

## What if Habermas Went Native?

Mechthild Nagel<sup>1</sup>

In an interview, recorded in 1985, Perry Anderson and Peter Dews asked sociologist and philosopher, Jürgen Habermas, the following question:

The Frankfurt School tradition as a whole has concentrated its analyses upon the most advanced capitalist societies, at the comparative expense of any consideration of capitalism as a global system. In your view, do conceptions of socialism developed in the course of anti-imperialist and anti-capitalist struggles in the Third World have any bearing on the tasks of a democratic socialism in the advanced capitalist world?

Conversely, does your own analysis of advanced capitalism have any lesson for socialist forces in the Third World?

Habermas' response? "I am tempted to say 'no' in both cases. I am aware of the fact that this is a eurocentrically limited view. I would rather pass the question" (Habermas, 1986, 183).<sup>1</sup> This paper explores the question, what if Habermas had dared to say yes or dared to develop his anthropological leanings, which lurk through his discourse theory, rather than take the quasi-mystic path with Ludwig Wittgenstein (2001): *what one cannot talk about, one should pass over in silence*. To that end, I will sketch a schematic approach using Habermas's latest major work *Between Facts and Norms* (1996), contrasting his explicit views on jurisprudence in the Occident with implied statements about the native Other. I wish to show that there's an embedded agonistic (combative)—if not imperial—theme, not only in his theory of communicative competence, but also in his larger project of critical theory.

Habermas' project as he explains in *The Philosophical Discourse of Modernity* (1987) is to lead us out of the morass of a philosophy of the subject which started with the later Hegel and culminated in Nietzsche, Heidegger and Derrida. Instead Habermas wishes to go back to the

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<sup>1</sup> **Mechthild Nagel** is professor of philosophy at the State University of New York, College at Cortland and a Senior Visiting Fellow at the Institute for African Development at Cornell University. She is author of *Masking the Abject: A Genealogy of Play* (Lexington, 2002), co-editor of *Race, Class, and Community Identity* (Humanities, 2000), *The Hydropolitics of Africa: A Contemporary Challenge* (Cambridge Scholars Press, 2007) and *Prisons and Punishment: Reconsidering Global Penalty* (Africa World Press, 2007). Nagel is editor-in-chief of the online journal *Wagadu: A Journal of Transnational Women's and Gender Studies* (wagadu.org). Her current research focuses on African prison intellectuals and African approaches to restorative justice. She can be reached at nagelm@cortland.edu.

ideas of Kant and the young Hegel. Such a corrective move would assist in restoring the ‘right’ roots of the self-grounding project of modernity and found an intersubjective, socially relevant discourse theory, which also leaves behind the trappings of conventional social contract theory<sup>ii</sup>. Following the logic of Charles Mills’ *The Racial Contract* (1997), I argue that it might be too convenient to leave behind the unfortunate, anthropocentric, Eurocentric ideals of yesterday’s Enlightenment thinkers; in fact, I am going to look for the vestiges of such ideals in Habermas’ refined post-Enlightenment, post-metaphysical thinking. While many feminist critiques have investigated Habermas’ gendered discourse and, to use Carole Pateman’s concept (1988), a hidden “Sexual Contract” (e.g. Young, 1990; Meehan, 1995; and Love, 2002), critics, with the notable exception of Cynthia Willett (2001), have generally been silent on the cross-cultural implications of his theory.

### *Clashes of Cultures*

What if the Eurocentric heritage of the Enlightenment has become an exotic cultural expression, globally speaking? Habermas now ponders as much, at least since his dialogue with a Teheranian colleague woke him up from “dogmatic slumber.” Habermas was asked if it isn’t the case that the European secularization is the true exceptional discourse from a comparative sociology of religion perspective. At first, Habermas was scandalized and retorted that that such sentiment reminds him of the mood of the Weimar Republic, and of Nazi ideologues, e.g., Carl Schmitt, Heidegger or Leo Strauss (Habermas, 2005, p. 113). Yet, Habermas concedes that there may be a kernel of truth in that provocative question. After the second US led war against Iraq, Europe seems to have gone on a path of isolation (*Sonderweg*) with its pursuit of secular liberties (abolition of the death penalty; rejection of torture; liberalization of sexual and gender politics). Habermas laments: “A prototypical model for the future of all cultures turns into an aberration (*Sonderfall*)” (p. 121)<sup>iii</sup>. Secular civilization is doomed by the rise of religious and political fundamentalisms the world over in particular in the United States post 9/11. However, Habermas may sometimes want to look to the global South for spearheading surprising secular and progressive social policy. After all, Habermas ignores the path breaking gay rights agenda taking hold in the post-racial constitution of the New South Africa (1996), where women’s and gay rights activists fought hard to see human rights language embedded which guarantees non-discrimination on the account of gay and lesbian identities. Thereafter, global North—a few

European countries and Canada—followed suit by liberalizing their constitutions, e.g. the right to civil unions and marriages for gay and lesbian couples. Thus, the rule of law of an African state provided the necessary impetus for some civil rights victories in Max Weber’s “rational” occident.

I in turn worry about Habermas’ jubilation of the European solution, over his clamoring on to constitutional patriotism, to his support of NATO’s war against Serbia (breaking ranks with the German left), where I see his support of “old Europe” in a way that we now look back on Hegel’s uncritical support of the Prussian state. Habermas’ open-minded, rational, secular Europe is a “fortress Europe” for many others due to the draconian *Schengen Solution* of 1992 which practically closed Europe’s border to the subaltern Other. A secular Europe has difficulty embracing a multiculturalism that endorses post-secular fundamentalist (i.e. “Muslim and post-rational”) values. Nevertheless, Habermas writes critically about the changes in German asylum law as they dismantle principles of constitutional democracy by absolving Germany from granting political asylum to refugees (Pensky, 1999, p. 227). Yet, Habermas speaks about tolerance for other values, minority opinions, etc., he means exactly that: mere *tolerance*—not an active, positive *acceptance* of the Other (bypassing contemporary debates in critical, multicultural theory).

Let’s look at a schematic table of values that articulate the “clash of ideas” between Habermas and the subaltern subjects<sup>iv</sup> the world over. Obviously, some of the comparisons are overdrawn and satirical, but it is a playful attempt not to pass over in silence, but instead to engage Habermas and other critical theorists in issues that should have been their own all along:

<b>African Worldview</b>	<b>Habermas/European worldview</b>
<i>ubuntu</i>	enlightenment
concrete, embodied	abstract, disembodied
care, compassion	justice
transcendence - traditional law	immanence - positive law
restitution	punishment
concrete other	generalized other
engaged	objective, neutral
wisdom	knowledge
spirituality	rationality

outcome focused: healing	being right/winning the argument
long-term goals	short-term gain
holistic	retributivist, focus on delinquent (as a species)
sociocentric	individualist
‘what is private?’	public vs. private sphere

Table 1

The African worldview of *ubuntu* (roughly translated as humanity) is similar to certain (Western) feminist viewpoints (as articulated in Gilligan’s ethics of care or in Benhabib’s concrete other<sup>v</sup>), and it raises trouble with the neat public/private distinction which has won currency in the modern western social contract theory and its postmetaphysical adherent in discourse theory. *Ubuntu*, unlike the abstract humanism of the Enlightenment era, expresses a spirit of sociality, famously turning the Cartesian motto in its head in the following formula: “I am because we are, and because we are, I am” (John Mbiti, 1969; cf. Tutu, 1999). It is an engaged, empathic perspective towards the other, who is interconnected with my fate and therefore deserves no retribution but compassionate recognition of her humanity. Moral flaws are recognized and then dialogue about healing may ensue, if only to ensure that our kin, especially the subsequent generations may be allowed to intermarry between each other, and live harmoniously with one another. Hence, the focus is not so much whether “justice was served,” but whether all parties can agree to restitution, to the resolution of conflict, and thus aid in healing the community. Following Love (2002), a further distinction could be made between oral societies and literate/“scholarized” societies, such that “Habermas’s theory of communicative rationality is historically and conceptually linked to the textually based speech of literate societies” (Love, 2002, p. 329). Having clarified the divergent worldviews (African v European) I will make transparent Habermas’s value judgments about the subaltern’s discursive practices (Table 2).

**Subalterns according to**

**Habermas**

culturally specific values  
 metaphysics  
 naïvely habituated lifeworld  
 interest-bound

**Discourse ethics**

universalizable/ norms & principles  
 postmetaphysics  
 rationalized lifeworld  
 rights trump in the argumentative game

pre/conventional adjudication	postconventional adjudication
teleology & 'what works'	deontology 'what is right-wins'
fundamentalist/religious	secular
simple (premodern)	complex (high modern)
homogeneous	accommodate heterogeneous values

Table 2

Rational, Kantian paradigms do not hold traction in the subaltern world as seen by Habermas. Their world is a simple, naïve living with traditions that are deeply religious and often backwards (i.e. fundamentalist), untouched by the rationalist, secular endeavors peculiar to the global North. Following Pensky's (1999) analysis, arguably, Habermas's perspective on the subalterns may also be a reflection of his anxiety about post-1945 West Germany's sliding back into totalitarian *Weltanschauung* or at least into a mandarin, socially conservative, particularist, anti-democratic metaphysics.

According to Habermas, the native, traditional world view is static, whereas high modern Western society is dynamic and ever changing given the flexible portrayal of traditional values, among other things, in the secular, rational Occident. Take for instance, Habermas' portrayal of the impact of Buddhism in the Orient: In an interview with Eduardo Mendieta, Habermas (2002) concedes that this world religion has achieved a level of abstraction, similar to Judeo-Christianity, which has left a huge ideological mark on the European Enlightenment project (e.g., universalistic egalitarianism, autonomy, individual morality of conscience), but Habermas argues that "cultural and social modernization has not been completed in the regions dominated by Buddhism" (2002, p. 148). He gives no further explanation why and how the East has so miserably failed in providing a coherent modern philosophy of the subject.

### *Principles of Discourse Ethics*

Yet, I also wish to see what can be salvaged of Habermas' theory of communicative action; where might we find an "overlapping consensus" among discursive practices, say in the occident and among colonized peoples? As Habermas elucidates recently, Discourse Theory—which focuses only on the praxis of argumentation (not metaphysical values, Being, Truth,

Subjectivity)—gives us four pragmatic conditions for successful, rational communication where the better argument wins:

1. Inclusivity: nobody who can contribute in a relevant way should be excluded  
*(who will be included? what counts as 'relevant'?)*;
2. Equal distribution of communicative liberties: all have equal chance to contribute  
*(assumes rational participant; issues of age; different intelligences; rhetorical skills; gender, class, caste, ethnicity, race power differentials are all ignored)*;
3. Condition of honesty: all participants have to mean what they say  
*(Habermas ignores power differential between parties; what if issues of infertility or domestic violence are being discussed? would all participants feel safe to discuss their perspectives?)*
4. Absence of contingent external or internal constraints of communicative structure: the yes/no positions of participants regarding contested claims should only be motivated by the persuasive force of convincing reasons (Habermas, 2005, p. 89).  
*(Here, too, the concern about a power differential applies.)*

As critic Stephen Bronner (2002) notes “Neither the legal nor the linguistic theory of Habermas can link the prerequisites for communicative competence or the stages of moral evolution with the reality of compromise, violence, and the structural imbalance of power” (209).

Let’s compare Habermas’ theory with the subaltern discursive practices:

<p><b>communicative competency (subaltern)</b></p> <p>some constraints necessary to build consensus</p> <p>council of elders</p> <p>experience builds expertise</p>	<p><b>communicative competency (discourse theory)</b></p> <p>unconstrained force of better argument</p> <p>community of experts</p> <p>intersubjectivity or 'community of scholars' writ large?</p>
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Table 3.

Habermas posits as oppositional terms strategic interests vs. communicative action and system vs. life-world. Bronner (2002) asks, why is there a need to overcome strategy? After all, it is key to negotiations (collective bargaining), social movement activism, etc.: In fact one needs

both strategic interests *and* communicative action (p. 208). Given that strategies play a key role in most conflict situations, it is often the case that “‘better’ arguments ... emerge victorious for nonrational reasons” (p. 209).

Although Habermas is aware of the danger of identifying Peirce’s community of investigators with simply scholarly experts, nevertheless he inevitably runs into prescribing such investigators as “the scholar” writ large because he has no theory of power relations that accounts for declining literacy levels and the overconcentration of media in the hands of a few moguls (Bronner, 2002, pp. 212-3), who are interested in “manufacturing consent” (Chomsky) rather than providing an unconstraining forum of dialoguing of equal partners.<sup>vi</sup> Also, as Bronner notes, Habermas overemphasizes the principle of autonomy where accountability would be better placed to postulate a new critical theory that takes into consideration international and regional institutions (p. 210). As Willett (2001) notes Habermas (1994) explicitly dismisses voices of “fundamentalism” right to engage in public debate on the grounds that they would not be “loyal to a common political culture” (p. 8). If one is sympathetic to the subaltern cause and counter-publics, one might want to console those dismissed from Habermasian universal discourse with this gesture: “the definitions belonged to the definers—not to the defined” (Toni Morrison, 1987, p. 190; quoted in Willett, 2001, p. 71).

*Discourse theory in the context of criminal justice*

In postcolonial states or territories, we may witness a contemporary devolution of *criminal* justice under liberal proceduralism (abstract, generalized other) and an adoption of discourses of *cultural* justice, which involve sentencing circles (concrete others). However, due to the colonial legacy a western based human rights discourse has firmly been instituted in the legal instruments of the African countries and clashes with the parameters of cultural rights, i.e. “other languages of resistance” (An-Na’im, 2002). Yet, discourse ethic insists on the primacy of democratic institutions and values and therefore, it is only applicable in communities and states where “pure” western style democracy is enforced (Bronner, 2002, p. 213). Thus, we notice that an overlapping consensus between the two worldviews may be difficult to accomplish:

**Habermas—as viewed by the**

**subalterns**

artificial & abstract boundaries  
monological

**Consensus model in the subaltern world**

strategies, interests merged with norms  
dialogical

autonomy	accountability
law regulates behavior	behavior is socially regulated (clan, age-mates etc.)
winning the argument	win-win dialogue
homogeneity (Christian heritage)	Heterogeneity (“triple heritage” in Africa: African, Muslim and Christian influences)
simple	complex

Table 4

In Table 4, I reverse the ordering of the simple/complex oppositional couple. Habermas often refers to industrialized nations as “complex societies” without spelling out in what ways they might be complex and less industrialized nations might be simple. So, reversing his order, I suggest that subaltern subjects with multiple histories of colonization (e.g., Arab and European in Africa) face at least a three-partite juridical, socio-historical structure of rights and duties of the self in community and civil society. Ali Mazrui (1986; 2002) has famously claimed that the complex histories of African nation-state are indebted to a “triple heritage.” In other words, a far more complex social ordering occurs in the post-colonial world than in the global North. Habermas’s discourse model could be considered monological in so far as the intersubjective equality demand concerns only a community of scholars who share a precise hermeneutic and cultural background.

Now, what of the claim that “non-rational” arguments might win out in subaltern discourses? Criminologist Hal Pepinsky gives an account of “adjudication” in Navajo (Diné) Peacemaking Circles:

Formally, the Navajo Peacemaker Court is a creature of the Navajo Nation's Supreme Court. Formally too, the peacemaker court is a culmination of a peacemaking process conducted by a *naat'aanii*, someone recognized as a wise and good listener in the local community. The court formally, ultimately, convenes in a circle, where each person takes a turn speaking uninterrupted about his or her feelings and experience of a social disruption, which includes, notably, domestic violence. The *naat'aanii* convenes and closes the circle with a prayer that social imbalance become more balanced. Each

member of the circle leaves free to do as s/he pleases; personal responsibility requires no less (Pepinsky 2000).

Peacemaking circles have also been called healing circles, because the purpose of the circle is resolve conflict and not mete out punishment or bring about a win-lose judgment. What looks non-rational to a Western observer is deeply imbedded in a cultural-spiritual worldview. If there were a rational ideal, it would be that the disputing parties apologize to each other at the end of the process. All parties enter the circle voluntarily and discuss their respective grievances. These healing circles are guided by the wisdom that everybody's actions are influenced by what makes sense to the person. What seems at first non-rational, i.e. avoiding punishment, is practical—from a native standpoint: it does not really make sense to punish the offender, especially, considering that we are all connected to each other (as expressed in the principle of *ubuntu*). This holistic realization leads the elders to point out with compassion to offending parties that their actions have negative consequences on the whole and that their social reintegration is encouraged for a successful community healing. Often it is the offender, rather than the victim, who is moved to tears by the illustration of the particular harms caused by the act. Macroscopically speaking, these peace circles have a great chance to minimize offenses (both violent and non-violent), and importantly, markedly reduce recidivism in a community.

Rather than invoking the specter of Hobbes (being in awe of the Law), subaltern subjects may combine strategic, rational and non-rational arguments that are accepted by all, say, in a sentencing circle. If “judgment” is to be accepted by all interested and involved parties, care is often taken to avoid a win-lose situation, which on the other hand is the agonistic game played out in Habermas' rational “uncoerced” force of the better argument. Discourse theory presumes the cultural, homogeneous background of social contract theory, the Enlightenment and Western democratic ideals, which in fact are not universalizable.<sup>vii</sup> It is unfortunate that Habermas seems to forego the opportunity to shed light with the tools of Critical Theory onto subaltern histories of struggle at the same time that he ordains discourse theory to have universalizable import.

Of late, in his engagement with theologians, multiculturalism within Europe and the rise of Islamic movements after 9/11, Habermas does tentatively pronounce judgments on the subaltern condition. In his interview with Eduardo Mendieta, who raises questions regarding globalization and religious conflict, Habermas remarks: “Individual cultures can only make a

positive contribution to the rise of a world culture if they are respected in their own, stubborn individuality” (2002, p. 155). This raises several questions: Respected by whom? Perhaps by cultural experts in the West who can determine what, if anything is positive about that culture? Or is it left up to indigenous practitioners who can plead their case at the level of the United Nations that their human rights project is in order? Clearly, being indebted to Weber’s protestant work ethic, Kantian universalism, and a “legalistic turn” (Love, 2002, p. 322), keeps Habermas locked into a Eurocentric high modernist, masculine discourse which runs up against the multiplicity of postcolonial voices. In the end, perhaps it is better, after all, to remain silent.

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<sup>i</sup> In a recent essay on religion, Habermas acknowledges that silence can be problematic, especially when one doesn't engage with one's critics' concerns: "In this situation, silence would be a false response: the person who is addressed and remains silent, clothes himself or herself in an aura of indeterminate significance and imposes silence. For this Heidegger is one example among many. Because of this authoritarian character, Sartre has rightly called silence 'reactionary'" (Habermas, 2002, p. 67).

<sup>ii</sup> Social contract theory emerged in the writings of Hobbes, Locke, and Rousseau and describes the political process of individuals leaving the "state of nature" and joining a polity which would safeguard, to some extent, the subject's freedom and equality.

<sup>iii</sup> "Aus dem Normalvorbild für die Zukunft aller übrigen Kulturen wird ein Sonderfall" (p. 121).

<sup>iv</sup> Cf. G. Spivak's seminal essay "Can the Subaltern Speak?" (Spivak, 1985). The term subaltern signals a defiant, counterhegemonic move in order to contest the colonial project which despotically ruled over populations who are taxed but not represented, who are subjects but not citizens (cf. Mamdani, 1996).

<sup>v</sup> Even though I am using Seyla Benhabib's terms (generalized and concrete other), I do not subscribe to her hierarchical ordering of these concepts (see Willett, 2001, chapter 3, for a cogent critique of Benhabib's rationalist, reconstructed modernism).

<sup>vi</sup> However, in a talk at the International Communication Association (Dresden, (2006), Habermas addresses the issue of power structures by holding media moguls such as Ted Turner and Berlusconi responsible for the pathologies of political communication. This talk was published shortly thereafter (cf. Habermas, 2006).

<sup>vii</sup> Denouncing religious fundamentalism, Habermas vehemently argues that "modern conditions are compatible only with a strict, Kantian form of universalism" (2002, p. 151).