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Towards Spherical Justice

A critical theoretical defence of the idea of complex equality

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ABSTRACT

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A critical theoretical defence of the idea of complex equality

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The aim of the thesis is to explore the intricacies of Michael Walzer's idea of complex equality and to develop a cogent support of this idea. In order to achieve these aims, the thesis concerns itself with three issues.

The thesis shows that Walzer's method of interpreting shared understandings of social goods can only offer a very limited support of complex equality. This method can at best describe a small number of cases that approximate a state of complex equality. The thesis argues that the idea of complex equality needs to be defended by a strong programme that is able to explain the emergence of complex equality and not merely describe it.

The thesis also demonstrates that Walzer has advanced three uncovincing arguments against the possibility of deriving such a strong programme from Jürgen Habermas's critical theory. The thesis argues that because these arguments misunderstand the premises of Habermas's theory, they do not undermine an attempt to develop the idea of complex equality in a Habermasian direction.

The thesis finally shows that Walzer can seek plausible support for the idea of complex equality in Habermas's critical theory. The thesis argues that Habermas's theory is able to explain the success of complex equality with reference to communicative, moral and political responsibilities that develop under the conditions of modernity and that this theory also is able to explain the failure to establish complex equality with reference to the systemic mechanisms for action-coordination that also develop under conditions of modernity.

List of contents

Acknowledgements	6
Introduction. The research problem	7
Preliminary remarks	7
The notion of spherical justice	8
On the need to further the purpose of the idea of complex equality	13
The tasks of the thesis	18
Chapter 1. Charles Taylor's philosophical anthropology	22
1.1 Introduction	22
1.2 Human agency	26
1.3 Responsibility	31
1.4 Concluding summary	35
Chapter 2. Moral anthropology	36
2.1 Introduction	36
2.2 Deep versus shallow understandings of social goods	42
2.3 The moral anthropological study of our social life	47
2.4 Concluding summary	52
Chapter 3. A critique of Michael Walzer's interpretive-based method	53
3.1 Introduction	53
3.2 An explication of the limits of moral anthropology	54
3.3 The argument for three explanatory theses	62
3.4 Concluding summary	67
Chapter 4. Jürgen Habermas's critical theory	68
4.1 Introduction	68
4.2 The theory of communicative action	72
4.3 Cultural value spheres	79
4.4 Discourse ethics	85

4.5 Moral consciousness and social evolution	88
4.6 Concluding summary	96
Chapter 5. Michael Walzer's arguments against Jürgen Habermas's theory	98
5.1 Introduction	98
5.2 The conceptual argument	104
5.3 The democratic argument	107
5.4 The metaethical argument	111
5.5 Concluding summary	114
Chapter 6. Three Habermasian responses to Michael Walzer's critique	116
6.1 Introduction	116
6.2 A reply to the conceptual argument	117
6.3 A reply to the democratic argument	121
6.4 A reply to the metaethical argument	125
6.5 Concluding summary	129
Chapter 7. Jürgen Habermas's understanding of spherical justice	130
7.1 Introduction	130
7.2 Everyday communication as the medium of reason	135
7.3 Mythical and modern ways of understanding the world	138
7.4 The moral point of view	142
7.5 Deliberative politics	145
7.6 Concluding summary	150
Chapter 8. Reason and spherical justice	151
8.1 Introduction	151
8.2 Social incoherence	156
8.3 The art of separation	160
8.4 The rule of inclusion and the rule of reasons	164
8.5 The civil society and the state	168
8.6 Concluding summary	172

Chapter 9. A Habermasian approach to complex equality	174
9.1 Introduction	174
9.2 A critical theoretical explanation of the emergence of complex equality	175
9.3 A critical theoretical explanation of the blocking of complex equality	186
9.4 Concluding summary	194
Concluding summary	196
Bibliography	200

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Introduction

The research problem

Our goal should be an end to tyranny, a society in which no human being is master outside his sphere. That is the only society of equals worth having.¹

Preliminary remarks

Justice is a human construction, and it is doubtful that it can be made in only one way.²

Michael Walzer is regarded as one of the leading contemporary philosophers. There are at least two reasons for regarding him as one of the truly significant political thinkers of our time.³ To begin with, Walzer has offered important contributions to a wide range of fields in philosophy and social science. His philosophical thinking covers, among other things, social criticism,⁴ the civil society,⁵ multiculturalism⁶ and international relations.⁷ Furthermore,

¹ Michael Walzer, *Radical Principles. Reflections of an Unreconstructed Democrat* (New York: Basic Books, 1980), p. 245

² Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 5

³ William A. Galston, "Community, Democracy, Philosophy. The Political Thought of Michael Walzer," *Political Theory* 17 (February 1989): 119

⁴ See Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), Michael Walzer, *The Company of Critics. Social Criticism and Political Commitment in the Twentieth Century* (London: Peter Halban Publishers Ltd, 1989)

⁵ See Michael Walzer, *Toward a Global Civil Society* (Providence: Berghahn, 1994), Michael Walzer, "The Civil Society Argument" in *Dimensions of Radical Democracy. Pluralism, Citizenship, Community*, edited by Chantal Mouffe, (London: Verso, 1992)

⁶ See Michael Walzer, "Comment" in *Multiculturalism and "The Politics of Recognition"* by Charles Taylor, edited by Amy Gutmann, (Princeton, New Jersey: Princeton University Press, 1992), Michael Walzer, *On Toleration* (London: Yale University Press, 1997)

Walzer's philosophical thinking is accessible. In an era where many philosopher write in an excessively abstract and disembodied fashion, Walzer manages to present concrete ideas in a personal tone. Walzer's contribution to the field of distributive justice,⁸ which arguably is his most outstanding achievement, is perhaps the best example of the fact that complex issues can be presented in a clear and understandable way. This thesis is concerned with Walzer's theory of justice and this chapter describes how this theory will be researched. This introduction contains three parts. The first part presents the main components of Walzer's theory of justice and briefly describes the problems these components tend to generate. The second part elaborates the problems associated with Walzer's theory, describes a constructive way of solving them and presents the limitations Walzer sees in improving upon his present achievements within the field of distributive justice. The third part outlines the tasks of the thesis.

The notion of spherical justice

Justice is not likely to be achieved by the enactment of a single philosophy of justice, but rather of this philosophical view and then of that one, insofar as these views seem to the citizens to capture the moral realities of their common life.⁹

In the course of writing this thesis it was reported in a Swedish newspaper that a number of Swedish corporations have taken out health insurances for their CEOs. This insurance scheme enables a highly exclusive group of people to seek advanced medical treatment in seventeen carefully selected hospitals in the United States. About 1,000 people are enroled in

⁷ See Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1992)

⁸ See Michael Walzer, "Liberalism and the Art of Separation," *Political Theory* 12, (August 1984), Michael Walzer, "Justice Here and Now," in *Justice and Equality Here and Now*, edited by Frank S. Lucash and Judith N. Shklar (Ithaca: Cornell University Press, 1986), Michael Walzer, "Exclusion, Injustice and the Democratic State," *Dissent* 40 (Winter 1993), Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994), Erik Berggren and Alberto Unger, "A Coversation With Michael Walzer," *Conference: a Journal of Philosophy and Theory* 5 (Winter 1994-1995)

⁹ Michael Walzer, "Justice Here and Now" in *Justice and Equality Here and Now* edited by Frank S. Lucash and Judith N. Shklar (Ithaca: Cornell University Press, 1986), p. 149

this particular scheme which is seen as a response to the challenge the Swedish health service today faces. The economic costs related to medical research and medical treatment exceed the amount of money that is currently spent on these services. As a consequence, difficult priorities must be made in daily work at health care centres and hospitals. Private health insurance schemes are a very controversial issue within the present discourse on welfare in Sweden. Sociological data indicate that the support for the social welfare state is very high among Swedish citizens. At the present, however, the Swedish welfare state is unable to provide adequate service in what is generally regarded as one of its most important sectors. Insurance schemes of the type mentioned above illustrates the fact that proper medical treatment no longer is equally available to all Swedish citizens. Access to adequate health care now seems to be proportionate to wealth and not to illness. This development might suggest that an egalitarian society is not plausible even in an technologically and politically advanced society. Michael Walzer, however, would contest such a conclusion. In his opinion, an egalitarian society is a practical possibility, however, there are some important factors that block its realisation.

In his seminal work *Spheres of Justice. A Defense of Pluralism and Equality* Walzer tries to combine two purposes. The methodological purpose is to illustrate that an egalitarian society can be derived from shared understandings of social goods. The theoretical purpose is to elaborate a theory of justice. Walzer's methodology is comprised of two components. The first component is the *Latency Thesis*, which asserts that an egalitarian society is already established in shared understandings of social goods. According to this thesis, the egalitarian dimension of our common understandings is hidden in its present form. Walzer puts this as follows:

A society of equals lies within our own reach. It is a practical possibility here and now, latent already, as I shall try to show, in our shared understandings of social goods. *Our* shared understandings: the vision is relevant to the social world in which it was developed; it is not relevant, or not necessarily, to all social worlds. It fits a certain conception of how human beings relate to one another and how they use things they make to shape their relations ... Justice and equality can conceivably be worked out as philosophical artifacts, but a just or an egalitarian society cannot be. If such a society isn't already here – hidden, as it were, in our

concepts and categories – we will never know it concretely or to realize it in fact.¹⁰

The second component is *the Moral Anthropological Thesis*, which asserts that interpretation of shared understandings of social goods is the proper way of doing moral philosophy.¹¹ This thesis insists that the philosopher pursues the vision of an egalitarian society justly when he or she writes out of a respect for the values that are already established by his or her fellow citizens. Walzer writes:

My argument is radically particularistic. I don't claim to have achieved any great distance from the social world in which I live. One way to begin the philosophical enterprise – perhaps the original way is to walk out of the cave, leave the city, climb the mountain, fashion for oneself (what can never be fashioned for ordinary men and women) an objective and universal standpoint. Then one describes the terrain of everyday life from far away, so that it loses its particular contours and takes on a general shape. But I mean to stand in the cave, in the city, on the ground. Another way of doing philosophy is to interpret to one's fellow citizens the world of meanings that we share.¹²

Walzer's theory of justice is also comprised of two components. The first component is *the Spheres Thesis*. This thesis asserts that social goods divide into separate distributive spheres that are regulated by specific principles of justice.¹³ *The Spheres Thesis* is inspired by Blaise Pascal's argument that human beings owe different duties to different qualities and Karl Marx's claim that love can be exchanged only for love and trust only for trust. Walzer writes:

¹⁰ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. xiv

¹¹ Norman Daniels, *Justice and justification. Reflective Equilibrium in Theory and Practice*, (Cambridge: Cambridge University Press, 1996), p.106

¹² Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. xiv

¹³ Norman Daniels, *Justice and justification. Reflective Equilibrium in Theory and Practice*, (Cambridge: Cambridge University Press, 1996), p.105

The first claim of Pascal and Marx is that personal qualities and social goods have their own spheres of operation, where they work their effects freely, spontaneously, and legitimately. There are ready or natural conversions that follow from, and are intuitively plausible because of, the social meaning of social goods. There is something wrong, Pascal suggests, with the conversion of strength into belief. In political terms, Pascal means that no ruler can rightly command my opinions merely because of the power he wields. Nor can he, as Marx adds, rightly claim to influence my actions: if a ruler wants to do that, he must be persuasive, helpful, encouraging, and so on.¹⁴

The second component is *the Non-Domination Thesis*, which asserts that equality obtains when many small inequalities in one distributive sphere are not multiplied to other spheres.¹⁵ This thesis holds that the radical scattering of talents and personal qualities across individuals in contemporary societies means that no particular social good is generally convertible. Walzer puts this as follows:

Imagine now a society in which different social goods are monopolistically held – as they are in fact and always will be, barring continual state intervention – but in which no particular good is generally convertible ... This is a complex egalitarian society. Though there will be many small inequalities, inequality will not be multiplied through the conversion process. Nor will it be summed across different goods, because the autonomy of distributions will tend to produce a variety of local monopolies, held by different groups of men and women ... The argument for complex equality begins from our understanding – I mean, our actual, concrete, positive, and particular understanding – of the various social goods.¹⁶

¹⁴ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 19

¹⁵ Norman Daniels, *Justice and justification. Reflective Equilibrium in Theory and Practice*, (Cambridge: Cambridge University Press, 1996), p.105

¹⁶ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), pp. 17-18

Judged by its first impression, Walzer's theory of justice appears to be an agreeable vision of egalitarianism.¹⁷ But on close inspection it turns out that this vision is fraught with a number of serious problems. Scholars from a number of disciplines including jurisprudence, philosophy, political science and sociology have concerned themselves with the intricacies of Walzer's understanding of justice and it is widely held that Walzer fails to achieve both purposes of *Spheres of Justice*. Walzer's critics argue that Walzer's methodology has two fundamental problems. In democratic societies distributive justice is usually a contest between political and ideological commitments, as Rawls's account of the fact of pluralism shows.¹⁸ Thus, it seems highly unlikely that an egalitarian society could be derived from social meanings that are shared in any meaningful sense.¹⁹ Furthermore, in totalitarian societies various ideologies and religious doctrines are the sources of political consent.²⁰ Thus, it seems widely implausible that an egalitarian society could be derived from shared understandings that are just in any meaningful sense.²¹ Walzer's critics also argue that Walzer's theory of complex equality has two major problems. Goods within spheres are normally distributed very differently to different individuals. This means that grossly unjust distributions of social goods are possible within single spheres. Moreover, societies commonly have some dominant sphere with portable benefits that invade other spheres. This means that it is possible that unjust distributions are carried over from the dominant sphere to other spheres.²² Now, this preliminary account of the problems associated with Walzer's understanding of justice seems to suggest that it dilutes or, even, undermines the vision of

¹⁷ Ronald Dworkin, *A Matter of Principle* (Cambridge, Massachusetts: Harvard University Press, 1985), p. 214

¹⁸ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 36-37

¹⁹ See Andreas Teuber, "Spheres of Justice by Michael Walzer," *Political Theory* 12 (August 1984), Ronald Dworkin, "To Each His Own," *New York Review of Books* (April 1983), Jean Cohen, "Spheres of Justice: A Defense of Pluralism and Equality" *The Journal of Philosophy* 83, (1986)

²⁰ Warnke argues that this is the major reason for regarding Walzer's methodology as a morally repulsive undertaking: "Why, in fact, should we engage in the task Walzer sets himself of pushing shared social meanings to the immanent conclusions they possess for a society's principles of justice? ... communities have obviously understood themselves in racist, sexist, fascist and otherwise objectionable ways. Hence binding principles of justice to social meanings seems to involve binding them to the ethos of a people in a way that can and, indeed, has been disastrous." Georgia Warnke, *Justice and interpretation*, (Cambridge: MIT Press, 1992), p. 31

²¹ Brian Barry, "Spherical Justice and Global Injustice" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), pp. 77-78

²² Richard Arneson, "Against 'Complex' Equality" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 233

egalitarianism.²³ While Walzer's theory appears to defend pluralism, it remains unclear that it defends equality.²⁴

On the need to further the purpose of the idea of complex equality

Spheres ... does not altogether succeed in defending 'complex equality' as the form of justice natural to a differentiated society. But it does establish several of the essential preconditions for doing so.²⁵

It has been suggested that not very much can be said in general about methods in political and moral philosophy.²⁶ While this seems to be true, what actually has some general implication is still very important. Interpretation of philosophical arguments should be guided by the principle of charity. It is a matter of simple courtesy to make a charitable reading of theories that initially may seem problematic or even implausible. In addition to simple courtesy, the principle of charity has the quality of making the arguments of other philosophers much more interesting and challenging.²⁷ Michael Rustin's account of Walzer's contribution to the field of social justice exhibits all the traits conducive to a charitable reading, traits that set Rustin's reading apart from most other readings within this field of philosophical inquiry. In Rustin's opinion, Walzer's methodology is problematic for the reasons mentioned above. Shared understandings of social goods typically belong to totalitarian states and not modern democratic states. On the one hand, Walzer overstates the possibility of deriving an egalitarian society from shared understandings of the first type of state since such understandings most likely are the products of distorted communications. On the other hand, Walzer understates the difficulties of deriving shared understandings from

²³ Ronald Dworkin, *A Matter of Principle* (Cambridge, Massachusetts: Harvard University Press, 1985), pp. 216-217

²⁴ Ronald Kahn, "Spheres of Justice: A Defense of Pluralism and Equality," *The American Political Science Review*, 78): 290

²⁵ Michael Rustin, "Equality in Post-Modern Times" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 44

²⁶ Will Kymlicka, *Contemporary Political Philosophy* (Oxford: Oxford University Press, 2002), p. 5

²⁷ Sven-Ove Hansson, *Verktygslära för filosofer* (Stockholm: Thales, 1998), pp. 90-91

social meanings of social goods in the second type of state since such meanings are the products of fierce political competition. Rustin puts this as follows:

It is only within very closed societies that arguments are only admissible in debate if they are already elements of an accepted doctrine. It is only in such societies that arguments must be settled by reference to consistency with already-accepted positions. (This is the social state of mind usually called ‘fundamentalism’.) The more modern and pluralistic society, the less this recourse to an existing consensus is possible or normal. The undecidability of disputes within such plural societies is what makes appeal to fact or principles not sanctioned mainly by tradition so central to their discourses. It is only at the end of such debates that it may become clear whether an idea was indeed a radical departure from precedent, or whether it merely developed some meaning latent in existing beliefs. The more ‘complex’ a society (in Walzer’s terms of competing spheres of justice), the less likely it is that its arguments will be confined by its existing traditions.²⁸

According to Rustin, Walzer’s theory of complex equality is also problematic for the set of reasons mentioned above. Most societies have some distributive sphere that are established on some dominant and highly convertible social good. The inequalities within such a distributive sphere are often very large, and high convertibility of the dominant social good commonly multiplies these inequalities across a wide range of spheres. Rustin puts this as follows:

Societies dominated by religious consensus impose religious values on what in secularized societies are seen as ‘other spheres’ – indeed religious societies may decline to recognize such boundaries as legitimate at all ... Capitalist societies have of their essence created highly liquid and convertible forms of power, which invade and undermine all previous boundaries, whether birth, religious belief, or ethnicity. Whilst political democracies, through their universalistic rules of due process and by conferring equal rights of participation on their citizens, may

²⁸ Michael Rustin, “Equality in Post-Modern Times” in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 36-37

appear to be egalitarian, their norms were nevertheless once experienced as invasive of traditionalist and more elitist forms of power distribution. One can rationally defend liberal and democratic procedures, but to do that one seems to need recourse to *a priori* universalistic principles, not merely reference to normative boundaries as these have historically existed.²⁹

Rustin argues that although the theory of complex equality is highly problematic, it is possible to rehabilitate it. In order to be considered plausible, the idea of complex equality requires a strong programme that explains its emergence and moral desirability.³⁰ According to Rustin, this can be accomplished by exploring the rationalistic discursive procedures that constitute the hallmark of modernity. These procedures might explain how arguments about boundary demarcation between different spheres of distribution as well as the social meanings that govern the distribution within them could be contested as well as settled by way of reaching rational consensus. Rustin writes:

The ... issue I want to address is whether Walzer's concept of 'complex equality' could in fact be set on a firmer basis than he now provides for it. I have argued that a 'strong programme' for complex equality cannot depend merely on the existence of shared meanings, for both logical and factual reasons. Arguments within American society, on for example the scope of health care and industrial democracy, depend on contrasting and conflicting belief systems, not merely on negotiating minor boundary adjustments between existing spheres. If a change were to occur in several of the areas of reform which Walzer recommends, it would signify a deep shift in the balance of prevailing value and powers, and would have to be justified in such terms ... Not merely boundary demarcations between spheres, but the underlying logics of meaning and value which sustain different spheres of action need to be subjects of debate and contestation, as in practice they already are ... Walzer falls short of saying that only where procedures of political democracy exist can any consensus of values on which relative justice depends be ascertained.³¹

²⁹ Ibid., p. 29

³⁰ Ibid., p. 23

³¹ Ibid., p. 37-38

In Rustin's opinion, the strong programme for complex equality that he proposes has been developed, although for different purposes, by Ulrich Beck and Jürgen Habermas. These social theorists maintain that society is undergoing a process of modernisation. Although this process is radically incomplete, it nevertheless indicates that human beings are capable of moral agency in the sense that they take rational responsibility for their own lives and their environment. It is this sort of moral agency that could explain the factual possibility as well as the moral desirability of complex equality. Rustin writes:

Becks's programmatic argument, which is close in spirit to Habermas's view of modernity though more grounded and empirical in its method, is for the further development of this process of a still incomplete modernity, so that a fuller and more general rational responsibility can be attained by human kind for its affairs ... It offers some possibility of grounding Walzer's idea of 'complex equality' in a historical evolution, and provides ... hopes for its eventual fulfilment. The idea of an emergent rationality, taking the form of responsible, democratic citizenship, and rooted in conceptions both of human nature and of material possibility, is one possible discursive basis of a 'strong programme' for social justice conceived as complex equality. It is hard to see how such an argument can be sustained without the support of general principles of this kind.³²

Walzer has responded to Rustin's propositions for a strong programme. Walzer's initial response is positive. According to him, Rustin is right in suggesting that the theory of complex equality requires the support of a sociological framework that is able to explain its emergence and material possibility. Walzer writes:

I'm inclined to think that Michael Rustin is right to argue that the theory of complex equality needs, and lends itself to, a historical account of social differentiation. He is not suggesting that we repeat the progressist and Marxist mistake of valuing the future because it is, or will be, *there* ... The point of a Rustin-like story would be to show how complex equality arises out of or fails because of actual social processes and conflicts. Its categories reflect real talk in the real world, and their use requires us to take sides in actual conflicts. Complex

³² Ibid., p. 42

equality answers to questions asked with increasing urgency in the course of modern history.³³

However, despite his positive response to Rustin's argument for a sociological support of complex equality, Walzer argues that a 'strong programme' in Rustin's sense is unnecessary as well as implausible. To begin with, Walzer insists that the only thing he has to do in order to support his theory of justice is to interpret shared understandings of social goods. Moral anthropology aims to demonstrate that human beings³⁴ are capable of discriminating between deep and inclusive accounts of their lives that are consonant with the demands of complex equality and shallow and partisan accounts that do not count in establishing the common understanding of a society.³⁵ Thus, in Walzer's opinion, it is a serious mistake to believe that moral anthropology does not support the idea of complex equality. Furthermore, and as a consequence of the defense of his own methodology, Walzer argues that moral anthropology offers better support to his vision of egalitarianism than one of the rival approaches that Rustin discusses. The inadequacy of Habermas's theory relates to the fact it fails to recognise that the social meanings that establish the regime of complex equality must be the products of real talk. Walzer writes:

I suppose they must meet certain criteria – non substantive but not merely formal. They must actually be shared across a society, among a group of people with a common life; and the sharing cannot be the result of radical coercion ... It doesn't require that social meanings be worked out or agreed to in anything like the

³³ Michael Walzer, "Response" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 296

³⁴ Walzer argues that human beings have the capacity to make deep and inclusive accounts of our social life, thus: "Justice seems to be universal in character for the same reason that autonomy and attachment are reiterative – out of recognition of and respect for the human agents who create the moral world and who come, by virtue of that creativity, to have lives and contries of their own. Their creations are greatly diverse and always particular, but there is something singular and universal about their creativity, some brute fact of agency captured ... by the claim that all human agents have been created in the image of a creator God. Justice is the tribute we have learned to pay to the brute fact and the divine image." Michael Walzer, "Nation and Universe" in *The Tanner Lectures on Human Values XI*, edited by Grethe B. Peterson (Salt Lake: University of Utha Press, 1990), p.522

³⁵ Ronald Dworkin and Michael Walzer, "Spheres of Justice: An Exchange," *New York Review of Books* (July, 1983): 44

Habermasian ideal speech situation. All that it requires is that the extorted agreements of slaves to their slavery ... should not count in establishing the common understanding of a society. We must look for real agreements ... We reach such a view at the end of a complex historical process, and in that process coercion undoubtedly has a part ... but not such a part as to render agreements spurious, a mere trick of the powerful.³⁶

Thus, on Walzer's account, it is also serious mistake to believe that the idea of complex equality can derive support from the strong programme that Rustin proposes.

The tasks of the thesis

In philosophy and the sciences, just as in literature, an author is indebted to his readers, and the more he is able to learn from their criticism the more he has to thank them for.³⁷

This section describes how Michael Walzer's contribution to distributive justice is researched in this thesis. Walzer's theory of justice is certainly an intriguing attempt to illustrate that egalitarianism is possible without the Procrustean bed.³⁸ However, this attempt is as problematic as it is intriguing since it advances two very strong theses. *The Non-Domination Thesis* asserts that complex equality is attained when inequalities within spheres are small and when inequality is not multiplied across the range of spheres. *The Latency Thesis* asserts

³⁶ Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994), pp. 26-27

³⁷ Jügen Habermas, "Reply" in *Communicative Action*, edited by Axel Honneth and Hans Joas (Cambridge: Polity Press, 1991), p. 214

³⁸ Walzer states that this is the aim of *Spheres of Justice*: "My purpose in this book is to describe a society where no social goods serves or can serve as a means of domination. I won't try to describe how we might go about creating such a society. The description is hard enough: egalitarianism without the Procrustean bed; alive and open egalitarianism that matches not the literal meaning of the word but the richer furnishings of the vision; an egalitarianism that is consistent with liberty. At the same time, it's not my purpose to sketch a utopia located nowhere or a philosophical ideal applicable everywhere." Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. xiv

that the demands of complex equality are already reflected in shared understandings of social goods. It was shown above that both these theses could be contested at a normative level as well as an empirical level. Walzer's critics argue that the theory of complex equality, despite Walzer's intentions, retreats from its egalitarian vision since *the Non-Domination Thesis* and *the Latency Thesis* are not sufficiently supported. It was also shown above that Michael Rustin holds that Walzer's theory of complex equality can be rehabilitated by way of support of a strong programme drawn from Ulrich Beck and Jürgen Habermas, while Walzer himself claims that no such rehabilitation is necessary. This thesis maintains sympathy with both of these positions. On the one hand, it argues that both Walzer's methodology and his theory of justice are inadequate in their current formulations. On the other hand, it also argues that drawing out certain implicit features of Walzer's argument (with the aid of the work of Charles Taylor³⁹ and of Jürgen Habermas)⁴⁰ allows us to reconstruct Walzer's method and theory of complex equality in a stronger and more cogent form than Walzer has done himself. In order to accomplish this task, this thesis develops three basic claims.

The first claim developed in this thesis is that Walzer's interpretive-based method is inadequate. It was shown in the previous section that Walzer insists that moral anthropology support the idea of complex equality. He uses this method in a great number of case studies for the purpose of defending his vision of egalitarianism. Following Rustin, I argue that this interpretive-based method can only provide a very limited support for complex equality. It will also be argued that the problems associated with Walzer's attempt to support his vision of egalitarianism with moral anthropology could possibly be solved with three explanatory theses. The second claim developed in this thesis is that Walzer's critique of Habermas's theoretical enterprise is mistaken. It was shown in the previous section that Walzer strongly objects to the possibility of supporting his theory of justice with Habermas's theory. This position is understandable considering the fact that Walzer has committed a large part of his

³⁹ As we have seen, Walzer's critics argue that he is surprisingly vague and undetermined on issues associated with hermeneutics. This thesis holds that use of Taylor's philosophical anthropology, which is widely recognised as the most advanced hermeneutic approach to political philosophy, allows us to more clearly see that Walzer's method involves sophisticated claims as well as strong philosophical anthropological assumptions.

⁴⁰ This thesis holds that the theoretical depth of Habermas's critical theory and the philosophical intentions behind this theory makes it better suited for the task to support complex equality than Beck's empirically oriented work.

academic career to the task of illuminating the shortcomings of this theory, an effort that has resulted in an impressive body of critique.⁴¹ However, I argue that this critique is based on misunderstandings of the premises of Habermas's philosophical thinking. It will also be argued that Walzer's arguments against Habermas's theory do not undercut the possibility of supporting the idea of complex equality with this theory. The third claim developed in this thesis is that Walzer can seek plausible support for his vision of egalitarianism in Habermas's critical theory. Walzer implicitly argues that his vision of egalitarianism can be attained when citizens employ certain communicative competences and moral intuitions for political purposes.⁴² I argue that the characteristics of these competences, intuitions and purposes correspond to the communicative competences and moral intuitions and democratic conditions that Habermas's theory conceptualises. It will also be argued that Habermas's theory offers an account of modernity and a concept of moral agency and responsibility that can explain the success as well as failure to attain Walzer's vision of egalitarianism.

The greater part of this thesis is organised in sections that deal separately with the claims outlined above. Each section is comprised of two descriptive chapters and one argumentative chapter. The first section of this thesis is concerned with the prospects to support complex equality with moral anthropology. The first two chapters are devoted to the task of clarifying the premises of Walzer's interpretive-based methodology. An outline of Charles Taylor's philosophical anthropology (chapter 1) and an application of this philosophy to the grid of Walzer's interpretive-based method (chapter 2) accomplish this task. Chapter 3 develops the first claim of this thesis. It shows, as the first claim of this thesis suggests, that Walzer's

⁴¹ See Michael Walzer, *Radical Principles. Reflections of an Unreconstructed Democrat* (New York: Basic Books, 1980), Michael Walzer, "Philosophy and Democracy," *Political Theory* 9 (August 1981), Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), Michael Walzer, *The Company of Critics. Social Criticism and Political Commitment in the Twentieth Century* (London: Peter Halban Publishers Ltd, 1989), Michael Walzer, "A Critique of Philosophical Conversation" in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: The MIT Press, 1990), Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994), Michael Walzer, *On Toleration* (London: Yale University Press, 1997), Michael Walzer, "Deliberation, and What Else?," in *Deliberative Politics. Essays on Democracy and Disagreement*, edited by Stephen Macedo (Oxford: Oxford University Press, 1999), pp. 58-60

⁴² Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 304

interpretive-based method can only offer a weak defence of complex equality. The second section is concerned with Walzer's understanding of Habermas's theory. The first two chapters are devoted to the task of clarifying Walzer's criticisms of Habermas's theory. An outline of some important components of Habermas's theory (chapter 4) and a presentation of the scope and direction of Walzer's criticisms of this theory (chapter 5) accomplish this task. Chapter 6 develops the second claim of this thesis. It shows, as the second claim of this thesis suggests, that because Walzer's misunderstands the premises and claims of Habermas' critical theory, his arguments do not validate his position that the idea of complex equality cannot derive support from Habermas's theory. The third section is concerned with the prospects to support Walzer's theory of justice. The first two chapters are devoted to the task to clarify the kind of communicative competences, moral intuitions and political conditions that Walzer implicitly refers to in his theoretical discussion of distributive justice. An elaboration of some components of Habermas's theory (chapter 7) and an application of these components to the grid of Walzer's theoretical understanding of spherical justice (chapter 8) accomplish this task. Chapter 9 develops the third claim of this thesis. It illustrates, as the third claim of this thesis suggests, that Habermas has given the communicative competences, moral intuitions and political conditions that Walzer implicitly refers to in his theoretical discussion of distributive justice a framework that is able to explain the success as well as the failure to establish complex equality. The findings of the thesis are presented in a concluding summary.

Chapter 1

Charles Taylor's philosophical anthropology

Our personhood cannot be treated scientifically in exactly the same way we approach our organic being. What it is to possess a liver or a heart is something I can define quite independently of the space of question in which I exist for myself, but not what it is to have a self or be a person.⁴³

1.1 Introduction

Certain ways of being, of feeling, of relating to each other are only possible given certain linguistic resources. Without a certain articulation of oneself and of the highest, it is neither possible to *be* a Christian ascetic, nor to *feel* that combination of one's own lack of worth and high calling ... not to be *part of*, say, a monastic order.⁴⁴

Charles Taylor is widely regarded as one of the most influential philosophers⁴⁵ of the late twentieth-century.⁴⁶ Taylor labels his contribution to contemporary philosophical thought "philosophical anthropology". This term does not refer to a single idea or a single theme. Rather, it refers to an agenda that addresses a wide range of topics in the humanities and

⁴³ Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), pp. 3-4

⁴⁴ Ibid., p. 10

⁴⁵ See Craig Calhoun "Charles Taylor" *Concise Routledge Encyclopedia of Philosophy* (London: Routledge, 2000), Ruth Abbey, *Charles Taylor* (Teddington: Acumen, 2000)

⁴⁶ Tully argues that Taylor's philosophical style is second to none: "Charles (Chuck) Taylor is one of the best known and most widely respected philosophers of the present age. In an era of specialisation he is one of the few thinkers who has developed a comprehensive philosophy which speaks to the conditions of the contemporary age in a way that is compelling to specialists in the various disciplines and comprehensible to the general reader." James Tully, "Preface" in *Philosophy in an age of pluralism. The philosophy of Charles Taylor in question*, edited by James Tully (New York: Cambridge University Press), p. xiii

social sciences including rationality, ethnocentricity,⁴⁷ freedom, and distributive justice.⁴⁸ However, although philosophical anthropology includes a variety of topics, two of them seem particularly important for our purposes. Taylor has made it one of his abiding philosophical concerns to illustrate that interpretation is a proper methodology in the human sciences. Another of Taylor's enduring philosophical tasks is the exploration of human agency. This chapter is concerned with these two issues. This introduction contains three parts. The first part briefly describes Taylor's view that the aim of the human sciences should be to make sense of human life. The second part briefly describes Taylor's view that the task of making sense of human life necessarily involves an inquiry into subject-referring emotions. The third part presents how Taylor's focus on these kinds of emotions will be further explored in this chapter.

Taylor states that his philosophical anthropology started as an argument against the ambition to model the study of man on the natural sciences. This ambition has its origin in the seventeenth-century revolution in scientific thought and it has had an immense impact on a variety of fields of social inquiry including cognitive psychology,⁴⁹ political science⁵⁰ and sociology.⁵¹ What we may call 'bold naturalism' holds that human beings must be treated exactly the same way as physical objects or material entities. According to this epistemological outlook, persons must be characterised purely in terms of properties that stand independent of their experience. This means, however, that our experienced motivations such as feelings, desires and emotions are disregarded or ignored.⁵² In recent decades bold

⁴⁷ See Charles Taylor, *Philosophical Papers II: Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985)

⁴⁸ See Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985)

⁴⁹ *Ibid.*, p. 2

⁵⁰ Charles Taylor, *Philosophical Papers II: Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985), pp. 58-59

⁵¹ Charles Taylor, *Sources of the Self. The Making of Modern Identity*. (Cambridge: Cambridge University Press, 1989), p. 32

⁵² Geertz argues that Taylor's account of naturalism is inaccurate: 'Those who, like myself, find the argument that the human sciences are most usefully conceived as efforts to render various matters on their face strange and puzzling ... 'no longer so, accounted for', to be altogether persuasive...may none the less find themselves disturbed to notice after a while that the 'opposing ideal' to which this view is being so resolutely contrasted, 'natural science', is so schematically imagined. We are confronted not with an articulated description of a living institution, one with a great deal of history, a vast amount of internal diversity, and an open future, but with a

naturalism seems to have gone out of fashion since it has become apparent that human action and experience can not be reduced to physiological, physical or chemical factors:

Theories of this kind seem to me to be terribly implausible. They lead to very bad science: either they end up with wordy elaborations of the obvious, or they fail altogether to address the interesting questions, or their practitioners end up squandering their talents and ingenuity in the attempt to show that they can after all recapture the insights of ordinary life in their manifestly reductive explanatory languages. Indeed, one could argue that the second and third pitfalls should rather be seen as the horns of a dilemma: either these inadequate theories avoid the interesting questions, or they show themselves up, and hence have to expend more and more energy defending themselves against the charge of irrelevancy.⁵³

Taylor argues that the shortcomings of bold naturalism speak in favour of an approach that aims to make people intelligible.⁵⁴ This approach holds that the best measure of reality we have in human affairs is the one that allows us best to understand our actions and feelings. In order to accomplish this we need an idea that specifies how actions and feelings should be interpreted. Such an idea is provided by hermeneutics. From a hermeneutical point of view, interpretation is an attempt to make clear an object of study. This object is treated either as a text or a text-analogue that is confused or contradictory in its present form. The interpretation aims to show that the text or the text-analogue has an underlying coherence or sense.⁵⁵ Taylor insists that a hermeneutical explanation of human life is vastly superior to the way human life is explained by disciplines that adhere to the paradigm of bold naturalism. The merit of such an explanation is that it allows human beings to improve their self-understanding. It allows human beings to live their lives more clairvoyantly:

stereotype and a scarecrow – a Gorgon's head that turns agency, significance, and mind to stone.” Clifford C. Geertz, “The strange estrangement: Taylor and the natural sciences” in *Philosophy in an age of pluralism. The philosophy of Charles Taylor in question*, edited by James Tully (New York: Cambridge University Press), pp. 83-84

⁵³ Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), p. 1

⁵⁴ Charles Taylor, *Philosophical Arguments* (Cambridge, Massachusetts: Harvard University Press), p. 148

⁵⁵ Charles Taylor, *Philosophical Papers II: Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985), p. 15

What are the requirements of ‘making sense’ of our lives? These requirements are not yet met if we have some theoretical language which purports to explain behaviour from the observer’s standpoint but is of no use to the agent in making sense of his own thinking, feeling, and action … We can see excellent reasons why my perception of the horizon at sunset ought to be sidelined in face of the evidence of, e.g., satellite observations. But what ought to trump the language in which I actually live my life? … What is preposterous is the suggestion that we ought to disregard altogether the terms that can figure in the non-explanatory context of living for the purpose of our explanatory theory … What we need to *explain* is people living their lives; the terms in which they cannot avoid living them cannot be removed from the explanandum, unless we can propose other terms in which they could live them more clairvoyantly … The result of this search for clairvoyance yields the best account we can give at any given time, and no epistemological or metaphysical considerations of a more general kind about science of nature can justify setting this aside. The best account in the above sense is trumps. Let me call this the BA principle.⁵⁶

In Taylor’s opinion, an approach that aims to make sense of human life and action necessarily involves a study of our subject-referring emotions. These emotions include our sense of shame, dignity, guilt, pride, our feelings of admiration and contempt, remorse, unworthiness, self-hatred and self-acceptance. What is important about subject-referring emotions is that they seem to incorporate a sense of what is important to us *qua* subjects. On close inspection, they characterise two features that are distinctively human. To begin with, subject-referring emotions demonstrate that people do not have a dispassionate awareness of the human good. Subject-referring emotions reflect our conviction of what is valid, inadequate, shallow, distorting, perverse and so on. Because they incorporate a sense of what matters to us *qua* subjects, they refer us to the domain of what it is to be human.⁵⁷ Furthermore, the quality of the subject’s awareness of the human good is a function of the alignment of its emotions.⁵⁸ But these emotions themselves are notoriously difficult to be clear about. Our awareness of

⁵⁶ Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), pp. 57-58

⁵⁷ Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), p. 60

⁵⁸ Ibid., p. 63

what we value *qua* subjects is always open to challenge from ourselves and others.⁵⁹ Thus, for us to arrive at a clear understanding of what we value sometimes requires us to reshape our emotions.⁶⁰

As mentioned at the outset of this introduction, this chapter is concerned with Taylor's methodology and exploration of human agency. The claim that the human sciences should study our subject-referring emotions provides the starting-point for exploring this task. The proposition that people do not have a dispassionate awareness of the human good is developed in the context of Taylor's thesis that to be a person in the full sense is to exist in a space defined by distinctions of worth. Section 3.2 outlines this thesis. The first part presents an account of three axes of modern moral life. The second part describes the distinction between weak evaluations and strong evaluations. The proposition that our awareness of what we value *qua* subjects is always open to challenge from ourselves and others is developed in the context of Taylor's notion of what it means to be a responsible human agent. Section 3.3 outlines this notion. The first part presents a preliminary discussion of the concept of responsibility. The second part describes the concept of epistemic gain. A concluding summary is made in 1.4.

1.2 Human agency

I want to defend the strong thesis that ... the horizons within which we live our lives and which make sense of them have to include ... strong qualitative discriminations ... stepping outside these limits would be tantamount to stepping outside what we would recognize as integral, that is undamaged personhood.⁶¹

This section outlines Taylor's thesis that to be a person in the full sense is to exist in a space defined by distinctions of worth. In order to support this thesis Taylor starts with an analysis of three axes of modern moral life. The first axis concerns the sense that human life is to be

⁵⁹ Ibid., p. 39

⁶⁰ Ibid., p. 70

⁶¹ Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), p. 27

respected.⁶² It includes our recognition of the integrity, well being and flourishing of other persons. These demands are deeply felt and accepted by virtually everyone.⁶³ The second axis concerns our understandings of what makes a full life. This means that the second axis touches on the following issues: i) what kind of life is worth living; ii) what kind of life would fulfil the promise implicit in a subject's particular talents.⁶⁴ The third axis concerns the range of notions associated with dignity. Dignity is the subject's sense of itself as commanding attitudinal respect. This respect originates in the subject's awareness that it stands in public space and, moreover, that this space is potentially one of honour or contempt.⁶⁵ Taylor asserts that the three axes of modern moral life can be further explored by making a distinction between two broad kinds of evaluation of subject-referring emotions.⁶⁶

Taylor suggests that the first kind of evaluation can be defined as weak evaluation. A subject who only evaluates weakly qualifies as a simple weigher.⁶⁷ The simple weigher makes the following types of decisions: i) weighing two desired actions in order to determine the more convenient, ii) contemplating how to make different desires compossible, iii) calculating how to get the most overall satisfaction. Thus, the simple weigher is clearly capable of reflecting on the range of options that are available to him or her. However, what defines the simple weigher is that he or she is only concerned with the desirability of his or her *de facto* desires. In weak evaluation the *prima facie* ground for calling a given action good is simply

⁶² Skinner maintains that Taylor's philosophical position on this matter is significantly weakened by his theistic position: "His intuition is that we need to believe in God if we are to appreciate the full significance of human life. But it is hard for an historian to avoid reflecting that one of the most important elements in the so-called Enlightenment project was to disabuse us of precisely that intuition. For Hume and his modern descendants there is no reason whatever to suppose that human life in its full significance cannot be appreciated in the absence of Good ... Theists need to convince us that, in spite of everything urged to the contrary for the past two centuries, the case for theism can still be rationally re-affirmed." Quentin Skinner, "Modernity and disenchantment: some historical reflections" in *Philosophy in an age of pluralism. The philosophy of Charles Taylor in question*, edited by James Tully, (New York: Cambridge University Press), p. 47

⁶³ Charles Taylor, *Sources of the Self. The Making of Modern Identity*. (Cambridge: Cambridge University Press, 1989), pp. 4-5

⁶⁴ Ibid., p. 14

⁶⁵ Ibid., p. 15

⁶⁶ Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), p. 16

⁶⁷ Ibid., p. 23

that this action is desired.⁶⁸ Taylor asserts that the kind of reflection that the simple weigher is capable of is lacking a vital depth:

Someone is shallow in our view when we feel that he is insensitive, unaware or unconcerned about issues touching the quality of his life which seem to us basic or important. He lives on the surface because he seeks to fulfil desires without being touched by the 'deeper' issues, what these desires express and sustain in the way of modes of life; or his concern with such issues seem to us to touch on trivial or unimportant questions, for example, he is concerned about the glamour of his life, or how it will appear, rather than the (to us) real issues of the quality of life.⁶⁹

Taylor argues that the second type of evaluation can be defined as strong evaluation. Strong evaluations introduce a class of qualitative difference between motivations.⁷⁰ They involve discriminations between right and wrong, noble or base or higher or lower that stand independent of our own desires or choices inclinations and provide standards by which these desires and choices can be judged.⁷¹ This means that, unlike the simple weigher, the strong evaluator has the capacity to articulate superiority between different alternatives because he or she has a language of contrastive characterisation. This allows the strong evaluator to characterise his or her motivations at a greater depth.⁷² Taylor asserts that the distinction between weak and strong evaluations can be elucidated with reference to a hypothetical case where a person hesitates between taking a holiday in the south or in the north:

What the holiday in the north has going for it is the tremendous beauty of the wild, the untracked wastes, etc.; what the south has going for it is the lush tropical land, the sense of well-being, the joy of swimming in the sea, etc. Or I might put it to myself that one holiday is more exhilarating, the other is more relaxing. The

⁶⁸ Ibid., p. 18

⁶⁹ Ibid., p. 26

⁷⁰ Ibid., p. 66

⁷¹ Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), p. 4

⁷² Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), p. 25

alternatives have different desirability characterizations; in this sense they are qualitatively distinct. But what is missing in this case is a distinction between the desires as to worth, and that is why it is not a strong evaluation. I ultimately opt for the south over the north not because there is something more worthy about relaxing than being exhilarated, but just because 'I feel like it'.⁷³

According to Taylor, strong evaluations play a decisive role in all three axes of our moral life.⁷⁴ In regard to the first axis, the moral depth of moderns is characterised by the importance they place on personal integrity. Today, we recognize that anyone is allowed to freely develop his or her opinions and draw up his or her own life-plans.⁷⁵ In regard to the second axis, the moral depth is demonstrated by the fact that motivations count in virtue of the kind of life that these motivations properly belong to. In the modern era, we understand that there are qualitatively different modes of being.⁷⁶ In regard to the third axis, the moral depth is characterised by the special values that moderns attach to certain social and political positions. In the modern era, we understand that such positions repose on honour and dignity.⁷⁷ Taylor insists that the capacity to make strong evaluations of the kinds involved in the three axes of our moral life is not a contingent fact about human agents. Rather, this capacity belongs to the class of the inescapable:

A fully competent human agent not only has some understanding (which may also be more or less *misunderstanding*) of himself, but is partly constituted by this understanding ... our self-understanding essentially incorporates our seeing ourselves against a background of what I have called 'strong evaluation'. I mean

⁷³ Ibid., p. 17

⁷⁴ Skinner stresses that Taylor offers a too sanguine interpretation of the modern moral life: "We need to recognise ... that the march of modernity left a number of casualties lying on the roadside of history, including such previously prominent and respected figures as the Citizen and the Monk." Quentin Skinner, "Modernity and disenchantment: some historical reflections" in *Philosophy in an age of pluralism. The philosophy of Charles Taylor in question*, edited by James Tully (New York: Cambridge University Press), p. 43

⁷⁵ Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), p. 25

⁷⁶ Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), pp. 25-26

⁷⁷ Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), p. 25

by that a background of distinctions between things which are recognized as of a categoric or unconditioned or higher importance or worth, and things which lack this or are of lesser value ... to be a full human agent, to be a person or a self in the ordinary meaning, is to exist in a space defined by distinctions of worth. A self is a being for whom certain questions of categoric value have arisen, and received at least partial answers. Perhaps these have been given authoritatively by the culture more than they have been elaborated in the deliberation of the person concerned, but they are his in the sense that they are incorporated into his self-understanding, in some degree and fashion. My claim is that this is not just a contingent fact about human agents, but is essential to what we would understand and recognize as full, normal human agency.⁷⁸

In Taylor's opinion, the thesis that strong evaluations belong to the class of the inescapable can be supported with reference to the role these types of evaluations have in the shaping of our identity. A person's identity is normally defined by his or her moral and spiritual commitments to ideologies⁷⁹ and religions or his or her identification with some nation. These commitments and identifications represents the moral framework within which this person is able to determine what is good, valuable, worthwhile and so on. A moral framework simply constitutes the horizon within which this person is capable of taking a moral stand.⁸⁰ Taylor argues that if a person for some reason lost his or her moral framework, he or she would experience an acute form of disorientation. A person without strong evaluations must be regarded as fundamentally shattered:⁸¹

⁷⁸ Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), p.1

⁷⁹ Weinstock argues that the social conditions that cultivate strong evaluations are best secured under liberal political institutions: "My principal claim is that in the context of modern societies marked by a vast array of coexisting conceptions of the good and of quite different cultural forms, the political conditions required for the development of the capacities involved in strong evaluation are best secured under liberal institutions which prescind from promoting any particular conception of the good or cultural form." Daniel M. Weinstock, "The political theory of strong evaluation" in *Philosophy in an age of pluralism. The philosophy of Charles Taylor in question*, edited by James Tully, (New York: Cambridge University Press), p. 176

⁸⁰ Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), p. 27

⁸¹ Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), pp. 34-35

Such a person wouldn't know where he stood on issues of fundamental importance, would have no orientation in these issues whatever, wouldn't be able to answer from himself on them. If one wants to add to the portrait by saying that the person doesn't suffer this absence of framework as a lack, isn't in other words in a crisis at all, then one rather has a picture of frightening dissociation. In practice, we should see such a person as deeply disturbed. He has gone way beyond the fringes of what we think as shallowness: people we judge as shallow do have some sense of what is incomparably important, only we think their commitments trivial, or merely conventional, or not deeply thought out or chosen. But a person without a framework altogether would be outside our space of interlocution; he wouldn't have a stand in the space where the rest of us are. We would see this as pathological.⁸²

Thus, according to Taylor, to be a human agent in the full sense is to exist in a space defined by distinctions of worth.

1.3 Responsibility

Our attempts to formulate what we hold important must ... strive to be faithful to something. But what they strive to be faithful to is not an independent object with a fixed degree and manner of evidence, but rather a largely inarticulate sense of what is of decisive importance. An articulation of this 'object' tends to make something different from what it was before.⁸³

This section presents Taylor's notion of what it means to be a responsible human agent. Taylor argues that two influential strands in moral philosophy have not properly understood the nature of responsibility. Jean-Paul Sartre and Anglo-Saxon philosophers conceive of responsibility as a radical choice of strong evaluations. But this is to misunderstand what is at

⁸² Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), p. 31

⁸³ Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), pp. 38

stake here. A radical choice of strong evaluations is inconceivable because it belongs to the class of the inescapable. Strong evaluations cannot be understood as something that is optional to us,⁸⁴ as the theory of radical choice claims:

The notion of identity refers us to certain evaluations, which are essential because they are the indispensable horizon or foundation out of which we reflect and evaluate as persons. To lose this horizon, or not to have found it, is indeed a terrifying experience of disaggregation and loss ... A self decides and acts out of certain fundamental evaluations. This is what is impossible in a theory of radical choice. The agent of radical choice would at the moment of choice have *ex hypothesi* no horizon of evaluation. He would be utterly without identity. He would be a kind of extensionless point, a pure leap into the void. But such a thing is an impossibility, or rather could only be the description of the most terrible mental alienation. The subject of radical choice is another avatar of that recurrent figure which our civilization aspires to realize, the disembodied ego, the subject who can objectify all being, including his own, and choose in radical freedom. But this promised total self-possession would in fact be the most total self-loss.⁸⁵

According to Taylor, an adequate understanding of responsibility requires quite different considerations from the ones advanced by the theory of radical choice. To begin with, it should be noted that to exist in a space defined by distinctions of worth already implies a basic sense of responsibility. The capacity to place different motivations relative to each other enables human beings to distinguish better motivations from the ones that may press most strongly.⁸⁶ Strong evaluations discriminate between more serene motivations and lower motivations and thereby enable us to see things from a higher standpoint.⁸⁷ However, in the modern sense of the word, responsibility implies more than the capacity to distinguish better motivations from worse ones. Responsibility also includes the capacity to alter our strong

⁸⁴ Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), p. 42

⁸⁵ Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), p. 35

⁸⁶ Ibid., p. 28

⁸⁷ Ibid., p. 67

evaluations for the better (but not all at once).⁸⁸ Taylor stresses that this process is highly problematic. Strong evaluations are commonly the ones that are most difficult to be clear about⁸⁹ and they can easily be the products of illusion or distortion. Because our insight into what we find of value often is limited, the re-evaluation of our strong evaluations is very likely to be radical:

... radical self-evaluation is a deep reflection, and a self-reflection in a special sense: it is a reflection about the self, its most fundamental issues, and a reflection which engages the self most wholly and deeply. Because it engages the whole self without a fixed yardstick it can be called a personal reflection ... and what emerges from this is a self-resolution in a strong sense, for in this reflection the self is in question; what is at stake is the definition of those inchoate evaluations which are sensed to be essential to our identity. Because this self-resolution is something we do, when we do it we can be called responsible for ourselves; and because it is within limits always up to us to do it, even when we do not – indeed, the nature of our deepest evaluations constantly raises the question whether we have them right – we can be called responsible in another sense for ourselves, whether we undertake this radical evaluation or not.⁹⁰

According to Taylor, a human agent who manages to overcome the psychological difficulties involved in the re-evaluation of his or her strong evaluations is in a position to make an error-reducing transition between what he or she finds morally moving.⁹¹ This can be clarified with reference to a person who is fighting obesity. The person who struggles to come to terms with this problem might be induced to see it from three different perspectives. First, the problem can be reflected upon in a language of qualitative contrast. From this perspective, the problem with obesity can be put in terms of dignity versus degradation. The person who is in danger of letting his or her health go just because he or she repeatedly yields to the temptation of eating too much cake, may come to the insight that it would be more admirable to take control over his or her appetites. Second, the problem with obesity can also be

⁸⁸ Ibid., p. 39

⁸⁹ Ibid., p. 40

⁹⁰ Ibid., p. 42

⁹¹ Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), p. 72

reflected upon without a language of qualitative contrast. From this perspective, this problem is a question of quantity of satisfaction. The person who yearns to be free from the addiction of eating too much cake may simply think that high cholesterol content and ill health prevents him or her from enjoying other sorts of desired consummations.⁹² Third, the problem with obesity can again be reflected upon in a language of qualitative contrast. This time, however, the problem is not seen from the perspective of dignity versus degradation. The person who fight obesity may come to realise that there is a set of deeper issues, for instance the risk of bad health, at stake here that he or she previously ignored or even suppressed. Taylor asserts that these three perspectives or readings of the problem with over-eating show that a person who struggles with different self-interpretations is in a position to experience real moral growth:

Which one we will adopt will partly shape the meanings things have for us. But the question can arise which is more valid, more faithful to reality. To be in error here is thus not just to make a misdescription, as when I describe a motor-vehicle as a car when it is really a truck. We think of misidentification here as in some sense distorting the reality. For the man who is trying to talk me out of seeing my problem as one of dignity versus degradation, I have made a crucial misidentification. But it is not just that I have called a fear of too high cholesterol content by the name ‘degradation’; it is rather that infantile fears of punishment or loss of parental love has been irrationally transferred to obesity, or the pleasure of eating, or something of the sort ... My experience of obesity, eating, etc. is shaped by this. But if I can get over this ‘hang-up’ and see the real nature of the underlying anxiety, I will see that it is largely groundless, that is I do not really incur the risk of punishment or loss of love; in fact there is quite another list of things at stake here: ill health, inability to enjoy outdoor life, early death by heart-attack, and so on.⁹³

Thus, in Taylor’s opinion, to be a responsible human agent involves the capacity to re-evaluate one’s own strong evaluations. A person who is able to accomplish this is in a

⁹² Charles Taylor, *Philosophical Papers I. Human Agency and Language* (Cambridge: Cambridge University Press, 1985), pp. 21-22

⁹³ Ibid., p. 22

position to experience real moral growth in the sense that he or she makes error-reducing transitions between what he or she finds morally moving.

1.4 Concluding summary

... one crucial fact about a self or person ... is that it is not like an object in the usual sense. We are not selves in the way that we are organisms ... we are only selves insofar as we move in a certain space of questions, as we seek and find an orientation about the good.⁹⁴

This chapter has been concerned with two of the central issues of Charles Taylor's philosophical anthropology. Taylor's argument that naturalism leads to bad science and the claim that the aim of the human sciences should be to try to make sense of human life and action was outlined in this chapter. Taylor's thesis of what it means to be a person in the full sense was also introduced. According to Taylor, to exist in a space defined by distinctions of worth is what constitutes full, normal human agency. All three axes of our moral life involve strong evaluations, evaluations that stand independent of our own desires and choices and offer standards by which these latter motivations can be judged. Moreover, Taylor's view of what it means to be a responsible human agent was also presented. Taylor asserts that responsibility implies the capacity to re-evaluate strong evaluations. A responsible human agent is a person that is able to make error-reducing moves between what he or she finds morally moving. Now, by applying Taylor's understanding of the task of philosophy and his conception of human agency and responsibility to Michael Walzer's approach to moral philosophy, we are in a position to better understand Walzer's claim that moral anthropology supports his vision of egalitarianism. This claim is the main concern of the next chapter.

⁹⁴ Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), p. 34

Chapter 2

Moral anthropology

Social goods have social meanings, and we find our way to distributive justice through an interpretation of those meanings.⁹⁵

2.1 Introduction

Distributive criteria and arrangements are intrinsic not to the good-in-itself but to the social good. If we understand what it is, what it means to those for whom it is a good, we understand how, by whom, and for what reasons it ought to be distributed. All distributions are just or unjust relative to the social meanings of the goods at stake.⁹⁶

Michael Walzer asserts that justice is relative to social meanings of goods.⁹⁷ In Walzer's opinion, this does not mean that his approach to distributive justice represents an extreme or unconstrained form of moral relativism. Rather, this approach claims to show that human beings set a fairly narrow limit to the range of morally permissible distributions.⁹⁸ By applying some of the concepts of Charles Taylor's philosophical anthropology to the grid of moral anthropology, this chapter aims to clarify what is involved in this claim. This introduction is divided into three parts. The first part surveys some controversial components associated with Walzer's self-acknowledged relativism.⁹⁹ The second part briefly outlines

⁹⁵ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 19

⁹⁶ Ibid., pp. 8-9

⁹⁷ Ibid., p. 312

⁹⁸ Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), pp. 28-29

⁹⁹ Galston suggests that the relativistic stance is the most controversial aspect of Walzer's philosophical thinking: "Of the many important features of Walzer's recent thought, none has proved more controversial than his alleged 'relativism.' Methodologically, this relativism opposes the stances of Plato and Descartes: we should

Walzer's view that the aim of moral philosophy is to make clear the morality that is embedded in shared understandings of social goods. The third part presents how this aim is further explored in this chapter.

Walzer asserts that his limited relativism is comprised of four components that cohere and overlap. The first component is *the Moral Legislation Thesis*, which concerns the normative dimension of distributive justice. This thesis asserts that the process of assigning social meanings to social goods should be understood in terms of moral legislation. The social meanings that human beings invest in social goods are intended not only to establish common reference points. More importantly, the purpose of assigning such meanings to goods is to establish rules that regulate interpersonal relations:

The meanings with which we invest objects have normative consequences. I have been calling these norms 'rules of use and value'; they are also rules of distribution, that is, they regulate our relations not only with things but also with other people ... we will use and value objects in accordance with the meaning they have in our world, and we will exchange, share, and distribute them in accordance with their use and value. We will know what objects we owe to other people as soon as we understand what those objects (really) are and what they are for. A great part of our conduct towards other people will be governed by these distributive entailments of social meanings.¹⁰⁰

The second component is *the Cultural Relativity Thesis*, which concerns an empirical condition of distributive justice. This thesis asserts that different cultures assign different social meanings to social goods.¹⁰¹ Given the exceptionally large number of historical and contemporary cultures, the total sum of social meanings of social goods can be very high. However, certain social meanings of social goods are reiterated in many cultures:

neither leave the cave nor impatiently dismiss the opinions that constitute our everyday world ..." William A. Galston, "Community, Democracy, Philosophy. The Political Thought of Michael Walzer," *Political Theory* 17 (February 1989): 122

¹⁰⁰ Michael Walzer, "Objectivity and Social Meaning" in *Quality of Life*, edited by Martha C. Nussbaum and Amartya Sen (Oxford: Clarendon Press, 1993), p. 169

¹⁰¹ Norman Daniels, *Justice and justification. Reflective Equilibrium in Theory and Practice* (Cambridge: Cambridge University Press, 1996), p. 106

All the goods with which distributive justice is concerned are social goods. They are not and cannot be idiosyncratically valued ... There is no single set of primary or basic goods conceivable across all moral and material worlds – or any such set would have to be conceived in terms so abstract that they would be of little use in thinking about particular distributions ... Social meanings are historical in character; and so distributions, and just and unjust distributions, change over time. To be sure, certain key goods have what we might think of as characteristic normative structures, reiterated across the lines (but not across all the line) of time and space.¹⁰²

The third component is *the Justification Thesis*, which concerns a metaethical level of distributive justice. This thesis asserts that a distributive principle can be assigned to a sphere of distribution only under the condition that it is acceptable to the people concerned.¹⁰³ Social meanings of social goods must correspond to the will of the body of citizens of a particular political community and not to the will or standard of someone standing outside the political community:

We cannot say what is due to this person or that one until we know how these people relate to one another through the things they make and distribute ... There are an infinite number of possible lives, shaped by an infinite number of possible cultures, religions, political arrangements, geographical conditions, and so on. A society is just if its substantive life is lived in a certain way – that is, in a way faithful to the shared understandings of the members ... Social meanings ... provide the intellectual structure within which distributions are debated. But that is a necessary structure. There are no external or universal principles that can replace it. Every substantive account of distributive justice is a local account.¹⁰⁴

¹⁰² Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), pp. 7-9

¹⁰³ Norman Daniels, *Justice and justification. Reflective Equilibrium in Theory and Practice* (Cambridge: Cambridge University Press, 1996), p. 106

¹⁰⁴ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), pp. 312-314

The fourth component is *the Incommensurability Thesis*, which concerns a methodological aspect of distributive justice. This thesis asserts that there is no acceptable method for ranking and ordering¹⁰⁵ the goodness of culturally different understandings of social goods.¹⁰⁶ Human beings are by their very nature culture-producing creatures and the moral goodness of the cultures that they produce can not be ranked by, for instance, historians, philosophers, or social scientists:

By virtue of what characteristics are we one another's equals? One characteristic above all is central to my argument. We are (all of us) culture-producing creatures; we make and inhabit meaningful worlds. Since there is no way to rank and order these worlds with regard to their understanding of social goods, we do justice to actual men and women by respecting their particular creations. And they claim justice, and resist tyranny, by insisting on the meaning of social goods among themselves. Justice is rooted in the distinct understandings of places, honors, jobs, things of all sorts, that constitute a shared way of life. To override those understandings is (always) to act unjustly.¹⁰⁷

Walzer concedes that his methodological position incorporates some very controversial components. Thus, it must be an abiding philosophical concern to defend moral anthropology against the extreme moral consequences that critics commonly derive from it. One way of doing this is to explore the limits that normal human beings set to the range of morally

¹⁰⁵ Galston points out that the Incommensurability Thesis is fraught with inconsistencies: "The assertion that social worlds cannot be ranked-ordered turns out to be the key premise in the argument that 'we do justice to actual men and women by respecting their particular creations' and hence, 'To override those understandings is (always) to act unjustly' ... But experience suggests that some societies are more inclined to respect – and others to invade – the self-understanding of foreign societies. It would seem to follow, on Walzer's own grounds that the self-understanding of respectful societies is superior to the self-understanding of invasive societies. And – to pile complexity on complexity – the maxim 'Do not override a society's self-understanding' itself overrides the self-understandings of invasive societies. Walzer's argument thus reproduces, paradoxes and all, the logic of the liberal doctrine of toleration." William A. Galston, "Community, Democracy, Philosophy. The Political Thought of Michael Walzer," *Political Theory* 17 (February 1989): 123

¹⁰⁶ Norman Daniels, *Justice and justification. Reflective Equilibrium in Theory and Practice* (Cambridge: Cambridge University Press, 1996), p. 106

¹⁰⁷ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 314

permissible distributions. According to Walzer, societies of a pathological nature fall outside of the immediate interest of moral anthropology:

Perhaps we should choose this way here and that way there, this way now, that way at some future time. Perhaps all our choices should be tentative and experimental, always subject to revision or even reversal. The idea that our choices are not determined by a single universal principle (or an interconnected set of principles) and that the right choice here might not be similarly right there is, strictly speaking, a relativist idea. The best political arrangement is relative to the history and culture of the people whose lives it will arrange. This seems to me an obvious point. But I am not advocating an unconstrained relativism, for no arrangement, and no feature of an arrangement, is a moral option unless it provides for some version of peaceful coexistence (and thereby upholds basic human rights). We choose within limits, and I suspect that the real disagreement among philosophers is not whether such limits exist – no one seriously believes that they don't – but how wide they are. The best way to estimate that width is to describe a range of options and to make the case for the plausibility and the limitations of each within its historical contexts. I won't have much to say about the arrangements that get ruled out entirely – the monolithic religious or totalitarian political regimes. It is enough to name them and to remind readers of their historical reality.¹⁰⁸

Thus, Walzer insists that his interpretive-based method does not constitute an extreme form of moral relativism. Moral anthropology operates under the assumption that the morality that is embedded in shared understandings of social goods can be treated as a text-analogue. This morality is clouded and fragmented in its present form. Moral anthropology undertakes the task of making sense of this morality for the purpose to clarify a society's collective self-understanding:

There is a certain attitude of mind that underlies the theory of justice ... we can think of it as a decent respect from the opinions of mankind. Not the opinions of this or that individual, which may well deserve a brusque response: I mean those

¹⁰⁸ Michael Walzer, *On Toleration* (London: Yale University Press, 1997), pp. 5-6

deeper opinions that are the reflections in individual minds, shaped also by individual thought, of the social meanings that constitute our common life. For us and for the foreseeable future, these opinions make for autonomous distributions ... To argue against dominance and its accompanying inequalities, it is only necessary to attend to the goods at stake and to the shared understandings of these goods. When philosophers do this, when they write out of a respect for the understandings they share with their fellow citizens, they pursue justice justly, and they reinforce the common pursuit.¹⁰⁹

As mentioned at the outset of this introduction, this chapter employs Taylor's philosophical anthropology in order to elucidate what is involved in Walzer's claim that moral anthropology shows that human beings set a fairly narrow limit to the range of morally permissible distributions. The claim that moral anthropology clarifies a morality that is uncertain in its present form constitutes the starting-point for the pursuit of the task of this chapter. Section 2.2 explores the moral anthropological premises of Walzer's interpretive-based method. The first part outlines his discussion of deep and shallow accounts of our social life. The second part analyses this discussion against the backdrop of Taylor's distinction between strong and weak evaluations. Section 2.3 presents Walzer's account of the multiplicity of social goods. The first part outlines his discussion of blocked exchanges. The second part analyses this discussion against the backdrop of Taylor's account of the three axes of our moral life. A concluding summary is made in 2.4.

¹⁰⁹ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 320

2.2 Deep versus shallow understandings of social goods

The idea of distributive justice has as much to do with being and doing as with having, as much to do with production as with consumption, as much to do with identity and status as with land, capital, or personal possessions.¹¹⁰

This section explores the moral anthropological premises of Michael Walzer's interpretive-based method, premises that we will see implicitly appeal to something like Charles Taylor's understanding of human agency. Walzer asserts that one should think of his interpretive-based method as an attempt to draw a map of our social life. However, before the drawing can begin, the moral philosopher must reflect on the issue of agency. The moral philosopher needs to discuss the conditions that establish the complex egalitarian nature of our social world:

... we can ... see, I think, that every criterion that has any force at all meets the general rule within its own sphere, and not elsewhere. This is an effect of the rule: different goods to different companies of men and women for different reasons and in accordance with different procedures. And to get all this right, or to get it roughly right, is to map out the entire social world. Or, rather, it is to map out a particular social world. For the analysis that I propose is imminent and phenomenological in character. It will not yield an ideal map or a master plan but, rather, a map and a plan appropriate for the people for whom it is drawn, whose common life it reflects. The goal, of course, is a reflection of a special kind, which picks up those deeper understandings of social goods which are not necessarily mirrored in the everyday practice of dominance ...¹¹¹

Walzer stresses that his interpretive-based method is able to show that human beings discriminate between deep and inclusive accounts of our social life on the one hand and shallow and partisan accounts on the other. Reflection upon the case of health care enables us to understand what is involved in such discriminations. Health care can be distributed according to the principle of free exchange and the principle of need. The principle of free

¹¹⁰ Ibid., p. 3

¹¹¹ Ibid., p. 26

exchange expresses the understanding that health care primarily constitutes an opportunity for those who control this social good to accumulate vast private wealth. On this understanding, individuals should be cared for in proportion to their ability to pay for care. This qualifies as a shallow and partisan account since it lacks a concern for the consequences of being cut off from proper treatment. The principle of need, however, incorporates such a concern. It recognises that it is dangerous and degrading to be cut off from the help provided by doctors and hospitals. Walzer maintains that the principle of need represents a deep and inclusive account of our social life because it constitutes a more powerful and persuasive understanding of what the social good in question is and what it is for:

For the distributive logic of the practice of medicine seems to be this: that care should be proportionate to illness and not to wealth. Hence, there have always been doctors, like those honored in ancient Greece, who served the poor on the side, as it were, even while they earned their living from paying patients. Most doctors, present in an emergency, still feel bound to help the victim without regard to his material status. It is a matter of professional Good Samaritanism that the call ‘Is there a doctor in the house?’ should not go unanswered if there is a doctor to answer it.¹¹²

Walzer also emphasises that his interpretive-based method is able to demonstrate that deep and inclusive accounts of our social life constitute the common understandings of a society. Further reflection upon the case of health care supports this claim. The attitude towards this particular social good has changed over a long period of time. In Europe during the Middle Ages, the cure of souls was public. The church made an effort to ensure that every Christian had an equal chance at salvation. At that point in history, the cure of bodies was mostly a matter of free enterprise. Doctors cured or, more commonly, failed to cure their patients for a fee. Today, the cure of bodies has attained a different status. Human beings have gradually lost the interest in salvation and they have instead become increasingly interested in a long and healthy life. In modern times, it is widely and deeply felt that the commitment to the public cure of bodies offers a better understanding of communal provision than the commitment to the public cure of souls. This gradual shift in the attitude towards communal provision has produced a shift in institutions from the church to the clinic:

¹¹² Ibid., pp. 86-87

The licensing of physicians, the establishment of state medical schools and urban clinics, the filtering of tax money into great voluntary hospitals ... represent an important public commitment. What has happened in the modern world is simply that disease itself, even when it was endemic rather than epidemic has come to be seen as a plague. And since the plague can be dealt with, it *must* be dealt with. People will not endure what they no longer believe they have to endure. Dealing with tuberculosis, cancer, or heart failure, however, requires a common effort. Medical research is expensive, and the treatment of many particular diseases lies far beyond the resources of ordinary citizens. So the community must step in, and any democratic community will in fact step in ... Thus, the role of the American government (or governments, for much of the activity is at the state and local level): subsidizing research, training doctors, providing hospitals and equipment, regulating voluntary insurance schemes, underwriting the very old. All this represents "the contrivance of human wisdom to provide for human wants". And all that is required is to make it morally necessary is the development of a "want" so widely and deeply felt that it can plausibly be said that it is the want not of this or that person alone but of the community generally – a human "want" even though culturally shaped and stressed.¹¹³

According to Walzer, his interpretive-based method holds that the capacity to make deep and inclusive accounts of our social life is not just a contingent fact about human beings. Reflection upon the way contemporary philosophy treats such accounts sheds light on this issue. Today, philosophers commonly discredit the significance of deep understandings of social goods. These philosophers concern themselves with the task of exploring what kind of distributive system that ideally rational individuals would choose if they were forced to choose impartially. This kind of philosophy claims that deep understandings cloud our moral judgements in the sense of obstructing the possibility of choosing impartially. On this view, human beings must detach themselves from all such understandings in order to conceive, create and distributive social goods among themselves. Walzer stresses that this assumption is crucially inadequate. Deep understandings of social goods are given to individuals by a culture and they are incorporated into their self-understanding. These understandings are

¹¹³ Ibid., pp. 87-88

inseparable from our identities.¹¹⁴ Deprived of our identities and our deepest understandings, we would not be able to conceive, create and distribute a single social good:

Men and women take on concrete identities because of the way they conceive and create, and then possess and employ social goods ... Distributions can not be understood as the acts of men and women who do not have particular goods in their minds or in their hands. In fact, people already stand in some relation to a set of goods; they have a history of transactions, not only with one another but also with the moral and material world in which they live. Without such a history, which begins at birth, they wouldn't be men and women in any recognizable sense, and they wouldn't have the first notion of how to go about the business of giving, allocating, and exchanging goods.¹¹⁵

The premises of Walzer's moral anthropology implicitly appeal to something like Taylor's understanding of human agency. Walzer's discussion of deep and inclusive accounts of our social life claims that human beings are capable of a basic form of responsibility. According to this discussion, the case of health care shows that we place different motivations relative to each other in order to separate higher or more serene motivations from the ones that may press most strongly. The obligation to attend to sick people is a good example of a strong evaluation. It stands independent of the desire to make medical treatment profitable and it also provides a standard by which this desire can be judged as shallow and unworthy. From this higher standpoint we see that the principle of free exchange is associated with unnecessary suffering. Walzer's discussion of deep and inclusive accounts of our social life also argues that human beings are capable of an expanded form of responsibility. According to this discussion, the historical change in attitude towards medical treatment shows that our deepest understandings can be challenged. The fact that eternity receded in popular consciousness and that longevity moved to the fore¹¹⁶ demonstrates that such understandings are subject to gradual revision. Fresh insight to our understanding of communal provision has enabled us to recognise the significance of the public cure of bodies. Today, this understanding is not only deeply felt but also widely held by the members of modern societies. Walzer's discussion of deep and inclusive accounts of our social life finally claims that

¹¹⁴ Ibid., p. 5

¹¹⁵ Ibid., p. 8

¹¹⁶ Ibid., p. 87

someone without the ability to make the kind of deep accounts that are involved in the case of health care has lost the possibility of being a full human agent. According to this discussion, a person in the full sense of the word is someone for whom questions of unconditional value have arisen and received at least partial answers. The real, non-hypothetical system of distribution, should be understood in terms of a space defined by distinctions of worth. This system provides us with fundamental orientation in moral space. It constitutes the background of distinctions between social goods that are recognised as of higher importance and social goods which lack this importance. A person without at least a minimal understanding of what is incomparably important would be judged as shallow, reckless or improvident,¹¹⁷ but a person completely without such an understanding would be judged as deeply disturbed.

The use of Taylor's philosophical anthropology allows us to see that Walzer's interpretive-based method reposes on very strong premises. On Walzer's view, strong evaluations belong to the ontological constitution of human beings. We judge our own goals and purposes in the light of higher-order social goods. These strong evaluations are objective in the sense that they stand independent of the desires, choices and inclinations of particular individuals. Only reckless and improvident persons fail to understand that higher-order social goods constitute our real, collective interests.¹¹⁸

¹¹⁷ Ibid., p. 81

¹¹⁸ Ibid., p. 81

2.3 The moral anthropological study of our social life

Distributive justice is a large idea. It draws the entire world of goods within the reach of philosophical reflection. Nothing can be omitted, no feature of our common life can escape scrutiny ... membership, power ... work and leisure ... punishments ... food, shelter, clothing, transportation, medical care ... paintings, rare books, postage stamps ... We must study it all, the goods and the distributions, in many different times and places.¹¹⁹

This section explores Michael Walzer's account of the multiplicity of social goods, which we will see implicitly appeals to something like Charles Taylor's thesis that all the three axes of our moral life involve strong evaluations. According to Walzer, his map of our social life offers a detailed account of the place that an exceptionally large number of social goods hold in our mental and material lives.¹²⁰ This map captures the multiplicity of social goods, distributive agents, criteria and procedures on the one hand and the fact that human beings are inclined to set limits to the range within which particular social goods are convertible on the other:

Even if we choose pluralism, as I shall do, that choice still requires a coherent defense. There must be principles that justify the choice and set limits to it, for pluralism does not require us to endorse every proposed distributive criteria or to accept every would-be agent ... I want to argue ... that different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents; and that all these differences derive from different understandings of the social goods themselves – the inevitable products of historical and cultural particularism.¹²¹

Walzer stresses that human beings understand that certain exchanges must be blocked. The purpose of one set of such blocked exchanges is to rule out the sale of criminal services like

¹¹⁹ Ibid., p. 3-4

¹²⁰ Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994), p. 26

¹²¹ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), pp. 5-6

contract killings and the sale of persons. Virtually every society has accepted a minimal moral code that prohibits murder¹²² enslavement.¹²³ This moral code also includes the prohibition deception, betrayal, gross cruelty,¹²⁴ incest, rape,¹²⁵ oppression,¹²⁶ and bribery.¹²⁷ Walzer argues this moral code is significantly expanded in modern societies. Today, this code also includes a commitment to well being. This commitment can only be realized in a system of communal provision that protects the members of the political community from the hostility of other people, famine, fire, disease and so on. Naturally, the commitment to well being takes different cultural shapes depending on factors such as geographical settings, available economical resources and technological advancements. However, we do not have to stage a performance, pass an exam or win an election in order to obtain the social goods associated with well being:

The state has to be a welfare state. This is, I think, a general truth about all states, a moral fact. Every state that I have encountered in the study of history and comparative politics is in some sense committed to, or at least claims to be committed, to the welfare of its own people ... Its officials secure trade routes and the grain supply, organize the irrigation of the fields, appease the gods, ward off hostile foreigners, look after public health, care for widows and orphans, and so on ... And these are the sort of things they ought to do. What in particular they ought to do will depend on the local political culture and the shared understanding of social life. The emphasis of our own welfare state, for example, is overwhelmingly on physical well-being and long life. The amount of money we spend on health care is probably without precedent in the history of human civilization ... justice requires that the protection we provide be provided across

¹²² Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), p. 24

¹²³ Michael Walzer, "Response" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 293

¹²⁴ Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), pp. 23-24

¹²⁵ Michael Walzer, "Liberalism and the Art of Separation," *Political Theory* 12, (August 1984): 317

¹²⁶ Michael Walzer, "Nation and Universe" in *The Tanner Lectures on Human Values XI*, edited by Grethe B. Peterson (Salt Lake: University of Utah Press, 1990), p. 515

¹²⁷ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 100

the class of citizens, to everyone who is ill ... this requires in turn something like a national health service and the enlistment or conscription of physicians for the sake of that service ... the important claim is simply that the state should respond to the socially recognized needs of its members. That is what the state is for.¹²⁸

Walzer asserts that the purpose of another set of blocked exchanges is to rule out trades of last resort. The decision how we want to lead our lives cannot be dictated by the demand for simple material outcome.¹²⁹ However, desperate exchanges such as unpaid jobs or prostitution are all dictated by this demand. Walzer stresses that such exchanges have morally, physically and socially degrading effects. Thus, desperate exchanges or trades of last resort are prohibited:

The eight-hour day, minimum wage laws, health and safety regulations: all these set a floor, establish basic standards, below which workers can not bid against one another for employment. Jobs can be auctioned off, but only within these limits. This is a restraint of market liberty for the sake of some communal conception of personal liberty, a reassertion at lower levels of loss, of the ban on slavery ... Sex is for sale, but the sale does not make for "a meaningful relationship." People who believe that sexual intercourse is morally tied to love and marriage are likely to favor a ban on prostitution ...¹³⁰

Walzer argues that the purpose of the last set of blocked exchanges is to rule out the purchase of social standings and ranks. The distribution of social goods like political offices, prizes, love and friendship is governed by different understandings of entitlement. Only those persons who have certain intellectual capacities, personal qualities, physical abilities or mental properties can qualify for certain standings or earn certain reputations. The Nobel Prize in literature, for example, is one of the most respected public honors. Walzer maintains that this has to do with the fact that the prize is distributed according to the principle of

¹²⁸ Michael Walzer, "Justice Here and Now," in *Justice and Equality Here and Now*, edited by Frank S. Lucash and Judith N. Shklar (Ithaca: Cornell University Press, 1986), pp. 139-140

¹²⁹ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 186

¹³⁰ Ibid., pp. 102-103

literary achievement.¹³¹ The purchase of the Nobel Prize of literature is ruled out since it would cheapen the value of that particular social good. This is one of many examples of the fact that social standings and ranks stand outside the cash nexus. In order to obtain such social goods, we do have to stage a performance, or pass an exam or win an election:

Political offices cannot be bought; to buy them would be a kind of simony, for the political community is like a church in this sense, that its services matters a great deal to its members and wealth is no adequate sign of capacity to deliver those services. Nor can professional standing be bought, insofar as this is regulated by the community, for doctors and lawyers are our secular priests; we need to be sure about their qualification ... The Congressional Medal of Honor cannot be bought, nor can the Pulitzer Prize or the Most Valuable Player Award or even the trophy given by a local Chamber of Commerce to the “businessman of the year.” Celebrity is certainly for sale, though the price can be high, but a good name is not. Prestige, esteem, and status stand somewhere between these two. Money is implicated in their distribution; but even in our own society, it is only sometimes determinative ... Love and friendship cannot be bought or sold, not on our common understanding of what these two means. Of course, one can buy all sorts of things – clothing, automobiles, gourmet foods, and so on – that make one a better candidate for love and friendship or more self-confident in the pursuit of lovers and friends ... But the direct purchase is blocked, not in the law but more deeply, in our shared morality and sensibility. Men and women marry for money, but this is not a “marriage of true minds.”¹³²

Michael Walzer’s account of the multiplicity of social goods implicitly appeals to something like Charles Taylor’s thesis that all the three axes of our moral life involve strong evaluations. Walzer’s account of social goods that belong to the sphere of security and welfare explores strong evaluations in the first axis of our moral life. According to this account, we have something like a natural instinct to avoid suffering. The respect for and even the flourishing of other human beings are values that are recognised as of unconditional worth. These strong evaluations set a very narrow limit to the range of morally permissible

¹³¹ Ibid., p. 264

¹³² Ibid., pp. 102-103

distributions of social goods such as basic education, childcare and medical treatment. These goods are needed absolutely and they can only be accommodated by a system of communal provision. Walzer's account of social goods that belong to the sphere of work explores strong evaluations in the second axis of our moral life. According to this account, we see ourselves against a background of higher modes of being. The possibility to live a rich and meaningful life is recognised as of categoric value. This strong evaluation set a narrow limit to range of morally permissible distributions of social goods such as wages and work hours. In order for our lives not to take a wrong turn, these goods cannot be distributed in the shallow interests of those who control the means of production. Walzer's account of social goods that belong to the sphere of recognition explores strong evaluations in the third axis of our moral life. According to this account, we understand that we cannot command attitudinal respect in any which way. Some ranks or stations have categoric values attached to them. These strong evaluations set an extremely narrow limit to the range of morally permissible distributions of social goods such as professional titles, friendship and Olympic medals. These social goods cannot be distributed according to the principle of free exchange; they must be distributed according to their inner moral and social logics.

The use of Taylor's philosophical anthropology allows us to see that Walzer's interpretive-based method not only reposes on very strong premises but that it also offers very strong conclusions. On Walzer's view, higher-order social goods determine every aspect of our moral life. These social goods provide general orientation concerning personal integrity, the meaning of a full life and dignity and honor. Our understandings of the social goods that belong to these lines of our moral life block certain exchanges and establish a regime of complex equality.

2.4 Concluding summary

The arguments for a minimal state have never recommended themselves to any significant proportion of mankind.¹³³

This chapter has been concerned with Michael Walzer's constrained form of relativism. The claim that moral anthropology aims to clarify a morality that is cloudy or fragmented in its present form was outlined in this chapter. The premises of Walzer's interpretive-based method were also introduced. Charles Taylor's conceptualisation of strong and weak evaluations enabled us to see that moral anthropology reposes on some very strong premises. Like Taylor, Walzer argues that to exist in a space defined by distinctions of worth is what constitutes full, normal human agency. Strong evaluations stand independent of our own desires and offer standards by which these latter motivations can be judged as shallow or partisan. Furthermore, the conclusions of moral anthropology were also presented. Taylor's account of the three axes of our moral life enabled us to see that moral anthropology offers very strong conclusions. Like Taylor, Walzer claims that all three axes of our moral life involve strong evaluations. These evaluations set a very narrow limit to range of morally permissible distributions of an exceptionally large number of social goods. Now, it should be clear that Walzer is convinced that his interpretive-based method provides a strong support of complex equality. According to him, the only thing he has to do in order to support his vision of egalitarianism is to interpret our deep and shared understandings of social goods. However, an exploration of Michael Rustin's criticisms of moral anthropology indicates that this interpretive-based method can only offer a very limited support. The next chapter addresses this issue.

¹³³ Ibid., p. 74

Chapter 3

A critique of Michael Walzer's interpretive-based method

3.1 Introduction

The previous two chapters have been concerned with the general characteristics of an interpretive-based approach to human affairs. Chapter 1 presented some important aspects of Charles Taylor's philosophical anthropology. The introduction to this chapter described Taylor's argument that the aim of philosophy should be to offer an interpretation that best allows us to understand our actions and feelings. The remainder of this chapter outlined Taylor's understanding of what is involved in the notion of a responsible human agent. Chapter 2 applied some of the key concepts of Taylor's philosophical anthropology to Michael Walzer's moral anthropology in order to give an account of its premises and conclusions. The introduction to this chapter showed that Walzer understands the task of moral philosophy in terms of an interpretation that makes sense of the morality that is embedded in shared understandings of social goods. The remainder of chapter 2 presented the strong premises that moral anthropology reposes on and the strong conclusions that this interpretive-based method offers.

This chapter is concerned with Walzer's attempt to support the idea of complex equality with the kind of interpretive-based method that Taylor and Walzer advocate. As noted in the introduction to this thesis, Walzer asserts that Michael Rustin's proposition to support complex equality with a strong programme is unnecessary. Walzer claims that moral anthropology already supports his vision of egalitarianism. In order for this claim to be considered valid, Walzer would be required to successfully establish three arguments. First, Walzer needs to show that human beings genuinely share understandings of social goods or that, in a case of disagreement about the social meaning of a given social good, human beings are able to reach shared understandings on the basis of their best interpretation of their political-cultural understanding of a particular social good. Secondly, Walzer needs to show that social meanings of social goods are consonant with the demands of complex equality.

Thirdly, Walzer needs to show that inequalities within spheres are small and that inequalities are not multiplied across the range of spheres. This chapter intends to establish that Walzer's methodology is unable to support these three arguments. Following Rustin's critique, it argues that the problems associated with Walzer's attempt to support his vision of egalitarianism with an interpretive-based methodology could possibly be solved with three explanatory theses.

The remainder of this chapter is organised as follows. Section 3.2 argues that Walzer's interpretive-based method is inadequate. The first part briefly outlines Rustin's claim that Walzer's theory of justice has a conceptual weakness. The second part argues that there are limits to what can be accomplished with Walzer's interpretive-based method. Section 3.3 argues that the idea of complex equality requires support of a set of explanatory theses. The first part rehearses Rustin's claim that Walzer's vision of egalitarianism would benefit from a strong programme. The second part argues that three explanatory theses are needed in order to sufficiently support the idea of shared understandings, complex egalitarian social meanings and the factual possibility of complex equality. A concluding summary is made in 3.4

3.2 An explication of the limits of moral anthropology

This section argues, following Michael Rustin's critique, that Michael Walzer's interpretive-based method is inadequate. As noted in the introduction to this thesis, Rustin is skeptical about the possibility of defending complex equality with an interpretive-based method. This method can at best provide a very weak defence of this vision of egalitarianism. Rustin's critique of moral anthropology is developed in two stages. The first stage illuminates a conceptual weakness of Walzer's theory of complex equality. The second stage explores the implication that this conceptual weakness has for Walzer's arguments about the factual possibility of complex equality, complex egalitarian social meanings and shared understandings of social goods. Now, Rustin points out that Walzer in *Spheres of Justice* primarily discusses different forms of egalitarianism. This work is first and foremost committed to the task of establishing that complex equality offers a more attractive vision of egalitarianism than simple equality. The focus on these two different forms of egalitarianism has resulted in a lack of an explicit conceptualisation of forms of inequality in terms of their

simplicity and complexity. The concept of complex inequality is particularly relevant to Walzer's vision of egalitarianism because it sheds lights on the factors that may block its realisation. Rustin writes:

The weakness of Walzer's theoretical and historical arguments for equality, compared with his sophisticated defence of pluralism, leads him to an overcondensed concept of 'complex equality'. One should note that there are two variables contained in this compound concept which can be varied independently of each other. Thus, there are four theoretical possibilities, and not two: simple equality, simple inequality, complex equality, and complex inequality. Walzer's most salient contrast is between complex equality, his preferred form, and simple inequality or tyranny, which is his main negative term. This contrast involves a simultaneous alternation of both terms of the compound concept. Simple equality is recognized as a theoretical possibility, but is rejected as impossible since the means of enforcing it via monopoly of power in the hands of the state will generate inequality of another kind ... The fourth possibility of complex inequality is tackled less explicitly in Walzer's argument, which provides us with insufficient criteria for distinguishing between equal and unequal forms of complex society. Indeed, this lack of separate and specific attention to the dimension of inequality requires him to place so much weight on the invasion of boundary as sole criterion of injustice, that its specificity is achieved at the price of limiting its value as a measure of the social good.¹³⁴

According to Rustin, the concept of complex inequality refers to an empirical condition of power and dominance which demonstrates that Walzer overestimates the possibility of supporting his argument about the factual possibility of complex equality with moral anthropology. Walzer claims that any political community where the members have something to say about the range of morally permissible distributions will develop distributive spheres where certain social goods and personal qualities work freely and legitimately. Walzer acknowledges that this claim can be empirically falsified.¹³⁵ However,

¹³⁴ Michael Rustin, *For a Pluralist Socialism* (London: Verso, 1985), p. 90

¹³⁵ Michael Walzer, "Response" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 283

Walzer insists that modern democratic states typically exhibit patterns of distribution that correspond to the demands of complex equality. Walzer puts this as follows:

Here is a person whom we have freely chosen (without reference to his family ties or personal wealth) as our political representative. He is also a bold and inventive entrepreneur. When he was younger, he studied science, scored amazingly high grades in every exam, and made important discoveries. In war, he is surpassingly brave and wins the highest honors. Himself compassionate and compelling, he is loved by all who know him. Are there such people? Maybe, but I have my doubts. We tell stories like the one I have just told, but the stories are fictions, the conversion of power or money or academic talent into legendary fame. In any case, there aren't enough such people to constitute a ruling class and dominate the rest of us. Nor can they be successful in every distributive sphere, for there are some spheres to which the idea of success doesn't pertain. Nor are their children likely, under conditions of complex equality, to inherit their success. By and large, the most accomplished politicians, entrepreneurs, scientists, soldiers, and lovers will be different people; and as long as the goods they possess don't bring other goods in train, we have no reason to fear their accomplishments.¹³⁶

Rustin contests Walzer's position on the factual possibility of complex equality. In sociology and other related disciplines it is widely recognised that societies have an hierarchy of institutional sectors. The small number of institutional sectors that are placed at the top of this hierarchy are usually governed by highly unjust allocations of goods. The causal weight of the institutional sectors at the top of this hierarchy determines the allocation of social goods in sectors at medium or lower levels. This means that gross inequalities frequently are multiplied across the whole range of institutional sectors. Rustin puts this as follows:

This is the state of *complex inequality*: the condition in which many goods and values are recognized, with *some* insulation between 'spheres', but in which nevertheless certain forms of allocation or 'spheres of justice' remain dominant

¹³⁶ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 20

over others ... Sociologically, different institutional sectors will usually have different causal weight in determining the shape of any society and the distribution of life-chances within it. Societies based on principles of caste, or on the rights of property, or kinship ties, or on religious belief, are likely to be largely ordered by what happens within these decision-making spheres. Some autonomy will remain for other spheres ... but not such as to cause doubt that a dominant sphere exists. Walzer's argument by contrast has the shape of a normative or idealized kind of pluralism, and sets up an implicitly functionalist (or equilibrium) model in which every part of the social order is, or should be, assigned equal causal weight. It is not easy to set out counter-factual measures of relative dominance of the elements of a social order, but it nevertheless seems obvious that such relative dominance (or, in Walzer's terms, some spheres over others) is the usual case.¹³⁷

Rustin insists that the regime of complex inequality sets a narrow limit to what Walzer can accomplish with his interpretive-based method. One of the claimed merits of moral anthropology is that it is able to demonstrate that institutional sectors are governed by the complex egalitarian principles of distribution. This interpretive-based method, however, cannot itself establish that there are small inequalities which are not multiplied across the whole range of spheres. If complex inequality is the most common state of affairs, then Walzer can at best describe a small number of cases of institutional sectors that approximate the demands of complex equality. Rustin puts this as follows:

Spheres is a book remarkable for its commitment to understand, describe, and value the variety of ways in which human lives are actually lived, and the meanings and norms which shape them. It takes as its premiss the idea that if a socialist view of the world is to be in the least bit plausible, it must be grounded in good aspects of the lives that people have now ... The foundation of Walzer's view of a just society is the recognition of what men and women already are and achieve in their own spheres of life – in families, conceived as contexts of unconditional love and responsibility, in workers' co-operatives such as the San

¹³⁷ Michael Rustin, "Equality in Post-Modern Times" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), pp. 27-28

Francisco Scavenging Company giving dignity to the most stigmatized from of manual labour, in (some schools) espousing learning as an intrinsic good. Neither abstract principles nor utopian speculation appeal much to him as guides to political action. It is a lasting achievement to have shown that writing identifying itself with socialist values could be the very reverse of envious in its valuation of different spheres of achievement and in its commitment to defend and extend theses.¹³⁸

Furthermore, Rustin argues that the state of complex inequality demonstrates that Walzer overestimates the possibility of supporting his argument about complex egalitarian social meanings with moral anthropology. Walzer insists that human beings commonly assign complex egalitarian meanings to social goods. He acknowledges that there will always be a small minority of individuals that consistently fails to appreciate that social goods have such meanings. However, Walzer argues that an overwhelming majority of human beings recognises that social goods ought to have complex egalitarian social meanings. Walzer puts this as follows:

Social meanings and the principles and processes they entail are commonly distinct and autonomous. Indeed, autonomy is a basic distributive principle, itself entailed by the differentiation of goods ... Each social good has a separate set of legitimate claimants ... If we insist on differentiation and specificity across the range of claims, the sum of our rejection, recognitions, and qualifications will yield what I want to call “complex equality,” a social condition where no group of claimants dominate the different distributive processes.¹³⁹

Rustin contests Walzer's position on social meanings. In modern societies, the regime of complex inequality is established upon vast private wealth. The powers of capital invade most institutional sectors where they distort the social meanings of the social goods that are distributed. The distortion of the practice of assigning social meanings to social goods produces a state of affairs where social meanings reflect the interests of those who control the

¹³⁸ Ibid., p.17-18

¹³⁹ Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994), p. 32

means of production rather than the demand for complex equality. Rustin puts this as follows:

The processes of mass communication and politics are hugely influenced by large-scale capital. Crucial areas of symbolic production (the visual arts, for example) are distorted both by direct commercial colonization, through advertising, and because their goods are treated as objects for speculation and inflation-proof saving, instead of as intrinsic goods. Activities that ought to be principally rewarded by the respect and recognition of a knowledgeable community – such as sports and the performing arts – become means of achieving large fortunes, and thus celebrate not their own values but the more abstract ones of monetary success ... Even the appearance of footballers with adverts on their shirts, or the staging of company-sponsored theatre productions, ought to offend us as an indication that these activities can no longer stand their ground without paying tribute to overweening corporate power.¹⁴⁰

Rustin emphasises that the regime of complex inequality sets another limit to what Walzer can accomplish with his interpretive-based method. Another claimed merit of moral anthropology is its ability to illustrate that social meanings reflect the demand that certain exchanges of social goods must be blocked. However, this interpretive-based method cannot itself establish that there are such meanings of social goods. If complex inequality is the most common state of affairs, then Walzer can at best describe a small number of cases of complex egalitarian social meanings. Rustin puts this as follows:

Examples of admirable diversity of social forms are cited in a variety of temporal and spatial locations, from the gift exchange in the Western Pacific to the Sunset Scavenger Company of San Francisco, a workers' cooperative. Walzer has a sense for plurality and diversity as necessary values, and sees that it is both undesirable and impossible to reduce this back to primitive simplicity ... At the same time, he implicitly endorses the division of labour as the dominant process in the making of modern societies. This argument derives in the last resort from the classical economists and sociologists, in their respective individualist and

¹⁴⁰ Michael Rustin, *For a Pluralist Socialism* (London: Verso, 1985), pp. 86-87

holistic formulations of this process. This thesis of differentiation is one that Walzer shares with functionalist sociologists, but with the difference that comes from his own commitment to equality as well as pluarlism.¹⁴¹

Lastly, Rustin asserts that the state of complex inequality shows that Walzer overestimates the possibility to support his argument about shared understandings of social goods with moral anthropology. Walzer maintains that common judgements, interests and aspirations are necessary to any political community. Should the members of a political community disagree on the deeper meaning of institutional arrangements and lines of authority, their lives would be brutish and short.¹⁴² Walzer acknowledges that human co-existence involves disputes and conflicts. However, he maintains that when conflicts or disagreements concerning principles of distribution arise, this history will enable the members of a political community to reach a consensus on the basis of their best interpretation of the social goods in question. Walzer puts this as follows:

They may indeed disagree fiercely, but they are arguing within a world they share, where the range of social meaning are fairly narrow ... very often ... we find ourselves in agreement on the meaning of the disputed good and even on the principle of allocation that follows from that meaning, and we argue only about the application of the principle in these or those circumstances. Indeed, agreements on the most critical social goods are commonly both deep and long lasting, so that we are likely to recognize them and understand how they change over time and how they come into dispute only if we turn away from more immediate and local argument and take the long view.¹⁴³

Rustin contests Walzer's position on shared understandings. Research conducted within sociology, political science and other disciplines has repeatedly shown that the regime of complex inequality constitutes a source of conflict and division in contemporary society. A small proportion of citizens possess vast amounts of money that enable them to gain access to

¹⁴¹ Michael Rustin, *For a Pluralist Socialism* (London: Verso, 1985), pp. 88-89

¹⁴² Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 68

¹⁴³ Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994), pp. 27-28

a great number of social goods including political office, adequate health care and proper education. The big proportion of citizens, however, has at best a very limited access to these goods although they are of vital importance to their ability to sustain themselves as human beings. It is difficult to see that members of societies could share a genuine commitment to such gross inequalities. In the regime of complex inequality, consensus on the social meaning of social goods are most likely the products of distorted communications. Rustin writes:

Chances in most spheres of life are determined to a large degree by the inheritance or non-inheritance of wealth ... Access to health care, even in societies with socialized medicine, is distorted by inequalities of income and other factors making for unequal take-up. Free public education by no means assures equal opportunity within the educational system ... At the present time, the powers of capital to invade particular spheres of value seem to be increasing, and various forms of resistances are being defeated or bought up.¹⁴⁴

Rustin stresses that the state of complex inequality sets a third limit to what Walzer can accomplish with his interpretive-based method. The last claimed merit of moral anthropology is its ability to demonstrate that human beings share understandings of an extraordinarily wide range of social goods.¹⁴⁵ However, Walzer's interpretive-based method cannot itself establish that there are genuinely shared understandings of social goods. If complex inequality is the most common state of affairs, then Walzer can at best describe a very small number of cases where understandings of social goods are genuinely shared. Rustin puts this as follows:

¹⁴⁴ Michael Rustin, *For a Pluralist Socialism* (London: Verso, 1985), p. 86

¹⁴⁵ Barry argues that Walzer's focus on shared understandings of social goods is driven by an ideological ambition to justify social democratic concepts of social justice rather than a genuine attempt to support complex equality: "If there is no consensus (and there is not in the USA, for example), the appeal to common understandings is merely a tendentious way for the theorist to advance his own ideas. The suspicion that this is so is strengthened by noticing the wide array of positions that different theorists claim to find implicit in common beliefs – and the uncanny way in which these correspond to the position they hold themselves.)" Brian Barry, "Spherical Justice and Global Injustice" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 78

Walzer himself seems to rely on an a priori concept of cultural coherence, on the idea that ‘ways of life’ are generally consistent or have a predisposition to arrive at consistency. This coherence is to be elicited by hermeneutic methods, the interpretation of meanings of a given society. Walzer seems to think that everyday meanings will reveal consistency and order, rather than inconsistency, disorder, and irresolvable conflicts. His latent functionalism and consensualism is surprisingly consistent in this respect with the philosophical methods of both Wittgenstein and Plato, though he has different and more liberal expectations than they of what is to be found beneath the surface of everyday language ... What Walzer expects is that the logic of every sphere of justice that is recognized within a society will in principle enable members to define what the appropriate boundaries between the spheres should be. The appearance and recognition of a concept (e.g. of family, or health, or of scholarship) are held to bring with them some intrinsic idea of what is due to the sphere of which the concept denotes.

(This is the ‘essentialist’ aspect of Walzer’s approach).¹⁴⁶

The above part of this section has shown that there are good reasons to think that Walzer is unable to establish the three arguments that would be required in order for him to cogently support his vision of egalitarianism with moral anthropology. Rustin shows with his concept of complex inequality that there are some important sociological realities that set limits to what Walzer can accomplish with moral anthropology.¹⁴⁷ This interpretive-method is limited to a description of small number of shared understandings, complex egalitarian social meanings and conditions of complex equality.

3.3 The argument for three explanatory theses

This section argues that three explanatory theses are needed in order to sufficiently support the idea of complex equality. It was shown in the introduction to this thesis that Michael Rustin maintains that Michael Walzer’s theory of justice can be set on a firmer basis than he

¹⁴⁶ Michael Rustin, “Equality in Post-Modern Times” in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), pp. 20-30

¹⁴⁷ Ibid., p. 34

now provides for it. Rustin claims that Walzer's vision of egalitarianism requires support from a strong programme. This claim is developed in two stages. The first stage establishes the need for a evolutionary perspective on complex equality. The second stage discusses Walzer's notions of shared understanding, complex egalitarian meanings and the factual possibility of complex equality in the context of such an evolutionary perspective. As shown in the introduction to this thesis, Rustin is sympathetic to Walzer's vision of egalitarianism. Rustin maintains that one of the most valuable aspects of *Spheres of Justice* is that it combines a focus on social differentiation with a genuine commitment to equality. However, it is difficult to see that Walzer's commitment to equality can be successfully pursued within the framework of an interpretive-based method. A strong programme for complex equality takes as its premise that the the emergence of diversity and social justice must be explained and not merely described. Such an explanatory task is best conducted within an evolutionary framework.¹⁴⁸ Rustin puts this as follows:

Walzer's argument is egalitarian as well as pluralist. He contends that the accepted values of contemporary American society already set limits to the power of monetary exchange ... Walzer ... attempts to justify the case for certain fundamental dimensions of equality in terms of beliefs which are consensually shared in his own (and other) capitalist societies. Walzer's book is of great importance to contemporary socialist thought because it addresses the sociological facts of diversity and differentiation in modern societies, while retaining a socialist commitment to equality and its reconciliation with the apparently competing claims of freedom ... I ... suggest, however, that his case

¹⁴⁸ Walzer insists in an introduction to his early essays on distributive justice that the kind of evolutionary theory that Rustin discusses is irrelevant: "Written over a period of fifteen years, these essays reflect, I think, a more or less coherent political perspective. Still, they are separate essays, stimulated by particular events, written for particular occasions, and whatever coherence they have does not take the form of a consecutive argument. Nor do they reflect some deep theory of historical development or social structure. I have ideas about both, but I don't have a theory. On the Left, one is accustomed to apologize for deficiencies of this sort because world-historical theory is generally taken to be the essential prerequisite of political commentary. Social life is one long series of interconnections, from the division of labor in ancient Babylonia to the latest strike in Bolivia, and unless one understands it all, one understands nothing at all. I don't believe that, though I take theory seriously and have spent many years studying it and teaching it." Michael Walzer, *Radical Principles*.

Reflections of an Unreconstructed Democrat (New York: Basic Books, 1980), p. 3

depends too much on relativist argument from the particularist values of a given society, and would benefit from a more historical and evolutionary perspective of emerging social claims. He lays undue stress on the dimension of social differentiation, at the expense of a more customary socialist concern with the unequal and contested relationships over time and of social classes.¹⁴⁹

Thus, according to Rustin, although Walzer himself has not been able to sufficiently support his vision of egalitarianism with moral anthropology it is still a possibility to do so. To begin with, Walzer's notion of shared understandings of social goods need not be abandoned. The distributive spheres and the social goods that Walzer describes can be conceived of as discursive spaces where human beings negotiate the social meanings that govern their interpersonal relations. In order for Walzer to be able to sufficiently establish that shared understandings of social goods can be the products of such negotiations, he needs to provide an explanatory thesis that specifies the conditions under which such understandings can be established.¹⁵⁰ Rustin writes:

The sphere of medicine provides a good test of the validity of Walzer's main argument in which values are grounded in defined social practices. Though decisions about the distribution of resources leave much scope for conflict and disagreement (e.g. between the claims of curative and preventive medicine, or regarding the priority to be given to scientific progress over immediate patient need), such arguments are often pursued within the framework of a fundamental commitment to health. A 'sphere of justice' thus delimits a discursive space in which such arguments can be made, and need not imply a set of specific outcomes. But how can problems at the interface between one such sphere (e.g. health) and another (e.g. the idea of just reward for individual merits or efforts) be resolved? Walzer's argument suggests that health has its own intrinsic norms

¹⁴⁹ Michael Rustin, *For a Pluralist Socialism* (London: Verso, 1985), p. 76

¹⁵⁰ Elster points out that it is astonishing that *Spheres of Justice* lacks a thesis that can explain the emergence of shared understandings of social goods: "Throughout the book, Walzer seeks to identify and describe the 'common understandings' of the citizens with respect to the allocation of goods in a number of different realms or 'spheres' ... As far as I can see, he does not offer a causal explanation of the common understandings (i.e. perceptions of justice)." Jon Elster, "The Empirical Study of Justice" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 81

of allocation, which should override more general entitlements derived from the market. But what *should* the extent be of such overriding? Perhaps this can only, in any society, be an issue for discursive negotiation.¹⁵¹

Furthermore, Walzer's notion of complex egalitarian social meanings need not be abandoned. The multiplicity of social goods, distributive procedures, agents and criteria that Walzer describes can be understood in terms of a gradual historical development of a complex society. In order for Walzer to sufficiently establish that this development is the product of complex egalitarian social meanings, he needs to provide an explanatory thesis that specifies the conditions under which such meanings can be assigned to social goods. Rustin puts this as follows:

It is ... possible to see the evolution of egalitarian norms as having a positive historical basis. The development of modern society is a story not only of the division of labour but also of successive demands for social rights against various forms of privilege. We can see, following Turner and Marshall, that the first set of modern historical claims was for legal and political equality; the second for minimal economic rights; and the third for more 'quantitative' social and psychological entitlements to such goods as education and an 'unspoiled' or 'civilized' environment. Where Walzer presents his 'blocked exchanges' as a list of moral desiderata resting upon some established consensus, they should surely be seen also as the embodiments of claims to universal rights to the means of life, made in historical succession by the representatives of the bourgeoisie and the industrial working class, and now perhaps by a new 'postindustrial' social strata. These different kinds of egalitarian claim (and the movements and institutions to which they gave rise) are not less historical facts than is the diversity of modern social forms. The egalitarian dimension of Walzer's argument may receive a firmer grounding from such a historical approach than from the particularist claims that can be made on behalf of one sphere of justice against its invasion by others, or from a somewhat a priori political universalism.¹⁵²

¹⁵¹ Michael Rustin, "Equality in Post-Modern Times" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 25, n. 14

¹⁵² Michael Rustin, *For a Pluralist Socialism* (London: Verso, 1985), p. 89

Lastly, Walzer's notion of the factual possibility of complex equality need not be abandoned. The distributive spheres and social practices that Walzer describes can be conceived of as distributive processes where members of political communities make efforts to establish a regime that blocks tyranny and dominance. In order for Walzer to sufficiently establish that the regime of complex equality is the outcome of such efforts, he needs to provide an explanatory thesis that specifies the political and historical conditions under which this regime can be attained. Rustin puts this as follows:

One main defect ... lies in the lack of an explicit historical thesis which could explain the appearance and material possibility of an idea of 'complex equality'.

The emergence both of 'complexity' – to which Walzer gives rather more attention – and of 'equality' needs to be explained as *historical* facts. But although Walzer provides a wealth of historical detail in his analysis of the idea of pluralism, this is not the same as developing an evolutionary theory that might explain its factual possibility. It may be that such a thesis is implicit in the weight he attaches to the long-term process of differentiation in the development of modern society. But it can hardly be denied that Walzer identifies no historical pattern or meaning in the emergence of egalitarian ideals.¹⁵³

The above part of this section has shown that there are good reasons to believe that Walzer's vision of egalitarianism requires, contrary to his own claim to the contrary, the support of a strong programme. Based on his claim about an evolutionary perspective, Rustin shows that the idea of complex equality needs to be supported by strong programme that would contain three explanatory theses. The first thesis must be able to explain the emergence of shared understandings; the second thesis must be able to explain the emergence of complex egalitarian social meanings and the third thesis must be able to explain the factual possibility of complex equality.

¹⁵³ Michael Rustin, *For a Pluralist Socialism* (London: Verso, 1985), p. 88

3.4 Concluding summary

This chapter has been concerned with Walzer's attempt to support the idea of complex equality with an interpretive-based method. Section 3.1 outlined the three arguments that would be required in order to support his vision of egalitarianism with his interpretive-based method: i) that human beings genuinely share understandings of social goods or that, in a case of disagreement about the social meaning of a given social good, human beings are able to reach shared understandings on the basis of their best interpretation of their political cultural understanding of a particular social good, ii) that social meanings of social goods are consonant with the demands of complex equality, iii) that inequalities within spheres are small and that inequalities are not multiplied across the range of spheres. Section 3.2 showed that Walzer is unable to establish these three arguments. It argued that there are good reasons to think that there are some important sociological realities which set limits to what Walzer can accomplish with moral anthropology. Section 3.3 showed that three explanatory theses are needed in order to sufficiently support the idea of complex equality. It argued that there are good reasons to think that these theses are able to explain the emergence of shared understandings, complex egalitarian social meanings and the factual possibility of complex equality. Now, on Rustin's view, these three theses constitute the parts of a sociological framework that could explain the plausibility of Walzer's vision of egalitarianism. This sociological framework has already been developed, for different purposes, by other theorists. A preliminary exploration of aspects of Jürgen Habermas's critical theory shows that it addresses the issues that the three proposed explanatory theses revolve around. The next chapter offers such a preliminary exploration.

Chapter 4

Jürgen Habermas's critical theory

The rationality of beliefs and actions is a theme usually dealt with in philosophy. One could even say that philosophical thought originates in reflection on the reason embodied in cognition, speech, and action; and reason remains its basic theme.¹⁵⁴

4.1 Introduction

All attempts at discovering ultimate foundations, in which the intentions of First Philosophy live on, have broken down.¹⁵⁵

Jürgen Habermas is widely held to be the leading philosopher and social theorist of the present age.¹⁵⁶ His work covers an impressive range of topics in philosophy and social science including the public sphere,¹⁵⁷ legitimisation problems in the modern state,¹⁵⁸ and the European Union.¹⁵⁹ The concept of rationality stands at the centre of Habermas's critical theory.¹⁶⁰ This chapter is concerned with the aspects of this concept that touch upon Rustin's

¹⁵⁴ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 1

¹⁵⁵ Ibid., pp. 1-2

¹⁵⁶ See David W. Hamlyn, *A History of Western Philosophy* (Harmondsworth: Penguin, 1987), William Outwaite, *Habermas. A Critical Reader* (Cambridge: Polity Press, 1994), George Ritzer, *Sociological Theory* (New York: McGraw-Hill, 1996)

¹⁵⁷ See Jürgen Habermas, *The Structural Transformation of the Public Sphere* (Cambridge: Polity Press, 1989)

¹⁵⁸ See Jürgen Habermas, *Legitimation Crisis* (Boston: Beacon Press, 1976), Jürgen Habermas, *The New Conservatism: Cultural Criticism and the Historians' Debate* (Cambridge: Polity Press, 1989)

¹⁵⁹ See Jürgen Habermas, *Die postnationale Konstellation* (Frankfurt am Main. Suhrkamp Verlag, 1998)

¹⁶⁰ Quentin Skinner, "Introduction" in *The Return of Grand Theory in the Human Sciences*, edited by Quentin Skinner, p.16

claim that complex equality requires support from three explanatory theses. This introduction contains two parts. The first part briefly describes Habermas's reasons for designating rationality as the central theme in philosophy. The second part presents four aspects of this theme that will be further explored in this chapter.

Habermas asserts that the declining attraction of Kant's philosophical thought in contemporary philosophy indicates that philosophy has to re-define its role. Kant ventured to explain how empirical knowledge is at all possible through a transcendental inquiry of the *a priori* conditions of experience.¹⁶¹ Habermas maintains that the Kantian enterprise can be objected to on two grounds. The first reason is that Kantian philosophy claims to play the role of usher vis-à-vis the sciences. The second reason is that Kantian philosophy claims to play the role of judge vis-à-vis culture as a whole:

In championing the idea of a cognition *before* cognition, Kantian philosophy sets off a domain between itself and the sciences arrogating authority to itself. It wants to clarify the foundations of the sciences once and for all, defining the limits of what can and cannot be experienced. This is tantamount to an act of showing the sciences their proper place ... Above and beyond analyzing the bases of cognition, the critique of pure reason is also supposed to enable us to criticize the abuses of this cognitive faculty, which is limited to phenomena. Kant replaces the substantive concept of reason found in traditional metaphysics with a concept of reason the moments of which have undergone differentiation to the point where their unity is merely formal ... Kantian philosophy differentiates what Weber was to call the 'value spheres of culture' (science and technology, law and morality, art and art criticism), while at the same time legitimating them within their respective limits.¹⁶²

Habermas asserts that the common response to Kantian foundationalism is the proposition for a division of labour between science and philosophy. Research traditions like Marxism and psychoanalysis are the targets of this line of criticism because they represent pseudosciences that comprise elements of both practices.¹⁶³ However, the theories of this hybrid category

¹⁶¹ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), p. 1

¹⁶² Ibid., pp.2-3

¹⁶³ Ibid., p. 14

mark the beginning of new and productive research traditions that aim to develop a theory of rationality. The co-operation between philosophy and science means that philosophy has to withdraw from the role of usher in matters of science. Habermas stresses that the trends toward compartmentalisation, which constitute the hallmark of modernity, require description and analysis rather than philosophical justification. Thus, philosophy also has to withdraw from the role of judge in matters of culture:

Starting primarily from the intuitive knowledge of competent subjects – competent in terms of judgement, action, and language – and secondarily from systematic knowledge handed down by culture, the reconstructive sciences explain the presumably universal bases of rational experience and judgement, as well as of action and linguistic communication ... All they can fairly be expected to furnish, however, is reconstructive hypotheses for use in empirical settings ... Reason has split into three moments – modern science, positive law and posttraditional ethics, and autonomous art and institutionalized art criticism – but philosophy had precious little to do with this disjunction. Ignorant of sophisticated critiques of reason, the sons and daughters of modernity have progressively learned to differentiate their cultural tradition in terms of these three aspects of rationality such that they deal with issues of truth, justice, and taste discretely rather than simultaneously.¹⁶⁴

Habermas argues that philosophy can retain its claim to reason within the realm of morality. Philosophy can and should be trusted to explain and ground the moral point of view, that is, the standpoint from which questions of justice can be judged impartially.¹⁶⁵ This is not a self-contained enterprise. It has to rely on hypothetical reconstructions of everyday communication, reconstructions that require indirect support from findings within the field of moral psychology:¹⁶⁶

¹⁶⁴ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), pp. 15-17

¹⁶⁵ Jürgen Habermas, *Justification and Application* (Cambridge: Polity Press, 1993), p. 24

¹⁶⁶ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), p. 116-117

Everyday communication makes possible a kind of understanding that is based on claims to validity and thus furnishes the only real alternative to exerting influence on one another in more or less coercive ways. The validity claims that we raise in conversation – that is, when we say something with conviction – transcend this specific conversational context, pointing to something beyond spatiotemporal ambit of the occasion. Every agreement, whether produced for the first time or reaffirmed, is based on (controvertible) grounds or reasons. Grounds have a special property: they force us into yes or no positions. Thus, built into the structure of action oriented toward reaching understanding is an element of unconditionality. And it is this unconditional element that makes the validity (*Gültigkeit*) that we claim for our views different from the mere *de facto* acceptance (*Geltung*) of habitual practices. From the perspective of first persons, what we consider justified is not a function of custom but a question of justification or grounding. That is why philosophy is “rooted in the urge to see social practices of justification as more than just such practices”. The same urge is at work when people like me stubbornly cling to the notion that philosophy is the guardian of rationality.¹⁶⁷

As mentioned at the outset of this introduction, this chapter is concerned with the aspects of Habermas’s philosophy that touch upon the need to support Walzer’s vision of egalitarianism with three explanatory theses. The thesis that philosophy can and ought to be the guardian of rationality constitutes the starting-point for exploring this issue. Section 4.2 outlines Habermas’s theory of communicative action. The first part presents the account of three derivatives of communicative action. The second part describes Habermas’s claim about what is involved in communicative action. Section 4.3 outlines Habermas’s account of the development of cultural value spheres. The first part presents an account of Weber’s theory of societal rationalisation. The second part describes the criticisms that are advanced of Weber’s understanding of modernity. Section 4.4 briefly outlines Habermas’s moral theory. The first part presents the principles that this moral theory advances. The second part presents the claim that these principles conceptualise our ordinary moral intuitions. Section 4.5 presents Habermas’s account of the development of moral consciousness and his theory of social evolution. The first part outlines his claim that Kohlberg’s theory of the

¹⁶⁷ Ibid., p. 19-20

development of moral consciousness can be productively elaborated. The second part describes the argument that Karl Marx's historical materialism must undergo revisions that are based on findings within the field of moral psychology. A concluding summary is made in 4.6.

4.2 The theory of communicative action

... if we start from the communicative employment of propositional knowledge in assertions, we make a prior decision for a ... concept of rationality connected with ancient conceptions of *logos*. This concept of *communicative rationality* carries with it connotations based ultimately on the central experience of the unconstrained, unifying, consensus-bringing force of argumentative speech ...¹⁶⁸

This section outlines the Jürgen Habermas's theory of communicative action; it also makes a very brief assessment of the role that this theory can play in a Habermasian defence of Michael Walzer's vision of egalitarianism. According to Habermas, action aimed at reaching understanding is the fundamental type of action.¹⁶⁹ There are three other analytically distinguishable concepts of action in the social sciences: teleological, normatively regulated and dramaturgical concepts of action.¹⁷⁰ However, these three concepts refer to actions that should be regarded as derivatives of action aimed at reaching understanding.¹⁷¹ The rationality implications of all the above concepts of action can be analysed in connection with the relation between the actor and the world presupposed by each type.¹⁷² The concept of teleological action refers to an actor making decisions between different alternatives of action in order to realise an end. In this type of action the decisions made by the actor are guided by

¹⁶⁸ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 10

¹⁶⁹ Jürgen Habermas, *Communication and the Evolution of Society* (Boston: Beacon Press, 1979), p. 1

¹⁷⁰ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 85

¹⁷¹ Jürgen Habermas, *Communication and the Evolution of Society* (Boston: Beacon Press, 1979), p. 1

¹⁷² Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 76

maxims and based on interpretations of situations. Strategic action is a sub-category of teleological action. In strategic action the anticipation of decisions on the part of at least one more goal-oriented actor is processed in the actor's calculation of success.¹⁷³ Habermas maintains that the teleological concept of action presupposes relations between an actor and either a world of existing state of affairs or a world producible through purposeful interventions. Through the medium of perception, the actor can cognitively form beliefs about the world and he or she can also develop intentions that enable him or her to volitionally intervene in it. This means that the actor's relations to the objective world can be rationalised:

In one direction the question arises whether the actor has succeeded in bringing his perceptions and beliefs into agreement with what is the case in the world; in the other direction the question is whether he succeeds in bringing what is the case in the world into agreement with his desires and intentions. In both instances the actor can produce expressions susceptible of being judged by a third person in respect to "fit and misfit"; he can make assertions that are *true* or *false* and carry out goal directed interventions that succeed or fail, that achieve or fail to achieve the intended effect in the world. These relations between the actor and the world allow then for expressions that can be judged according to the criteria of *truth* and *efficacy*.¹⁷⁴

Habermas states that the concept of normatively regulated action refers to members of social groups who orient their actions to common values. In this type of action an actor can either comply with or violate a norm when the conditions are present to which the norm in question has application. Thus, complying with a norm means that the actor is able to fulfil a generalised expectation of behaviour.¹⁷⁵ The concept of normatively regulated action not only presupposes a relation between an actor and the objective world. Habermas maintains that this concept presupposes a social world consisting of a normative context, which establishes the interactions that constitute the body of legitimate interpersonal relations.¹⁷⁶ Besides the ability to form cognitive beliefs about the world, the actor possesses a motivational complex that enables him or her to perform norm-conformative behaviour. Furthermore, the actor also

¹⁷³ Ibid., p. 85

¹⁷⁴ Ibid., p. 87

¹⁷⁵ Ibid., p. 85

¹⁷⁶ Ibid., p. 88

possesses the ability to internalise values. An existing norm gains its action-motivating force to the degree that the value embodied in it is developed through a learning process and then transformed to a need disposition.¹⁷⁷ This means that the actor's relations to the social environment can be rationalised:

In one direction the question is whether the motives and actions of an agent are in accord with existing norms or deviate from these. In the other direction the question is whether the existing norms themselves embody values that, in a particular problem situation, give expression to generalizable interests of those affected and thus deserve the assent of those whom they are addressed. In the one case, actions are judged according to whether they are in accord with or deviate from an existing normative context, that is, whether or not they are right with respect to a normative context recognised as legitimate. In the other case, norms are judged according to whether they can be justified, that is, whether they deserve to be recognized as legitimate.¹⁷⁸

Habermas asserts that the concept of dramaturgical action refers to participants in interaction who constitute a public for one another. In this type of action the actor evokes in his or her audience a certain impression of him- or herself by disclosing aspects of his or her subjectivity. This ability implies that actors can regulate mutual access to their own subjectivities.¹⁷⁹ In Habermas's opinion, the concept of dramaturgical action presupposes a relation between an actor and his or her subjective world. The social world is the body of subjective experiences, including desires, feelings and needs to which the actor has a privileged access.¹⁸⁰ The actor's relation to the subjective world can be rationalised:

In the case of dramaturgical action the relation between actor and world is also open to objective appraisal. As the actor is oriented to his own subjective world in the presence of his public, there can be *one* direction of fit: In regard to self-presentation, there is the question whether at the proper moment the actor is expressing the experiences he has, whether he *means* what he *says*, or whether he

¹⁷⁷ Ibid., p. 89

¹⁷⁸ Ibid., p. 89

¹⁷⁹ Ibid., p. 86

¹⁸⁰ Ibid., p. 91

is merely feigning the experiences he expresses. According to the dramaturgical model of action, a participant can adopt an attitude to his own subjectivity in the role of an actor and the expressive utterances of another in the role of a public, but only in the awareness that ego's inner world is bounded by an external world.¹⁸¹

According to Habermas, the concept of communicative action refers to the interaction of at least two subjects capable of speech and action who establish interpersonal relations.¹⁸² In this type of action the actors co-ordinate their actions by way of rationally motivated agreement. Reaching an agreement of this sort is the inherent telos of human speech.¹⁸³ In contrast to the other concepts of action, the concept of communicative action maintains that actors simultaneously refer to things in the objective, social, and subjective worlds.¹⁸⁴ Actors oriented to reaching agreement can take up relations to all three worlds in a reflective way:

Speakers integrate the three formal world-concepts, which appear in the other models of action either singly or in pairs, into a system and presuppose this system in common as a framework of interpretations within which they can reach an understanding. They no longer relate *straightaway* to something in the objective, social or subjective world; instead they relativize their utterances against the possibility that their validity will be contested by other actors.

Reaching an understanding functions as a mechanism for coordinating actions only through the participants in interaction coming to an agreement concerning the claimed *validity* of their utterances, that is, through intersubjectively recognizing the *validity claims* they reciprocally raise. A speaker puts forward a criticizable claim relating with his utterance to at least one "world"; he thereby uses the fact that this relation between actor and world is in principle open to objective appraisal in order to call upon his opposite number to take a rationally motivated position. The concept of communicative action presupposes language as the medium for a kind of reaching understanding, in the course of which

¹⁸¹ Ibid., p. 93

¹⁸² Ibid., p. 86

¹⁸³ Ibid., p. 287

¹⁸⁴ Ibid., p. 95

participants, through relating to a world, reciprocally raise validity claims that can be accepted or contested.¹⁸⁵

Habermas stresses that competent speakers have a pre-theoretical knowledge which enable them to mobilise the rationality potential residing in the actor's three relations to the world for the co-operatively pursued goal of reaching understanding. Actors who aim at reaching an understanding about something can not avoid raising the claims to truth, rightness and truthfulness/sincerity.¹⁸⁶ First, a speaker must have the intention to communicate a true proposition so that the hearer can share his or her knowledge. Furthermore, a speaker must want to express his or her intentions truthfully in order for the hearer to trust him or her. Lastly, a speaker must also choose an utterance that is right in order for him or her to establish a normative agreement with the hearer.¹⁸⁷ Habermas argues that in communicative action actors seek consensus and measure it against the three validity claims. The actors can measure the fit or misfit between the speech act and the three worlds they simultaneously refer to:¹⁸⁸

Reaching understanding [*Verständigung*] is considered to be a process of reaching agreement [*Einigung*] among speaking and action subjects ... A communicatively achieved agreement, or one that is mutually presupposed in communicative action, is propositionally differentiated. Owing to this linguistic structure, it cannot be merely induced through outside influence; it has to be accepted or presupposed as valid by the participants. To this extent it can be distinguished from merely de facto accord [*Übereinstimmung*]. Processes of reaching understanding aim at an agreement that meets the conditions of rationally motivated assent [*Zustimmung*] to the content of an utterance. A communicatively achieved agreement has a rational basis; it cannot be imposed by either party, whether instrumentally through intervention in the situation directly or strategically through influencing the decisions of opponents. Agreement can indeed be objectively obtained by force; but what comes to pass manifestly

¹⁸⁵ Ibid., pp. 98-99

¹⁸⁶ Ibid., p. 99

¹⁸⁷ Jürgen Habermas, *Communication and the Evolution of Society* (Boston: Beacon Press, 1979), pp. 2-3

¹⁸⁸ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 100

through outside influence or the use of violence cannot count subjectively as agreement. Agreement rests on common *convictions*. The speech act of one person succeed only if the other accepts the offer contained in it by taking (however implicitly) a “yes” or “no” position on a validity claim that is in principle criticizable. Both ego, who raises a validity claim with his utterance, and alter, who recognizes or rejects it, base their decisions on potential grounds or reasons.¹⁸⁹

Habermas acknowledges that there are two principal forms of communicative action. This type of social interaction has a weak as well as a strong aspect to it. In the weak form of communicative action, actors are oriented to reaching mutual understanding. In the strong form of communicative action, actors are oriented to reaching agreement:

... it makes a difference whether agreement (*Einverständnis*) concerning a fact exists between participants or whether they both *merely* reach an understanding (*sich verständigen*) with one another concerning the seriousness of the speaker’s intention. *Agreement* in the strict sense is achieved only if the participants are able to accept a validity claim for the *same* reasons, while *mutual understanding* (*Verständigung*) can also come about when one participant sees that the other, in light of her preferences, has good reasons in the given circumstances for her declared intention – that is, reasons that are good *for her* – without having to make these reasons his own in the light of his preferences. Actor-independent reasons permit a stronger mode of reaching understanding that actor-relative reasons.¹⁹⁰

Habermas maintains that in weak communicative action, actors raise two kinds of validity claims: the claim to truth and the claim to truthfulness. This means that the range of agreements that actors are able to reach is limited. The acceptance or the rejection of these validity claims concerns empirical facts or actor-relative declarations of will. Thus, in weak communicative action, claims to normative validity are not thematised:

¹⁸⁹ Ibid., pp. 286-287

¹⁹⁰ Jürgen Habermas, *On the Pragmatics of Communication* (Cambridge, Massachusetts: The MIT Press, 1998), pp. 320-321

Characteristic for action coordination in the weak sense of an orientation toward reaching understanding is the limited nature of the agreement, which cannot be reached with regard to the motivating intentions and preferences themselves, but merely with regard to their purposive rationality. In this respect, reaching understanding here means merely that the hearer understands the content of the declaration of intention or imperative and does not doubt its seriousness (and viability). The basis for the mutual understanding effective in action coordination is solely the acceptance of the claim to truthfulness raised for a declaration of intention or for an imperative, to which the discernible rationality of the resolve or of the decision attests ... In *weak communicative action*, the actors do not as yet expect each other to be guided common norms or values and to recognize reciprocal obligations.¹⁹¹

Habermas asserts that in strong communicative action, actors raise three validity claims. In addition to the claims to truth and truthfulness they also raise the claim to rightness. This means that actors oriented to communicative action in the strong sense extend the range of agreements that can be reached. They go beyond actor-dependent declarations of will in order to bind the common will of all actors:

... under the conditions of postmetaphysical thinking, claims to the normative rightness of utterances – like truth claims – may be discursively vindicated, which means on the basis of reasons that are the same for all members of the social world in question. The aim in such cases is a normative agreement; unlike a mutual understanding concerning the seriousness (and viability) of resolutions and decisions, such a normative agreement extends not only to the actor-relative premises of the pursuit of action goals selected on the basis of arbitrary free choice, but also to the actor-independent mode of selecting legitimate goals. In strong communicative action, the participants presume not only that they are guided by facts and say what they hold to be true and what they mean, but also that they pursue their action plans only within the boundaries of norms and values deemed to be valid.¹⁹²

¹⁹¹ Ibid., p. 327

¹⁹² Ibid., p. 328

Now, the outline of Habermas's theory of communicative action provides the ground for a brief assessment of the role that it can play in a Habermasian defense of Walzer's vision of egalitarianism. The previous chapter concluded that Walzer's interpretive-based method is unable to support the argument about shared understandings of social goods. It argued that an explanatory thesis that specifies the conditions under which human beings can reach shared understandings of social goods is required in order to provide sufficient support to this argument. Habermas's theory of communicative action is explicitly concerned with the task to provide such an explanatory thesis. The formal-pragmatic reconstruction of the general presuppositions of communication explains that human beings have a set of communicative competences that enable them to establish rationally motivated agreements on social goods. It can be argued, without further qualification, that the theory of communicative action could possibly solve the first problem that moral anthropology is associated with.

4.3 Cultural value spheres

The social-life context reproduces itself *both* through the media-controlled purposive rational actions of its members *and* through the common will anchored in the communicative practice of all individuals.¹⁹³

This section outlines Jürgen Habermas's account of the development of cultural value spheres, it also provides a preliminary assessment of the role that this account can play in a Habermasian defense of complex equality. According to Habermas, Weber ventured to expound the universal-historical problem why, in for example the fields of economics and politics, other cultures failed to enter upon the path of rationalisation taken by the European culture.¹⁹⁴ In Weber's opinion, the spheres of science and technology, art and literature, law

¹⁹³ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 398

¹⁹⁴ Turner points out that Habermas's appropriation of Weber's work can be considered controversial: "Habermas gives us only a partial sense of what Weber means by the inner logics of spheres of goods ... Habermas is correct to stress that to each cultural values sphere there corresponds a 'life order' as a specific locus of interests that value generates. But he maintains a distinction between cultural action systems – the scientific enterprise, the religious community and the artistic enterprise – and social action systems – the

and morality were developed according to a logic that was specific to each sphere.¹⁹⁵ The rise of the modern sciences is generated by the methodical objectivation of the nature. This means that the bearers of modernity are capable of taking an instrumental and experimental attitude towards it.¹⁹⁶ The rise of autonomous art is characterised by the fact that it gains independence from the religious cult embodied in church and sacred texts. This means that the bearers of modernity have come to understand that art and literature represents values that exist in their own right.¹⁹⁷ Habermas emphasises that in Weber's sociology the rise of the modern legal and moral sphere is the central issue because this phenomenon gives rise to modern society as a whole. What is peculiar to modern society is a universalistic ethic based on principles. This ethic enables the bearers of modernity to break with the traditionalism of legal heritage in the sense that they come to understand that legal decisions need to be thoroughly grounded:

The complex that is taken to be central to the rise of modern society is ... this ethical and juridical rationalism ... Weber uses the term "rationalization" also to designate the growing autonomy of law and morality, that is, the detachment of moral-practical insights, of ethical and legal doctrines, of basic principles, of maxims and decisions rules from the world-views in which they were at first embedded. At any rate, cosmological, religious, and metaphysical worldviews are structured in such a way that internal distinctions between theoretical and practical reason cannot come into their own. The path of growing autonomy of law and morality leads to formal law and to profane ethics of conviction and responsibility ... From the perspective of a formal ethic based on general principles, legal norms (as well as the creation and application of laws) that appeal to magic, sacred traditions, revelation, and the like are devalued. Norms

economy and the state. Problems of '*Innerlichkeit*' and 'personality' are at stake in science, morality, art and religion, but not in politics and economics. Habermas considers the relationship between personality and life orders for a restricted range of life of the tabulatory exercise at the end of Part II, Chapter 3 of *The Theory of Communicative Action*." Charles Turner, *Modernity and politics in the works of Max Weber* (London: Routledge, 1992), p. 90

¹⁹⁵ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), pp. 163-164

¹⁹⁶ Ibid., p. 159

¹⁹⁷ Ibid., p. 160

now count as mere conventions that can be considered hypothetically and enacted positively.¹⁹⁸

Habermas argues that Weber's chief interest in developing a theory of societal rationalisation is to explain the emergence of the capitalist economy and the modern state. In Weber's opinion, action can not be considered rational to the degree that it is controlled by affects or guided by sheer tradition.¹⁹⁹ The concept of purposive or formal rationality is introduced in order to describe the type of action peculiar to the above subsystems. It refers to two different aspects of goal-oriented actions that can be assessed in terms of their rationality. The instrumental rationality of means is assessed in terms of an effective planning of the application of means for given ends and the rationality of choice is assessed in terms of the correctness of the calculation of ends in the light of precisely conceived values.²⁰⁰ According to Habermas, Weber asserts that the institutionalisation of purposive-action in modern society represents a historical process of rationalisation. This process has its source in the disenchantment of mythical worldviews and is further developed through religious rationalisation:

Modern legal representations ... entered into the judicial system and the judicial organization of economic commerce and government administration through legal training, professionally inspired public justice, and so on. On the other hand ... the Protestant ethic was transposed into professional-ascetic orientations for action and thus motivationally anchored, if only in the classes that bore capitalism. Moral-practical structures of consciousness were embodied along both paths, in the institutions on the one side and in the personality systems on the other. This process led to the spread of purposive-rational action orientations, above all in economic and administrative spheres of life ... What is decisive for Weber ... is that this process ... is *itself* a rationalization process. In the same way as modern science and autonomous art, ethical and juridical rationalism is the result of a differentiation of value spheres that is in turn the result of a process

¹⁹⁸ Ibid., pp. 162-163

¹⁹⁹ Ibid., p. 170

²⁰⁰ Ibid., p. 172

of disenchantment reflected at the level of worldviews. Occidental rationalism is preceded by religious rationalization.²⁰¹

Habermas asserts that Weber's normative reflections on modernity are particularly concerned with the institutionalisation of purposive rational action. In these reflections, Weber develops two theses. The thesis of a loss of meaning asserts that the meaning-giving unity of metaphysical-religious worldviews has eroded in modern society.²⁰² The competition between autonomous cultural spheres of values can no longer be settled from the standpoint of a cosmological or divine world-order. The thesis of a loss of freedom asserts that the growing independence of the subsystem of purposive-rational action constitutes a threat to individual autonomy. The mechanisms of capitalism discipline the individual. In Habermas's opinion, Weber's analysis of the institutionalisation offers powerful criticisms of the pathological side effects of modernity:

With the formula of a “new polytheism,” Weber gives expression to the thesis of a loss of meaning ... the way in which he grounds it is ... by reference to a dialectic that is supposedly inherent in the very process of disenchantment within the history of religion ... reason splits itself up into a plurality of value spheres and destroys its own universality. Weber interprets this loss of meaning as an existential challenge to the individual to establish the unity which can no longer be established in the orders of society in the privacy of his own biography, with the courage of despair, the absurd hope of one who is beyond all hope ... Weber treats the emergence and development of capitalism from the standpoint of the institutionalization of purposive-rational action orientations; in doing so, he comes across the roles of the Protestant ethic and modern law. He shows how, with their help, cognitive-instrumental rationality is institutionalized in the economy and the state ...²⁰³

According to Habermas, however, Weber makes the mistake of arguing that the disenchantment of worldviews means that reason can not go on being a unity at the level of culture. It is true that modernity is characterised by a pluralism of value contents, but this does

²⁰¹ Ibid., pp. 166-167

²⁰² Ibid., p. 244

²⁰³ Ibid., p. 248

not mean that questions of truth, justice and taste cannot be rationally dealt with. Weber's mistake is that he does not maintain a distinction between particular value contents and universal standards of value. In Habermas's opinion, it is relevant to talk about a procedural unity of argumentative grounding:²⁰⁴

... Weber goes too far when he infers from the loss of the substantial unity of reason a polytheism of gods and demons [*Glaubensmächte*] struggling with one another, with their irreconcilability rooted in a pluralism of incompatible validity claims. The unity of rationality in the multiplicity of value spheres rationalized according to their inner logics is secured precisely at the formal level of the argumentative redemption of validity claims. Validity claims differ from empirical claims through the presumption that they can be made good by means of argumentation. And arguments or reasons have at least this in common, that they, and only they, can develop the force of rational motivation under the communicative conditions of a cooperative testing of hypothetical validity claims ... Weber did not distinguish adequately between the particular value *contents* of cultural traditions and those universal *standards* of value under which the cognitive, normative, and expressive components of culture became autonomous value spheres and developed complexes of rationality with their own logics.²⁰⁵

According to Habermas, Weber frames societal rationalisation exclusively from the perspective of purposive-rationality. This means that in Weber's sociology, the concept of purposive-rational action has a clear tendency to dominate all spheres of social life. But this understanding of societal rationalisation does not recognise that the human species reproduces itself not only by media controlled purposive-rational actions but also by satisfying the conditions of the rationality that is inherent in action aimed at reaching understanding.²⁰⁶ Thus, in Habermas's opinion, members of every culture share a set of formal properties of the modern understanding of the world. Thus, the process of rationalisation that the European-American culture entered upon must be explained with reference to universal features of the human species as such.²⁰⁷

²⁰⁴ Ibid., p. 364

²⁰⁵ Ibid., p. 249

²⁰⁶ Ibid., p. 397

²⁰⁷ Ibid., p. 178-179

If we do not frame Occidental rationalism from the conceptual perspective of purposive rationality and mastery of the world, if instead we take as our point of departure the rationalization of worldviews that results in a decentered understanding of the world, then we have to face the question, whether there is not a formal stock of universal structures of consciousness expressed in the cultural value spheres that develop, according to their own logics, under the abstract standards of truth, normative rightness, and posttraditional legal and moral representations, and autonomous art, as they have developed in the framework of Western culture, the possession of that “community of civilized” that is present as a regulative idea? The universalist position does not have to deny the pluralism and the incompatibility of historical versions “civilized humanity”; but it regards this multiplicity of forms of life as limited to *cultural contents*, and it asserts that every culture must share certain *formal properties* of the modern understanding of the world, if it is at all to attain a certain degree of “conscious awareness” or “sublimation.” Thus the universalist assumption refers to a few necessary structural properties of modern life forms as such.²⁰⁸

Now, the presentation of Jürgen Habermas’s account of the development of cultural value spheres constitutes the ground for a preliminary assessment of the role that this account can play in a Habermasian defense of complex equality. The previous chapter concluded that Walzer’s interpretive-based method is unable to support the argument about complex egalitarian social meanings of social goods. It argued that an explanatory thesis that specifies conditions under which human beings can establish complex egalitarian social meanings of social goods is required in order provided sufficient support to this argument. Habermas’s account of the universality of communicative rationality addresses the complexity-aspect of the argument about social meanings. The critical engagement with Weber’s conception of modernity explains that there is a formal stock of universal structures of consciousness that enable human beings to establish complex or differentiated understandings of social goods. It can be argued, without further qualification, that the theory of communicative action could possibly solve one aspect of the second problem that moral anthropology is associated with.

²⁰⁸ Ibid., p. 180

4.4 Discourse ethics

Moral intuitions are intuitions that instruct us on how to best to behave in situations where it is in our power to counteract the extreme vulnerability of others by being thoughtful and considerate. In anthropological terms, morality is a safety device compensating for a vulnerability built into the sociocultural form of life.²⁰⁹

This section briefly describes Jürgen Habermas's moral theory, it also makes a very brief assessment of the role that this theory can play in the context of a Habermasian defense of Walzer's vision of egalitarianism. Habermas's discourse ethics advances two principles. The first is the principle of discourse ethics (D). This principle is hypothetically introduced for the purpose to specify the condition that a valid norm would fulfil if it could be justified. It stipulates that only those norms can claim validity that could meet with acceptance of all concerned in practical discourse. The second is the principle of universalization (U). This principle is introduced for the purpose of specifying how moral norms can be justified at all. This principle stipulates that a norm is valid when the foreseeable consequences and side effects of its general observance for the interest and value-orientations of each individual could be jointly accepted by all concerned without coercion.²¹⁰ According to Habermas, four aspects of these two principles require further clarification:

... the “acceptance” (*Zustimmung*) achieved under conditions of rational discourse signifies an agreement (*Einverständnis*) motivated by epistemic reasons; it should not be understood as a contract (*Vereinbarung*) that is rationally motivated from the egocentric perspective of each participant ... The phrase “interests and value orientations” points to the role played by the pragmatic and ethical reasons of the individual participants in practical discourse. These inputs are designed to prevent the marginalization of the self-understanding and worldviews of particular individuals and groups and, in general, to foster a hermeneutic sensitivity to a sufficiently broad spectrum of contributions ... generalized reciprocal perspective-taking (“of each,” “jointly by

²⁰⁹ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), p. 199

²¹⁰ Jürgen Habermas, *The Inclusion of the Other. Studies in Political Theory* (Cambridge, Massachusetts: The MIT Press, 1998), pp. 41-42

all”) requires not just empathy for, but also interpretive intervention into the self-understanding of participants who must be willing to revise their descriptions of themselves and others (and the language in which they are formulated ... the goal of “uncoerced joint acceptance” specifies the respect in which the reasons presented in discourse cast off their agent-relative meaning and take on epistemic meaning from the standpoint of symmetrical consideration.²¹¹

Habermas argues that the principle of universalization can be derived from the necessary presuppositions of communication oriented to reaching understanding. These presuppositions can be clarified by way of a study of the indignation a person feels in the face of insult. According to this study, a person who violates the integrity of another person not only offends a particular person; he or she also violates something suprapersonal. Habermas maintains that every insult involves the breach of a generalized normative expectation that both parties necessarily hold. Only those norms or agreements on courses of action that embody an interest common to all those affected deserve intersubjective recognition:

Indignation and resentment are directed at a *specific* other person who has violated our integrity. Yet what makes this indignation moral is not the fact that the interaction between two concrete individuals has been disturbed but rather the violation of an underlying *normative expectation* that is valid not only for ego and alter but also for all members of a social group or even, in the case of moral norms in the strict sense, for all competent actors ... Emotional responses directed against individual persons in specific situations would be devoid of moral character were they not connected with an *impersonal* kind of indignation over some breach of a generalized norm or behavioural expectation. It is only their claim to *general* validity that gives an interest, a volition, or a norm the dignity of moral authority.²¹²

Habermas insists that insofar as participants in argumentation genuinely want to convince one another they must make the pragmatic assumption that the context of argumentation fulfills certain preconditions. The concept of the ideal speech situation clarifies these

²¹¹ Ibid., p. 42-43

²¹² Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), pp. 48-49

conditions. According to Habermas, this concept advances four rules of argumentation that human beings can not avoid making in discourse:

(3.1) Every subject with the competence to speak and act is allowed to take part in a discourse.

(3.2) a. Everyone is allowed to question any assertion whatever.

 b. Everyone is allowed to introduce any assertion whatever into the discourse.

 c. Everyone is allowed to express his attitudes, desires, and needs.

(3.3) No speaker may be prevented, by internal or external coercion, from exercising his rights as laid down in (3.1) and (3.2) ... Rule (3.1) defines set of potential participants. It includes all subjects without exception who have the capacity to take part in argumentation. Rule (3.2) guarantees all participants equal opportunity to contribute to the argumentation and to put forth their own arguments. Rule (3.3) sets down conditions under which the rights to universal access and to equal participation can be enjoyed equally by all, that is, without the possibility of repression, be it ever so subtle or covert.²¹³

Now, the brief presentation of Jürgen Habermas's moral theory constitutes the ground for a preliminary assessment of the role that this theory can play in a Habermasian defense of complex equality. The previous section of this chapter showed that Habermas's theory of communicative action explains the complexity-aspect of Walzer's argument about social meanings. Habermas's moral theory addresses the egalitarian aspect of this argument. The rational reconstruction of the conditions for the validity of utterances explains that human beings have a set of moral intuitions that enable them to discriminate between egalitarian and non-egalitarian social meanings. It can be argued, without further qualification, that discourse ethics could possibly solve another aspect of the second problem that Walzer's interpretive-based method is associated with.

²¹³ Ibid., p. 89

4.5 Moral consciousness and social evolution

... we qualify as morally good those persons who maintain the interactive competence they have mastered for (largely conflict-free) normal situations even under stress, that is, in morally relevant conflicts of action, instead of unconsciously defending against conflict.²¹⁴

This section outlines Jürgen Habermas's account of the development of moral consciousness and his theory of social evolution, it also makes a very brief assessment of the roles that these components can play in a Habermasian defense of complex equality. According to Habermas, moral consciousness expresses itself in judgements about morally relevant conflicts of action, that is, conflicts where the consensual resolution excludes the manifest employment of force as well as cheap compromises between those involved.²¹⁵ Lawrence Kohlberg's theory of the development of moral consciousness offers a promising description of the cognitive structures that underlie the consensual resolution of morally relevant conflicts. This theory distinguishes six stages of the development of moral consciousness and it conceives the transition from one stage to the next as a learning-process where the growing child gradually acquires the capacity to solve morally relevant conflicts with discursive means. Habermas maintains that these features of Kohlberg's theory make it compatible with discourse ethics:

Moral development means that a child or adolescent rebuilds and differentiates the cognitive structures he already has so as to be better to solve the same sort of problems he faced before, namely, how to solve relevant moral dilemmas in a consensual manner. The young person himself sees this moral development as a learning process in that at higher stage he must be able to explain whether in a way the moral judgements he had considered right at the previous stage were wrong. Kohlberg interprets this learning process as a constructive achievement on the part of the learner, as would Piaget. The cognitive structures underlying the capacity are ... viewed ... as outcomes of a creative reorganization of an existing cognitive inventory that is inadequate to the task of handling certain persistent problems. Discourse ethics is compatible with this constructivist notion of

²¹⁴Jürgen Habermas, *Communication and the Evolution of Society* (Boston: Beacon Press, 1979), p. 92

²¹⁵Ibid., pp. 78-79

learning in that it conceives discursive will formation ... as a reflective form of communicative action and also that it postulates a *change of attitude* for the transition from action to discourse.²¹⁶

In Habermas's opinion, however, Kohlberg's empirical classification of moral types suffers from a critical weakness. This classification does not provide any support for the theoretical claim that moral judgement represents a developmental-logical nexus. This goal can be achieved by connecting moral consciousness with general qualifications for role behaviour. This involves giving an introduction to the structures of possible communicative action that the child grows into and making a co-ordination of these structures with the cognitive abilities that the child must acquire in order to take part in his or her social environment. It also involves offering a provisional derivation of the stages of moral consciousness from stages of interactive competence.²¹⁷

Habermas asserts that the growing child makes transitions between three levels of cognitive presuppositions. At level I, the child is cognitively at the stage of pre-operational thought, at level II the child is at the level of concrete operational thought and finally, at level III, the child reaches the level of formal operational thought. Each of these levels consists of the structure of the child's symbolic universe and of cognitive competences. The structure of symbolic universe at level I has a rudimentary character, it consists only of concrete behavioural expectations on the one hand and an understanding of consequences of action purely in terms of pleasure and pain. The cognitive competences at level I are very limited. The preschool child has merely acquired the ability to understand and follow the individual behaviour expectations of another actor. Furthermore, the actor has not yet mastered the ability to distinguish the causality of nature from the causality of freedom. Finally, only the particular exists for the actor meaning that actions as well as other actors are perceived as context-dependent. The structure of the symbolic universe at level II is significantly expanded, since it includes an understanding of action as the temporary fulfillment of generalized behavioural expectations or the violation of such expectations. Motives of action now take the form of culturally interpreted needs. The cognitive competences at this level are also significantly developed. The actor is now able to understand, follow and even deviate

²¹⁶ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), p. 125

²¹⁷ Jürgen Habermas, *Communication and the Evolution of Society* (Boston: Beacon Press, 1979), pp. 83-87

from reflexive behavioural expectations. Moreover, the actor has mastered the ability to distinguish obligatory action from merely desired action. Finally, the actor is able to differentiate between individual action vis-à-vis norms as well as between individual actors vis-à-vis role bearers.²¹⁸ Habermas argues that it is only at level III that the structure of the symbolic universe embodies the properties of a mature ego identity:

When, finally, the youth has learned to question the validity of social roles and norms of action, the sector of the symbolic universe expands once again; there now appear principles in accordance with which opposing norms can be judged. Dealing with hypothetical validity claims in this way requires the temporary suspension of constraints of action or, as we also can say, the entrance into discourses in which practical questions can be argumentatively clarified ... We are supposing here that the youth has acquired the important distinction between norms, on the one hand, and principles according to which we can generate norms, on the other – and thus the ability to judge according to principles. He takes into account that traditionally settled forms of life can prove to be mere conventions, to be irrational. Thus he has to retract his ego behind the line of all particular roles and norms and stabilize it only through the abstract ability to present himself credibly in any situation as someone who can satisfy the requirements of consistency even in the face of incompatible role expectations and in the passage through a sequence of contradictory periods of life. Role identity is replaced by ego identity; actors meet as individuals, across, so to speak, the objective contexts of their lives.²¹⁹

Habermas maintains that the cognitive competences at level III are sophisticated. The actor is now able to understand and apply reflexive norms. Furthermore, the actor has mastered the ability to distinguish between traditional norms and those norms that are justified in principle. Finally, in order to make a distinction between particular and general norms, the actor is capable of examining particular norms from the perspective of generalizability.²²⁰

²¹⁸ Ibid., pp. 83-87

²¹⁹ Ibid., pp. 84-86

²²⁰ Ibid., pp. 86-87

According to Habermas, the stages of moral consciousness can be derived from the three levels of interactive competence. However, such a derivation should be regarded as a sketch that reposes on three assumptions. First, an actor who possesses the interactive competence at a particular stage will normally develop a moral consciousness at the same stage. Secondly, under exceptional circumstances, typically related to stress, the actor's moral actions and moral judgement may fall back below his or her interactive competence.²²¹ Thirdly, the stages of moral consciousness can be derived from the levels of interactive competence by applying the requirement of reciprocity to the action structures that the child perceives at three age levels:

At level I, only concrete actions and action consequences (understood as gratifications or sanctions) can be morally relevant. If incomplete reciprocity is required here, we obtain Kohlberg's stage 1 (punishment-obedience orientation); complete reciprocity yields stage 2 (instrumental hedonism). At level II the sector relevant to action is expanded; if we require incomplete reciprocity for concrete expectations bound to reference persons, we obtain Kohlberg's stage 3 (good-boy orientation); the same requirement for systems of norms yields stage 4 (law-and-order orientation). At level III principles become a moral theme; for logical reasons complete reciprocity must be required. At this level, there is a clear effort to define moral values and principles which have validity and application apart from the authority of the groups or persons holding these principles, and apart from the individual's own identification with these groups.²²²

However, Habermas stresses that it is difficult to demarcate different stages of moral consciousness at the level of postconventional morality. The attempt to demarcate such stages would prejudge the philosophical discussion between rival approaches in moral theory such as the ones advanced by Immanuel Kant, John Rawls or Karl-Otto Apel. This also means that it is inappropriate to regard discourse ethics as a higher stage of moral consciousness at the level postconventional morality. This moral theory is one among a number of competing moral theories that are situated at the level of postconventional morality:

²²¹ Ibid., pp. 91-92

²²² Ibid., p. 88

Anyone who responds to moral-practical questions in a hypothetical attitude and in the light of principle stands, as it were, on the same level as the moral psychologist and the moral philosopher. He or she is not merely using a special competence in a naive way, but is incipiently already involved in reconstructing. The manner in which a question is resolved postconventionally already betrays an implicit theory regarding what it means to ground a normative proposition. But the competing views of this kind can just as little be placed in a hierarchy from a developmental-logical standpoint as can the corresponding 'higher' forms of moral philosophy. In the Starnberg Institute we have always had difficulty differentiating among postconventional stages, both in the development of law and in ontogenesis. Even Kohlberg can, according to the most recent scoring of his material, no longer apprehend test subjects for this sixth stage.²²³

Habermas stresses that his theory of the development of moral consciousness can be extended from the individual level to the social level for the purpose of developing a theory of social evolution. The attempt to develop such a theory should be understood as a reconstruction of Karl Marx's historical materialism. Marx claims that the human species, in contrast to animals, reproduces itself through socially organized labour. According to the materialist conception of history, the human species is capable of goal-oriented transformations of entities in the objective world according to the rules of instrumental action on the one hand and goal-directed co-ordinations of individuals according to the rules of strategic action on the other hand.²²⁴ Habermas asserts that Marx offers a terminology that explicitly stresses the role of purposive-rationality in the reproduction of the human species. The forces of production consists of labour power, the body of technically useful knowledge that can be converted into instruments that increase productivity and the body of organizational knowledge that facilitates the mobilization, qualification and co-ordination of the labour power. A mode of production refers to a state of development of productive forces on the one hand and specific relations of productions on the other hand. The orthodox version of the doctrine of historical materialism claims that a series of modes of productions can be ordered in a developmental logic. This doctrine distinguishes five modes of production: 1) primitive communal mode of tribes; 2) the ancient mode of slaveholding; 3) the feudal mode;

²²³ Jürgen Habermas, "A Reply to my Critics" in *Habermas: Critical Debates*, edited by John B. Thompson and David Held (London: The Macmillan Press, 1982), p.260

²²⁴ Jürgen Habermas, *Communication and the Evolution of Society* (Boston: Beacon Press, 1979), pp. 131-132

4) the capitalist mode; 5) the socialist mode of production; and 6) the Asiatic mode of production.²²⁵

Marx links the concept of social labor with that of the *history of the species*. This phrase is intended in the first place to signal the materialist message that in the case of a single species natural evolution was continued by other means, namely, through the productive activity of the socialized individuals themselves. In sustaining their lives through social labor, men produce at the same time the material relations of life; they produce their society and the historical process in which individuals change along with their societies ... Marx conceives of history as a discrete series of mode of production, which, in its developmental-logical order, reveals the direction of social evolution ... Productive forces determine the degree of possible control over natural processes. On the other hand, the *relations of production* are those institutions and social mechanism that determine the way in which (at a given stage of productive forces) labor power is combined with the available means of production. Regulation of the means of production ... also determines indirectly the distribution of socially produced wealth. The relations of production express the distribution of social power; with the distributional pattern of socially recognized opportunities for need satisfaction, they prejudge the *interest structure* of a society.²²⁶

Habermas maintains that perhaps the most problematic aspect of Marx's historical materialism is the theorem of the dialectic of the forces and relations of production. Marx claims that at a certain stage of development, the productive forces come into conflict with the existing relations of production. Such a conflict leads to a crisis that enables a society to make an evolutionary step from a lower level to a higher level. On Marx's view, changes that occur in the economic structure of a society will lead to a transformation of its legal, political and ideological superstructure. The theorem of the dialectic of forces and relations of production has commonly been understood in a technologicistic sense. According to this view, endogenous learning mechanisms allow for cognitive growth of technologically and organizationally useful knowledge, types of knowledge that are converted into the productive forces.²²⁷

²²⁵ Ibid., p. 139

²²⁶ Ibid., pp. 138-138

²²⁷ Ibid., pp. 144-145

Habermas asserts that the theorem of the dialectic of forces and relations of production is unfit to explain why a society takes an evolutionary step and how a social conflict leads to a new level of social development. Marx's historical materialism is able to describe that evolutionary steps between old and new institutional frameworks and forms of social integration come about through social conflicts and political confrontations. According to Habermas, however, the explanation of new forms of social integration can not be reduced to the growth of technically and organizationally useful knowledge:

Whereas Marx localized the learning-processes important for evolution in the dimension of objectivating thought – of technical and organizational knowledge, of instrumental and strategic action, in short, of *productive forces* – there are good reasons meanwhile for assuming that learning processes also take place in the dimension of moral insight, practical knowledge, communicative action, and the consensual regulation of action conflicts – learning processes that are deposited in more mature forms of social integration, in new *productive relations*, and that in turn first make possible the introduction of new productive forces. The rationality structures that find expression in world views, moral representations, and identity formations, that become practically effective in social movements and are finally embodied in institutional systems, thereby gain a strategically important position from a theoretical point of view. The systematically reconstructible patterns of development of normative structures are now of particular interest.²²⁸

Thus, according to Habermas, the conditions that enable societies to take evolutionary steps from lower levels to higher levels should be explained in terms of the growth of knowledge of a moral-practical sort.²²⁹ This explanation of social evolution differs from Marx's historical materialism on three crucial points. It holds that social evolution does not proceed uninterrupted. The moral-practical knowledge that is required in order for a social system to deal with problems that threaten its continued existence may not be available at a particular time in history. Moreover, it holds that retrogressions in social evolution are possible. The case of Nazi Germany corroborates the claim that regression can even be forced.²³⁰ Lastly, it

²²⁸ Ibid., pp. 97-98

²²⁹ Ibid., pp. 147-148

²³⁰ Ibid., p. 141

holds that only individuals can, in a strict sense, learn in the dimension of moral practical consciousness.²³¹ Habermas maintains that it is not a species subject that undergoes social evolution:

Learning capacities first acquired by individual members of a society or by marginal groups make their way into the society's interpretive system via exemplary learning processes. Collectively shared structures of consciousness and stocks of knowledge represent a *cognitive potential* – in terms of empirical knowledge and moral-practical insight – that can be utilized for societal purposes ... Societies learn through resolving system problems that present evolutionary challenges. By this I mean problems that overload the steering capacity available within the limits of a given social formation. Societies can *learn in an evolutionary sense* by drawing upon moral and legal representations contained in worldviews to reorganize systems of action and shape new forms of social integration. This process can be understood as an institutional embodiment of rationality structures already developed at the cultural level ... The establishment of a *new form of social integration* ... makes possible a *heightening of productive forces* and an expansion of systemic complexity. Thus learning processes in the area of moral-practical consciousness function as a pacemaker in social evolution.²³²

Now, the outline of Habermas's theories of the development of moral consciousness and social evolution constitutes the ground for a brief assessment of the role that it can play in a Habermasian defense of Walzer's vision of egalitarianism. The previous chapter concluded that Walzer's interpretive-based method is unable to support the argument about the factual possibility of complex equality. It argued that an explanatory thesis that specifies the conditions under which the regime of complex equality can be attained is required in order to provide sufficient support to this argument. Habermas's theories of the development of moral consciousness and social evolution address the emergence of complex egalitarian patterns of distribution. The reconstructions of Kohlberg's theory of moral development and Marx's

²³¹ Ibid., p. 154

²³² Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), p. 313

historical materialism explain that societies, by drawing on the moral knowledge of their members, can establish spheres of distributions that are based on discriminations between egalitarian and non-egalitarian understandings of social goods. It can be argued, without further qualification, that the theories of moral consciousness and social evolution could possibly solve the third problem that is associated with moral anthropology.

4.6 Concluding summary

Communicative reason operates in history as an avenging force. A theory that identifies this reason by way of structural characteristics and conceptualises it as procedural rationality – instead of mystifying it as fate – is protected against the danger of dogmatically overstating its claims precisely through being formalised.²³³

This chapter has been concerned with Jürgen Habermas's understanding of rationality. Habermas's argument that philosophy can and should retain its claim to reason was introduced in this chapter. Habermas's theory of communicative action was also outlined. This theory claims that action aimed at reaching understanding is the fundamental type of action. Competent speakers have a pre-theoretical knowledge that enables them to mobilise the rationality potential residing in their three relations to the world for the co-operatively pursued goal of reaching understanding. Furthermore, Habermas's account of the universality of the concept of communicative rationality was presented. This account argues that the human species maintains itself through socially co-ordinated activities. These activities are not only regulated by purposive-rational action, but also by action aimed at reaching understanding. Moreover, Habermas's moral theory was described. This theory maintains that the presuppositions of communicative action contain a set of normative expectations. These expectations enable human beings to determine courses of action in an impartial manner. Lastly, Habermas's account of the development of moral consciousness and social evolution was presented. The theory of moral consciousness argues that the development of

²³³ Jürgen Habermas, "A Reply to my Critics" in *Habermas: Critical Debates*, edited by John B. Thompson and David Held (London: The Macmillan Press, 1982), p. 227

moral consciousness progresses as a learning-process, where the growing child gradually acquires the capacity to solve morally relevant conflicts with discursive means. The theory of social evolution claims that the learning processes that take place in the dimension of moral insight and communicative action enable societies to take evolutionary steps from lower to higher stages of development. Now, a preliminary assessment of Habermas's critical theory indicates that it offers a theoretical framework that could provide sufficient support of the idea of complex equality. This framework addresses all three problems that moral anthropology gives rise to. An account of Walzer's understanding of Habermas's critical theory, however, shows that this theory might be unable to support complex equality because it is fraught with serious inadequacies. The next chapter is concerned with this issue.

Chapter 5

Michael Walzer's arguments against Jürgen Habermas's theory

... if the circumstances of what Habermas calls ideal speech or undistorted communication are specified in detail, then only a limited number of things can be said, and these things could probably be said by the philosopher himself, representing all the rest of us. It is not as if we have a real choice about what opinions we will finally form.²³⁴

5.1 Introduction

If, however, the circumstances are only roughly specified, so that ideal speech resembles a democratic debate, then the participants can say almost anything, and there is no reason why the results should not (sometimes) turn out to be “very strange and even contrary to good morals.”²³⁵

Michael Walzer's effort to illuminate the shortcomings of Habermas's moral theory is recorded in many of his contributions to political theory. Walzer's critique ranges over three periods of Habermas's philosophical thinking. It covers Habermas's early formulations of the theory of communicative action in *Legitimation Crisis*²³⁶ and *Communication and the Evolution of Society*.²³⁷ Moreover, it addresses Habermas's elaborate analysis of action aimed at reaching understanding in *The Theory of Communicative Action*.²³⁸ Lastly, it discusses Habermas's attempt to explain the moral point of view in *Moral Consciousness and*

²³⁴ Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), p. 11, n. 9

²³⁵ Ibid., p. 11, n. 9

²³⁶ See Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), Michael Walzer, “A Critique of Philosophical Conversation” in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: MIT Press, 1990)

²³⁷ See Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987)

²³⁸ See Michael Walzer, “Deliberation, and What Else?,” in *Deliberative Politics. Essays on Democracy and Disagreement*, edited by Stephen Macedo (Oxford. Oxford University Press, 1999), pp. 58-60

*Communicative Action.*²³⁹ This chapter is concerned with this critique. This introduction contains two parts. The first part offers a preliminary account of Walzer's criticisms of rival approaches to moral philosophy. The second part presents three arguments against Habermas's moral theory that will be further explored in this chapter.

Walzer maintains that, besides moral anthropology, there are two other important approaches to moral philosophy. These are the path of discovery and the path of invention.²⁴⁰ The path of discovery has a number of characteristics. The moral philosopher believes that the lives and practices of ordinary men and women somehow are distorted. Thus, he or she sets out on a journey to discover some natural rights or natural laws that people can incorporate into their lives. In order to accomplish this he or she steps back from his or her social position and looks at the world from 'no particular point of view'. This process requires an inner mental journey. On this view, moral philosophy is matter of contemplation and reflection.²⁴¹ However, the moral principles delivered by the moral philosopher are often well known to us. Walzer states that the path of discovery is a commendable approach to moral philosophy. However, it is totally unnecessary to discover the moral world because people are already familiar with it:²⁴²

Philosophical discovery is likely to fall short of radical newness and sharp specificity of divine revelation. Accounts of natural law or natural rights rarely ring true as descriptions of a new moral world. Consider Nagel's discovery of an objective moral principle: that we should not be indifferent to the suffering of other people. I acknowledge the principle but miss the excitement of revelation. I

²³⁹ See Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994)

²⁴⁰ Larmore maintains that Walzer's view of the path of invention and the path of discovery hardly applies to any moral philosopher: "Internal critique goes better, he believes, with a public culture of free and open discussion. This is an attractive view of social criticism. But what social thinkers have truly claimed to discover or invent an utterly novel morality? *Interpretation and Social Criticism* named unequivocally only one opponent – utilitarianism ... but this scarcely fair to Mill and Sidgwick, who insisted that ordinary morality is implicitly utilitarian." Charles C. Larmore, "Walzer, Michael. *The Company of Critics: Social Criticism and Political Commitment in the Twentieth Century*," *Ethics* 100, p. 437

²⁴¹ Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), p. 6

²⁴² Ibid., p. 20

knew that already. What is involved in discoveries of this sort is something like a dis-incorporation of moral principles, so that we can see them freshly, stripped of encrusted interests and prejudices. Seen in this way, the principles may well look objective; we “know” them in much the same way as religious men and women know the divine law. They are, so to speak, *there*, waiting to be enforced. But they are only there because they are already here, features of ordinary life.²⁴³

Walzer asserts that the moral philosopher who embarks on the path of invention also believes that the lives and practices of ordinary men and women are distorted. However, unlike the philosopher of the path of discovery, he or she does not try to correct this problem by discovering natural laws or natural rights. Instead, he or she invents a universal corrective for all the existing social moralities. Walzer states that the path of invention is a commendable approach to moral philosophy. However, it unnecessary to invent the moral world since it has already been invented, although not in accordance with any moral philosophical standards:²⁴⁴

This is the path of invention; the end is given by the morality we hope to invent. The end is a common life, where justice, or political virtue, or goodness, or some such basic value would be realized. So, we are to design the moral world under this condition: that there is no pre-existent design, no divine or natural blueprint to guide us. How should we proceed? We need a discourse on method for moral philosophy, and most philosophers who have walked the path of invention have begun with methodology: a design of a design procedure. The crucial requirement of a design procedure is that it eventuate in agreement. Hence, the work of Descartes’s legislator is very risky unless he is a representative figure, somehow embodying the range of opinions and interests that are in place around him. We cannot adopt the simple expedient of making the legislator omnipotent, a rational and benevolent despot, for that would be to settle a basic feature of the design – the just distribution of power – before the design procedure had even got started. The legislator must somehow be authorized to speak for all of us, or alternatively, all of us must be present and accounted for from the beginning. It is not easy to see how we might choose a representative, a proxy for human kind.²⁴⁵

²⁴³ Ibid., p. 6

²⁴⁴ Ibid., p. 20

²⁴⁵ Ibid., p. 10

According to Walzer, the path of invention raises three interconnected methodological problems. First, Walzer argues a conceptual problem arises from the path of invention. This approach entertains a highly abstract understanding of human beings and the moral principles that this approach advances require human beings to abstract from everyday social practice. The path of invention argues that politics is a matter of quietly contemplating available courses of action and choosing the best available policy.²⁴⁶ Thus, this path pays no attention to the fact that politics involves a number of nondeliberative activities including mobilisation, demonstration, debate, bargaining and voting. These activities are commonly driven by motives such as passion, courage, and competitiveness that prevent the human will from operating according to reason. In order to come to terms with this problem, the moral philosopher is forced to work with unrealistic hypotheses:

There are a variety of solutions to this problem; the best known and most elegant is that of John Rawls. The Rawlsian solution has the nice result that it ceases to matter whether the constructive or legislative work is undertaken by a single person or by many people. Deprived of all knowledge of their standing in the social world, of their interests, values, talents, and relationships, potential legislators are rendered, for the practical purposes at hand, identical. It makes no difference whether such people talk to one another or one among them talks only to himself: one person talking is enough.²⁴⁷

Furthermore, Walzer argues that a democratic problem arises from the path of invention. This approach resembles political legislation. The moral philosopher believes that the distorted lives and practices of ordinary men and women can somehow be corrected. In order to come to terms with this problem, he or she aims to establish some set of rules that should regulate their lives. The morality of ordinary men and women, however, is not in need of philosophical legislation. It is far from clear why philosophical principles should replace the values that people already are committed to:²⁴⁸

²⁴⁶ Michael Walzer, "Deliberation, and What Else?," in *Deliberative Politics. Essays on Democracy and Disagreement*, edited by Stephen Macedo (Oxford. Oxford University Press, 1999), p. 58

²⁴⁷ Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), p. 11

²⁴⁸ Ibid., pp. 13-14

... the most general truths of politics can only be validated in the philosophical realm, and that realm has its place outside, beyond, separate from every political community. But philosophical validation and political authorization are two entirely different things. They belong to two entirely distinct spheres of human activity. Authorization is the work of citizens governing themselves among themselves. Validation is the work of the philosopher reasoning alone in a world he inhabits alone or fills with the products of his own speculations. Democracy has no claim in the philosophical realm, and philosophers have no special rights in the political community. In the world of opinion, truth is indeed another opinion, and the philosopher is only another opinion-maker.²⁴⁹

Lastly, Walzer argues that a metaethical problem arises from the path of invention. This approach does not represent an outlook-independent position. Philosophers who embark upon the path of invention commonly think that their moral principles do not imply any substantive commitments to socially generated values such as freedom or solidarity. However, it is a serious mistake to believe that the commitment to procedural justice, say, does not depend on a prior acknowledgement of the value of procedural justice.²⁵⁰ Walzer asserts that the moral principles of the path of invention necessarily embodies the values of the modern democratic culture:

For most intellectual purposes, we draw a line between philosophical speculation about politics and actual political debate. It is conceivably a useful line, but it is also an artificial and sometimes a misleading line. For philosophy reflects and articulates the political culture of its time, and politics presents and enacts the arguments of philosophy. Of course, one-eyed philosophers distort what they reflect, and simple-minded and partisan politicians mutilate what they enact, but there can be no doubt about the two-way movement. Philosophy is politics reflected upon in tranquillity, and politics is philosophy acted out in confusion.²⁵¹

²⁴⁹ Michael Walzer, "Philosophy and Democracy," *Political Theory* 9 (August 1981), p. 397

²⁵⁰ Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), p. 17

²⁵¹ Michael Walzer, "Justice Here and Now," in *Justice and Equality Here and Now*, edited by Frank S. Lucash and Judith N. Shklar (Ithaca: Cornell University Press, 1986), p. 136

As mentioned at the outset of this introduction, this chapter is concerned with Walzer's critique of Habermas's theory. The claim that the path of invention is associated with three interconnected problems²⁵² provides the ground for exploring this issue. Section 5.2 presents the conceptual argument against Habermas's theory, the argument that asserts that this theory is not properly circumstantial.²⁵³ The first part presents two claims about the conceptual properties of Habermas's theory. The second part outlines Walzer's criticism of these properties. Section 5.3 describes the democratic argument²⁵⁴ against Habermas's theory, the argument that this theory advances a morality that human beings are categorically obliged to acknowledge.²⁵⁵ The first part presents two claims about the political-philosophical premises of Habermas's theory. The second part outlines Walzer's criticism of these premises. Section 5.4 describes Walzer's metaethical argument against Habermas's theory, the argument that asserts this theory claims to be an outlook-independent theory.²⁵⁶ The first part presents the claim about the metaethical premise of Habermas's theory. The second part describes Walzer's criticism of this premise. A concluding summary is made in 5.5.

²⁵² This thesis does not address the following critique that Walzer discusses in a postscript to an essay on the legitimacy of the welfare state since it is not clear that Walzer thinks that it applies to Habermas's critical theory: "In the years since I wrote this essay, a number of writers have argued that a 'legitimation crisis' exists in advanced capitalist societies. The argument, especially in Habermas's version, is complex and sometimes difficult to follow. I cannot engage it here. But I do not believe that the delegitimation thesis has been successfully defended in the case of democratic welfare state ... What is most striking about contemporary politics ... is that there is so little opposition to the welfare state as a whole. There is no serious revolutionary program for dismantling it or for replacing it with some radically different institutional arrangement ... I don't think by any means that we are or will be free of crisis. But it is hard to imagine what political earthquake could shake the structures of welfare democracy ... and throw up something better." Michael Walzer, *Radical Principles. Reflections of an Unreconstructed Democrat* (New York: Basic Books, 1980), pp. 52-53

²⁵³ Michael Walzer, *On Toleration* (London: Yale University Press, 1997), p. 3

²⁵⁴ The terms 'the conceptual argument' and 'the democratic argument' are borrowed from Mulhall's and Swift's excellent presentation of Walzer's philosophical thinking. See Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford: Blackwell, 1992)

²⁵⁵ Michael Walzer, "A Critique of Philosophical Conversation" in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: The MIT Press, 1990), p. 182

²⁵⁶ Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994), p. 11

5.2 The conceptual argument

.... Habermas's communication theory, has been the subject of a vast critical literature, most of it focused on the technical philosophical aspects of the theory. American writers, who mostly avoid technical argument, have escaped the criticism.²⁵⁷

This section presents Walzer conceptual argument against Habermas's theory, the argument that asserts that this theory is not properly circumstantial. Walzer approaches this argument by reflecting upon the variety of stable political arrangements that the history of the human species exhibits. In terms of their moral goodness, these arrangements can hardly be measured against a universal yardstick. There is no such thing as a single best moral arrangement.²⁵⁸ Walzer emphasises though that John Rawls, Jürgen Habermas and Bruce Ackerman all believe that different political systems and arrangements must be measured against a universal yardstick. They are representatives of a dominant trend in contemporary moral philosophy that aims to establish some superior standpoint from which the wide variety of political arrangements can be judged:

Philosophical argument in recent years has often taken a proceduralist form: the philosopher imagines an original position, an ideal speech situation, or a conversation in a spaceship. Each of these is constituted by a set of constraints, rules of engagement, as it were, for the participating parties. The parties represent the rest of us. They reason, bargain, or talk within the constraints, which are designed to impose the formal criteria of any morality: absolute impartiality or some functional equivalent thereof. Assuming that the imposition is successful, the conclusions the parties reach can plausibly be regarded as morally authoritative. We are thus provided with governing principles for all out actual reasoning, bargaining, and talking – indeed, for all our political, social, and economic activity – in real world conditions. We ought to make these principles effective, so far as we are able, in our own lives and our own societies.²⁵⁹

²⁵⁷ Michael Walzer, "Deliberation, and What Else?," in *Deliberative Politics. Essays on Democracy and Disagreement*, edited by Stephen Macedo (Oxford. Oxford University Press, 1999), p. 69

²⁵⁸ Michael Walzer, *On Toleration* (London: Yale University Press, 1997), p. xii

²⁵⁹ Ibid., p. 1

According to Walzer, Habermas claims that the moral goodness of different political arrangements cannot be analysed with reference to any actual social condition or existing political order. Habermas maintains that only those political arrangements that have been agreed to by ideal speakers in conversations that take place in asocial space can be considered morally good. The claim about the first conceptual property of Habermas's theory is that it entertains a highly abstract understanding of society and the self:

Hypothetical conversations take place in asocial space. The speakers may be provided with information about particular society (and a particular historical moment: 'a given stage,' as Jürgen Habermas says, 'in the development of productive forces'), but they cannot *be there*, even hypothetically, lest they gather information for themselves and makes mistakes. As with jurors, ideal speakers are denied access to newspapers, magazines, television, other people. Or, rather, only one paper or magazine is allowed, which provides the best available account of whatever the speakers need to know – much as a certain set of facts is stipulated by the opposing attorneys in a courtroom (though these facts do not necessarily add up to 'the best available account').²⁶⁰

In Walzer's opinion, Habermas's theory holds that only those political arrangements that people agree to according to a principle of universalization qualify as morally good arrangements. This principle, however, suppresses subjective interests and local knowledge about specific institutions. The claim about the second conceptual property of Habermas's theory is that it advances a moral principle that is insensitive to particular circumstances:

The speakers ... are idealized, designed or programmed in such a way that certain words, and not others, will come naturally to their lips. First of all, they are one another's equals, and they must know themselves to be one another's equals; arrogance and pride of place, deference and humility, are rooted out of their minds ... they are to speak as if all relationships of subordination have been abolished. Conversational equality reflects a hypothetical social equality ...
Second, the speakers are fully identically informed about the real world – about

²⁶⁰ Michael Walzer, "A Critique of Philosophical Conversation" in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: The MIT Press, 1990), p. 185

what Habermas calls “the limiting conditions and functional imperatives of their society” ... One body of knowledge, uniform and uncontested, is possessed in common by all speakers; now they are equally knowledgeable; they share a sociology, perhaps a cosmology. Third, they are set free from their particular interests and values ... In Habermas’s model ... the ideal speakers have full self-knowledge but are internally committed to assert only those interests and values which can be universalized; all others are somehow repressed.²⁶¹

Walzer stresses that the conceptual properties of Habermas’s theory are inadequate. This theory offers a design of conversations that does not correspond with reality. In fact, it explicitly aims to liberate human beings from the bonds of particularism.²⁶² Walzer argues though that morality is shaped by actual conversations between real human beings in social space. Real human beings rarely, if ever, examine things from an abstract moral point of view.²⁶³ The concept of the ideal speech situation does not pay attention to the fact that real talk in the real world involves a number of factors that block the possibility of taking an impartial standpoint. Real talk usually involves inauthentic agreement, inequality and misinformation:²⁶⁴

Habermas insists that speakers must always be bound by the better argument – the tightest constraint of all so long as we can recognize the better argument. But most speakers quite honestly think that their own arguments are the better ones ... Habermas’s conception of the ideal speech situation is meant to be

²⁶¹ Michael Walzer, “A Critique of Philosophical Conversation” in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: The MIT Press, 1990), pp. 185-186

²⁶² Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), p. 12

²⁶³ Michael Walzer, “Philosophy and Democracy,” *Political Theory* 9 (August 1981), p. 394

²⁶⁴ Lukes advances a similar argument against Habermas’s critical theory: “The problem ... is that no reason is given for supposing that the actual agents would, under conditions supposed (that is, where there is a ‘symmetrical distribution of chances to select and employ speech acts and equal opportunity to assume dialogue roles’), reach the required consensus. Indeed, there is surely every reason to suppose that *they* would not, since *they* would continue to exhibit all kinds of traits conducive to ‘distorted communication’ – prejudices, limitations of vision and imagination, deference to autonomy, fears, vanities, self-doubts, and so on.” Steven Lukes, “Of Goods and Demons: Habermas and Practical Reason” in *Habermas: Critical Debates*, edited by John B. Thompson, and David Held (London: The Macmillan Press, 1982) p. 139

“compatible with a democratic self-understanding.” This is why citizens would talk to one another, he insists, in a fully realized democracy. So ideal speech reaches back toward actual speech. But what is the strength and extent of its reach? What do we know about actual liberal and democratic speech? The first thing we know, surely, is that agreement is less likely among liberals and democrats than among subjects of a king, say, or a military dictator or an ideological or theocratic vanguard ... the give and take of the conversation, the constant interruptions of one speaker by another, make it impossible for anyone to develop a persuasive argument, and people end where they began, voting their interests or defending their ideological position.²⁶⁵

Thus, according to Walzer, the claims about the two conceptual properties of Habermas’s theory are indicative of the fact that it is fraught with a serious conceptual problem. It is not properly circumstantial.

5.3 The democratic argument

The people’s claim to rule does not rest upon their knowledge of truth ... The people are the successors of gods and absolutist kings, but not of philosophers. They may not know the right thing to do, but they claim a right to do what they think is right ...²⁶⁶

This section outlines Walzer’s democratic argument against Habermas’s theory, the argument that asserts that this theory advances a morality that human beings are categorically obliged to acknowledge. Walzer approaches this argument by discussing the prestige that philosophy enjoys today in the judicial system, politics and public administration.²⁶⁷ The sophisticated character of the philosophical reflection has established its privileged position in these institutional sectors. According to one philosophical tradition, the philosopher must be

²⁶⁵ Michael Walzer, “A Critique of Philosophical Conversation” in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: The MIT Press, 1990), p. 188

²⁶⁶ Michael Walzer, “Philosophy and Democracy,” *Political Theory* 9 (August 1981), p. 383

²⁶⁷ Ibid., p. 379

intellectually and emotionally detached from the parochial practices and opinions.²⁶⁸ The philosopher withdraws from the real world in order to find some objective truth. He or she then returns from the solitary journey in order to report his or her findings to the multitude.²⁶⁹ In Walzer's opinion, radical detachment is indeed a remarkable achievement and very few philosophers actually experience it. John Rawls and Jürgen Habermas, however, have achieved the proper distance from the comfort and solidarity of the real world. They are philosophers who manage to stay disinterested and dispassionate on the one hand and open-minded and objective on the other hand:²⁷⁰

The truths he seeks are universal and eternal, and it is unlikely that they can be found from the inside of any real and historic community. Hence the philosopher's withdrawal: he must deny himself the assurance of the commonplace. (He does not have to be confirmed.) To what sort of a place, then, does he withdraw? Most often, today, he constructs for himself (since he cannot, like Plato discover for himself) an ideal commonwealth, inhabited by beings who have none of the particular characteristics and none of the opinions or commitments of his former fellow-citizens. He imagines a perfect meeting in an "original position" or an "ideal speech situation" where the men and women in attendance are liberated from their own ideologies or subjected to universalizing rules of discourse. And then, he asks what principles, rules, constitutional arrangements these people would choose if they set out to create an actual political order. They are, as it were, the philosophical representatives of the rest of us, and they legislate on our behalf. The philosopher himself, however, is the only actual inhabitant of the ideal commonwealth, the only actual participant in the perfect meeting. So the principles, rules, constitutions, with which he emerges are in fact the products of his own thinking ... subject only to whatever constraints he imposes upon himself.²⁷¹

²⁶⁸ Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), p. 36

²⁶⁹ Michael Walzer, "Philosophy and Democracy," *Political Theory* 9 (August 1981), p. 389

²⁷⁰ Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), p. 36

²⁷¹ Michael Walzer, "Philosophy and Democracy," *Political Theory* 9 (August 1981), pp. 388-389

Walzer argues that the dispassionate philosopher is commonly committed to the task of designing conversations. The philosophical construction of conversations rests on two important suppositions: i) agreement among speakers is valuable; ii) it is possible for speakers to establish truth or moral rightness through argumentation.²⁷² The claim about the first political-philosophical premise of Habermas's theory is that it advances rigorously defined principles that regulate the will of a body of citizens:

Habermas argues for “unconstrained communication”, but he means only (!) to exclude the constraints of force and fraud, of deference, fear, flattery, and ignorance. His speakers have equal rights to initiate the conversation and resume it; to assert, recommend, and explain their own positions; and to challenge the positions of other speakers. But the universalization requirement is a powerful requirement of actual speech – “demanding”, indeed, but also “pre-theoretical”. In fact, universalization has a theoretical purpose, which stands in sharp contrast to the purpose of many actual conversations: it is intended to rule out bargaining and compromise (the negotiation of particular interests) and to press the speakers toward a preordained harmony. Justice is not, on Habermas's view a negotiated settlement, a *modus vivendi*, fair to all its egoistic and rational subjects. It is a common life, the terms of which are fixed by the general will of a body of citizens – “what all can will in agreement to be a universal norm”. Habermas defends a position that is very much like Rousseau's, though Rousseau wisely renounced the hope that one could reach that position conversationally.²⁷³

Thus, in Walzer's opinion, Habermas's theory provides moral principles that are supposed to enable the citizens to produce morally binding agreements. These principles have a remarkably strong status in this theory. They are presented as objective and universal facts about the human condition. The claim about the second political-philosophical premise of Habermas's theory is that it advances principles that stand independent of the opinions of ordinary men and women:

²⁷² Michael Walzer, “A Critique of Philosophical Conversation” in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: The MIT Press, 1990), pp. 183-184

²⁷³ Ibid., pp. 186-187

Even if we were to connect philosophical conclusions to some set of historical circumstances, as Habermas, does when he imagines “discursive will-formation” occurring “at a given stage in the development of productive forces,” or as Rawls does when he suggests that the principles worked out in the original position apply only to “democratic societies under modern conditions,” it remains true that the conclusions are objectively true or right for a range of particular communities, without regard to the actual politics of those communities.²⁷⁴

Walzer stresses that the political-philosophical premises of Habermas’s theory are appalling. This theory clearly aspires to correct the lives and practices of ordinary men and women. It tries to accomplish this by stipulating the number of human beings that are allowed to enter into conversation and by establishing what these human beings can and can not say to one another once they have entered into conversation.²⁷⁵ Walzer argues that from a democratic point of view it is preposterous to think that the lives and practice of the citizens of a political community can and must be subjected to authoritative correction in accordance with moral philosophical standards. These citizens share a common history that Habermas is not entitled to override, despite his aspiration to do so:

First of all, it will involve overriding … traditions, conventions, and expectations. These are, of course, readily accessible to philosophical criticism; they were not “designed at will in an ordinarily fashion” by a founder or a sage; they are the result of historical negotiation, intrigue, and struggle. But that is just the point. The products of shared experience, they are valued by the people over the philosopher’s gift because they belong to the people and the gifts do not – much as I might value some familiar and much-used possession and feel uneasy with a new, more perfect model. The second worry is more closely connected to democratic principle. It is not only the familiar products of their experience that people value, but the experience itself, the process through which products were produced. And they will have some difficulty understanding why the hypothetical experience of abstract men and women should take precedence over their own history. Indeed, the claim of the heroic philosopher must be that the first sort of

²⁷⁴ Michael Walzer, “Philosophy and Democracy,” *Political Theory* 9 (August 1981), p. 399 n.28

²⁷⁵ Michael Walzer, “A Critique of Philosophical Conversation” in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: The MIT Press, 1990), p. 184

experience not only takes precedence over but effectively replaces the second. Wherever universal truth has been established, there is no room for negotiation, intrigue and struggle. Hence, it looks as if the political life of the community is to be permanently interrupted.²⁷⁶

Thus, in Walzer's opinion, the claims about the two political-philosophical premises of Habermas's theory illustrate that this moral theory is fraught with a serious democratic problem. It advances a morality that human beings are categorically obliged to acknowledge.

5.4 The metaethical argument

Whatever the origins of the idea of justice, whatever the starting point of the argument in this or that society, people thinking and talking about justice will range over a mostly familiar terrain and will come upon similar issues – like political tyranny or the oppression of the poor.²⁷⁷

This section presents Walzer's metaethical argument against Habermas's theory, the argument that asserts that this theory claims to be an outlook-independent theory. Walzer approaches this argument by discussing the collapse of the totalitarian project in Eastern Europe. The protests against the regime in Czechoslovakia have shown that it is possible for human beings to unreservedly acknowledge the values of cultures that are largely unfamiliar to them. The protesters raised legitimate claims to truth and justice. The people did not march in favour of any scientific concept of truth such as the correspondence theory or consensus theory, nor did they march in favour of some philosophical theory of desert or merit. Rather, the protests against the communist system were quite elementary. The people wanted an end to the experience of tyranny such as arbitrary arrests and privileges of the party elite. The protests against the communist regime were based on a common understanding of what justice and truth means that is shared by nearly all human beings. It constitutes, as it were, a

²⁷⁶ Michael Walzer, "Philosophy and Democracy," *Political Theory* 9 (August 1981), p. 394-395

²⁷⁷ Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994) Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994), p. 5



thick morality that enabled people across the world to acknowledge the values that the Czechoslovakian people were defending.²⁷⁸ According to Walzer, some moral philosophers think that it is necessary to establish a minimal foundation for the thick morality. Jürgen Habermas's theory is the best representative of this standard view of moral minimalism. This moral theory provides a moral minimum that human beings can and must expand upon:

I need to discuss a contemporary version of moral minimalism that claims to respect the one and the many but in fact does not. It is popular these days to think of the minimum in procedural terms – a thin morality of discourse or decision that governs every particular creation of a substantive and thick morality. Minimalism, on this view, supplies generative rules of the different moral maximums. A small number of ideas that we share or should share with everyone in the world guides us in producing complex cultures that we don't and needn't share – and so they explain and justify the production. Commonly, as in Jürgen Habermas's critical theory, these shared ideas require a democratic procedure – indeed, they require a radical democracy of articulate agents, men and women who argue endlessly about, say, substantive questions of justice. Minimal morality consists in the rules of engagement that bind all the speakers.²⁷⁹

Walzer asserts that Habermas's theory is driven by a search for a comprehensive account of what human beings ought to do and how they ought to lead their lives. The moral rule that is the product of this search is intended to govern interpersonal behaviour in a correct way. It is defined in such a way that it does not carry a personal signature. The claim about the metaethical premise of Habermas's theory is that this theory operates under the assumption that its moral principles bear no mark of a social origin:

Some thirty years ago, a group of American painters, who were also theorists of painting, aspired to something the called Minimal Art. The capital letters derive from some manifesto calling for a form of art that was “objective and unexpressive.” I am not sure what those words mean when applied to a painting, but they nicely capture one view of minimalism in morality. Applied to a moral

²⁷⁸ Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994), pp. 1-2

²⁷⁹ Ibid., pp. 11-12

rule, they mean that the rule serves no particular interest, expresses no particular culture, regulates everyone's behavior in a universally advantageous or clearly correct way. The rule carries no personal or social signature ... Though it may have been taught with special force by this or that individual, it was never his or hers. Though it was first worked out in a specific time and place, it bears no mark of its origin. This is the standard philosophical view of moral minimalism: it is everyone's morality because it is no one's in particular, subjective interest and cultural expression have been avoided or cut away and if we succeed in understanding this morality, we should be able to construct a complete objective and unexpressive code – a kind of moral Esperanto.²⁸⁰

Walzer stresses that the metaethical premise of Habermas's theory is inadequate. This theory obscures the fact that it has a substantive commitment to justice and democracy.²⁸¹ It does so by advancing moral standards that can be characterised as neutral and even frighteningly sterile. According to Walzer, however, it is a serious mistake to think that these standards do not express a substantive commitment to the values of contemporary democratic culture. In fact, the moral standards of Habermas's theory are only temporarily abstracted from the values of this particular culture:

... the procedural minimum turns out to be rather more than minimal ... the rules of engagement are designed to ensure that the speakers are free and equal, to liberate them from domination, subordination, servility, fear, and deference. Otherwise, it is said, we could not respect their arguments and decisions. But once rules of this sort have been laid out, the speakers are left with few substantive issues to argue and decide about. Social structure, political arrangements, distributive standards are pretty much given; there is room only for local adjustments. The thin morality is already very thick – with an entirely decent liberal or social democratic thickness. The rules of engagement constitute in fact a way of life. How could they not? Men and women who acknowledge each other's equality, claim the rights of free speech, and practice the virtues of tolerance and mutual respect, don't leap from the philosopher's mind like Athena

²⁸⁰ Ibid., p. 7

²⁸¹ Ibid., p. 6

from the head of Zeus. They are creatures of history; they have been worked on, so to speak, for many generations; and they inhabit a society that “fits” their qualities and so supports, reinforces, and reproduces people very much like themselves. They are maximalists even before they begin their rule-governed discussions ... Rules of engagement assume, obviously, that in the beginning there are rules and then there are engagements ... with the example of discourse and decision theory before us we can more easily understand its problem. For the minimal morality prescribed by these theories is simply abstracted from, and not very far from, contemporary, democratic culture. If no such culture existed, this particular version of minimal morality would not even be plausible to us.²⁸²

Thus, in Walzer's opinion, the claim about the metaethical premise of Habermas's theory shows that this moral theory is fraught with a serious metaethical problem. It claims to be an outlook-independent moral theory.

5.5 Concluding summary

Mass society puts a special kind of pressure on the critic, especially if he claims to speak for the masses ... contemporary “critical theory” is one of the most obscure of all languages of criticism ... its practitioners insist that the seriousness of their enterprise is intimately linked to its theoretical difficulty.²⁸³

This chapter has been concerned with Michael Walzer's critique of Habermas's theory. Walzer's view of the path of discovery and the path of invention was outlined at the outset of 5.1. This presentation was followed by an introduction of Walzer's account of the three problems that arise from the path of invention. Section 5.2 described Walzer's conceptual argument against Habermas's theory. This section showed that Walzer asserts that this theory is not properly circumstantial. It offers an understanding of the society and the self that does not correspond with reality. Section 5.3 presented Walzer's democratic argument against

²⁸² Ibid., pp. 12-13

²⁸³ Michael Walzer, *The Company of Critics. Social Criticism and Political Commitment in the Twentieth Century* (London: Peter Halban Publishers Ltd, 1989), p. 10

Habermas's theory. This section showed that Walzer maintains that this theory is an authoritarian form of moral philosophy. It advocates an understanding of morality that human beings are obliged to acknowledge. Section 5.4 described Walzer's metaethical argument against Habermas's theory. This section showed that Walzer argues that this theory claims to be an outlook-independent position. It obscures the fact that it has a commitment to justice and democracy. Now, it is clear that Walzer thinks that Habermas's theory is seriously inadequate for three important reasons. In Walzer's opinion, his arguments against this theory undercut the possibility to support complex equality with this theory. However, an exploration of the premises of Habermas's philosophical thinking indicates that he is able to provide cogent responses to Walzer's arguments. The next chapter is concerned with this issue.

Chapter 6

Three Habermasian responses to Michael Walzer's critique

6.1 Introduction

The previous two chapters have been concerned with two different views of the task of moral philosophy. Chapter 4 presented the central components of Jürgen Habermas's critical theory. The introduction to this chapter outlined Habermas's argument that philosophy can be the guardian of rationality. The remainder of chapter 4 described Habermas's understanding of what is involved in the task of guarding rationality. Chapter 5 presented Michael Walzer's critique of Habermas's theory. The introduction to this chapter showed that Walzer claims that contemporary moral philosophy is fraught with problems of a conceptual, democratic and metaethical nature. The remainder of chapter 5 described Walzer's argument that these problems apply to Habermas's theory.

This chapter is concerned with Walzer's attempt to undercut the possibility of supporting his vision of egalitarianism with the kind of strong programme that Rustin suggest. As noted in the introduction to this thesis, Walzer argues that Michael Rustin's proposition to support his vision of egalitarianism is implausible. In order for this claim to be considered valid, Walzer would be required to successfully establish three arguments. First, it needs to be sufficiently clear that Habermas is unable to cogently respond to the conceptual argument. Second, it needs to be sufficiently clear that Habermas is unable to cogently respond to the democratic argument. Third, it needs to be sufficiently clear that Habermas is unable to provide a cogent response to the metaethical argument. This chapter intends to establish that cogent responses to Walzer's arguments can be derived from Habermas's theory. It argues that Walzer's criticisms do not advance any compelling reasons for not supporting the idea of complex equality with critical theory.

The remainder of this chapter is organised as follows. Section 6.2 argues that Walzer's conceptual argument does not offer any compelling reasons for not supporting the idea of

complex equality with Habermas's critical theory. The first part points out that there are two different aspects of the conceptual argument. The second part shows that Habermas provides a cogent response to both aspects of this particular argument. Section 6.3 argues that Walzer's democratic argument does not offer any compelling reasons for not supporting his own vision of egalitarianism with Habermas's critical theory. The first part points out that there are two different aspects of the democratic argument. The second part illustrates that Habermas provides a cogent response to both aspects of this particular argument. Section 6.4 argues that Walzer's metatethical argument does not offer any compelling reasons for not supporting Walzer's idea of complex equality with Habermas's critical theory. The first part points out that there are two different aspects to the metaethical argument. The second part demonstrates that Habermas provides a cogent response to both aspects of this particular argument. A concluding summary is made in 6.5

6.2 A reply to the conceptual argument

This section argues that Michael Walzer's conceptual argument does not offer any compelling reasons for not supporting the idea of complex equality with Habermas's critical theory. This argument claims that Habermas's theory is not properly circumstantial. One should note that there are at least two aspects to the phrase 'properly circumstantial'. The first aspect concerns the kinds of communicative competences and moral intuitions that this theory attributes to human beings. Habermas's critical theory belongs to the class of reconstructive sciences. Like other disciplines within this domain of research including the the philosophy of science, linguistics and the philosophy of language, Habermas's theory aims to reconstruct the general conditions for the validity of symbolic expressions and achievements. Such reconstructions require empirical observations of real-life actors on the one hand and hypothetical extrapolations of observable communicative competences and moral intuitions on the other hand.²⁸⁴ Habermas claims that these observations indicate that anyone who has formed his identity in perspectives built into the pragmatics of the speech situation can not fail to have acquired certain normative expectations.²⁸⁵ These observations indicate that

²⁸⁴ Jürgen Habermas, "A Reply to my Critics" in *Habermas: Critical Debates*, edited by John B. Thompson and David Held (London: The Macmillan Press, 1982), p. 255

²⁸⁵ Jürgen Habermas, *Justification and Application* (Cambridge: Polity Press, 1993), p. 114

anyone who seriously takes part in argumentation cannot avoid making the assumption that he or she satisfies the formal conditions of the ideal speech situation. Thus, these formal conditions are of the kind that real human beings approximate in discourses that take place in social contexts. Habermas puts this as follows:

... the unlimited communication community (unlimited, that is, is social space and historical time), is an idea that we can approximate in real contexts of argumentation. At any given moment we orient ourselves by this idea when we endeavour to ensure that (1) all voices in any way relevant get a hearing, (2) the best arguments available to us given our present state of knowledge are brought to bear, and (3) only the unforced force of the better arguments determines the 'yes' and 'no' responses of the participants.²⁸⁶

The second aspect concerns the kinds of principles that Habermas claims exhaust the idea of impartiality. According to Habermas, the principle of universalisation serves the purpose of testing the validity of norms. This principle claims that a norm can only be considered valid when the foreseeable consequences and side effects of its general observance for the interest and value-orientations of each individual could be jointly accepted by all those concerned without internal or external coercion. In order to test the validity of a norm, participants in discourses of justification are required to detach themselves from practical situations and distance themselves from the subjectivity of their own motives. However, Habermas emphasises that the impartiality of moral judgements cannot be secured by a test of the universal validity of norms alone. The abstract universality of valid norms needs to be compensated for by a principle of appropriateness. The purpose of this principle is to decide whether or not a justified norm should be followed in a given situation in the light of all of the particular circumstances.²⁸⁷ Thus, this principle argues that participants in discourses of application need to determine whether or not a justified norm should be followed in a particular situation by searching and providing context-sensitive knowledge. Habermas writes:

²⁸⁶ Ibid., p. 163

²⁸⁷ Ibid., p. 37

The higher-level intersubjectivity characterized by an intermeshing of the perspective of each with the perspective of all is constituted only under the communicative presuppositions of a universal discourse in which all those possible affected could take part and could adopt a hypothetical, argumentative stance toward the validity claims of norms and modes of action that have become problematic ... Valid norms ... can be applied without qualification only to standard situations ... every justification of a norm is necessarily subject to the normal limitations of a finite, historically situated outlook that is provincial in regard to the future ... For this reason, the *application* of norms calls for argumentative clarification in its own right. In this case, the impartiality of judgement cannot again be secured through a principle of universalization; rather, in addressing questions of context-sensitive application, practical reason must be informed by a principle of appropriateness (*Angemessenheit*). What must be determined here is which of the norms already accepted as valid is appropriate in a given case in the light of all the relevant features of the situation conceived as exhaustively as possible.²⁸⁸

The above part of this section shows that Habermas is able to provide a cogent response to Walzer's conceptual argument. To be sure, Habermas's theory advances a morality that is not properly circumstantial in two senses of the phrase. It entertains, for methodological reasons, an abstract understanding of moral intuitions and it also provides a morality of abstract principles. But this does not mean, as Walzer's conceptual argument suggests, that this moral theory represents a form of moral idealism.²⁸⁹ Habermas's attempt to reconstruct the pre-theoretical knowledge that underlies the production and evaluations of successful speech acts captures important aspects of social reality.²⁹⁰ The kind of moral intuitions that Habermas

²⁸⁸ Ibid., pp. 12-14

²⁸⁹ Michael Walzer, "A Critique of Philosophical Conversation" in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: The MIT Press, 1990), p. 185

²⁹⁰ Warnke stresses that Walzer's conceptual argument misunderstands the conceptual properties of critical theory: "Participants in argument can not avoid presupposing that the structure of their communication both excludes all force other than that of the better argument and neutralizes all motives other than the cooperative search for truth. These presuppositions may be counterfactual; still, the cost of giving them up is what Habermas, following Apel, calls a performative contradiction. If one is to convince other through argument that discourse does not have this anticipatory structure, one has nonetheless to rely on it in making one's claim ... Walzer criticizes Habermas for restricting participants in discourse to the expression of universalizable interests;

focuses on belong in a natural way to the conditions of the reproduction of the human species as such and particularly modern societies.²⁹¹ By stressing the significance of context-sensitive knowledge, the principle of appropriateness illustrates that Habermas's theory also sufficiently attends to particular circumstances. Habermas writes:

... naturally those taking part identify themselves as 'real-life actors'; but at the same time they 'have to suppose' that they can for the time being sufficiently satisfy the formal conditions of the ideal speech situation. This is by no means a question of transforming their real characters into intelligible ones. On the contrary, if the actors do not bring with them, and into discourse, *their* individual life-histories, *their* identities, *their* needs and wants, *their* traditions, *their* memberships, and so forth, practical discourse would at once be robbed of all content. The two cases of 'real-life' and 'rational' actors, the roles of participants in real communication communities and in that community presupposed as ideal, can be sharply separated only from the perspective of the third person, say of a social scientist, who applies the model of suppressed generalisable interests ... the *hypothetically* undertaken transition from 'real life' to discourse amounts only to a methodological setting a side of 'false consciousness' and not to a neutralisation of the life-forms and life-histories.²⁹²

but this restriction is not meant to issue from an artificial design. Habermas's point is rather that the structure of moral-practical argumentation itself constrains all who engage in it to a kind of ideal role taking, it presupposes an ability on the part of all participants to take the place of all other and to understand the perspective they bring to the moral conflict at hand. Through discourse, all have to be convinced that each person could give well-founded assent to a proposed principle or practice from her own perspective ... the constraint at issue here is obviously as often violated as it is upheld. But Habermas's claim is that the normative implication of the idealizing premises we always already make in arguments themselves provide a standard for assessing the agreements we come to in real talk." Georgia Warnke, "Rawls, Habermas, and Real Talk: A Reply to Walzer" in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: The MIT Press, 1990), p. 202

²⁹¹ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), pp. 181-182

²⁹² Jürgen Habermas, "A Reply to my Critics" in *Habermas: Critical Debates*, edited by John B. Thompson and David Held (London: The Macmillan Press, 1982), p. 255

There are good reasons to think that Walzer's conceptual argument itself does not undercut the possibility of defending the idea of complex equality with Habermas's critical theory. The Habermasian response to this argument shows that this particular argument is based on misunderstandings of the conceptual properties of Habermas's theory. This response shows that Habermas's argument that his theory conducts a rational reconstruction of 'the formal conditions of the ideal speech situation' should not be understood as an attempt to explore purely abstract intuitions and principles. Rather, this argument establishes that real human beings are capable of approximating the idea of an unlimited communication community in real contexts of discussion.

6.3 A reply to the democratic argument

This section argues that Michael Walzer's democratic argument does not offer any compelling reasons for regarding Habermas's critical theory as unfit to support complex equality. This argument claims that this theory advances a morality that human beings are categorically obliged to acknowledge. One should note that there are two aspects to the phrase 'obliged to acknowledge'. The first aspect concerns the status that Habermas accords to the communicative competences and moral intuitions of the ideal speech situation.

Habermas emphasises that anyone who engages in argumentation has to make the assumption that he or she can sufficiently satisfy the formal conditions of the ideal speech situation. If participants in argumentation genuinely want to convince one another, they must allow their 'yes' and 'no' responses to a given speech act offer to be influenced solely by the force of the better argument.²⁹³ Habermas puts this as follows:

The discourse ethic refers to those presuppositions that each of us must intuitively make when we want to participate seriously in argumentation. My position is that those who understand themselves as taking part in argumentation *mutually suppose*, on the basis of the pre-theoretical knowledge of the communicative competence, that the actual speech situation fulfils certain, in fact quite demanding, preconditions ... We are forced, only as it were in a transcendental

²⁹³ Jürgen Habermas, *Justification and Application* (Cambridge: Polity Press, 1993), p. 31

sense, to suppose that these requirements are, under given empirical limitations, *sufficiently* realised; for so long as we do not consider external and internal constraints to be sufficiently neutralised to exclude in our eyes the danger of pseudo-consensus based on deception or self-deception, we cannot *suppose* that we are taking part in argumentation.²⁹⁴

The second aspect concerns the philosophical justification of the status of the moral intuitions of the ideal speech situation. It could be argued that Habermas's theory constitutes an ethnocentric fallacy. The concept of the ideal speech situation appears to privilege moral intuitions of the average, male, and middle class member of Western society.²⁹⁵ Habermas's colleague Karl-Otto Apel addresses this problem by exploring the possibility of providing an ultimate grounding for the moral principle. Apel's discussion of the phenomenon of performative contradiction is valuable to discourse ethics in two respects. First it helps to identify the rules of argumentation that Habermas's theory advances. Second, it helps to show that these rules have no functional equivalents. Habermas writes:

One of the key elements of Apel's transcendental-pragmatic line of argument is the notion of *performative contradiction*. A performative contradiction occurs when a constative speech act $k(p)$ rests on noncontingent presuppositions whose propositional content contradicts the asserted presupposition (p) ... Apel uncovers a performative contradiction in the objection raised by the consistent fallibilist, who in his role as ethical skeptic denies the possibility of grounding moral principles ... Apel characterizes the argument as follows: the proponent asserts the universal validity of the principle of universalization. He is contradicted by an opponent ... the opponent concludes that attempts to ground the universal validity of principles are meaningless. This the opponent calls the principle of fallibilism. But the opponent will have involved himself in a performative contradiction if the proponent can show that in making his argument, he has to make assumptions that are inevitable in *any* argumentation game aiming at critical examination and that the propositional content of those

²⁹⁴ Jürgen Habermas, "A Reply to my Critics" in *Habermas: Critical Debates*, edited by John B. Thompson and David Held (London: The Macmillan Press, 1982), pp. 254-255

²⁹⁵ Jürgen Habermas, *Autonomy and solidarity: interviews with Jürgen Habermas* edited and introduced by Peter Dews (London: Verso, 1986), p. 160

assumptions contradicts the principle of fallibilism ... In taking part in the process of reasoning, even the consistent fallibilist has already accepted as valid a minimum number of unavoidable rules of criticism.²⁹⁶

However, according to Habermas, the problem with Apel's attempt to provide an ultimate grounding of the moral principle is that it equates the certitude of the existence of the rules of argumentation with the factual existence of the rules themselves.²⁹⁷ Thus, Apel's type justification of the moral principle claims to be immune to the fallibilism of experiential knowledge. Habermas's theory, however, dispenses with ultimate grounding²⁹⁸ and acknowledges that all reconstructions of rules of argumentations are, in principle, fallible. Such reconstructions can only claim to have a hypothetical status. Habermas puts this as follows:

... it is important to see that *all* reconstructions, like other types of knowledge, have only hypothetical status. There is always the possibility that they rest on a false choice of examples, that they are obscuring and distorting correct intuitions, or, even more frequently, that they are overgeneralizing individual cases. For these reasons, they require further corroboration. While this critique of all a priori and strong transcendental claims is certainly justified, it should not discourage attempts to put rational reconstructions of presumably basic competences to the test, subjecting them to indirect verification by using them as inputs in empirical theories. The theories in question attempt to explain such things as the ontogenetic acquisition of cognitive, linguistic, and socio-moral capacities; the evolutionary emergence and institutional embodiment of innovative structures of consciousness in the course of history; and such systematic deviations as speech pathologies, ideologies, of the degeneration of research programs.²⁹⁹

²⁹⁶ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), pp. 80-81

²⁹⁷ Ibid., pp. 95-96

²⁹⁸ Jürgen Habermas, *Philosophical-Political Profiles* (London: Heinemann, 1983), p. 14

²⁹⁹ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), pp. 80-81

The above part of this section shows that Habermas is able to provide a cogent response to Walzer's democratic argument. To be sure, Habermas advances a morality that human beings in one sense must acknowledge. He insists that anyone who seriously takes part in argumentation must make certain idealising assumptions. But this does not mean, as Walzer's democratic argument suggests, that Habermas's theory is an authoritarian form of moral philosophy.³⁰⁰ The self-acknowledged fallibilism of this theory clearly demonstrates that it does not have any authoritarian aspirations.³⁰¹ The philosophical justification of the moral principle does not derive from any non-democratic source but simply from its ability to sustain its claim to the best reconstruction or interpretation of our experience of ourselves as moral agents. Habermas puts this as follows:

To be sure, the intuitive knowledge of rules that subjects capable of speech and action must use if they are to be able to participate in argument is in a certain sense not fallible. But this is not true of *our reconstruction* of this pretheoretical knowledge and the claim to universality that we connect with it. The *certainty* with which we put our knowledge of rules into practice does not extend to the *truth* of proposed reconstruction of presuppositions hypothesized to be general, for we have to put our reconstructions up for discussion in the same way in which the logician or the linguist, for example, presents his theoretical descriptions. No harm is done, however, if we deny that the transcendental-pragmatic justification constitutes an ultimate justification. Rather, discourse ethics then takes its place among the reconstructive sciences concerned with the rational bases of knowing,

³⁰⁰ Michael Walzer, "A Critique of Philosophical Conversation" in *Hermeneutics and Critical Theory in Ethics and Politics*, edited by Michael Kelly (Cambridge, Massachusetts: The MIT Press, 1990), pp. 182-183

³⁰¹ O'Neill stresses that Walzer's democratic argument misunderstands Habermas's philosophical intentions: "By keeping the philosophical task of justifying an impartial point of view strictly separate from the political task of justifying substantive principles of justice, Habermas can address Walzer's concern that the democratic will should not be overridden by philosophical theory. The procedure that discourse ethics defends does not violate the self-understanding of historically particular communities. Habermas is every bit as concerned as Walzer that the justification of substantive principles of justice be characterized by a public encounter of cooperative deliberation. But what Habermas does provide, and Walzer does not, is a justification of specific rules or argumentation that act as procedural constraints on that deliberation. In this way, he takes us far beyond Walzer in detecting the more subtle distorting effects of power on democratic deliberation." Shane O'Neill, *Impartiality in Context. Grounding Justice in a Pluralist World* (Albany: State University of New York Press, 1997), p. 108

speaking, and acting. If we cease striving for the foundationalism of traditional transcendental philosophy, we acquire new corroborative possibilities for discourse ethics. In competition with other ethical approaches, it can be used to describe empirically existing moral and legal ideas.³⁰²

There are good reasons to think that Walzer's democratic argument itself does not undercut the possibility of defending the idea of complex equality with Habermas's critical theory. The Habermasian response to this argument shows that this particular argument is based on misunderstandings of the philosophical premises of Habermas's theory. This response shows that Habermas's claim that participants in argumentation 'have to suppose' that they can, at least for the time being, sufficiently satisfy the formal conditions of the ideal speech situation should not be understood as a philosophical attempt to override the opinions of ordinary men and women. This claim, which stands open to empirical testing and revision, simply points out that participants in argumentation themselves cannot avoid making certain pragmatic presuppositions that have a normative content.

6.4 A reply to the metaethical argument

This section argues that Michael Walzer's metaethical argument does not offer any compelling reasons for regarding Habermas's critical theory as unfit to support complex equality. This argument claims that this theory to be an outlook-independent moral theory. One should note that there are two intimately connected aspects to the word 'outlook-dependency'. The first aspect concerns the kinds of moral values that Habermas's theory is committed to. This theory has a cognitive interest in emancipation meaning that it sets out to show that conflicts of action can be settled on the basis of rationally motivated agreement. This enterprise is driven by the ambition to defend the values of equal respect and solidarity.³⁰³ Habermas writes:

³⁰² Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), pp. 96-97

³⁰³ Jürgen Habermas, *The Inclusion of the Other. Studies in Political Theory* (Cambridge, Massachusetts: The MIT Press, 1998), p. 39

... I cannot imagine any seriously critical social theory without an internal link to something like an emancipatory interest. That is such a big name! But what I mean is an attitude which is formed in the experience of suffering from something man-made, which can be abolished and should be abolished. This is not just a contingent value postulate: that people want to get rid of certain sufferings. No, it is something so profoundly ingrained in the structure of human societies – the calling into question, and deep-seated wish to throw off, relations which repress you with necessity – so intimately built into the reproduction of human life that I don't think it can be regarded as just a subjective attitude which may or may not guide this or that piece of scientific research. It is more.³⁰⁴

The second aspect concerns the kind of moral values that can be derived from the features of cultural modernity. Habermas points out that Max Horkheimer and Theodore Adorno were pessimistic regarding the possibility of locating a hope for an emancipated society in the process made possible by the Enlightenment. The authors of *The Dialectic of Enlightenment* maintained that the bearers of modernity have mastered the art of controlling nature. However, the capacity to control nature comes at a very high price. Modernity is characterised by an overwhelming force of instrumental reason that distorts and represses our moral faculties. Horkheimer and Adorno insist that the character of the three value spheres of science, morality and law, and art demonstrate that reason has been subordinated to the dictates of purposive rationality. Habermas puts this as follows:

Reason itself destroys the humanity first made possible - this far reaching thesis ... is grounded by the fact that *from the very start* the process of enlightenment is the result of a drive to self-preservation that mutilates reason, because it lays claim to it only in the form of a purposive-rational mastery of nature and instinct – precisely as instrumental reason ... Adorno and Horkheimer are convinced that *modern science* came to its own in logical positivism, that it has rejected any emphatic claim to theoretical knowledge in favor of technical utility In addition Horkheimer and Adorno want to show ... that reason has been driven out of *morality and law* because, with the collapse of religious-metaphysical

³⁰⁴ Jürgen Habermas, *Autonomy and solidarity: interviews with Jürgen Habermas* edited and introduced by Peter Dews (London: Verso, 1986), p. 198

world views, all normative standards have lost their credit before the single remaining authority – science ... Finally Horkheimer and Adorno want to demonstrate ... that *art* fused with entertainment has been hobbled in its innovative force and emptied of all critical and utopian content ... In cultural modernity, reason gets definitively stripped of its validity claim and assimilated to sheer power. The critical capacity to take up a “Yes” or “No” stance and to distinguish between valid and invalid propositions is *undermined* as power and validity claims enter into a turbid fusion.³⁰⁵

Habermas, however, maintains that the thesis that reason has been subordinated to the dictates of purposive rationality is one-sided. Although the human species maintains itself through purposive rational actions, it also maintains itself by satisfying the conditions of communicative rationality that are particularly salient in modern societies. The philosopher can exploit these conditions for moral theoretical purposes. It is possible to derive a morality of equal respect and solidarity from the structures of rationality that enabled the value spheres of science, morality and law, and art to develop according to their own logics. Habermas puts this as follows:

Cultural modernity’s specific dignity is constituted by what Max Weber called the differentiation of value spheres in accord with their own logics. The power of negation and the capacity to discriminate between “Yes” and “No” is not so much crippled by this as reinforced. For now, questions of truth, of justice, and of taste can be worked out and unfolded in accord with their own proper logics. It is true that with the capitalist economy and the modern state the tendency to incorporate all questions of validity into the limited horizon of purposive rationality proper to subjects interested in self-preservation and to self-maintaining systems is also strengthened. But the far from compatible compulsion toward the progressive differentiation of reason that, moreover, assumes a procedural form – a compulsion induced by the rationalization of world view and life-worlds – competes with this inclination toward a social regression of reason.³⁰⁶

³⁰⁵ Jürgen Habermas, *The Philosophical Discourse of Modernity. Twelve Lectures* (Cambridge, Massachusetts: The MIT Press, 1987), pp.110-112

³⁰⁶ Ibid., pp.112-113

The above part of this section shows that Habermas is able to provide a cogent response to Walzer's metaethical argument. To be sure, Habermas provides an account of human experience that in one sense is sterile. Habermas claims that his theory is restricted to the question of the justification of norms and actions and thereby leaves questions concerning the good life unanswered.³⁰⁷ But this does not mean, as Walzer's metaethical argument suggests, that Habermas's theory obscures the fact that it has a commitment to socially generated values such as justice and democracy.³⁰⁸ The impulses that drive this theory clearly demonstrate its outlook-dependency. It defends the values of equal respect and solidarity that can be derived from the character of modernity itself. Habermas puts this as follows:

The motivating thought concerns that reconciliation of a modernity that has fallen apart, the idea that without surrendering the differentiation that modernity has made possible in the cultural, social and economic spheres, one can find forms of living together in which autonomy and dependence can truly enter into a non-antagonistic relation, that one can walk tall in a collectivity that does not have the dubious quality of backward-looking substantial forms of life. The intuition springs from the sphere of relations with others; it aims at experiences of undisturbed intersubjectivity. These are more fragile than anything that history up till now brought forth in ways of structures of communication – an ever more dense and finely woven web of intersubjective relations ... All ... images of protection, openness, and compassion, of submission and resistance, rise out of a horizon of experience of what Brecht would have termed 'friendly living together'. *This* kind of friendliness does not exclude conflict, rather it implies those human forms through which one can survive conflicts.³⁰⁹

There are good reasons to think that Walzer's metaethical argument itself does not undercut the possibility of defending the idea of complex equality with Habermas's critical theory. The Habermasian response to this argument shows that this particular argument is based on

³⁰⁷ Jürgen Habermas, *Autonomy and solidarity: interviews with Jürgen Habermas edited and introduced by Peter Dews* (London: Verso, 1986), p. 171

³⁰⁸ Michael Walzer, *Thick and Thin. Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame, 1994), p. 12

³⁰⁹ Jürgen Habermas, *Autonomy and solidarity: interviews with Jürgen Habermas edited and introduced by Peter Dews* (London: Verso, 1986), p. 125

misunderstandings of the moral premises of Habermas's theory. This response shows that Habermas's claim that theory is 'restricted to the question of the justification of norms' should not be understood as an attempt to establish an outlook-independent position. Rather, this claim establishes that critical theory has a cognitive interest in an emancipated society.

6.5 Concluding summary

This chapter has been concerned with Michael Walzer's attempt to undercut the possibility of supporting his vision of egalitarianism with Jürgen Habermas's critical theory. Section 6.1 outlined the three arguments that would be required in order for him to successfully pursue this attempt: i) that a cogent response to the conceptual argument can not be derived from the basic premises of Habermas's critical theory, ii) that a cogent response to the democratic argument can not be derived from the basic premises of Habermas's critical theory, iii) that a cogent response to the metaethical argument can not be derived from the basic premises of Habermas's critical theory. Section 6.2 showed that Habermas provides a cogent response to the conceptual argument. It also argued that there are good reasons to think that this particular argument does not undercut the possibility of defending Walzer's own vision of egalitarianism with critical theory because it is based on misunderstandings of the conceptual properties of this theory. Section 6.3 showed that Habermas provides a cogent response to the democratic argument. It also argued that there are good reasons to believe that this particular argument does not undercut the possibility of defending the idea of complex equality with critical theory because it is based on misunderstandings of the philosophical premises of this theory. Section 6.4 showed that Habermas provides a cogent response to the democratic argument. It also argued that there are good reasons to think that this particular argument does not undercut the possibility of defending Walzer's own vision of egalitarianism with critical theory because it is based on misunderstandings of the moral premises of this theory. Now, it is clear that Walzer offers no compelling reasons for not developing complex equality in a Habermasian direction. However, what remains unclear is whether or not Habermas's himself considers it plausible to support complex equality with his critical theory. The following chapter addresses this issue.

Chapter 7

Jürgen Habermas's understanding of spherical justice

I prefer a weak concept of moral theory ... it should explain and justify the moral point of view, and nothing more.³¹⁰

7.1 Introduction

In view of the four big moral-political liabilities of our time – hunger and poverty in the third world, torture and continuous violations of human dignity in autocratic regimes, increasing unemployment and disparities of social wealth in Western industrial nations, and finally the self-destructive risks of the nuclear arms race – my modest opinion about what philosophy can accomplish may come as a disappointment.³¹¹

Jürgen Habermas asserts that he has a restricted understanding of philosophical ethics, a domain of philosophical inquiry that includes liberal thinkers like John Rawls and Ronald Dworkin³¹² as well as communitarian thinkers like Charles Taylor and Michael Walzer.³¹³ Habermas's limited insight into philosophical ethics does not mean that he finds the issues discussed within this domain uninteresting. Habermas maintains that some works within philosophical ethics have provided valuable points of reference for the development of his own philosophical thinking.³¹⁴ Other works within this domain of philosophical inquiry can

³¹⁰ Jürgen Habermas, *Autonomy and solidarity: interviews with Jürgen Habermas edited and introduced by Peter Dews* (London: Verso, 1986), p. 170

³¹¹ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), p. 211

³¹² Jürgen Habermas, *Autonomy and solidarity: interviews with Jürgen Habermas edited and introduced by Peter Dews* (London: Verso, 1986), p. 160

³¹³ Jürgen Habermas, *The Inclusion of the Other. Studies in Political Theory* (Cambridge, Massachusetts: The MIT Press, 1998), p. 216

³¹⁴ Jürgen Habermas, *Autonomy and solidarity: interviews with Jürgen Habermas edited and introduced by Peter Dews* (London: Verso, 1986), p. 160

be developed within the framework of his own critical theory. According to Habermas, Michael Walzer's theory of complex equality belongs to this category.³¹⁵ This chapter is concerned with this issue. This section contains three parts. The first part outlines Habermas's argument against Rawls's design of the original position. The second part describes Habermas's assertion that this argument also applies to Walzer's theory of complex equality. The third part presents how Habermas's understanding of the theory of complex equality will be further explored in this chapter.

Habermas stresses that he shares the philosophical intentions behind Rawls's theory and regards its essential result as correct. However, the question can be raised whether Rawls has presented his theory in its most compelling form. This question primarily concerns Rawls's design of the original position. This design aims to clarify what kind of social contract that people would agree to if they did not know anything about their particular interests, talents and tastes and were unable to anticipate what social and economic positions that they will occupy. Rawls maintains that people who negotiate the social contract behind a veil of ignorance will choose two principles of justice. The first principle is the priority of liberty. It states that each person has an equal right to a fully adequate scheme of equal basic rights and liberties compatible with the same scheme for all. The second principle is the difference principle. It states that social and economic inequalities are to be attached to positions and offices open to all under fair equality of opportunity, also they are to be to the greatest benefit of the least advantaged members of society. According to Habermas, these two principles claims to be the products of impartial judgement:

Rawls offers a justification of the principles on which a modern society must be constituted if it is to ensure the fair cooperation of its citizens as free and equal persons. His first step is to clarify the standpoint from which fictional representatives of the people could answer this question impartially. Rawls explains why the parties in the so-called original position would agree on two principles: first, on the liberal principle according to which everyone is entitled to an equal system of basic liberties, and, second, on a subordinate principle that

³¹⁵ Jürgen Habermas, *Justification and Application* (Cambridge: Polity Press, 1993), p. 152

establishes equal access to public offices and stipulates that social inequalities are acceptable only when they are also to the advantage of the least privileged.³¹⁶

Habermas asserts that Rawls initially intended to present his theory of justice as part of a general theory of choice. This intention informs the design of the fictional parties that negotiate the social contract. According to this design, the parties exclusively entertain purposive-rational considerations. Parties that do not know what social and economic positions they will occupy, find themselves constrained by self-interest to reflect on what is equally good for all.³¹⁷ According to Habermas, Rawls's design of the parties of the original position adopts a format which understands normative issues solely in terms of interests and values that need to be satisfied by goods. This means that Rawls weakens the deontological dimension of his theory of justice by presenting a list of primary goods that citizens should strive for:

... Rawls introduces "primary goods" as generalized means that people may need in order to realize their plans of life. Although the parties know that some of these primary goods assume the form of rights for citizens of a well-ordered society, in the original position they themselves can only describe rights as one category of "goods" among others. For them, the issue of principles of justice can only arise in the guise of the questions of the just distribution of primary goods. Rawls thereby adopts a concept of justice that is proper to an ethics of the good, one more consistent with Aristotelian or utilitarian approaches than a theory of rights, such as his own, that proceeds from the concept of autonomy. Precisely because Rawls adheres to a conception of justice on which the autonomy of citizens is constituted through rights, the paradigm of distribution generates difficulties for him. Rights can be "enjoyed" only by being *exercised*. They cannot be assimilated to distributive goods without forfeiting their deontological meaning. An equal distribution of rights results only in those who enjoy rights recognizing one another as free and equal. Of course, there exist rights *to* a fair share of goods

³¹⁶ Jürgen Habermas, *The Inclusion of the Other. Studies in Political Theory* (Cambridge, Massachusetts: The MIT Press, 1998), p. 50

³¹⁷ Ibid., pp. 52-53

or opportunities, but rights in the first instance regulate relations between actors: they cannot be “possessed” like things.³¹⁸

Habermas asserts that his main argument against Rawls's design of the original position is that it places excessive demands on moral theory. The task of philosophy is to explain and ground the moral point of view and nothing more. Philosophy is competent to develop and defend arguments within the field of morality that are universal, that is, arguments that are binding not only to the members of a particular community. Rawls tries to accomplish this task with the design of the original position. Unfortunately, his attempt to further the purpose of the Kantian tradition is combined with the purpose of philosophical ethics. Rawls's design of the original positions also tries to justify political institutions for a certain type society under given historical circumstances. Habermas insists that the task of justifying such institutions is reserved for the citizens. Philosophers are of course entitled to participate in political discourse but they cannot claim any privileged status for their political claims:

Philosophers are not teachers of the nation. They can sometimes - if only rarely - be useful people. If they are, they may write books like that of Rawls, for instance. Rawls hasn't systematically cared when he speaks as a philosopher and when he speaks simply as a committed liberal in his society ... When he tries to explain the moral point of view through the construct of the veil of ignorance, he is doing what the philosopher can do as a philosopher. It is a reasonable proposal. But as soon as he moves to his two principles, he is speaking as a citizen of the United States with a certain background, and it is easy to make – as has been done – an ideological critique of the concrete institutions and principles which he wants to defend. There is nothing universal about his particular design for a just society.³¹⁹

According to Habermas, the main argument against Rawls's theory of justice also applies to Walzer's theory of complex equality. Walzer's orientation to social goods shows that he understands justice as something material. Social goods are something that ordinary men and women need in order to realise their plans of life. On Walzer's view, philosophy is competent

³¹⁸ Ibid., p. 54

³¹⁹ Jürgen Habermas, *Autonomy and solidarity: interviews with Jürgen Habermas* edited and introduced by Peter Dews (London: Verso, 1986), pp. 204-205

to determine what social goods that these men and women are entitled to in different spheres of distribution. Philosophers, however, cannot claim such competence for themselves. Although Walzer's understanding of the task of philosophy is misleading this does not mean that his theory of justice needs to be rejected. Habermas insists that Walzer's statement that different social goods ought to be distributed for different reasons in accordance with different procedures by different agents is in need of further qualification:

I agree entirely with this statement though not with the consequence that Walzer wishes to draw from it. That a norm is just or in the general interest means nothing more than that it is worthy of recognition or is valid. Justice is not something material, not a determinate "value", but a dimension of validity. Just as descriptive statements can be true, and thus express what is the case, so too normative statements can be right and express what has to be done. Individual principles or norms that have a specific content are situated on a different level, regardless of whether they are actually valid. For example, different principles of distributive justice exist. There are material principles of justice such as "To each according to his needs", or "To each according to his merits" or "Equal shares for all." Principles of equal rights, such as the precepts of equal respect for all, or equal treatment, or of equity in the application of the law, address a different kind of problem. What is at issue here is not the distribution of goods or opportunities but the protection of freedom and inviolability.³²⁰

As mentioned at the outset of this introduction, this chapter is concerned with Habermas's argument that Walzer's theory of complex equality can be developed within the framework of his own critical theory. The remainder of this chapter briefly outlines four components of Habermas's philosophical thinking in order to demonstrate in the next chapter that Walzer's theory of justice implicitly reposes on some of the concepts and categories of critical theory. Section 7.2 rehearses Habermas's thesis that everyday communication constitutes the medium of reason.³²¹ The first part summarises his account of the theories of Max Weber, Max Horheimer and Theodore Adorno. The second part outlines Habermas's claim that a

³²⁰ Jürgen Habermas, *Justification and Application* (Cambridge: Polity Press, 1993), p. 152

³²¹ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), p. 18

certain element of idealism is built into the reproduction of the human species. Section 7.3 introduces Habermas's discussion of mythical and modern ways of understanding the world. The first part outlines his account of the features of mythical worldviews. The second part clarifies Habermas's argument that myths do not make certain differentiations that are fundamental to our understanding of the world. Section 7.4 elaborates Habermas's concept of the moral point of view. The first part outlines his claim that the distributive principles that Walzer enumerates can be justified from the principle of universalizability. The second part presents his claim that the distributive principles that Walzer discusses need to be informed by the principle of appropriateness. Section 7.5 introduces Habermas's concept of deliberative politics. The first part outlines his critique of the liberal and republican models of democracy. The second part describes his normative account of the relation between the state and the civil society. A concluding summary is made in 7.6.

7.2 Everyday communication as the medium of reason

... communicative reason does not simply encounter ready-made subjects and systems; rather it takes part in structuring what is to be preserved. The utopian perspective of reconciliation and freedom is ... built into the linguistic mechanisms of the reproduction of the species.³²²

This section rehearses Jürgen Habermas's thesis that everyday life constitutes the medium of reason. According to Habermas, Weber argues that the rise of the capitalist economy and the state must be explained in terms of the institutionalisation of purposive-rational actions. The relocation of religious asceticism in the Protestant work ethic enabled these subsystems to be developed by effective planning of the application of means for given ends on the one hand and rational calculation of ends in the light of precisely conceived values on the other hand. Habermas thus asserts that Weber's diagnosis of the times is predicated on the teleological model of action. This diagnosis maintains that the subsystems of the capitalist economy and the state become disconnected from the moral-practical motives of their members.³²³ The

³²² Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 398

³²³ Ibid., p. 353

thesis of a loss of freedom predicts a reification of the subsystems into an iron cage of bureaucracy:

To the degree that economic and administrative operations are bureaucratized ... the purposive rationality of actions ... has to be secured independently of the value-rational judgements and decisions of organization members. Organizations themselves take over the regulation of actions, which now need to be anchored subjectively only in generalized utilitarian motives. This freeing of subjectivity from the determinations of moral-practical rationality is reflected in the polarization of "specialists without spirit" and "sensualists without heart." Weber can imagine a reversal of the tendency only in the will of charismatic leaders ... If the struggle between creative charisma and a bureaucracy that restricts freedom is to be decided against the seemingly "inexorable" march of rationalization, then it can only be via the organizational model of "the leader with a machine." In the domain of economics, this signifies the voluntarism of authoritarian business leaders; in that of politics, a plebiscitary democracy with charismatic leaders [*Führerdemokratie*]; and in both domains, an optimal selection of leaders.³²⁴

Habermas maintains that Weber's thesis of a loss of freedom represents a kind of standard conception of societal rationalisation.³²⁵ The leading theorists of the old Frankfurt School adhere to this conception. Max Horkheimer and Herbert Marcuse agree with Theodore Adorno that moderns live in an administrated world. According to these theorists, the growing complexity of the organizational forms that dominate the capitalist economy and the state pose a threat to the individual. The control of behaviour has passed from the authority of conscience of associated individuals to the planning authority of autonomous bureaucracies. Habermas asserts that the members of the old Frankfurt School interpret Weber's thesis of a loss of freedom as a shift from inner-directed to outer-directed modes of life.³²⁶

Horkheimer and Adorno, and later Marcuse, interpret Marx in this Weberian perspective. Under the sign of an instrumental rationality that has become autonomous, the rationality of mastering nature merges with the irrationality of

³²⁴ Ibid., p. 352

³²⁵ Ibid., pp. 143-144

³²⁶ Ibid., p. 351

class domination. Fettered forces of production stabilize alienated relations of production. The *Dialectic of Enlightenment* removes the ambivalence that Weber still entertained in relation to rationalization processes, and it abruptly reverses Marx's positive assessment. Science and technology – for Marx an unambiguously emancipatory potential – themselves become the medium of social repression ... Marx, Weber, Horkheimer, and Adorno identify societal rationalization with expansion of the instrumental and strategic rationality of action contexts ...³²⁷

Habermas maintains that this standard conception of societal rationalisation is one-sided. Because it frames societal rationalisation exclusively from the perspective of purposive-rational action it fails to capture all relevant aspects of social action. Weber and the theorists of the Frankfurt School are right in their opinion that the human species reproduces itself through media-controlled purposive rational actions of its members. However, the human species also reproduces itself through action aimed at reaching understanding. This means that everyday communication is not primarily a source of repression or domination. Habermas emphasizes that it constitutes the medium of communicative reason. The thoughtfulness or considerateness that is built into the linguistic mechanisms of the reproduction of the human species compensates for our extreme vulnerability. The morality that is built into these mechanisms enables human beings to settle conflicts and determine courses of action in a friendly and peaceful way. The task of philosophy becomes to identify and explain the communicative competences and moral intuitions that enable us to counteract the vulnerability of others:

A philosophical ethics not restricted to metaethical statements is possible today only if we can reconstruct general presuppositions of communication and procedures for justifying norms and values. In action oriented to reaching understanding, validity claims are "always already" implicitly raised. These universal claims ... are set in the general structures of possible communication. In these validity claims communication theory can locate a gentle but obstinate, a never silent although seldom redeemed claim to reason, a claim that must be recognized de facto whenever and wherever there is to be consensual action. If

³²⁷ Ibid., p. 144

this is idealism, the idealism belongs in a most natural way to the conditions of reproduction of a species that must preserve itself through labor and interaction, that is, *also* by virtue of propositions that can be true and norms that are in need of justification.³²⁸

Thus, according to Habermas, philosophy can exploit the element of idealism that is built into the reproduction of the human species for moral theoretical purposes.

7.3 Mythical and modern ways of understanding the world

What irritates us members of a modern lifeworld is that in a mythically interpreted world we cannot, or cannot with sufficient precision, make certain differentiations that are fundamental to our understanding of the world ... Myths do not permit a clear, basic, conceptual differentiation between things and persons, between objects that can be manipulated and agents – subjects capable of speaking and acting to whom we attribute linguistic utterances³²⁹

This section introduces Jürgen Habermas's discussion of mythical and modern ways of understanding the world. According to Habermas, members of archaic societies experience themselves as unprotected from the contingencies of an unmastered environment. Thus, in these societies the need to control the flood of these contingencies arises. Habermas asserts that myths fulfil this task by providing comprehensive interpretations of the world. According to these interpretations, invisible forces give rise to and regulate the order of nature as well as the cultural order. On the one hand, these forces assume the attributes of human beings in the sense that they are endowed with consciousness, will and power. On the other hand, the invisible forces assume the attributes of a superior order that controls and regulates what human beings cannot control:³³⁰

³²⁸ Jürgen Habermas, *Communication and the Evolution of Society* (Boston: Beacon Press, 1979), p. 97

³²⁹ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 48

³³⁰ Ibid., pp. 46-47

What we find most astonishing is the peculiar leveling of the different domains of reality; nature and culture are projected onto the same plane. From this reciprocal assimilation of nature to culture and conversely culture to nature, there results, on the one hand, a nature that is outfitted with anthropomorphic features, drawn into the communicative network of social subjects, and in this sense, humanized, and on the other hand, a culture that is to a certain extent naturalized and reified and absorbed into the objective nexus of operation of anonymous powers ... The *ineptitude* to which the technical or therapeutic failures of goal-directed action are due falls into the same category as the *guilt* for moral-normative failings of interaction in violation of existing social orders. Moral failure is conceptually interwoven with physical failure, as is *evil* with the *harmful*, and the *good* with the *healthy* and the *advantageous*.³³¹

Habermas maintains that mythical ways of understanding the world provide rich and detailed information about the order of nature and the cultural order. This multiplicity of observations of nature and culture is united in a totality. Myths order the perceptions of the world by drawing analogies and contrasts.³³² According to Habermas, mythical understandings of the world connect and classify the different domains of phenomena from the vantage points of homology and heterogeneity and equivalence and inequality:

The deeper one penetrates into the network of a mythical interpretation of the world, the more strongly the totalizing power of the “savage mind” stands out. On the one hand, abundant and precise information about the natural and social environments is processed in myths: that is, geographical, astronomical, and meteorological knowledge; knowledge about flora and fauna; about economic and technical matters; about complex kinship relations; about rites, healing practices, waging war, and so on. On the other hand, this information is organized in such a way that every individual appearance in the world, in its typical aspects, resembles or contrasts with every other appearance.³³³

³³¹ Ibid., p. 48

³³² Ibid., p. 46

³³³ Ibid., pp. 45-46

Habermas argues that there are two related reasons for regarding mythical worldviews as closed.³³⁴ First, mythical worldviews do not permit a categorical distinction between the objective, social and subjective worlds. On the one hand, these worldviews do not sufficiently differentiate between things and persons, causes and motives or happenings and action. Thus, members of pre-modern societies experience violations of the norms that regulate daily routines and ritual practices as a breach of something that belong to the objective world and not to the social world. On the other hand, mythical worldviews confuse the external world, which is comprised of existing state of affairs and social norms, with the internal world of desires and feelings to which the individual has privileged access. Members of pre-modern societies tie their own identities to the details of the collective knowledge provided by mythical worldviews. Second, the confusion of nature and culture means that mythical worldviews lack an element of reflexivity. Members of pre-modern societies do not understand these worldviews as interpretive systems that are connected with validity claims. Thus, Habermas asserts that mythical ways of understanding the world are not understood as cultural traditions that are exposed to criticism and open to revision:³³⁵

... mythical worldviews ... do not ... draw a clear line between interpretations and the interpreted reality. Internal relations among meanings are fused with external relations among things. There is no concept of the nonempirical validity that we ascribe to symbolic expressions. Concepts of validity such as morality and truth are merged with empirical concepts such as causality and health. Myths bind the critical potential of communicative action, stop up, so to speak, the sources of inner contingencies springing from communication itself. The scope for innovatively intervening in cultural tradition is relatively narrow; culture is orally transmitted and enters into habitual practices almost without distance.³³⁶

According to Habermas, mythical ways of understanding the world present an antithesis to modern ways of understanding the world.³³⁷ To begin with, modern ways of understanding

³³⁴ Ibid., p. 52

³³⁵ Ibid., pp. 49-53

³³⁶ Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), p. 159

³³⁷ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 44

make a categorical distinction between a world of existing state of affairs; a world of legitimately regulated interpersonal relations and a world of subjectivity to which the individual has privileged access. Members of modern societies, who orient themselves in these three worlds, are able to take an objectivating attitude toward things and events, take a conformative or non-conformative attitude toward normative expectations and take an expressive attitude toward one's own feelings and desires. Furthermore, modern ways of understanding the world permit rational positions on validity claims. Members of modern societies have acquired the capacity to raise claims to truth, rightness and truthfulness and determine whether these claims are true or false, worthy of recognition or illegitimate and sincere or insincere.³³⁸ Habermas stresses that the ability to exploit the critical potential that resides in the medium of everyday communication enabled the European culture to enter upon a path of rationalisation.³³⁹ In contrast to members of primitive tribal societies, members of modern societies understand that worldviews are symbolically related to reality and connected with criticisable validity claims. This means that members of modern societies understand that modern worldviews are part of cultural traditions that can be recognised or rejected:

... more interaction contexts come under the conditions of rationally motivated mutual understanding, that ... rests *in the end* on the authority of the best argument ... Universal discourse points to an idealized lifeworld reproduced through processes of mutual understanding that have been largely detached from normative contexts and transferred over to rationally motivated yes/no positions.

... A lifeworld rationalized in this sense would by no means reproduce itself in conflict-free forms. But the conflicts would appear in their own names; they would no longer be concealed by convictions immune from discursive examination ... yes/no positions no longer go *back* to an ascribed normative consensus, but issue *from* the cooperative interpretation processes of participants themselves. Thus, they signal a release of the rationality potential inherent in communicative action.³⁴⁰

³³⁸ Ibid., p. 51

³³⁹ Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), pp. 44-45

³⁴⁰ Ibid., pp. 145-146

Thus, Habermas argues that members of modern societies can take a ‘yes’ and ‘no’ position on a speech-act offer and defend or reject it with rational grounds or reasons.

7.4 The moral point of view

Anyone who seriously engages in argumentation must indeed presuppose that the conditions of an “ideal speech situation” ... are sufficiently realized.³⁴¹

This section elaborates Jürgen Habermas’s concept of the moral point of view. Habermas asserts that Walzer’s theory of complex equality can derive support from discourse ethics. According to this moral theory, the notion of complex egalitarian meanings requires a two-stage process of argumentation. In regard to the first stage, all of the distributive principles that Walzer discusses in *Spheres of Justice* can be justified from the principle of universalizability.³⁴² According to this principle a norm qualifies as valid when the foreseeable consequences and the side effects of its general observance for the interests and value-orientations of each individual could be jointly accepted by all concerned without coercion. Thus, the purpose of discourses of justification is to determine whether or not a proposed norm can win justified assent from all affected. All justificatory discourses take place within the lifeworld. The lifeworld constitutes the background of things that are taken for granted by the members of the social collective. To this background of certainties belong a set of normative convictions. The members of the social collective who share a lifeworld understand that valid norms cannot come about when they exert strategic influence on one another. Strategic actors undertake an egocentric calculation of success and they intervene in the world of existing states of affairs in order to achieve their goals. These interventions are carried out with an objectivating attitude meaning that other actors are treated either as objects or opponents.³⁴³ This objectivating attitude dictates the choice of means in order to achieve the goals set. Strategic actors seek to achieve their goals by means of threats of

³⁴¹ Jürgen Habermas, *Justification and Application* (Cambridge: Polity Press, 1993), p. 57

³⁴² Ibid., p. 152

³⁴³ Jürgen Habermas, *On the Pragmatics of Communication* (Cambridge, Massachusetts: The MIT Press, 1998), p. 219

sanctions, prospects of gratification,³⁴⁴ or deception.³⁴⁵ To the background of things taken for granted belong the intuition that norms that genuinely express the common interest of all those possibly affected can only come about when they let their 'yes' and 'no' positions on a speech act offer be influenced solely by the force of the better argument:

The communicative practice of everyday life is immersed in a sea of cultural taken-for-grantedness ... To this life-world background of processes of reaching understanding, there also belong normative convictions and empathetic identifications with the feelings of others. As soon, however, as an element of this naively known, prreflexively present background is transformed into the semantic content of an utterance, the certainties come under the conditions of criticisable knowledge; from then on disagreement concerning them *can* arise. Only when this disagreement is stubborn enough to provoke a discursive treatment of the matter at issue do we have a case concerning which I am claiming that a *grounded* agreement cannot be reached unless the participants in discourse *suppose* that they are convincing each other only by force of the better arguments. Should any party make use of privileged access to weapons, wealth or standing, in order to *wring* agreement from another party through the prospect of sanctions or rewards, no one involved will be in doubt that the presuppositions of argumentation are no longer satisfied.³⁴⁶

In regard to the second stage of argumentation, Habermas stresses that the test of the validity of norms does not exhaust the idea of impartiality. Justificatory discourses produce excessively abstract norms. In order to determine whether or not a proposed norm is valid, the participants in such discourses need to distance themselves from their individual life histories and the unquestioned truth of a concrete ethical life. This means that those norms that withstand this universalisation test are detached from all practical situations and existing social institutions.³⁴⁷ Furthermore, justificatory discourses typically produce norms that bear a

³⁴⁴ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), p. 58

³⁴⁵ Jürgen Habermas, *On the Pragmatics of Communication* (Cambridge, Massachusetts: The MIT Press, 1998), p. 222

³⁴⁶ Jürgen Habermas, "A Reply to my Critics" in *Habermas: Critical Debates*, edited by John B. Thompson and David Held (London: The Macmillan Press, 1982), pp. 272-273

³⁴⁷ Jürgen Habermas, *Justification and Application* (Cambridge: Polity Press, 1993), p. 12

time and knowledge index. In order for the participants in such discourses to justify a norm, they need to take into account foreseeable consequences and side effects. This is a very difficult task because it requires the participants to anticipate the multitude of completely unforeseeable future situations. According to Habermas, the abstractness of valid norms and the time and knowledge index attached to these norms show that all of the distributive principles that Walzer discusses in *Spheres of Justice* need to be examined according the principle of appropriateness. According to this principle, a valid norm gains concrete significance only in the light of knowledge about particular circumstances. Thus, the purpose of discourses of application is to establish whether or not a valid norm should be followed in a given situation.³⁴⁸ Participants in such discourses need to provide context-sensitive knowledge in order to determine whether or not it is appropriate to apply a justified norm to a particular case:

.... only in their application to particular concrete cases will it transpire *which* of the competing principles is the most appropriate in the *given* context. This is the task of discourses of application. Within the family, for instance, conflicts of distribution will tend to be decided on the principle of need rather than on the principle of merit, whereas the situation may well be the reverse in the case of conflicts of distribution at the level of society as a whole. It depends on which principle *best fits* a given situation in the light of the most exhaustive possible description of its relevant features. But I find the idea of a universal correlation of principles of justice with spheres of action highly problematic. The kinds of considerations Walzer entertains could be accommodated in discourses of application, but then they would have to prove themselves in each particular instance in its own right.³⁴⁹

Thus, according to Habermas, Walzer's idea of complex egalitarian social meanings of social goods can be accommodated in discourses of justification and discourses of application.

³⁴⁸ Ibid., p. 37

³⁴⁹ Jürgen Habermas, *Justification and Application* (Cambridge: Polity Press, 1993), p. 152

7.5 Deliberative politics

... communicative power springs from the interactions between legally institutionalized will-formation and culturally mobilized publics. The latter for their part find a basis in the associations of a civil society distinct from the state and the economy alike.³⁵⁰

This section introduces Jürgen Habermas's concept of deliberative politics. Habermas asserts that this concept addresses the problems that the liberal and the republican models of democracy are associated with. The liberal view of politics is based on a dichotomy between the state understood in terms of an apparatus of public administration and the civil society conceived as a domain of market-structured interactions of private persons. On this view, the purpose of the democratic process is to program the state so that private social interests can be transformed into public policies.³⁵¹ Habermas maintains that this view of the democratic process incorporates a certain understanding of the citizen. The status of the citizen is determined by a set of negative liberties that he or she can lay claim to as a private person meaning that the citizen has individual rights vis-à-vis the state and other citizens:

As bearers of individual rights citizens enjoy the protection of the government as long as they pursue their private interests within the boundaries drawn by legal statutes – and this includes protection against state interventions that violate the legal prohibition on government interference. Individual rights are negative rights that guarantee a domain of freedom of choice within which legal persons are freed from external compulsion. Political rights have the same structure: they afford citizens the opportunity to assert their private interests in such a way that, by means of elections, the composition of parliamentary bodies, and the formation of a government, these interests are finally aggregated into a political will that can affect the administration. In this way the citizens in their political role can determine whether governmental authority is exercised in the interest of the citizens as members of society.³⁵²

³⁵⁰ Jürgen Habermas, *The Inclusion of the Other. Studies in Political Theory* (Cambridge, Massachusetts: The MIT Press, 1998), p. 251

³⁵¹ Ibid., p. 239

³⁵² Ibid., pp. 240-241

Habermas asserts that unlike the liberal view of politics, the republican model does not understand the political process in terms of strategic action. On the republican view, politics constitutes the medium in which citizens aim at achieving an ethical-political clarification of a collective self-understanding. The purpose of the democratic process is to enable the members of a community to clarify which traditions they wish to cultivate and to clarify what sort of society they want to live in.³⁵³ In Habermas's opinion, this view of the democratic process incorporates a certain understanding of the citizen. On the republican view rights are understood as positive liberties. These liberties guarantee the right to participation in processes of opinion- and will-formation:

They do not guarantee freedom from external compulsion, but guarantee instead the possibility of participation in a common practice, through which the citizens can first make themselves into what they want to be – politically responsible subjects of a community of free and equal citizens ... The state's *raison d'être* does not lie primarily in the protection of equal individual rights but in the guarantee of an inclusive process of opinion- and will-formation in which free and equal citizens reach an understanding on which goals and norms lie in the equal interest of all. In this way the republican citizen is credited with more than an exclusive concern with his or her private interest.³⁵⁴

Habermas argues that the liberal and republican models of democracy are fraught with some serious weaknesses. The weakness of the liberal model is that it assumes that the political process is fundamentally driven by strategically acting participants. According to this model, interest-groups compete for positions that grant access to administrative power and voters aim to satisfy their own preferences in the same way as consumers do in the market. This means, however, that the participants in the political process are only credited with the ability to make individual acts of choice and not the capacity to establish collective decisions under the conditions laid down by discourse ethics. According to Habermas, the weakness of the republican model is that it rests on the presupposition that the citizenry is a collective actor. The purpose of the practice of the ethical-political clarification is to establish an identity that is constitutive of the political community as a whole. Today, however, most societies are

³⁵³ Ibid., p. 244

³⁵⁴ Ibid., p. 241

characterised by a plurality of interests and value-orientations. This plurality makes the notion of the citizenry as collective actor implausible. Thus, in Habermas's opinion, there are good reasons to regard the liberal and republican models of democracy as inadequate:

On the liberal view, politics is essentially a struggle for positions that grant access to administrative power. The political process of opinion- and will-formation in the public sphere and in parliament is shaped by the competition of strategically acting collectives trying to maintain or acquire positions of power. Success is measured by the citizens' approval of persons and programs, as qualified by votes. In their choices at the polls, voters express their preferences. Their votes ... licence access to positions of power that political parties fight over with a success-oriented attitude ... The input of votes and the output of power conform to the same pattern of strategic action ... The mistake of the republican view consists in an ethical foreshortening of political discourse. To be sure, ethical discourses aimed at achieving a collective self-understanding – discourses in which participants attempt to clarify how they understand themselves as members of a particular nation, as members of a community or a state, as inhabitants of a region ... constitute an important part of politics. But under conditions of cultural and social pluralism, behind politically relevant goals there often lie interests and value-orientations that are by no means constitutive of the identity of the political community as a whole, that is, for the totality an intersubjectively shared form of life.³⁵⁵

Habermas asserts that liberals commonly argue that ethical questions must be kept off the political agenda because they are not susceptible to impartial legal regulation. On their view, the state cannot be permitted to pursue goals of a particular nation, culture or religion. The purpose of the state is merely to guarantee the personal freedom and security of its citizens. Communitarians, however, insist that the state must protect cultural forms of life and collective identities.³⁵⁶ According to Habermas, liberals and communitarians fail to understand that ethical discourses as well as moral-practical discourses are necessary in order to establish politically legitimate decisions. Political questions of a moral nature can be

³⁵⁵ Ibid., pp. 243-245

³⁵⁶ Ibid., p. 216

evaluated from the moral point of view meaning that they aim to establish what is equally good for everyone. Political questions of an ethical nature concern the self-understanding and life-projects of a particular group and they aim to clarify what is good for that particular group:

... the democratic elaboration of a system of rights incorporates not only general political goals but also the collective goals that are articulated in struggles for recognition. For in distinction to moral norms which regulate possible interactions between speaking and acting subjects in general, legal norms refer to the network of interactions in a specific society ... For this reason every legal system is *also* the expression of a particular form of life and not merely a reflection of the universal content of basic rights ... To the extent to which the shaping of citizens' political opinion and will is oriented to the idea of actualizing rights, it certainly cannot, as the communitarians suggest, be equated with a process by which citizens reach agreement about their ethical-political self-understanding. But the process of actualizing rights is indeed embedded in contexts that require such discourses as an important component of politics – discussion about a shared conception of the good and a desired form of life that is acknowledged to be authentic.³⁵⁷

Habermas emphasizes that the procedures involved in institutionalized opinion- and will-formation are critical to the legitimacy of political decision. The concept of deliberative politics argues that the communication between two institutional spheres is particularly important with respect to political legitimacy. This concept stresses the significance of a political public sphere. This sphere is comprised of a wide variety of informal networks that commonly act as agents of enlightened political socialisation. Such networks are also capable of detecting and interpreting problems that concern the whole society. The concept of deliberative politics, however, also stresses the need for the political system to communicate with the informal networks of the public sphere. Although the political system is but one action system among others it fulfills two functions that no other subsystem is capable of performing. Parliamentary bodies are specialised in making the rational opinion- and will-

³⁵⁷ Ibid., pp. 217-218

formation that take place in the public sphere collectively binding and the administration is specialised in the task of implementing democratical decisions:

Discourse theory works ... with the *higher-level intersubjectivity* of communication processes that unfold in the institutionalized deliberations in parliamentary bodies, on the one hand, and in the informal networks of the public sphere, on the other. Both within and outside parliamentary bodies geared to decision making, these subjectless modes of communication form arenas in which a more or less rational opinion- and will-formation concerning issues and problems affecting a society as a whole can take place. Informal opinion-formation result in institutionalized election decisions and legislative decrees through which communicatively generated power is transformed into administratively utilizable power ... the procedures and communicative presuppositions of democratic opinion and will-formation function as the most important sluices for the discursive rationalization of the decisions of a government and administration bound by law and statute.³⁵⁸

Thus, according to Habermas, the concept of deliberative politics demonstrates the possibility of converting the rational opinion- and will-formation that take place in the civil society into collectively binding decisions and practical policies.

³⁵⁸ Ibid., pp. 248-250

7.6 Concluding summary

Insofar as the philosopher would like to justify specific principles of a normative theory of morality and politics, he should consider this as a proposal for the discourse between citizens.³⁵⁹

This chapter has been concerned with Jürgen Habermas's claim that Michael Walzer's theory of complex equality can be developed within the framework of his own critical theory.

Habermas's argument that Walzer's understanding of the task of philosophy is misleading was outlined in this chapter. Habermas's thesis that everyday communication constitutes the medium of reason was also introduced. Habermas argues that the standard conception of societal rationalisation maintains that the human species reproduces itself only through purposive-rational actions. This conception, however, fails to recognize that a certain element of idealism is built into the reproduction of the human species. Furthermore, Habermas's discussion of mythical and modern ways of understanding the world was introduced.

According to Habermas, mythical worldviews assimilate nature to culture and culture to nature. The confusion of nature and culture blocks the critical potential that resides in the medium of everyday communication. The rationalisation that takes place in modern societies signals the release of this potential. Moreover, Habermas's concept of the moral point of view was rehearsed. Habermas asserts that Walzer's notion of complex egalitarian meanings of social goods can be accommodated in a two-stage process of argumentation. The principles of distribution that Walzer enumerates can gain moral validity in discourses of justification and gain practical significance in discourses of application. Lastly, the concept of deliberative politics was introduced. According to Habermas's the state and the civil society perform complementary functions. The state is able to make rational opinion- and will formation that take place in the civil society collectively binding, it also implements democratic decisions. Now, it is clear that Habermas thinks that Walzer's theory of justice does not involve any critical theoretical conceptions in its current form. However, an exploration of Walzer's discussion of distributive justice indicates it already incorporates such conceptions. The next chapter addresses this issue.

³⁵⁹ Jürgen Habermas, *Autonomy and solidarity: interviews with Jürgen Habermas* edited and introduced by Peter Dews (London: Verso, 1986), p. 160

Chapter 8

Reason and spherical justice

Where there are philosophers, there will be controversies, just as where there are knights, there will be tournaments. But these are highly ritualized activities, which bear witness to the connection, not the disconnection, of their protagonist.³⁶⁰

8.1 Introduction

Equality literally understood is an ideal ripe for betrayal. Committed men and women betray it, or seem to do so, as soon as they organize a movement for equality and distributive power, position, and influence among themselves.³⁶¹

According to Michael Walzer, his critique of Jürgen Habermas's philosophy and his interpretive-based method constitute the parts of a broader philosophical commitment. Walzer claims that his work on social criticism and distributive justice is committed to the task of demonstrating that moral philosophy is possible without critical theory.³⁶² Thus, Walzer agrees with Jürgen Habermas, although for different reasons, that the theory of complex equality does not involve any critical theoretical claims in its current form. This chapter, however, aims to demonstrate that Walzer's theory of justice implicitly reposes on a number of concepts and categories of Habermas's theory. This introduction contains two parts. The first part outlines Walzer's argument that the idea of simple equality

³⁶⁰ Michael Walzer, "The Communitarian Critique of Liberalism," *Political Theory* 18 (February 1990), p.14

³⁶¹ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. xi

³⁶² Michael Walzer, *Interpretation and Social Criticism* (Cambridge, Massachusetts: Harvard University Press, 1987), p. vii

misunderstands the vision of egalitarianism. The second part outlines Walzer's argument for regarding complex equality as a morally attractive vision of egalitarianism.

According to Walzer, philosophers and political activists alike commonly misunderstand the vision of egalitarianism. They believe that an egalitarian society requires a single decision point from which the distribution of social goods must be directed. Furthermore, they usually combine the idea of a single decision point with the idea that the distribution of social goods must be governed by a single distributive criterion.³⁶³ This criterion claims that equality must be understood literally so that if one person possesses 10 units of a given social good, every other person must also possess 10 units of this social good. This is the idea of simple equality, an idea that is highly problematic for two reasons. First, people who possess an equal share of a given social good are unlikely to freely redistribute their shares according to the criterion of simple equality. Thus, the regime of simple equality is difficult to establish and sustain for factual reasons. Second, a regime that enforces a literal understanding of equality is very likely to produce a conformist society. Thus, the idea of simple equality is unattractive for moral and political reasons:

Living in an autocratic or oligarchic state, we may dream of a society where power is shared, and everyone has exactly the same share. But we know that equality of that sort won't survive the first meeting of the new members. Someone will be elected chairman; someone will make a strong speech and persuade us all to follow his lead. By the end of the day we will have to begin to sort one another out – that is what meetings are for. Living in a capitalist state, we may dream of a society where everyone has the same amount of money. But we know that money equally distributed at twelve noon of a Sunday will have been unequally redistributed before the week is out. Some people will save it, and others will invest it, and still others will spend it (and they will do so in different ways) ... Living in a feudal state, we may dream of a society where all the members are equally honored and respected. But though we can give everyone the same title, we know that we cannot refuse to recognise – indeed, we want to be able to recognize – the many different sorts and degrees of skill, strength,

³⁶³ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. xii

wisdom, courage, kindness, energy, and grace that distinguish one individual from another A society of equals ... would be a world of false appearance where people who were not in fact the same would be forced to look and act as if they were the same. And the falsehoods would have to be enforced by an élite or a vanguard whose members pretended in turn that they were not really there. It is not an inviting prospect.³⁶⁴

In Walzer's opinion, those who advocate the idea of simple equality make the mistake of treating monopoly and not dominance as the central issue in distributive justice. One social good, or a set of social goods, qualifies as dominant when it determines the allocation of social goods in all spheres of distribution. A social good or a set of social goods is monopolised when the strength of a single person or a group of persons upholds its value. While the concept of dominance refers to the use of social goods that is not limited by the social meanings assigned to them, the concept of monopoly refers to a way of controlling social goods in order to exploit their dominance. Social goods such as physical strength, political office, capital, and technical knowledge have been dominant at some point in history and each of these goods have also been monopolized by some ruling class.³⁶⁵ Walzer asserts that it is understandable that many philosophers and political activists regard simple equality as a morally attractive vision of egalitarianism. The regime of simple equality breaks up pernicious monopolies and neutralises the dominance of certain social goods. However, the regime of simple equality brings new inequalities in its train, inequalities that need to be forcefully corrected by a strong and centralized state:

It is not difficult, of course, to understand why philosophers (and political activists, too) have focused on monopoly. The distributive struggles of the modern age begin with war against the aristocracy's singular hold on land, office, and honor. This seems especially pernicious monopoly because it rests upon birth and blood, with which the individual has nothing to do, rather than upon wealth, or power, or education, all of which – at least in principle – can be earned. And when every man and woman becomes, as it were, a smallholder in the sphere of birth and blood, an important victory is indeed won. Birthright ceases to be a

³⁶⁴ Ibid., pp. xi-xii

³⁶⁵ Ibid., pp. 10-11

dominant good; henceforth, it purchases very little; wealth, power, and education come to the fore. With regard to these latter goods, however, simple equality cannot be sustained at all, or it can only be sustained subject to the vicissitudes I have ... described. Within their own spheres, as they are currently understood, these three tend to generate natural monopolies that can be repressed only if state power itself is dominant and if it is monopolized by officials committed to the repression. But there is, I think, another path to another kind of equality.³⁶⁶

Walzer maintains that philosophers and political activists should primarily focus on the reduction of dominance and not the break-up or constraint of monopoly. The theory of complex equality claims that the monopolies that naturally tend to emerge within distributive spheres are legitimate. This theory insists that personal qualities and social goods have their own spheres of operation where they work their effects freely. The theory of complex equality also claims that the invasion of a sphere where another company of people rule qualifies as dominance or tyranny. This theory stipulates that no citizen's standing in one sphere of distribution or with regard to one social good should be undercut by his or her standing in some other distributive sphere with regard to some other social good. According to Walzer, these two claims make the idea complex equality a morally attractive vision of egalitarianism. The regime of complex equality establishes a set of relationships that eliminates the experience of personal subordination:³⁶⁷

The root meaning of equality is negative, egalitarianism in its origins in abolitionist politics. It aims at eliminating not all differences but a particular set of differences, and a different set in different times and places. Its targets are always specific: aristocratic privilege, capitalist wealth, bureaucratic power, racial or sexual supremacy. In each of these cases, however, the struggle has something like the same form. What is at stake is the ability of a group of people to dominate their fellows. It is not the fact that there are rich and poor that generates egalitarian politics but the fact that the rich "grind the faces of the poor," impose their poverty upon them, command their deferential behavior ... it is what people do to commoners, what office holders do to ordinary citizens,

³⁶⁶ Ibid., pp. 16-17

³⁶⁷ Ibid., p. 19

what people with power do to those without it. The experience of personal subordination – personal subordination, above all – lies behind the vision of equality ... The aim of political egalitarianism is a society free from domination. This is the lively hope named by the word *equality*: no more bowing and scraping, fawning and toadying; no more fearful trembling; no more high-and mightiness; no more masters, no more slaves. It is not a hope for elimination of differences; we don't all have to be the same or have the same amounts of the same things. Men and women are one another's equals (for all important moral and political purposes) when no one possesses or controls the means of domination.³⁶⁸

As mentioned at the outset of this introduction, this chapter is concerned with the Habermasian dimension of Walzer's philosophical thinking. The argument that the aim of complex equality is to eliminate the experience of personal subordination constitutes the starting-point for exploring this issue. Section 8.2 presents Walzer's account of the nature of political conflicts in liberal societies. The first part outlines Walzer's argument about social incoherence. The second part analyses this argument against the backdrop of Habermas's thesis that everyday communication constitutes the medium of reason. Section 8.3 presents Walzer's account of the liberal art of separation. The first part outlines his critique of the Marxist understanding of social differentiation. The second part discusses this critique in the context of Habermas's discussion of mythical and modern ways of understanding the world. Section 8.4 briefly presents Walzer's account of the rule of inclusion and the rule of reasons. The first part outlines his formal conceptualisation of dominance in terms of simple inequality. The second part analyses this conceptualization against the backdrop of Habermas's concept of the moral point of view. Section 8.5 presents Walzer's account of the civil society and the state. The first part outlines Walzer's argument that the civil society and the state play different roles in the political effort to establish complex equality. The second part discusses this argument in the context of Habermas's concept of deliberative politics. A concluding summary is made in 8.6

³⁶⁸ Ibid., pp. xii-xiii

8.2 Social incoherence

... there cannot be much doubt that we (in the United States) ... live in a society where individuals are relatively dissociated and separated from one another - continually in motion, often in solitary and random motion ... we live in a profoundly unsettled society.³⁶⁹

This section presents Walzer's account of the nature of political conflicts in liberal societies, which we will see implicitly appeals to something like Jürgen Habermas's thesis that everyday communication constitutes the medium of reason. Walzer maintains that modern societies are characterized by social incoherence. This incoherence can be explained by four types of mobilities. Geographical mobility concerns the fact that people today frequently change their residence. In contrast to earlier societies, where civil wars or foreign wars forced people to move, members of modern societies change their residence voluntarily. Social mobility concerns the fact that a relatively small proportion of citizens have the exact same social standing or rank as their parents. Today, social standing is less determined by an inheritance of class membership and more determined by individual choice. Marital mobility concerns the fact that rates of separation, divorce and remarriage are high among moderns. The bonds of love and family life are more frequently disrupted in our society than in any other society for which we have comparable knowledge. Political mobility concerns the fact that loyalty to political leaders, parties and social movements rapidly declines in contemporary society. At the present time, most citizens stand outside the institutions that attach to the traditional political system. According to Walzer, these four mobilities have produced an unsettled society:

Moving people and their possessions from one city or town to another is a major industry in the United States, even though many people manage to move themselves. In another sense, of course, we are all self-moved, not refugees but voluntary migrants. The sense of place must be greatly weakened by this extensive geographic mobility, although I find it hard to say whether it is superseded by mere insensitivity or by a new sense of many places ... Americans may inherit many things from their parents, but the extent to which they make a

³⁶⁹ Michael Walzer, "The Communitarian Critique of Liberalism," *Political Theory* 18 (February 1990), p. 11

different life, if only by making a different living, means that the inheritance of community, that is, the passing on of beliefs and customary ways is uncertain at best. Whether or not children are thereby robbed of narrative capacity they seem likely to tell different stories ... what we call "broken homes," are the product of marital breaks. Insofar as home is the first community and the first school of ethic identity and religious conviction, this kind of breakage must have countercommunitarian consequences. It means that children often do not hear continuous or identical stories from the adults with whom they live ... Liberal citizens stand outside all political organizations and they choose the one that best serves their ideal and interests. They are, ideally, independent voters, that is, people who move around: they choose for themselves rather than voting as their parents did, and they choose freshly each time rather than repeating themselves. As their numbers increase, they make for a volatile electorate and hence for institutional instability, particularly at the local level where political organization once served to reinforce communal ties.³⁷⁰

Walzer asserts that liberals and communitarians respond very differently to the fact about social incoherence. According to liberal theory, the member of the liberal society imagines him- or herself as absolutely free and unencumbered. The liberal is the inventor of his or her own life, the liberal is not guided by any common political or religious standards.³⁷¹ It is understandable that liberals endorse social incoherence since it represents the enactment of liberty. Liberals maintain that social incoherence means individuals pursue private interests and the aim of personal happiness. According to communitarianism, human beings are situated in cultures that are defined by common values, customs and traditions. It is the experience of such communal bonds that enables human beings to understand whom they are and what they want to achieve as a society. It is understandable that communitarians consider mobility as a type of social trauma. The communitarian critique of mobility stresses that it results in a union of isolated selves. Walzer asserts that liberal theory commonly underestimates the communitarian argument that the advance of knowledge and technological progress make our lives more insecure insofar as these factors cut us loose from our social ties and our sense of place:

³⁷⁰ Ibid., pp. 11-12

³⁷¹ Ibid., pp. 7-8

... liberalism is a genuinely popular creed. Any effort to curtail mobility in the four areas described ... would require massive and harsh application of state power. Nevertheless, this popularity has an underside of sadness and discontent that are intermittently articulated, and communitarianism is, most simply, the intermittent articulation of these feelings. It reflects a sense of loss and the loss is real. People do not always leave their old neighborhoods or home-towns willingly or happily. Moving may be a personal adventure in our standard cultural mythologies, but it is as often a family trauma in real life. The same thing is true of social mobility, which carries people down as well as up and requires adjustments that are never easy to manage. Martial breaks may sometimes give rise to new and stronger unions, but they also pile up what we might think of as family fragments: single-parents households, separated and lonely men and women, and abandoned children. And independence in politics is often a not-so-splendid isolation: Individuals with opinions are cut loose from groups with programs. The result is a decline in “the sense of efficacy,” with accompanying effects on commitment and morale.³⁷²

However, Walzer stresses that communitarians overstate the political implications of social incoherence. They fear that social incoherence moves people so far apart that they are unable to establish common moral and political commitments. Withdrawal, privacy and political apathy undermine public meetings where the citizens can discuss and reflect upon the nature of the common good. Communitarians complain that social incoherence ultimately produces individuals that maximise their utilities and turn society into a war of all against all.³⁷³ According to Walzer, the communitarian critique of liberal society fails to recognise two very important features of modern liberal societies. First, members of such societies are competent in terms of judgement and language to work out their differences in a calm and orderly fashion. Second, members of modern liberal societies are normally motivated to work out their differences by means of procedural justice:

All in all, we liberals probably know one another less well, and with less assurance than people once did ... We are more often alone than people once

³⁷² Ibid., pp.12-13

³⁷³ Ibid., p. 8

were, being without neighbors we can count on, relatives who live nearby or with whom we are close, or comrades at work or in the movement ... What ever the extent of the Four mobilities, they do not seem to move us so far apart that we can no longer talk with one another. We often disagree, of course, but we disagree in mutually comprehensible ways ... Even political conflict in liberal societies rarely takes forms so extreme as to set its protagonists beyond negotiation and compromise, procedural justice, and the very possibility of speech.³⁷⁴

Now, Walzer's account of the nature of political conflicts in liberal societies implicitly appeals to something like Jürgen Habermas's thesis that everyday communication constitutes the medium of reason.³⁷⁵ According to this account, communicative reason plays an important part in resolving political conflicts. Walzer asserts that social incoherence makes our lives more insecure. The political implications of this insecurity, however, should not be overstated. Modern liberal societies are not characterized by a war of all against all. Walzer agrees with Habermas that ordinary men and women have acquired the ability to solve conflicts and determine courses of action in a peaceful way. Like Habermas, Walzer holds that there is an element of freedom and solidarity built into the linguistic mechanism of the reproduction of the human species, an element that compensates for our extreme vulnerability. Thus, Walzer's account of social incoherence offers no support to Walzer's own claim that moral philosophy is possible without critical theory. Rather, this account

³⁷⁴ Ibid., pp.13-14

³⁷⁵ Habermas uses Walzer's treatment of the four mobilities to support his own claim that ideal procedures of deliberation and decision making reside in the medium of natural language. "These 'four mobilities' loosen ascriptive bonds to family, locality, social background, and political tradition. For affected individuals, this implies an ambiguous release from traditional living conditions that, through socially integrating and providing orientation and protection, are also shaped by dependencies, prejudice, and oppression. This release is ambivalent, because it makes an increasing range of options available to the individual, and hence sets her free. On the one hand, this is a negative freedom that isolates the individual and compels her to pursue her own interest in a more or less purposive-rational fashion. On the other hand, as positive freedom it also enables her to enter into new social commitments of her own free will, to appropriate traditions critically, and to construct her own identity in a deliberative way. According to Walzer, in the last instance only the linguistic structure of social relations prevent disintegration ..." Jürgen Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Massachusetts: The MIT Press, 1998), p. 550 n. 25

indicates that Habermas's critical theory plays a significant role in Walzer's own thinking about distributive justice. Walzer implicitly acknowledges Habermas's argument that communicative rationality resides in everyday communication.

8.3 The art of separation

The state still depends on ideology and mystery, but to a far lesser degree than ever before. It has been the great triumph of liberal theorists and politicians to undermine every sort of political divinity, to shatter all the forms of ritual obfuscation, and to turn the mysterious oath into a rational contract.³⁷⁶

This section outlines Michael Walzer's account of the liberal art of separation, which we will see implicitly appeals to something like Jürgen Habermas's discussion of mythical and modern ways of understanding the world. According to Walzer, early liberal theorists and practitioners confronted an undifferentiated society. To the members of the pre-liberal society, all institutional sectors of the society were inseparable. These sectors were nothing but parts of an organic whole:

The old, preliberal map showed a largely undifferentiated land mass, with rivers and mountains, cities and towns, but no borders. "Every man is a piece of the continent," as John Donne wrote – and the continent was all of a piece. Society was conceived as an organic and integrated whole. It might be viewed under the aspect of religion, or politics, or economy, or family, but all these interpenetrated one and another and constituted a single reality. Church and state, church-state and university, civil society and political community, dynasty and government, office and property, public life and private life, home and shop: each pair was mysteriously or unmysteriously, two-in-one, inseparable.³⁷⁷

³⁷⁶ Michael Walzer, *Radical Principles. Reflections of an Unreconstructed Democrat* (New York: Basic Books, 1980), p. 25

³⁷⁷ Michael Walzer, "Liberalism and the Art of Separation," *Political Theory* 12 (August 1984), p. 315

According to Walzer, liberal theorists and practitioners revised the old, pre-liberal society. They practiced an art of separation that established a number of walls that still characterise Western societies. To begin with, they established the wall that separates state from church. This wall created a realm where ordinary men and women can preach and worship privately. Furthermore, the practitioners of the art of separation established the wall that separates the state from the universities. This wall created a realm where students and professors can seek knowledge free from outside political or ideological pressure. Moreover, they established the wall that separates dynasty from the state. It created a realm of offices that are open to talents. Lastly, the practitioners of the art of separation established the wall that separates public and private life. It established the realm of privacy and domesticity:

Liberalism is a world of walls, and each one creates a new liberty ... Believers are set free from every sort of official or legal coercion. They can find their own way to salvation, privately or collectively; or they can fail to find their way; or they can refuse to look for a way. The decision is entirely their own; this is what we call freedom of conscience or religious liberty ... Today the universities are interculturally though not legally walled; students and professors have no legal privileges, but they are, in principle at least, absolutely free in the sphere of knowledge. Privately or collectively, they can criticize, question, doubt, or reject the established creeds of their society ... Only the eldest male in a certain line can be a king, but anyone can be a president or prime minister. More generally, the line that marks off political and social position from familial property creates the sphere of office and the freedom to compete for bureaucratic and professional place, to lay claim to vocation, apply for an appointment, develop a speciality, and so on ... "Our homes are our castles" was first of all the claim of people whose castles were their homes, and it was for a very long time an effective claim only for them. Now its denial is an occasion for indignation and outrage even among ordinary citizens. We greatly value our privacy, whether or not we do odd and exciting things in private.³⁷⁸

Walzer asserts that political thinkers on the left commonly criticise what they believe is the illusory character of social differentiation. According to this line of argument, the appearance

³⁷⁸ Ibid., pp. 315-317

of a socially differentiated society diverts the workers' attention from the fact that their life-conditions are governed, at least in the last instance, by those who own the means of production. According to Walzer, Marxists exploit the analysis of the causal link between the state and capitalism for political purposes. This analysis offers powerful motives to overthrow the achievements that the art of separation has made possible:

The art of separation has never been highly regarded on the left, especially the Marxist left, where it is commonly seen as an ideological rather than a practical enterprise. Leftist have generally stressed both the radical interdependence of the different social spheres and the direct and indirect causal links that radiate outwards from the economy. The liberal map is a pretence, on the Marxist view, an elaborate exercise in hypocrisy, for in fact the prevailing religious creeds are adapted to the ideological requirements of capitalist society; and the universities are organized to reproduce the higher echelons of the capitalist work force; and the market position of the largest companies and corporations is subsidized and guaranteed by the capitalist state; and offices, though not legally inheritable; are nevertheless passed on and exchanged within a capitalist power elite; and we are free in our homes only as long as what we do there is harmless and without prejudice to the capitalist order.³⁷⁹

Walzer stresses that the Marxist view of the art of separation is seriously misleading. The long-term process of social differentiation is a morally necessary adaption to the complexities of modern life.³⁸⁰ Instead of viewing the art of separation as an exercise in hypocrisy, this art must be understood as a significant step toward a more egalitarian society. More precisely, the art of separation establishes a condition that narrows the range within which particular social goods are convertible on the one hand and vindicates the autonomy of distributive spheres on the other hand:

The art of separation doesn't make only for liberty but also for equality ... Religious liberty annuls the coercive power of political and ecclesiastical officials. Hence, it creates, in principle, a priesthood of all believers ... Academic

³⁷⁹ Ibid., pp. 317-318

³⁸⁰ Ibid., p. 319

freedom provides theoretical, if not always practical, protection for autonomous universities, within which it is difficult to sustain the privileged position of rich or aristocratic children ... The “career open to talents” ... provides equal opportunities to equally talented individuals. The idea of privacy presupposes the equal value ... of all private lives; what goes on in an ordinary home is as much entitled to protection, and is entitled to protection, as what goes on in a castle. Under the aegis of the art of separation, liberty and equality go together. Indeed they invite a single definition: we can say that a (modern, complex, and differentiated) society enjoys both freedom and equality when success in one institutional setting isn’t convertible into success in another, that is, when the separations hold, when political power doesn’t shape the church or religious zeal the state, and so on. There are, of course, constraints and inequalities within each institutional setting, but we will have little reason to worry about these if they reflect the internal logic of institutions and practices ...³⁸¹

Walzer’s account of the liberal art of separation implicitly appeals to something like Habermas’s discussion of mythical and modern ways of understanding the world. This account suggests that mythical ways of understanding the world characterise the old, pre-modern societies. Like Habermas, Walzer argues that in these societies, nature was assimilated to culture and, conversely, nature to culture. This means that members of pre-modern societies did not understand that they were part of cultural traditions that are open to criticism and, ultimately, revision. Moreover, Walzer accepts Habermas’s claim that with the demythologisation of worldviews the European culture entered upon a path of rationalisation. In contrast to members of pre-modern societies, members of modern societies understand that they are part of cultural traditions that can be recognised or rejected. They are capable of taking a ‘yes’ and ‘no’ position on validity claims that are in principle criticisable and they are capable of defending their positions with rational grounds or reasons. Thus, Walzer’s account of the art of separation offers no support to Walzer’s own claim that moral philosophy is possible without critical theory. Rather, this account indicates that Habermas’s critical theory plays a significant role in Walzer’s own thinking about distributive justice. Walzer implicitly acknowledges that ordinary men and women cannot establish agreements

³⁸¹ Ibid., pp. 320-321

on social goods without having the kinds of communicative competences that Habermas's theory of communicative action conceptualises.

8.4 The rule of inclusion and the rule of reasons

This is the crucial sign of tyranny: a continual grabbing of things that don't come naturally, an relenting struggle to rule outside one's own company.³⁸²

This section presents Michael Walzer's account of the rule of inclusion and the rule of reason, which we will see implicitly appeals to something like Jürgen Habermas's concept of the moral point of view. Walzer concedes in his theoretical discussion of distributive justice that the achievements of the liberal art of separation are crucially incomplete.³⁸³ Most modern societies are still far from complex equality.³⁸⁴ Theoretically the failure to attain complex equality can be, as Michael Rustin suggests, put in terms of complex inequality and simple inequality. However, contrary to what Rustin believes, it is not the regime of complex inequality that currently blocks the realisation of complex equality. The concept of complex inequality refers to a condition of separated spheres and autonomous distributive processes where the same people win out and the same people lose out for different reasons each time.³⁸⁵ If complex inequality ever occurred, it would produce three social classes. Some people would be successful in every distributive sphere since they have a high concentration of all qualities and talents. Others would be moderately successful because they only have some qualities and talents. Those who would fare badly in every distributive sphere have none of the intellectual qualities, social skills or individual talents that all the others have. According to Walzer, the concept of complex inequality entertains a purely hypothetical

³⁸² Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 315

³⁸³ Michael Walzer, "Liberalism and the Art of Separation," *Political Theory* 12 (August 1984), p. 321

³⁸⁴ Michael Walzer, "Exclusion, Injustice and the Democratic State," *Dissent* (Winter 1993), p. 56

³⁸⁵ Michael Walzer, "Response" in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 290

image of human beings. This concept fails to recognise that talents and qualities are radically scattered across individuals:³⁸⁶

There is no injustice in the actual distributions, presumably, for all the available goods are distributed in accordance with their social meaning, to men and women who possess the appropriate qualities or who have performed in the appropriate ways. The problem is that one group of people possess all the qualities in the highest degree and are also the best performers; another group is more modestly qualified, its performances mediocre; and a third group has none of the appropriate qualities and consistently performs at a very low level. This last group constitutes a new underclass of excluded and dispossessed men and women who have, however, never been discriminated against; they have been fairly considered in every distributive process and everywhere rejected ... Is there really a significant class of people who fit this description, invisible today because many of its potential members are born in advantaged groups and shielded from distributive justice, who would be sorted out by genuinely autonomous processes? ... Clearly the contemporary underclass bears no resemblance to this hypothetical and haphazard collection of people.³⁸⁷

Walzer insists that it is the regime of simple inequality that establishes tyranny or dominance. In this regime the same people win out and lose out in every distributive sphere for the same set of reasons.³⁸⁸ In most contemporary democratic societies gender, money, political power, religious identity race and ethnic background serve as media of domination for those who possess them.³⁸⁹ This means that men, wealthy people, politicians or the members of some ethnic or religious majority appear disproportionately among those who are successful across

³⁸⁶ Ibid., p. 292

³⁸⁷ Ibid., pp. 290-291

³⁸⁸ Ibid., p. 290

³⁸⁹ Walzer also points out that simple inequality is highly likely to emerge in theocratic states: "In an actual Islamic republic, like Iran, without autonomous (non-Muslim) communities or separated spheres, distributive outcomes are likely to be patterned in a fairly common way. Pious Muslims, or people who give a good imitation of piety, will supplant other contenders and appear disproportionately among the powerful, the wealthy, and the well-placed, filling the ranks of the civil society and the professions ... The result is best called simple inequality: it is the result of dominance – in this case of a religious-political good, truth and power brought together by an act of revolutionary conquest, sweeps all other good before it." Ibid., p. 290

the entire range of distributive spheres. Their success is correlated with the failure of other groups. Women, the poor, the powerless and members of ethnic and religious minorities consistently fare badly in all spheres.³⁹⁰

Among ourselves, excluded men and women are not a random series of failed individuals, rejected one by one, sphere by sphere. They come, mostly, in groups with whose other members they share a common experiences and, often enough, a family (racial, ethnic, gender) resemblance. Failure pursues them from sphere to sphere in the form of stereotyping, discrimination, and disregard, so that their condition is not in fact the product of a succession of autonomous decisions but of a single systemic decision or of an interconnected set. And for their children, exclusion is an inheritance; the qualities that supposedly produce it are now its products. All this is ... simple inequality; we have not yet graduated to complexity. No doubt, the stereotyped results are achieved in subtle and complicated ways ...³⁹¹

According to Walzer, the kinds of injustices produced under the conditions of simple inequality qualify as breach of two fundamental rules of democratic government. The first rule is the rule of inclusion. According to this rule, the citizens who are touched by distributive principles or practices must be included in the process of determining the allocation of the social goods in question.³⁹² Walzer asserts that the second rule is the rule of reasons. According to this rule, distributive principles can be considered legitimate only if they are the products of good arguments. Principles that are the products of latent or manifest force qualify as invalid:

Democracy is a way of allocating power and legitimating its use – or better, it is the *political way* of allocating power. Every extrinsic reason is ruled out. What counts is argument among the citizens. Democracy puts a premium on speech, persuasion, rhetorical skill. Ideally, the citizen who makes the most persuasive

³⁹⁰ Michael Walzer, “Exclusion, Injustice and the Democratic State,” *Dissent* (Winter 1993), p. 56

³⁹¹ Michael Walzer, “Response” in *Pluralism, Justice, and Equality*, edited by David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), p. 291

³⁹² Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), pp. 292-293

argument – that is, the argument that actually persuades the largest number of citizens – gets his way. But he can't use force, or pull rank, or distribute money; he must talk about the issues at hand. And all the other citizens must talk, too, or at least have the chance to talk. It is not only the inclusiveness, however, that makes for democratic government. Equally important is what we might call the rule of reasons. Citizens come into the forum with nothing but their argument. All non-political goods have to be deposited outside: weapons and wallets, titles and degrees.³⁹³

Walzer's account of the rule of inclusion and the rule of reasons appeals to something like Habermas's concept of the moral point of view. This account suggests that the rule of inclusion and the rule of reason correspond to the two principles advanced by discourse ethics. Walzer accepts the discourse principle that states that only the norms that meet with the acceptance of all concerned in practical discourse qualify as morally valid. Walzer also accepts the universalization principle that states that a norm is valid when the foreseeable consequences and side effects of its general observance for the interests and value-orientations of individuals could be jointly accepted by all concerned without coercion. Thus, according to Walzer, what comes about through threats of sanctions, the prospects of gratification or deception cannot count intersubjectively as an agreement on distributive principles. Such agreements can only be established when ordinary men and women let their 'yes' and 'no' positions on a speech act offer be influenced solely by the force of the better argument. Thus, Walzer's account of the rule of inclusion and the rule of reasons offers no support to Walzer's own claim that moral philosophy is possible without critical theory. Rather, this account indicates that Habermas's critical theory plays a significant role in Walzer's own thinking about distributive justice. Walzer implicitly acknowledges that ordinary men and women cannot establish complex egalitarian social meanings without having the kinds of moral intuitions that Habermas's discourse ethics conceptualises.

³⁹³ Ibid., p. 304

8.5 The civil society and the state

Distributive justice is (largely) a matter of getting the lines right. But how do we do that? How do we draw a map of the social world so that churches and schools, states and markets, bureaucracies and families each find their proper place? How do we protect the participants in these different institutional settings from the tyrannical intrusions of the powerful, wealthy, the well born, and so on?³⁹⁴

This section presents Michael Walzer's account of the civil society and the state, which we will see implicitly appeals to something like Habermas's concept of deliberative politics. According to Walzer, the ability to resist tyranny or simple inequality is a matter of political responsibility. One qualifies as a politically responsible person when one accepts the challenge to resist tyranny in all spheres of life:

The citizen respects himself as someone who is able, when his principles demand it, to join in the political struggle, to cooperate and compete for the exercise and pursuit of power. And he also respects himself as someone who is able to resist the violation of his rights, not only in the political sphere but in other spheres of distribution ... The citizen must be ready and able, when his times comes, to deliberate with his fellows, listen and be listened to, take responsibility for what he says and does. Ready and able: not only in states, cities, and towns but wherever power is exercised ... the sense of potential power can be recognized as a form of moral health ... Democratic politics ... is a standing invitation to act in public and know oneself a citizen, capable of choosing destinations and accepting risks for oneself and others, and capable , too, of patrolling the distributive boundaries and sustaining a just society.³⁹⁵

Thus, Walzer argues that the political process of establishing a regime of complex equality needs to be pursued within a democratic framework. This claim stresses the need for the citizens to exercise certain basic political rights such as free speech, free assembly and the

³⁹⁴ Michael Walzer, "Liberalism and the Art of Separation," *Political Theory* 12, (August 1984), p. 323

³⁹⁵ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 310-311

right to vote.³⁹⁶ It also points out that the civil society and the state need to fulfil different functions. Some of the difficulties associated with the regime of simple inequality must be handled within the civil society itself. The networks of civil society act as agents of inclusion meaning that they distribute material as well as mental resources that compensate for some of the inequalities that are produced by the regime of simple inequality:

Every voluntary association – church, union, co-op, neighborhood club, interest group, society for the preservation of this or that, philanthropic organization, and social movement – is an agency of inclusion. Alongside their stated purpose, whatever that is, the associations of civil society provide recognition, empowerment, training, and even employment. They serve to decentralize the spheres, multiplying settings and agents and guaranteeing greater diversity in the interpretation of distributive criteria ... All the spheres of justice are implicated in the activity of voluntary associations; complex equality, under modern conditions, depends in large measure upon their success.³⁹⁷

However, according to Walzer, the state must play the most important role in the effort to establish complex equality. The state would play a limited or restricted role in states that attain complex equality. In such societies, the state would only have to police the walls that separate the autonomous distributive spheres. In societies characterized by simple inequality the state must play a much greater role. In such societies, political protests against the exclusion of the poor, powerless and unemployed members of the political community are likely to emerge. Walzer argues that the state must attend to the moral demands of these protests. The state must intervene in the distributive spheres when some social good serves as a medium of domination for those who control it:

... the state cannot disregard what is going on in the different spheres of justice. Its role is limited only by the success of autonomy. If the wall between church and state is in place and effective, for example, state officials have nothing to say about the distribution of church offices (the criteria can be hereditary, meritocratic, elective, or whatever) or of religious goods like salvation and

³⁹⁶ Michael Walzer, "Justice Here and Now," in *Justice and Equality Here and Now*, edited by Frank S. Lucash and Judith N. Shklar (Ithaca: Cornell University Press, 1986), p. 146

³⁹⁷ Michael Walzer, "Exclusion, Injustice and the Democratic State," *Dissent* (Winter 1993), p. 61

eternal life. The can defend only some version of a minimalist morality, intervening, say, against polygamy or animal (or perhaps only human?) sacrifice. Similarly, if the market is operating within appropriate bounds, the state must limit itself to laws like those that protect children against exploitation or consumers against unsafe products. But where the church controls marriage and divorce and uses the control to repress heterodox opinions, or where market relations determine the distribution of non-market goods, then the state is likely to find itself, under pressure from protesting citizens, engaged in maximalist work: defining the meaning, if only to limit the extent, of religious authority and exchange relationships.³⁹⁸

Walzer stresses that civil society and the state constitute institutional sectors that ideally fulfil complementary functions. The networks of civil society function as agents of political socialization. In these networks of uncoerced human association ordinary men and women acquire basic organisational skills and democratic competences. Most networks of the civil society also function as pressure groups that aim to influence large-scale political and economic decisions. Walzer maintains that these networks enable ordinary men and women to exercise power in a variety of social settings:

... citizens ... are not at all like the heroes of the republican mythology, the citizens of ancient Athens meeting in assembly ... But in the associational networks of civil society – in unions, parties, movements, interests groups, and so on – these same people make many smaller decisions and shape to some degree the more distant determinations of state and economy. And in a more densely organized, more egalitarian civil society, they might do both these things to a greater effect. These socially engaged men and women – part-time union officers, movements activists, party regulars, consumer advocates, welfare volunteers, church members, family heads ... look, most of them, for many partial fulfillments, no longer for one clinching fulfillment. On the ground of actuality (unless the state usurps the ground), citizenship shades off into a greater diversity of ... decision-making roles ...³⁹⁹

³⁹⁸ Ibid., p. 63

³⁹⁹ Michael Walzer “The Concept of Civil Society” in *Toward a Global Civil Society*, edited by Michael Walzer (Providence: Berghahn Books, 1994), p. 18

Walzer argues that the agencies of state compensate for the relative political weakness of the associational networks of civil society. In order for the opinions that are formed in these networks to be effective, they need to issue in laws. The agencies of the state are able to establish reasonable compromises between such opinions on the one hand and to make such opinions legally binding on all members of the political community. Walzer emphasizes that the agencies of the state are the only ones that can enforce large scale reforms of society:

... Hobbes was certainly right to insist that individual citizens always share in decision making to a greater or lesser degree. Some of them are more effective, have more influence, than others. Indeed, if this were not true, if all citizens had literally the same amount of influence, it is hard to see how any clear-cut decision could ever be reached. If the citizens are to give the law to themselves, then their arguments must somehow issue in a *law*. And though this law may well reflect a multitude of compromises, it will also in its final form be closer to the wishes of some citizens than to those of others. A perfect democratic decision is likely to come closest to the wishes of those citizens who are politically most skillful. Democratic politics is a monopoly of politicians.⁴⁰⁰

Walzer's account of the civil society and the state implicitly appeals to something like Habermas's conception of deliberative politics. This account argues that civil society and the state perform complementary tasks. Like Habermas, Walzer argues that civil society enables ordinary men and women to form their identity in relations of mutual recognition and networks of reciprocal recognition. The informal networks of civil society are also suitable to detect problems that affect society as a whole and they influence the policies of the state. Furthermore, Walzer accepts Habermas's claim that the political system performs two tasks that the informal networks of the civil society are unable to perform. Parliamentary bodies have the legal authority to make the rational opinion- and will formation that takes place in civil society collectively binding and the administration is specialized in converting political decisions into practical policies. Thus, Walzer's account of civil society and the state offers no support to Walzer's own claim that moral philosophy is possible without critical theory. Rather, this account indicates that Habermas's critical theory plays a significant role in

⁴⁰⁰ Michael Walzer, *Spheres of Justice. A Defense of Pluralism and Equality* (Oxford: Basic Blackwell, 1983), p. 304

Walzer's own thinking about distributive justice. Walzer implicitly acknowledges that a society cannot attain complex equality without exhibiting the political conditions that Habermas's discourse theory conceptualises.

8.6 Concluding summary

Whenever the exercise of power takes on political forms, whenever it is sustained, serious, and extensive, it must be subject to the distributional rules of democratic politics.⁴⁰¹

This chapter has been concerned with Walzer's claim that his work on social criticism and distributive justice is committed to the task of demonstrating that moral philosophy is possible without critical theory. The argument that the regime of complex equality establishes a set of relationships such that domination is impossible was outlined in this chapter. The concepts and categories of Walzer's theory of justice were also elaborated. Walzer's account of the nature of political conflicts in liberal societies was described. The use of the thesis that everyday communication constitutes the medium of reason enabled us to see that this account implicitly appeals to the communicative reason that Habermas discusses. Like Habermas, Walzer argues that thoughtfulness is built into linguistic mechanism of the reproduction of the human species. Furthermore, Walzer's account of the art of separation was presented. The use of Habermas's discussion of mythical and modern ways of understanding the world enabled us to see that this account implicitly appeals to the communicative competences that Habermas conceptualises. Walzer accepts Habermas's argument that members of modern societies understand that they are part of a cultural tradition that can be recognised or rejected with rational grounds or reasons. Moreover, Walzer's account of the rule of inclusion and the rule of reasons was outlined. The use of the concept of the moral point of view enabled us to see that this account implicitly appeals to the moral intuitions that Habermas conceptualises. Walzer agrees with Habermas that norms qualify as valid only if all those concerned, without coercion, could jointly accept them.

⁴⁰¹ Michael Walzer, "Justice Here and Now," in *Justice and Equality Here and Now*, edited by Frank S. Lucash and Judith N. Shklar (Ithaca: Cornell University Press, 1986), p. 146

Lastly, Walzer's account of the civil society and the state was described. The use of the concept of deliberative politics enabled us to see that this account implicitly appeals to the normative political conditions that Habermas discusses. Walzer accepts Habermas's argument that the civil society and the state constitute two arenas where the citizens can exercise their political rights. Now, it is sufficiently clear that the theory of complex equality reposes on some of the concepts and categories of Habermas's critical theory. Thus, contrary to what Walzer believes, he has not managed to demonstrate that moral philosophy is possible without critical theory. An exploration of this theory indicates that the latent Habermasian aspects of Walzer's philosophical thinking in fact can be exploited for the purpose of defending the theory of complex equality. This issue is addressed in the final chapter of the thesis.

Chapter 9

A Habermasian approach to complex equality

9.1 Introduction

The previous two chapters have been concerned with the characteristics of a Habermasian approach to complex equality. Chapter 7 presented Jürgen Habermas's view of Michael Walzer's theory of justice. The introduction to this chapter outlined Habermas's argument that the idea of complex equality can be developed within the framework of his own critical theory. The remainder of this chapter elaborated four components of Habermas's theory. Chapter 8 applied these components to Walzer's theory of justice in order to tease out the Habermasian aspects of Walzer's philosophical thinking. The introduction to this section showed that Walzer thinks that complex equality qualifies as a morally attractive vision of egalitarianism because it aims to eliminate the experience of personal subordination. The remainder of chapter 8 presented the kinds of communicative competences, moral intuitions and political conditions that Walzer implicitly regards as necessary in order for a society to attain complex equality.

This chapter is concerned with the prospects of supporting Walzer's vision of egalitarianism with a strong programme of the kind elaborated by Jürgen Habermas. In order for Habermas's claim that the idea of complex equality can be developed in a critical theoretical direction to be considered fruitful, he would be required to provide two explanatory theses. First, Habermas needs to show that his critical theory offers a cogent explanation of the conditions under which Walzer's vision of egalitarianism can be established. Second, Habermas needs to show that his critical theory offers a cogent explanation of the factors that block the realisation of complex equality. This chapter intends to establish that Habermas's critical theory provides such explanatory theses. It argues that Habermas's theory offers a concept of moral agency and responsibility and an account of modernity that explain the success as well as failure to attain Walzer's vision of egalitarianism.

The remainder of this chapter is organised as follows. Section 9.2 argues that Habermas's critical theory offers a cogent explanation of the conditions under which Walzer's vision of egalitarianism can be established. The first part briefly introduces Habermas's account of the development towards the democratic welfare state. The second part explores the explanatory potential of this account. Section 9.3 argues that Habermas's critical theory offers a cogent explanation of the factors that block the realisation of Walzer's vision of egalitarianism. The first part briefly introduces Habermas's thesis of the colonisation of the lifeworld and the thesis of cultural impoverishment. The second part explores the explanatory potential of these theses. A concluding summary is made in 9.4.

9.2 A critical theoretical explanation of the emergence of complex equality

This section argues that Jürgen Habermas's critical theory offers a cogent explanation of the conditions under which Walzer's vision of egalitarianism can be established. This argument can be pursued by an exploration of Habermas's account of the development towards the democratic welfare state. According to Habermas, there is a tendency toward an increase in positive, written law in modern society. This expansion of law means that informally regulated domains of society gradually become legally regulated. It is possible to distinguish four global waves of juridification. The first wave took place in Europe during the period of Absolutism and led to the bourgeois state. During this wave the sphere of the private became legally established. The citizens of the bourgeois state were ensured a minimum of peace and physical survival in the private realm, they also enjoyed rights that enabled them to compete for scarce resources according to the laws of the market economy. Habermas writes:

.... relations among individual commodity owners were subjected to legal regulation in a code of civil law tailored to strategically acting legal persons who entered into contracts with one another ... this legal order ... is constructed on the basis of the modern concept of statutory law and the concept of the legal person as one who can enter into contracts, acquire, alienate, and bequeath property. The legal order is supposed to guarantee the liberty and property of the private person,

the security of the law [*Rechtssicherheit*], the formal equality of all legal subjects before the law, and thereby the calculability of all legally normed action.⁴⁰²

The second wave of juridification took place in Europe during the nineteenth century and led to the bourgeois constitutional state. During this wave the exercise of political rule became constitutionally regulated. The citizens of the bourgeois constitutional state were provided with civil rights that enabled them to take legal action against the state if the administration interfered with the activities that took place in the private sphere. Habermas puts this as follows:

Through this kind of constitutionalization of the state [*Verrechtsstaalichung*], the bourgeois order of private law is coordinated with the apparatus for exercising political rule in such a way that the principle of the legal form of administration can be interpreted in the sense of the “rule of law.” In the citizens’ sphere of freedom the administration may interfere neither *contra* nor *praeter* nor *ultra legem*. The guarantees of the life, liberty, and property of private persons no longer arise as functional side effects of a commerce institutionalized in civil law. Rather, with the idea of the constitutional state, they achieve the status of morally justified constitutional norms and mark the structure of the political order as a whole.⁴⁰³

The third wave of juridification took place in Europe and North America in the wake of the French Revolution and led to the democratic constitutional state. During this wave constitutionalised state power became democratised. The citizens of the democratic constitutional state were provided with political rights that allowed them to participate in the processes that ultimately form the will of the sovereign. Habermas puts this as follows:

Laws now come in force only when there is a democratically backed presumption that they express a general interest and that all those affected could agree to them. This requirement is to be met by a procedure that binds legislation to parliamentary will-formation and public discussion. The *juridification of the*

⁴⁰² Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), p. 358

⁴⁰³ Ibid., pp. 359-360

legitimation process is achieved in the form of general and equal suffrage and the recognition of the freedom to organize political associations and parties.⁴⁰⁴

The fourth wave of juridification took place in Western societies during the twentieth century and led to the democratic welfare state. During this wave social burdens become a matter for the political sphere. The citizens of the democratic welfare state are provided with rights that guarantee their physical, mental and social well being.⁴⁰⁵ Habermas writes:

Along the way to the constitutionalization and the democratization of the bureaucratic authority that at first appeared in absolutist form, we find the unambiguously freedom-guaranteeing character of legal regulations ... The *welfare state* ... that developed in the framework of the democratic constitutional state continues this line of *freedom-guaranteeing* juridification. Apparently it bridles the economic system in a fashion similar to the way in which the preceding waves of juridification bridled the administrative system. In any case, the achievements of the welfare state were politically fought for and vouchsafed in the interest of guaranteeing freedoms.⁴⁰⁶

Habermas emphasises that the gradual development towards the democratic welfare state has three important aspects to it. The first aspect concerns the erosion of normative consensus based on mere convention.⁴⁰⁷ In pre-modern societies, the foundations of morality are located in the sacred. This means that in these societies, consensus on rules and basic principles gains its binding power from religious interpretations of the world that are immune to criticism. Under the conditions of modernity, however, norms that appeal to magic or sacred traditions are devalued in favour of legal norms that are the subject of rational discourse and profane decision. Thus, post-traditional bourgeois law has two important characteristics. The first is the idea that any norm could be enacted as law with the claim that it will be obeyed by all citizens of the political community. The second is the idea that legal norms can only be

⁴⁰⁴ Ibid., p. 360

⁴⁰⁵ Ibid., p. 347

⁴⁰⁶ Ibid., p. 361

⁴⁰⁷ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 255

considered legitimate if they have been rationally accepted by the citizens of the political community or their duly elected representatives.⁴⁰⁸ Habermas writes:

Normative agreement has to shift from a consensus pre-given by tradition to a consensus that is achieved communicatively, that is, agreed upon [*vereinbart*] ... what is to count as a legitimate order is formally agreed upon and positively enacted; with this, rationally regulated action [*Gesellschaftshandeln*] takes the place of conventional social action ... When normative consensus takes the form of a legally sanctioned agreement, only the procedure through which it comes to pass grounds the presumption that it is rationally motivated.⁴⁰⁹

Habermas asserts that the second aspect concerns the undermining of distributive principles that are the products of power. To begin with, the fourth wave of juridification led to formal regulation of the sphere of the family. The purpose of family law is to dismantle patriarchal structures. Thus, family law recognises the child's fundamental rights against his or her parents, the wife's rights against her husband. Furthermore, the development towards the democratic welfare state led to formal regulation of the school. The aim of school law is to dismantle some remains of absolutist state power. Thus, the laws that regulate the school recognise the pupil's rights against the school and the public school administration.⁴¹⁰ Moreover, the fourth wave of the juridification led to the formal regulation of the sphere of social labour. The laws that regulate this sphere are intended to dismantle the power of those who control the means of production. Thus, these laws place limits upon work hours and recognise the freedom to organise unions and bargain for wages. Finally, the development towards the democratic welfare state led to the legal regulation of the sphere of social welfare. Thus, the laws that regulate this sphere are intended to compensate for certain involuntary risks and disadvantages. These laws establish legal entitlements to monetary income in case of illness, old age and disabilities. Habermas stresses that the principles that regulate the distribution of social goods in a wide range of spheres of the democratic welfare state have freedom-guaranteeing qualities.⁴¹¹ Habermas writes:

⁴⁰⁸ Ibid., pp. 162-163

⁴⁰⁹ Ibid., p. 255

⁴¹⁰ Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), pp. 366-369

⁴¹¹ Ibid., pp. 361-362

... the state takes charge of the externalized consequences of private enterprise (for example, ecological damage) or it secures the survival capacity of endangered sectors (for example, mining and agriculture) through structural policy measures ... it enacts regulations and interventions ... with the aim of improving the social situation of the dependent workers ... Historically such interventions begin with the right of labor to organize and extend through improvements in wages, working conditions, and social welfare to educational, health, and transportation policies.⁴¹²

Habermas maintains that the third aspect concerns social movements as carriers of social change. The second and third waves of juridification were carried forward by bourgeois emancipation movements.⁴¹³ These movements contributed to the emergence of the constitutional state by demanding that the citizens need to be protected against government infringements of life, liberty and property. In addition to contributing to the constitutionalisation of the bureaucratic authority, bourgeois emancipation movements contributed to the emergence of the democratic constitutional state by struggling for rights to participate in democratic processes of opinion- and will-formation.⁴¹⁴ The organised labour movement also contributed to the democratisation of the bureaucratic authority by raising claims to freedom of organisation and free, secret and general elections.⁴¹⁵ The struggles of the labor movement were also crucial to the establishment of the entitlements of the democratic welfare state.⁴¹⁶ A number of new social movements have emerged in the wake of the fourth juridification process. Like bourgeois emancipation movements and labour movements, new social movements function as a vehicle of social change. To this category belong movements with diverse interests and objectives. Ecology movements raise awareness of the disturbances that large-scale industry create in ecological systems and they organise

⁴¹² Jürgen Habermas, *Legitimation Crisis* (Boston: Beacon Press, 1975), p. 54

⁴¹³ Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), p. 361

⁴¹⁴ Jürgen Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Massachusetts: The MIT Press, 1998), p. 77

⁴¹⁵ Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), p. 344-345

⁴¹⁶ Jürgen Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Massachusetts: The MIT Press, 1998), p. 77

protests against pollution and the destruction of the countryside.⁴¹⁷ Radical feminist movements draw attention to the fact that social welfare policies in the areas of social, labour and family law commonly strengthen existing gender stereotypes.⁴¹⁸ The peace movement mobilises protests against the military potentials for mass destruction.⁴¹⁹ According to Habermas, the political engagement of social movements has offensive as well as defensive aspects to it. Habermas puts this as follows:

“Offensively,” these movements attempt to bring up issues relevant to the entire society, to define ways of approaching problems, to propose possible solutions, to supply new information, to interpret values differently, to mobilize good reasons and criticize bad ones. Such initiatives are intended to produce a broad shift in public opinion, to alter the parameters of organized political will-formation, and to exert pressure on parliaments, courts, and administrations in favor of specific policies.. “Defensively,” they attempt to maintain existing structures of association and public influence, to generate subcultural counterpublics and counterinstitutions, to consolidate new collective identities, and to win new terrain in the form of expanded rights and reformed institutions ...⁴²⁰

Now, it was noted in the introduction to this thesis that Walzer recognises the significance of the strong programme that Michael Rustin proposes for the idea of complex equality. According to Walzer, the first point of such programme would be to show how complex equality arises out of actual social processes. As we have seen in the introduction to this thesis and in chapter 5, Walzer does not consider Habermas’s critical theory to be a candidate for such an explanatory task. However, it can be argued that Walzer underestimates the explanatory potential of this theory. Habermas furthers our understanding of the conditions

⁴¹⁷ Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), p. 394

⁴¹⁸ Jürgen Habermas, *The Inclusion of the Other. Studies in Political Theory* (Cambridge, Massachusetts: The MIT Press, 1998), p. 208

⁴¹⁹ Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), p. 394

⁴²⁰ Jürgen Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Massachusetts: The MIT Press, 1998), p. 370

under which Walzer's vision of egalitarianism can be established by exploring the implications of juridification processes of modern society.

It was shown above that Habermas's critical theory claims that the expansion of law in modern society means that rationally motivated agreement gradually replaces consensus based on mere conventions. This theory demonstrates that this phenomenon can be understood in terms of an emergent communicative responsibility. Some of the aspects of this type of responsibility were outlined in chapter 4 and chapter 7. As we saw in these chapters, members of modern society are able to orient themselves in three worlds. They acquire the capacity to refer to things in the objective, social and subjective worlds. Members of modern society are able to raise three validity claims that relate to these three worlds. They claim truth for their statements or existential presuppositions, rightness for legitimately regulated actions and existing normative contexts or sincerity for the manifestation of subjective experiences.⁴²¹ Now, as we have seen in previous chapters, Walzer insists that it is possible for ordinary men and women to reach agreements on the meaning of social goods and the principles of allocation that follow from that meaning. Habermas's analysis of communicative responsibility explains that men and women can reach such agreements by drawing on the binding or bonding force that resides in the medium of natural language. What is peculiar to validity claims is that they have a built-in orientation toward intersubjective recognition. A speaker who wishes to establish a shared understanding on the meaning of a social good must raise a claim about what the social good is and what it is for. Participants in interaction understand that the claim about the meaning of the good and the principle of distribution that follows from that meaning can be recognised or rejected. The speaker who raises the claim about the social meaning of the social good cannot avoid issuing a credible warranty that he or she would be able to redeem it with rational grounds.⁴²² Participants in interaction have the capacity to exploit the fact that the proposed meaning is, in principle, open to criticism and in need of justification for the purpose of reaching a shared understanding. The speaker who puts forward the claim about the social meaning of the social good in question calls upon his or her opposite number to take a rationally motivated position. If required, the speaker can

⁴²¹ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), p. 99

⁴²² Jürgen Habermas, *On the Pragmatics of Communication* (Cambridge, Massachusetts: The MIT Press, 1998), p. 222

justify his or her validity claim with reasons that can be mutually recognised.⁴²³ Habermas puts this as follows:

Only responsible persons can behave rationally ... In the context of communicative action, only those persons count as responsible who, as members of a communication-community, can orient their actions to intersubjectively recognized validity claims ... A greater degree of communicative rationality expands – within a communication community – the scope for unconstrained coordination of action and consensual resolution of conflicts (at least to the extent that the latter are based on cognitive dissonance.) ... In the contexts of communicative action, we call someone rational not only if he is able to put forward an assertion and, when criticized, to provide ground for it by pointing to appropriate evidence, but also if he is following an established norm and is able, when criticized, to justify his action by explicating the given situation in the light of legitimate expectations.⁴²⁴

It was shown above that Habermas's critical theory claims that the expansion of law in modern society means that distributive principles that are the products of dominance gradually become replaced by egalitarian principles. This theory shows that this phenomenon can be understood in terms of an emergent moral responsibility. Some of the aspects of this responsibility were described in chapters 4, 6 and 7. As we saw in these chapters, members of modern societies are able to take a hypothetical attitude to existing social orders. Anyone who passes into the postconventional level of interaction is capable of distancing him- or herself from the present background of certitude in order to determine whether or not norms of action are worthy of recognition. This moralisation of society means that human beings have the capacity to act on the basis of rational insight.⁴²⁵ Now, as we have seen in previous chapters, Walzer maintains that it is possible for ordinary men and women to assign social meanings that aim to eliminate the experience of personal subordination. Habermas's analysis of moral intuitions explains that these men and women can establish such meanings by drawing on the normative presuppositions that are built into action oriented toward

⁴²³ Jürgen Habermas, *Communication and the Evolution of Society* (Boston: Beacon Press, 1979), p. 3

⁴²⁴ Jürgen Habermas, *The Theory of Communicative Action. Volume 1. Reason and the Rationalization of Society* (Boston: Beacon Press, 1984), pp. 14-15

⁴²⁵ Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge: Polity Press, 1990), 162

reaching understanding. People who act on the basis of rational insight are able to discriminate between egalitarian and non-egalitarian norms. Those who take part in the process of assigning meanings to goods understand that meanings that come about through the use of weapons, wealth or social standing are the products of tyranny. The participants in this process understand that meanings which eliminate the experience of personal subordination can be established only if they sufficiently fulfil the conditions of the ideal speech situation. Anyone who passes into the postconventional level of interaction intuitively know that such meanings can be reached in real contexts of argumentation only when all voices get a hearing, the best available argument is brought to bear and only the force of the better argument determines the 'yes' and 'no' responses of the participants.⁴²⁶ Habermas puts this as follows:

Communicative action can be rationalized ... only under the moral-practical aspect of the responsibility of the acting subject and the justifiability of the action norm ... The rationality of action oriented to reaching understanding is measured against: a. Whether a subject truthfully expresses his intentions in his actions (or whether he deceives himself and others because the norm of action is so little in accord with his needs that conflicts arise that have to be defended against unconsciously, through setting up internal barriers of communication). b. Whether the validity claims connected with norms of action, and recognized in fact, are legitimate (or whether the existing normative context does not express generalizable or compromisable interests, and thus can be stabilized in its de facto validity only so long as those affected can be prevented by inconspicuous restrictions on communication from discursively examining the normative validity claim.) *Rationalization* here means extirpating those relations of force that are inconspicuously set in the very structures of communication and that prevent conscious settlement of conflicts, and consensual regulations of conflicts, by means of intrapsychic as well as interpersonal communicative barriers.⁴²⁷

It was shown above that Habermas's critical theory claims that social movements have carried the expansion of law in modern society forward. This theory shows that this

⁴²⁶ Ibid., p. 160

⁴²⁷ Jürgen Habermas, *Communication and the Evolution of Society* (Boston: Beacon Press, 1979), p. 119

phenomenon can be understood in terms of an emergent political responsibility. Some of the aspects of this type of responsibility were briefly outlined in chapter 7. As we saw in this chapter, processes of opinion- and will-formation take place in the informal networks of the civil society on the one hand and the parliamentary bodies of the political system on the other hand. The informal networks of the civil society are specialised in detecting and interpreting problems that concern the whole society whereas the political system is specialised in collective decision making and implementation of legal norms. Now, as we have seen in previous chapters, Walzer asserts that it is possible for ordinary men to establish an actual regime that narrows the range within which particular goods are convertible and vindicate the autonomy of distributive spheres. Habermas's analysis of political responsibility explains that such a regime can be established when ordinary men and women exercise political rights for emancipatory purposes. In order for the citizens to become the authors of their legal order, three conditions need to be fulfilled. First, as participants in rational discourse, the citizens must be able to examine whether or not a contested legal norm could meet with the agreement of all those affected.⁴²⁸ This can be accomplished only if the citizens are guided by an effort to reach a rationally motivated agreement on the legal norm in question.⁴²⁹ Second, the citizens need to enjoy political rights. To the category of basic political rights belong freedoms of opinion and information; freedoms of assembly and association, freedoms of belief and conscience; rights to participate in political elections and voting processes and rights to work in political parties.⁴³⁰ Third, the citizens need to exercise their communicative competences and basic political rights. They can only become the authors of their legal order if they take an active part in the practice of legislation.⁴³¹ Social movements play an important role in regard to the production of legitimate law. On the one hand, these movements act as agents of political socialisation. Social movements enable human beings to form their identities in networks of mutual recognition and reciprocal expectations and thus provide them with capacities to act.⁴³² On the other hand, these movements enable the citizens to exercise their political rights. Social movements mobilise human beings for the

⁴²⁸ Jürgen Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Massachusetts: The MIT Press, 1998), p. 104

⁴²⁹ Ibid., p. 119

⁴³⁰ Ibid., pp. 127-128

⁴³¹ Ibid., p. 419

⁴³² Ibid., p. 370

purpose of directly influencing the political system.⁴³³ Societies where the citizens use their communicative competences in order to establish basic political rights or exercise such legally recognised rights commonly realise egalitarian distributions of social goods.⁴³⁴ The gradual development towards the democratic welfare state was carried forward by social movements and led to the legal recognition of freedom-guaranteeing rights. These rights establish in the first instance a state of affairs where personal qualities and social goods have their own legitimate sphere of operation. Freedom-guaranteeing rights establish in the second instance a regime that undercuts the possibility for a single man or woman or a group of men and women to invade a sphere of distribution where another company of men and women properly rules. Thus, provided that ordinary men and women take active part in the practice of legislation they are in a position to realise the idea of complex equality. Habermas puts this as follows:

Law is not a narcissistically self-enclosed system, but is nourished by the “democratic *Sittlichkeit*” of enfranchised citizens and a liberal political culture that meets it halfway. This becomes clear when one attempts to explain the paradoxical fact that legitimate law can arise from mere legality. The democratic procedure of lawmaking relies on citizens’ making use of their communicative and participatory rights *also* with an orientation toward the common good, an attitude that can indeed be politically called for but not legally compelled ... Law can be preserved as legitimate only if enfranchised citizens switch from the role of private legal subjects and take the perspective of participants who are engaged in the process of reaching understanding about their rules of their life in common. To this extent, constitutional democracy depends on the motivations of a population *accustomed* to liberty, motivations that cannot be generated by administrative measures.⁴³⁵

The above parts of this section show that there are good reasons to think that Habermas’s critical theory offers a cogent explanation of the conditions under which Walzer’s vision of

⁴³³ Ibid., p. 370

⁴³⁴ Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), p. 368

⁴³⁵ Jürgen Habermas, *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Massachusetts: The MIT Press, 1998), p. 461

egalitarianism can be established. It was shown in the introduction to this thesis and in chapter 3 that Michael Rustin points out that possibility to establish complex equality needs to be explained with reference to an emergent emancipatory rationality that is rooted in the human nature. Habermas's theory offers an account of the evolutionary development of this type of rationality. This theory explains that the idea of complex equality can seek plausible support in the communicative, moral and political capacities that are cultivated under the conditions of modernity.

9.3 A critical theoretical explanation of the blocking of complex equality

This section argues that Jürgen Habermas's critical theory offers a cogent explanation of the factors that block the realisation of Michael Walzer's vision of egalitarianism. This argument can be pursued by an exploration of Habermas's thesis of the colonisation of the lifeworld and the thesis of cultural impoverishment. According to Habermas, society is simultaneously comprised of lifeworlds and systems.⁴³⁶ The lifeworld constitutes the background of things that are taken for granted by the members of the social collective. This background is comprised of three structural components. Culture constitutes the stock of knowledge that participants in communication draw upon in order to establish an understanding about something in the objective, social or subjective world. Society constitutes the set of legitimate orders that enables participants in communication to secure social solidarity. Personality constitutes the communicative competences that make a subject capable of asserting his or her own identity. The structural components of lifeworld are reproduced through processes of mutual understanding. The cultural reproduction of the lifeworld secures the continuity of tradition on the one hand and the coherence of the knowledge sufficient for everyday practice on the other. The social integration of the lifeworld ensures that action is coordinated by way of legitimately regulated interpersonal relations on the one hand and it ensures that succeeding generations acquire generalized competences for action on the other. The socialisation of the members of the lifeworld ensures that individual life histories harmonise with collective forms of life.⁴³⁷ Habermas writes:

⁴³⁶ Jürgen Habermas, *The Theory of Communicative Action. Volume 2. Lifeworld and System: A Critique of Functionalist Reason* (Boston: Beacon Press, 1987), p. 150

⁴³⁷ Ibid., pp. 140-141

In coming to an understanding with one another about their situation, participants in interaction stand in a cultural tradition that they at once use and renew; in coordinating their actions by way of intersubjectively recognizing criticizable validity claims, they are at once relying on membership in social groups and strengthening the integration of those same groups; through participating in interactions with competently acting reference persons, the growing child acquires capacities for action. Under the functional aspects of *mutual understanding*, communicative action serves to transmit and renew cultural knowledge; under the aspect of *coordinating action*, it serves social integration and the establishment of solidarity; finally, under the aspect of *socialization*, communicative action serves the formation of personal identities. The symbolic structures of the lifeworld are reproduced by way of the continuation of valid knowledge, stabilization of group solidarity, and socialization of responsible actors ... The interactions woven into the fabric of everyday communicative practice constitute the medium through which culture, society, and person get reproduced.⁴³⁸

Habermas asserts that the system concept refers to contexts of norm-free regulation of actions. In these contexts, actions are primarily guided by a purposive-rational attitude on the one hand and the aim to exert strategic influence on the other. In modern societies, societal subsystems co-ordinate the flow of purposive-rational actions. The capitalist economy and the modern democratic state serve the functionally intermeshing of purposive-rational action consequences.⁴³⁹ Private enterprises and public institutions have gained acceptance and permanency because they operate with greater effectiveness than other organised forms of action co-ordination.⁴⁴⁰ Habermas puts this as follows:

... modern societies attain a level of system differentiation at which increasingly autonomous organizations are connected with one another via delinguistified media of communication: these systemic mechanisms – for example, money – steer a social intercourse that has been largely disconnected from norms and values, above all in those subsystems of purposive rational economic and

⁴³⁸ Ibid., pp. 137-138

⁴³⁹ Ibid., p. 150

⁴⁴⁰ Ibid., p. 321

administrative action that, on Weber's diagnosis, have become independent of their moral-practical foundations. Members behave toward formally organized action systems, steered via processes of exchange and power, as toward a block of quasi-neutral reality; within these media-steered subsystems society congeals into a second nature. Actors have always been able to sheer off from an orientation of mutual understanding, adopt a strategic attitude, and objectify normative contexts into something in the objective world, but in modern societies, economic and bureaucratic spheres emerge in which social relations are regulated only via money and power. Norm-conformative attitudes and identity-forming social memberships are neither necessary nor possible in these spheres; they are made peripheral instead.⁴⁴¹

Habermas emphasises that the lifeworld and system concepts refer to different types of integration. Social integration takes place in the lifeworld and harmonises the action orientations of the actors themselves.⁴⁴² This type of interaction relies on normatively secured consensus or communicatively achieved agreements. System integration takes place in societal subsystems like the capitalist economy and the state and stabilises non-intended action consequences. This type of integration constitutes a non-normative regulation of purposive-rational actions that usually are not perceived within the horizon of everyday practice.⁴⁴³ Habermas puts this as follows:

... I have proposed that we distinguish between *social integration and system integration*: the former attaches to action orientations, while the latter reaches through them. In one case the action system is integrated through consensus, whether normatively guaranteed or communicatively achieved; in the other case it is integrated through the nonnormative steering of individual decisions not subjectively coordinated.⁴⁴⁴

According to Habermas, the conceptualisation of the functions of the lifeworld and societal subsystems constitutes a theoretical basis for the task of explaining the pathological side

⁴⁴¹ Ibid., p. 154

⁴⁴² Ibid., p. 150

⁴⁴³ Ibid., p. 117

⁴⁴⁴ Ibid., p. 150

effects of modernity.⁴⁴⁵ The pathologies of modernity have commonly been explained with reference to two different phenomena. According to one popular conception, pathologies are caused by the fact that secularised worldviews are unable to perform the task of social integration. According to another conception, pathologies are caused by the fact that the complexity of the modern society reduces the possibility for the individual to integrate. The thesis of the colonisation of the lifeworld and the thesis of cultural impoverishment challenge these conceptions. These theses argue that certain interference problems arise when system and lifeworld become differentiated from one another.⁴⁴⁶ The thesis of the colonisation of the lifeworld argues that social pathologies emerge when purposive-rationality pushes beyond the bounds of the capitalist economy and the modern state into the communicatively structured areas of the lifeworld.⁴⁴⁷ The thesis of cultural impoverishment argues that the pathologies that emerge under the conditions of a colonised lifeworld are reinforced when the three cultural value spheres of science, morals and art develop independent from the processes of understanding that take place in the lifeworld.⁴⁴⁸ Habermas puts this as follows:

Neither the secularization of worldviews nor the structural differentiation of society has unavoidable pathological side effects *per se*. It is not the differentiation and independent development of cultural value spheres that lead to the cultural impoverishment of everyday communicative practices, but an elitist splitting-off of expert cultures from contexts of communicative action in daily life. It is not the uncoupling of media-steered subsystems and of their organizational forms from the lifeworld that leads to the one-sided rationalization or reification of everyday communicative practice, but only the penetration of forms of economic and administrative rationality into areas of action that resist being converted over to the media of money and power because they are specialized in cultural transmission, social integration, and child rearing, and remain dependent on mutual understanding as a mechanism for coordinating action.⁴⁴⁹

⁴⁴⁵ Ibid., p. 303

⁴⁴⁶ Ibid., p. 186

⁴⁴⁷ Ibid., pp. 304-305

⁴⁴⁸ Ibid., p. 327

⁴⁴⁹ Ibid., p. 330

Now, as we have seen, Walzer recognises the significance of the strong programme that Michael Rustin proposes. Walzer argues that the second point of such a programme would be to show how complex equality fails because of actual social processes. Walzer's criticisms of Habermas's theory show, however, that he does not consider this theory to be a candidate for such an explanatory task. However, it can be argued that Walzer underestimates the explanatory potential of this theory. Habermas's critical theory furthers our understanding of the factors that block the emergence of Walzer's vision of egalitarianism by exploring the implications of the colonisation of the lifeworld and cultural impoverishment.

It was shown in the previous section that Habermas's critical theory explains that ordinary men and women normally acquire a set of communicative competences that enable them to establish shared understandings of social goods. This theory also explains that there are some factors that commonly block the emergence of such understandings. As we have seen above, Habermas maintains that the integration of society takes place at two different levels. Social integration takes place in the lifeworld and is coordinated through action aimed at reaching understanding. Communicative action serves the reproduction of cultural knowledge and legitimate social orders and competences for action. System integration takes place in societal subsystems and is coordinated through the functional interconnection of purposive-rational actions. This type of action enables the capitalist economy to fulfil the task of adaptation and the state to fulfil the task of goal attainment. In the late capitalist society, the uncoupling of system integration from social integration means first only the differentiation of two types of action. However, this differentiation also leads to the neutralisation of the action coordinating function of language. In late capitalism, system integration intervenes in the very forms of social integration.⁴⁵⁰ Systemic interventions in the lifeworld replace the action coordinating function of language with the media of money and power. This replacement creates disturbances in the reproduction of the symbolic structures of the lifeworld. The reproduction of these structures is functionally dependent on the rational motivation that attaches to processes of reaching understanding. Money and power undermine this type of rational motivation. These steering media encode an objectivating attitude and an orientation to success that obstruct cultural transmission, social integration and socialisation.⁴⁵¹ Habermas's account of the neutralisation of the action-coordinating function of language explains the

⁴⁵⁰ Ibid., pp. 186-187

⁴⁵¹ Ibid., pp. 182-183

factors that block the emergence of shared understandings of social goods. This account shows that systemic interventions in the reproduction of the symbolic structures constitute a block to the emergence of such understandings. Interventions of this type displace the processes of consensus-oriented action that take place in the lifeworld and thus limit the possibility for ordinary men and women to reach agreements on the meaning of goods. Habermas puts this as follows:

In the end, systemic mechanisms suppress forms of social integration even in those areas where a consensus-dependent coordination of action cannot be replaced, that is where the symbolic reproduction of the lifeworld is at stake. In these areas, the *mediatization* of the lifeworld assumes the form of a colonization.⁴⁵²

It was shown in the previous section that Habermas's critical theory explains that ordinary men and women normally acquire moral intuitions that enable them to establish complex egalitarian meanings of social goods. This theory also explains that there are some factors that commonly block the emergence of such social meanings. As we have seen above, Habermas asserts that under the conditions of modernity, the spheres of science, morals and art lose contact with broader cultural traditions. Today, science and technology are mostly the concern of the members of the scientific community itself. Moral-legal issues are exclusively addressed by groups of administrators and policy experts. Issues concerning art and art criticism are reserved for a small elite.⁴⁵³ In late capitalist society, the split-off of expert cultures from broader traditions means first only that highly specialised forms of argumentation become disconnected from the processes of understanding which take place in the lifeworld. However, this disconnection also produces a fragmented everyday consciousness. In late capitalist society, the growing autonomy of spheres that are dealt with by experts constitutes a functional equivalent to ideology formation. In earlier societies, metaphysical worldviews and religious doctrines facilitated social integration by way of providing ideological interpretations of the world. Under the conditions of a rationalised lifeworld, however, dissonant experiences gradually undermine ideological interpretations of the world. This means that metaphysical worldviews and religious doctrines lose their

⁴⁵² Ibid., p. 196

⁴⁵³ Ibid., p. 327

integrating function. Although these worldviews and doctrines lose their power to convince the masses, the competition between system integration and social integration does not come to the fore in everyday knowledge. The average citizen of the late capitalist society has only a diffuse and fragmented understanding of the deforming effects that steering media have on the reproduction of the symbolic structures of the lifeworld. The fragmentation of everyday consciousness is caused by the growing autonomy of spheres that are dealt with by specialists. The split-off of expert cultures reduces the possibility for the average citizen to employ his or her intellectual abilities.⁴⁵⁴ Habermas's account of the fragmentation of everyday consciousness explains the factors that block the emergence of complex egalitarian social meanings of social goods. This account shows that the independent development of spheres that are dealt with by experts constitutes a block to the emergence of such meanings. This type of development suspends the capacity to use their cognitive resources for emancipatory purposes and thus limits the possibility for ordinary men and women to assign egalitarian meanings to goods. Habermas puts this as follows:

Everyday consciousness is robbed of its power to synthesize; it becomes *fragmented* ... In place of “false consciousness” we today have a “fragmented consciousness” that blocks enlightenment by mechanism of reification. It is only with this that the conditions for a *colonization of the lifeworld* are met. When stripped of their ideological veils, the imperative of autonomous subsystems make their way into the lifeworld from the outside – like colonial masters coming into a tribal society – and force a process of assimilation upon it. The diffused perspectives of the local culture cannot be sufficiently coordinated to permit the play of the metropolis and the world market to be grasped from the periphery.⁴⁵⁵

It was shown in the previous section that Habermas's critical theory explains that the regime of complex equality can be attained when ordinary men and women exercise basic political rights. This theory also explains that there are some factors that commonly block the emergence of this regime. As we have seen above, system integration intervenes in the reproduction of the symbolic structures of the lifeworld. This type of intervention means first a neutralisation of the action coordinating function of language. However, this neutralisation

⁴⁵⁴ Ibid., pp. 353-355

⁴⁵⁵ Ibid., p. 355

also leads to the removal of communicatively structured spheres of action from the lifeworld. In late capitalist society, there is a tendency toward a juridification of spheres of action where linguistic communication exists prior to other action coordinating mechanisms.⁴⁵⁶ The family and the school are two examples of action spheres that are communicatively structured. The socialisation processes that take place in the family and the pedagogical processes that take place in the school are conditioned by norms and contexts of action that by functional necessity are based on communicative action as a mechanism for action coordination.

Although the legal regulation of the family and school is intended to be freedom guaranteeing, it frequently leads to freedom-reducing interventions in these communicatively structured spheres.⁴⁵⁷ The structure of juridification requires a high degree of administrative and judicial controls. These controls are not limited to the task of supplementing socially integrated spheres of action with legal norms that have been justified in consensus-oriented procedures of negotiation and decision making. Administrative and judicial controls typically convert socially integrated spheres of action over to the medium of law. This means that legal norms derive their legitimacy from formally correct judicial decision or administrative acts.⁴⁵⁸ Laws of this type deform the communicative structures of the family. Instead of making parents and children active participants in proceedings that concern child custody, wardship courts make parents and children subordinated subjects of such proceedings. Thus, legal judgements generally disregard information that is important to the child's well being. Legal norms that are legitimised only through formally correct procedure also deform educational processes. The pedagogical freedom of the teacher is undermined by an over-regulation of the curriculum on the one hand and the demand for litigation-proof certainty of grades on the other. Bureaucratic measures of this sort lead to depersonalisation of the teaching and learning process, breakdown of responsibility for the educational activity and inhibition of innovation.⁴⁵⁹ Habermas's account of the removal of communicatively structured spheres of action from the lifeworld explains the factors that block the emergence of the regime of complex equality. This account shows that the increase in formal, positive law in modern society frequently blocks the emergence of this regime. This increase means that communicatively structured spheres of action are governed by a medium that displaces the

⁴⁵⁶ Ibid., p. 357

⁴⁵⁷ Ibid., p. 361

⁴⁵⁸ Ibid., p. 365

⁴⁵⁹ Ibid., pp. 370-371

need for substantive justification and thus limit the possibility for ordinary men and women to establish egalitarian distributions of goods. Habermas puts this as follows:

If one studies the paradoxical structure of juridification in such areas as the family, the schools, social-welfare policy, and the like, the meaning of the demands that regularly result from these analyses is easy to decipher. The point is to protect areas of life that are functionally dependent on social integration through values, norms, and consensus formation, to preserve them from falling prey to the systemic imperatives of economic and administrative subsystems growing with dynamics of their own, and to defend them from becoming converted over, through the steering medium of the law, to a principle of association that is, for them, dysfunctional.⁴⁶⁰

The above parts of this section show that there are good reasons to think that Habermas's critical theory offers a cogent explanation of the factors that block the realisation of Michael Walzer's vision of egalitarianism. It was shown in chapter 3 that Michael Rustin points out that factual inequalities in the distribution of social goods need to be explained with reference to a regime where certain institutional sectors of society remain dominant over others. Habermas's critical theory offers a cogent explanation of the causes of such dominance. This theory explains that the blocking of Walzer's vision of egalitarianism can be understood in terms of systemic interventions in the symbolic reproduction of spheres of distribution.

9.4 Concluding summary

This chapter has been concerned with the prospects of supporting Walzer's vision of egalitarianism with a strong programme of the kind elaborated by Jürgen Habermas. Section 9.1 outlined the two theses that would be required in order for Habermas to successfully establish that Michael Walzer's vision of egalitarianism can be developed in a critical theoretical direction: i) a thesis that offers a cogent explanation of the conditions under which Walzer's vision of egalitarianism can be established, a thesis that offers a cogent explanation

⁴⁶⁰ Ibid., pp. 372-373

of the factors that block the realisation of complex equality. Section 9.2 showed that Habermas offers a cogent explanation of the conditions under which Walzer's vision of egalitarianism can be established. It argued that there are good reasons to believe that complex equality can be established when ordinary men and women employ the communicative competences and moral intuitions that they normally acquire for political-emancipatory purposes. Section 9.3 showed that Habermas also offers a cogent explanation of the factors that block the emergence of complex equality. It argued that there are good reasons to think that dominance occurs when systemic mechanisms for action co-ordination intervene in spheres that are functionally dependent on action aimed at reaching agreement. Thus, it is clear that Habermas's critical theory is able to achieve the point of a strong programme for complex equality since it shows how complex equality can arise out of and fail because of actual social processes. Now, the findings of this thesis will be rehearsed in the following section.

Concluding summary

This thesis has been concerned with Michael Walzer's theory of justice. The main components of this theory were presented at the outset of the introduction to this thesis. Here it was shown that Walzer's method is comprised of *The Latency Thesis*, which asserts that an egalitarian society is hidden in shared understandings of social goods and the *Moral Anthropological Thesis*, which asserts that the best way of doing philosophy is to interpret such understandings. It was also shown that the theory of complex equality is comprised of *The Spheres Thesis* which asserts that social goods divide into separate distributive spheres that are regulated by different principles of distribution and *the Non-Domination Thesis* which asserts that complex equality obtains when no social good is generally convertible. The tasks of the thesis were presented at the end of the introduction. Based on Michael Rustin's charitable reading of Walzer's theory of justice, it was argued that Walzer retreats from his vision of egalitarianism because he has not sufficiently supported his methodological and theoretical theses but also that this vision can be rehabilitated by way of support of a 'strong programme' drawn from Jürgen Habermas. It was noted that this thesis sets for itself the task to provide such a strong programme by way of developing three basic claims. The first claim is that Walzer's interpretive-based method is inadequate, the second claim is that Walzer's critique of Jürgen Habermas's theoretical enterprise is mistaken and the third claim is that Walzer can seek plausible support for his vision of egalitarianism in Habermas's critical theory. These claims have been developed in three sections of the thesis.

As noted in the introduction to the thesis, Walzer insists that his interpretive-based method can provide sufficient support for his vision of egalitarianism. Chapter 1 presented Charles Taylor's philosophical anthropology and Chapter 2 applied Taylor's philosophy to the grid of Walzer's interpretive-based method in order to give a clearer view of its premises and findings. Chapter 3 developed the first claim of the thesis. This chapter showed with the help of Rustin's critique that there are very narrow limits to what Walzer can accomplish with his interpretive-based method. Here it was shown that Walzer overestimates the possibility of showing that ordinary men and women share understandings of a variety of social goods. His interpretive-based method is limited to the description of a relatively small number cases of such understandings. Moreover, it was shown that Walzer overestimates the possibility of demonstrating that ordinary men and women assign complex egalitarian meanings to goods.

Moral anthropology is limited to the description of a relatively small number of cases of such meanings. Finally, it was shown that Walzer overestimates the possibility of showing that social goods are distributed according to the demands of complex equality. His interpretive-based method is limited to the description of a relatively small number of cases of complex egalitarian regimes. The discussion of the problems involved in Walzer's methodological proposal to interpret shared understandings of social goods enabled me to establish that Walzer's vision of egalitarianism requires support from three theses that explain the conditions under which shared understandings, complex egalitarian meanings and the factual possibility of complex equality can be established.

It was noted in the introduction to the thesis that Walzer insists that the idea of supporting his vision of egalitarianism with Habermas's critical theory is implausible. Chapter 4 outlined the main components of Habermas's theory and chapter 5 presented Walzer's conceptual, democratic and metaethical arguments against this theory. Chapter 6 developed the second claim of the thesis. This chapter showed that Walzer's arguments are based on misunderstandings of Habermas critical theory. Here it was shown that this theory, contrary to what the conceptual argument claims, is properly circumstantial. On the one hand, Habermas's theory conceptualises the moral intuitions that human beings are able to approximate in real contexts of discussion, on the other hand, this theory stresses the significance of bringing context-sensitive knowledge to such discussions. Furthermore, it was shown, contrary to what the democratic argument claims, that Habermas's theory does not advance a morality that human beings are categorically obliged to acknowledge. This theory offers a philosophical justification of the moral principle that does not derive from any non-democratic source but simply from its ability to sustain its claim to the best reconstruction or interpretation of our experience of ourselves as moral agents. Lastly, it was shown that Habermas's critical theory does not obscure its commitment to socially generated values. This theory explicitly defends the values of equal respect and solidarity that can be derived from the character of modernity itself. The development of the three-fold response to Walzer's critique enabled me to establish that Walzer's arguments themselves do not provide any compelling reasons for not supporting the idea of complex equality with Habermas's critical theory.

As noted in the introduction to the thesis, it is possible to reconstruct Walzer's theory of justice in a more cogent form by drawing out certain implicit Habermasian aspects of

Walzer's argument. Chapter 7 outlined Habermas's understanding of spherical justice and Chapter 8 applied some of the concepts and categories of Habermas's theory to the grid of Walzer's theoretical discussion of distributive justice in order to demonstrate the Habermasian dimension of Walzer's thinking. Chapter 9 developed the third claim of the thesis. This chapter showed that Habermas has given the communicative competences, moral intuitions and political conditions that Walzer implicitly appeals to a theoretical framework that furthers the purpose of the idea of complex equality. Here it was shown that Habermas offers a cogent explanation of the emergence of shared understandings of social goods, complex egalitarian social meanings and the regime of complex equality. Walzer's vision of egalitarianism can be established when ordinary men and women draw on the binding or bonding force that resides in the medium of natural language, employ the normative presuppositions that are built into action oriented toward reaching understanding and exercise basic political rights. Furthermore, it was shown that Habermas offers a cogent explanation of the factors that block the realisation of complex equality. The possibility of establishing shared understandings, complex egalitarian meanings and the regime of complex equality is frequently blocked by systemic interventions in distributive spheres that are functionally dependent on action aimed at reaching agreement. The discussion of communicative competences, moral intuitions and the exercise of political rights combined with the discussion of systems and lifeworld enabled me to establish that Habermas's critical theory offers a concept of moral agency and responsibility and an account of modernity that can explain the success as well as the failure to attain complex equality.

In closing, this thesis has pursued arguments with important implications for the prospects of a complex egalitarian society. In particular, this thesis have stressed that there are some important limits to the prospects of establishing such a society but also that there are some possibilities to do so. On the one hand, this thesis has emphasised that the steering media of money and power constitute the main obstructions to the prospects of a complex egalitarian society because these media intervene in the symbolic reproduction of the lifeworld and replace the processes of communication that are necessary in order to attain such a society with action aimed at reaching influence. On the other hand, this thesis has also emphasised that social movements constitute the main carriers of political processes toward a complex egalitarian society because they provide ordinary men and women with basic capacities to act politically and enable these men and women to exercise such capacities for emancipatory

purposes. The thesis, however, wishes to stress that under the conditions of globalisation, the possibility for particular societies to realise complex equality is by no means uncomplicated.

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