on the level of intersubjectivity the norms must be thought to be capable of being agreed upon in communication. "This normative validity distinct from power rests on the belief that one can justify the norm and defend it against critique in a given case."[39]

Habermas thus attempts to establish that communicative action is prior to strategic action through showing that the reality of "power" is not as fundamental as that of "legitimation." His conclusion follows from the above six premises:

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34. In strategic situations the balance of power determines the results, for "normally, power is asymmetrically divided; then one side can hinder the other in the (strategically effective) following of their own interests, or the one side can force their own interests on the other." *Theorie der Gesellschaft oder Sozialtechnologie?* (Frankfort: Suhrkamp, 1971), p. 252 (henceforth "TdG").

35. *Politik, Kunst, Religion* (Stuttgart: Reclam, 1978), p. 120 (henceforth "PKR").

36. *Ibid.*, p. 117.

37. TdG, p. 244.

38. *Ibid.*, p. 251.

39. *Ibid.*, p. 244.

Social systems therefore cannot do without taking up normative validity claims (which according to their sense are only redeemable discursively alone) as need demands. They cannot repress the legitimation problems which result from the implicitly rational structure of linguistically mediated interaction without begetting negative consequences.[40]

On the political level, then, the power required for successfully engaging in strategic action is not an ultimate phenomenon. It instead is derived from recognition begotten in communicative interaction. If this argument for the priority of communicative action works, then there are good reasons for constructing a political philosophy within which universalizability, rather than power, is the first principle.

Habermas' argument, however, is not sufficient as it stands. Rather than having established the priority of communicative action over strategic action, all that he has shown is the need for a justification of authority within social systems. He has not yet shown that the principle of universalizability need be especially relevant in this context. To the extent that a normative framework is successfully established which legitimates an asymmetrical division of need satisfaction, *structural power* is instituted and can be made stable as a result of functioning ideologies. Here the ethical principle of universalizability does *not* play any role. As Habermas writes,

Structural power is embedded in political institutions (and not only in them). Structural power manifests itself not *as power*; much more it unnoticeably blocks those communications in which legitimation-effective convictions form and grow . . In systematically restricted communication the participants subjectively form convictions without manifest force, but convictions which are illusionary; thereby they produce communicatively a power which—as soon as it is institutionalized —also can be applied against the participants themselves.[41]

Thus while "legitimation" on the political level may be more fundamental than "overt power," *it itself may be a form of "structural power."*

Habermas' first reply to this turn of the argument would be that this achievement is always potentially unstable:

Were the systematic restrictions on communication loosened, then the participating individuals and groups could come to the consciousness that ersatz satisfactions are bound up with the accepted legitimations through which repressed needs not licensed by the institutionalized values were virtualized.[42]

But this potential is not enough. And so Habermas points to what he considers structural mechanisms leading to an actual "loosening." This move is found in his theory of legitimation crisis. Briefly, Habermas' argument is that while in the past the structural power of ideologies might have been effective, in con-

40. RHM, p. 341.
41. PKR, p. 121.
42. TdG, p. 259.

temporary societies there are reasons to think that this is no longer the case. The attempt to construct a political philosophy whose operative principle is universalizability, therefore, is not based on a merely arbitrary decision. For a contemporary social system based on any other principle is systematically prone to legitimation crisis.

Habermas presents his theory of legitimation crisis within a general theory of structural tendencies to crisis in late capitalism, a theory which distinguishes economic, political, and cultural forms of crisis. Neither of the first two crisis-forms need overcome structural power.

Habermas points out that the present economic crisis has had a *disciplining* rather than a radicalizing effect on the members of industrial societies such as West Germany and the United States, an effect manifested in the conservative tendencies on the part of labor in these countries.[43]

He has come to similar conclusions with respect to *political crisis* tendencies. Caught between the conflicting demands of individual capitalist interests, the collective capitalist interest in the continued functioning of the system as a whole, and the need to keep up the appearance that the state functions "for the people," the rationality of state administrative decisions breaks down. Rationality deficits in administrative decisions then lead to a disorganization in the lifespheres of the members of the polity. But:

> Bankruptcy and unemployment mark unambiguously recognizable thresholds of risk for the nonfulfillment of functions. The disorganization of areas of life moves, in contrast, along a continuum. And it is difficult to say where the thresholds of tolerance lie and to what extent the perception of what is still tolerated—and of what is already experienced as intolerable—can be adapted to an increasingly disorganized environment.[44]

This brings us back to the notion of *structural power*. It is structural power, manifested in "illusionary convictions," "which—as soon as it is institutionalized—also can be applied against the participants themselves." It is structural power when workers whose lives suffer from the consequences of economic crisis are disciplined in their wage demands rather than radicalized. It is structural power when those whose lives are increasingly "disorganized" as a result of political decisions made to further capital accumulation react with tolerance.[45]

Habermas' theory of legitimation crisis is intended to establish that structural power does not "have the last word" in contemporary society. He presents a quite elaborate argument in making this case. The presupposition of this argument is that a legitimation crisis will result if the motives of social actors are sufficiently "dysfunctional" for the social system in question. Legitimation cri-

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43. Cf. the interview with Habermas published in *Telos*, Spring 1979, no. 39.
44. LC, p. 26.
45. What Habermas terms "structural power" usually is termed "ideological hegemony" in Marxist literature.

sis is based upon motivation crisis.[46] This presupposition being granted, the steps of the argument are as follows.[47]

1. It must be shown that established forms of motivation which are "functional" (that is, the "illusionary convictions" in which structural power has been manifested) are losing their force.

2. It must be shown that new forms of motivation are being established which are not only not functional for the social system but are actually dysfunctional, and

3. It must be shown that there are no other forms of motivation established which are functional in the sense of maintaining existing structural power, *or* it must be shown that even if "illusionary convictions" remain their motivating force is for structural reasons less than that of the dysfunctional motivations established in step (2).

There is not space here to examine (1) in detail. An example of Habermas' argumentation is the claim that the "achievement ideology" of early capitalism has broken down in the face of the increasing recognition of the fact that social power rather than achievement determines market success, that formal school education is not in any direct correspondence to vocational success, that "fragmented and monotonous labor processes are increasingly penetrating even those sectors in which an identity could previously be formed through the occupational role," and that welfare measures have "weakened the spurs to competition for status in the lower strata."[48]

Proposition (2) also will be assumed for the sake of the argument. Habermas takes as established the hypothesis of Piaget and Kohlberg[49] that moral development culminates in a "postconventional" stage. This postconventional stage is characterized by action directed by universalistic principles. Modern natural law, utilitarianism, and Kantian ethics all provide such universalistic principles. For reasons that will not be explored here, however, Habermas asserts that only

46. "Only a rigid sociocultural system, incapable of being randomly functionalized for the needs of the administrative system, could explain a sharpening of legitimation difficulties into a legitimation crisis. A legitimation crisis can be predicted only if expectations that cannot be fulfilled either with the available quantity of value or, generally, with rewards conforming to the system, are systematically produced. A legitimation crisis, then, must be based on a motivation crisis—that is, a discrepancy between the need for motives declared by the state, the educational system and the occupational system on the one hand, and the motivation supplied by the sociocultural system on the other." LC, pp. 74–75. Both legitimation crisis and motivation crisis fit under the general heading of *cultural crisis* forms.

47. A methodological presupposition should be mentioned as well: "In coordinating motivational patterns with stable traditional cultural patterns, I start with the oversimplified assumption that attitudinal syndromes typical of a society must somehow be represented at the level of socially effective cultural value systems. I also rely on a correspondence of meaning structures at the levels of interpreted needs and cultural tradition." *Ibid.*, pp. 75–76.

48. *Ibid.*, p. 82.

49. Cf. J. Piaget, *The Moral Judgement of the Child* (N.Y.: Free Press, 1965); L. Kohlberg, "Stage and Sequence" in D. Goslin, ed., *Handbook of Socialization and Research* (Chicago: Rand McNally, 1969).

a "communicative ethic," in which universalizable principles are derived within uncoerced discourse, is fully satisfactory.[50] Motivations formed in this manner, he claims, are dysfunctional from the standpoint of the political-economic subsystems of contemporary society because those subsystems are based upon a particularistic (class) distribution of goods, services, power, etc., that is, a distribution based upon particular and private (class) interests. They therefore lack the generality and autonomy demanded by communicative ethics. Since such factors as the expanse of the educational system make it less and less probable that adolescent crises do not end in a universalistic morality, Habermas continues, it is warranted to assert the probability of a coming legitimation crisis.[51] He writes, "a legitimation crisis can be avoided in the long run only if the latent class structures of advanced-capitalist societies are transformed or if the pressure for legitimation to which the administrative system is subject can be removed,"[52] and the motivating force of universalistic moralities makes the latter alternative impossible.

Habermas, however, cannot claim that universalistic moralities alone have motivating force in contemporary society. "Nationalism," for instance, continues to motivate the actions of many social agents.[53] Hence it is upon proposition (3) that the weight of Habermas' claim rests. But the argument which Habermas presents for the predominance of universalistic moralities in motive formation, over the particularistic moralities of "nationalism" seems fallacious. In a first step he puts forth the proposition that bourgeois formal right, based as it is on universal principles, has a universal scope which transcends the limits of conflicts among particular states:

> *Since morality based on principles* is sanctioned only through the inner authority of conscience, its conflict with the public morality, still tied to the concrete citizen, is embedded in its claim to universality; the conflict is between the cosmopolitanism of the 'human being' and the loyalties of the citizen (which can-

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50. Cf. LC, pp. 88ff. Thus the universalistic morality of a communicative ethic plays a dual role in Habermasian social theory. Qua normative principle this ethic forms the foundation for a critique of contemporary institutional frameworks. Qua *factually existing cultural tradition* making up the system of the members of contemporary society, this universalistic morality can be dysfunctional to contemporary institutional frameworks by leading to a motivational and a legitimation crisis. It is important to stress that these two arguments are clearly distinct; the validity of the one does not imply or even suggest the validity of the other.

51. Assuming that phenomena of the following sort can be avoided: "the retreatist side . . [of the youth movement] represented by hippies, Jesus-people, the drug subculture, phenomena of undermotivation in school, etc." *Ibid.*, p. 92.

52. *Ibid.*, p. 93.

53. Habermas also is well aware that in contemporary society motives are formed in a manner which allows the satisfaction of particular interests to masquerade behind a claim to function as "objective" imperatives demanded on scientific-technical grounds. Habermas, however, does not present an argument as to why this form of motive formation systematically will be less significant than motivations formed in terms of universalistic moralities. He does attempt to do this with respect to motivations based on nationalism, and so I have limited my discussion to this example.

not be universalistic as long as international relations are subject to the concrete morality of the more powerful).[54]

From this Habermas' argument procedes to its second step. He asserts that "resolution of this conflict is *conceivable* only if the dichotomy between the in-group and out-group morally disappears, the opposition between morally and legally regulated areas is relativized, and the validity of *all* norms is tied to discursive will-formation."[55]

We thus have the following argument:

Premise 1: Since the introduction of modern natural law there has been a conflict between the "human being" and the "loyalties of the citizen."
Premise 2: Only a communicative ethic can overcome this conflict.
Conclusion: Therefore, only a communicative ethic can have motivating force today.

Even if both premises are granted the argument does not hold. There are two reasons for this. First a third premise is required asserting that it is in some sense demanded that the conflict mentioned in the first premise be overcome. This claim would itself require a rather elaborate argument. A Weberian, for example, would insert a quite different premise into the argument instead. A Weberian would assert that the tension between "the cosmopolitanism of the 'human being' and the loyalties of the citizen" is *irresolvable*, and would conclude that therefore universalistic moralities should have *no* motivating force in contemporary societies, precisely because they abstract from this tension. But let us assume that Habermas can present compelling reasons for accepting the required third premise (for example, on the grounds that continuation of the dichotomy between in-group and out-group morality threatens the continued survival of the human species, given the contemporary state of weapons technology). The conclusion still does not follow. Or, rather, it does not follow only if the conclusion is read as an existential statement. Within the immediate context of this argument it seems that this may *not* be the proper reading. Habermas admits that here he has "left the domain of historical example" and moved to what is "at present a mere construct." If this is the case, then no fallacy has been committed. But within the wider argumentative context it is clear that Habermas must make an existential claim here. For it is not enough for him merely to assert the *logical* possibility of a motivation crisis. Habermas uses this argument in support of the *empirical* claim that there is a tendency to motivation crisis in late capitalism. But from this point of view he has committed a fallacy. He must prove that on the *empirical* level motivations in terms of the "loyalties of the citizen" are for structural reasons unable to compensate for the dys-

54. LC, p. 87.
55. *Ibid.*, p. 87.

functional motivations which result from an orientation to universalistic moralities. Assuming that the human being/citizen split ought to be overcome, and then working out a thought-construct within which it is overcome, does *not* constitute such a proof. Habermas' argument for a motivation crisis therefore breaks down, and with it his argument for a legitimation crisis as well.

Habermas, then, has not established a *structural* tendency to legitimation crisis in late capitalism, upon which his claim for the priority of communicative action over strategic action (and, ultimately, for the ethical principle of "universalizability" as the first principle of political philosophy) depended. He may claim with complete justification that a legitimation crisis is still possible. But it does not depend upon structural factors, but upon the thoroughly contingent ability of radical critics to present plausible interpretations of contemporary social processes.

> For us, as Marxists, there is the problem of interpreting the experiences articulated by these movements[56] in a manner such that our reading can be accepted by those immediately mobilized; how to make credible our hypothesis according to which these movements are phenomena caused by a politically uncontrolled capitalist development?[57]

Even if these interpretations are fully "credible" in themselves, however, *power* considerations ("strategic action") once again intrude. For power can be maintained through preparing and presenting expressive symbols to the populace, symbols which create an unspecific preparedness to follow which can be called upon at need, to discredit even fully "credible" interpretations.

> Familiar strategies of this kind are the personalization of substantive issues, the symbolic use of hearings, expert judgments, juridical incantations, and also the advertising techniques (copied from oligopolistic competition) that at once confirm and exploit existing structures of prejudice and that garnish certain contents positively, others negatively, through appeals to feeling, stimulation of unconscious motives, etc.[58]

This has "above all the function of directing attention to topical areas—that is, of pushing *other* themes, problems, and arguments below the threshold of attention and, thereby, of withholding them from opinion-formation."[59] To the extent that such strategies are successful a legitimation crisis can be avoided indefinitely.[60]

56. Habermas is referring to movements such as that for women's rights.
57. *Telos* interview, *op. cit.*, pp. 165–66.
58. LC, p. 70.
59. *Ibid.*, p. 70.
60. It is true that Habermas writes that a cultural tradition loses its legitimating force "as soon as it is objectivistically prepared and strategically employed" (*ibid.*, pp. 70–71). But unfortunately this is mere wishful thinking. For how many centuries was the cultural tradition embodied in the phrase "For God and King" "strategically employed" before losing its "force?"

CONCLUSION

The conclusion of this investigation must be that power, manifested in strategic action, ultimately cannot be reduced to, and is not derived from, the demands of a communicative ethic. It may be true that the overt power required for successful strategic action ultimately is based upon acknowledgement derived from a view of justice fixed in communicatively established and maintained legitimating world views. But these legitimating world views may themselves be manifestations of structural power strategically employed by those who benefit from such power. If "legitimation" cannot be shown to be a more fundamental category than "power," then Habermas' argument on the macrosociological level does not show that communicative action is "prior" to strategic action. It seems as if no good reason for making the ethical category of universalizability the foundational category in political philosophy can be given from the Habermasian position. It seems as if the political philosopher is as free to make "power interests" the ultimate principle in political philosophy as to choose "universalizability" or any other ethical principle.

Before drawing this conclusion, however, one last point must be examined. One indeed may construct a coherent political philosophy based upon an option for "power" as the fundamental category. Ethical considerations thereby would be excluded from consideration. This was the path taken by Weber, following thinkers such as Thrasymachus, Machiavelli, and Nietzsche. Alternatively, one could construct a political position based upon an ethical principle which abstracted from questions of power. Two examples are the pacifism of a Tolstoy and the anarchism of a Kropotkin. It is premature, however, to think that these are the only alternatives.

What this analysis has shown is that there are two distinct modes of social action, each with its own practical logic irreducible to that of the other. The complexity—and the tragedy—of human existence appears to stem from the tension between the demands of normative justification in a communicative context and the demands of power in a context of struggle. This tension could be discussed in terms of an exclusive choice. Both options, that of an amoral politics and that of an apolitical ethics, resolve the tension. But is there not something artificial about both of these one-sided alternatives? Does not each in its own way attempt to oversimplify the tragic complexities of human existence?

Habermas presents us with a third choice. The normative principle of universalizability upon examination does *not* exclude considerations of power.[61]

61. Habermas, of course, is not the only political philosopher who has attempted to take into account ethical principles without losing sight of partisan power struggles. Aristotle and John Rawls are two examples of other theorists who have taken this route. In a future article I hope to contrast Habermas' manner of combining ethics and power with that of other figures in the history of political philosophy.

It is my judgment that this provides a nonarbitrary reason for making "universalizability" rather than "power" the first principle in political philosophy.

Imagine a group engaged in a power struggle with certain opponents, and that this group makes "universalizability" the principle of the policies they formulate. Within this group decisions will have to be made which take into account all the risks involved in any power struggle. How can such decisions be justified?

> The sole possible justification at this level is consensus, aimed at in a practical discourse, among the participants who, in the consciousness of their common interests and their knowledge of the circumstances, of the predictable consequences and secondary consequences, are the only one who can know what risks they are willing to undergo and with what expectations.[62]

Further, it is possible to engage in a power struggle against opponents while interpreting

> hypothetically the constellations of the struggle, from the viewpoint that every victory sought would not merely (as is usual) lead to the assertion of one particular interest against another, but instead would be a step toward the intended goal, which would make universal enlightenment, and by virtue of it, the uninhibited discursive formation of will, possible for all participants (and thus no longer merely those affected).[63]

In this manner the members of the group are led to live and to act politically *within* the tension between ethics and power rather than dissolving that tension in an exclusive orientation to one or the other of the two poles.

From this perspective Habermas' position rests upon the following claims:

1. The tension between ethics and power (between communicative action and strategic) is an essential characteristic of the human situation.

2. Given (1) it follows that both political theorists and political agents should orient their theoretical and practical activities to a principle which allows them to respect this tension.

3. The principle of "power" does not allow those who follow it to respect this tension. It attempts to resolve the tension in as one-sided a fashion as does an apolitical ethic.

4. The principle of universalizability does allow those who orient their theory and actions to it to respect this tension. Therefore to make it the foundational principle of a political philosophy is not to make an ultimately arbitrary decision. Good reasons can be provided for this decision.

62. TP, p. 33.
63. *Ibid.*, p. 40.