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Articles

Critical Social Ontology as a Foundation for Ethics: Marx, Lukács and Critical Judgment
Michael J. Thompson

On the Failure of Oracles: Reflections on a Digital Life
David M. Berry

Happy Birthday Jürgen Habermas
James Gordon Finlayson

**University of Sussex Masters in Social and Political Thought
Gillian Rose Prize Winning Essay 2018**

The Production of Space Through Land Reclamation
Niclas Kern

Books reviewed

Psychopolitics: Neoliberalism & New Technologies of Power
by Byung-Chul Han

New Dark Age: Technology and the End of the Future
by James Bridle

Municipal Dreams: The Rise and Fall of Council Housing
by John Boughton

Adam Smith and Rousseau: ethics, politics, economics

Edited by Maria Paganelli, Dennis C. Rasmussen, and Craig Smith

Happy Birthday Jürgen Habermas*

by James Gordon Finlayson

Habermas turned ninety on June 18th 2019. Over the last six decades he's been Germany's foremost social theorist, philosopher, public intellectual, and journalist. His political writings currently stretch to twelve volumes. Cue a host of different public events across Germany celebrating his life and work. Cue also the usual paeans and panegyrics, and, as anyone who has followed the on-line discussion will know, some remarkably harsh criticism.

Perhaps we should not be surprised. Habermas has never been one to endear himself to the academic and political establishments. That's partly because he voices opinions even when they are unpopular. For example, as early as 1953 – presciently we now know – he called out Heidegger, the doyen of German philosophy, for being an unrepentant Nazi. In 1968, the year of political ferment, he criticized the students for their illusory revolutionary fantasies and behaving like 'left fascists.' In the 1980s he castigated some German historians for making political use of history, by denying the peculiarity of Nazi atrocities. And amid the pomp and circumstance of post-modernism he wrote a stern series of lectures condemning work by French post-structuralists as a Trojan horse for a resurgent Nietzschean irrationalism. It's also partly because Habermas writes dry, abstract, not to mention long books, in a Teutonic style that does not appeal to English analytic philosophers. Consequently, Habermas counts Marxists, historians, Heideggerians, and continental and analytic philosophers among his enemies. He's what the British call marmite: you either like him, or you don't. And some people really don't.¹ Which may be why as soon as the birthday party began, the party-poopers appeared in print.

For example, in Germany, the *Frankfurter Allgemeine Feuilleton* carried a piece called 'Die Vernunft in der Gesellschaft,' by Jürgen Kaube, which derided Habermas's idea of communication as 'utopian'. Another piece, 'Eine Republik der Diskussion' by the emeritus Professor of Philosophy at Cambridge and Fellow of the British Academy, Raymond Geuss appeared in the on-line journal *Soziopolis*. It is introduced as '*eine kritische Würdigung des Homo liberalis*' (a critical evaluation of *homo liberalis*) and of Habermas's conception of deliberative democracy.² Soon after the English version of 'A Republic of Discussion' appeared in *The Point* magazine. According to the editor, Geuss offers a 'less pious' view of Habermas's life and work than the 'wave of celebratory retrospectives' that have been bestowed on him recently. Geuss is not known for his piety, or his sensitivity to academic decorum. Anyone who has read his brutally acerbic piece on the occasion of John Rawls's death knows that.³ And true to form Geuss's piece, which is as flippant as it is incendiary, provoked a series of swift responses in the blogosphere, from Seyla Benhabib and Martin Jay among others. The resulting controversy affords a good opportunity for a less one-sided discussion of Habermas's work, together with the criticisms of it, which combines critical evaluation with an appreciation that befits a birthday celebration.

1. Communication is not all it's said to be.

Geuss's objections target Habermas's idea of communicative action; Habermas's liberalism; and finally Habermas's Kantian 'fixation with legitimacy'. Each is developed in the light of two philosophical reference points: Kant and Adorno. Kant's philosophy is the source of various misconceptions; while Adorno's thought provides the counter-foil to everything Habermas's philosophy should have been, and wasn't.

He begins with a point he has made elsewhere, that Habermas's concept of reaching

* Thanks to Tony Booth and Peter Dews for comments on earlier drafts.

understanding or consensus (*Verständigung*) is ambiguous between being understood, and being accepted. In an earlier essay, Geuss called it a 'pun'.⁴

'If he ever reflected on this at all,' Geuss surmises, 'which I assume he has not, Habermas presumably would say that here everyday German usage expresses in a pre-theoretical way a fundamental truth about the inherent connection between understanding and normativity' (Geuss, *The Point Mag*: 2019).

It is odd for Geuss to assume Habermas has not thought about this, given that a pragmatic theory of meaning and understanding forms a central plank of his work from the 1970s onward. Nevertheless, Geuss's guess is broadly right. There is a close connection, Habermas argues, between an assertion's being accepted as valid by speaker and hearer – what he calls '*rationales Einverständnis*' or 'rationally motivated consensus' – and its being understood. This is, Habermas argues, because the meaning of an assertion depends upon the reasons for it, which are either implied and understood or explicitly adduced. The theory is not uncontroversial. It is a very strong, and contested claim that if I assert something as true, on the basis of good reason, I pragmatically imply that everyone, everywhere, had they world enough and time, should accept it. Fortunately, we don't need to go into the details of the contestation because the solecism that Geuss ascribes to Habermas is that making oneself understood is not the same as reaching 'moral agreement.'

Only a form of speech that is guided by this orientation toward ideal moral agreement can be called communication in the full sense, that is 'communicative action'. (Geuss, *The Point Mag*: 2019)

Habermas is very clear that 'moral' agreement is not the aim of speech, or communication, or discourse in general. Rather, he makes a far less contentious claim in his Discourse Ethics that moral agreement is the aim of *moral* discourse. But Geuss, who blithely ignores Discourse Ethics does not talk about moral discourse. His claim is that Habermas wrongly thinks there is an ideal of moral agreement, or better put, a moralized idea of rational agreement implicit in all communication and discourse, and that 'these assumptions are actually empirically false'. But even if no actual discourse ever fully conforms to the exigencies of ideal speech, it may be true that they are often approximated, and that they guide the practice of argumentation to some degree. Speech and argumentation are rule-governed and that's not open to empirical refutation. Mind you, there is an important empirical and historical assumption that might be. For Habermas assumes that in modern, liberal democratic societies discourse rather than violence or deception is the default mode for resolving conflicts. If that's the case, then to the extent that rules of discourse and regulative ideals are constitutive of the practice of actual 'communication' and 'discourse' in everyday life, then unlike utopias, which exist nowhere, they exist as essential features of modern liberal democratic, societies.

That said, it is nonetheless open to question whether, when a speaker asserts something as true, or as justified, (in Habermas's terms makes a validity-claim) they implicitly solicit the agreement of everyone else. It might well be that Habermas's idea of communication, his reconstruction of the discourse, and his version of the pragmatic implicature of agreement, is incorrect. To that extent, Geuss has a point, if not an argument for it. Or rather his argument takes the form of a skeptical challenge.

In his reply to Benhabib, Geuss goes further, and sketches the following argument. 'If I start a game of chess and then begin to ignore the rules, you may say 'That's not chess', and you would be right, but so what? I may perfectly legitimately have more pressing concerns than conforming to the rules of chess.' It's not a good analogy. No-one would think the rules provide reasons for playing chess in the first place. Habermas denies there is a moral obligation to enter discourse, but as rational animals whose form of association is

articulate through speech, there is a kind of soft social pressure to do so whenever conflicts and misunderstandings arise.

Apart from that, yes the rules of chess constitute the game of chess. If you break them, you are not playing chess properly. Analogously, if you violate basic logic, take no account of your interlocutor's objections, and so forth, you are not arguing well. The analogy insofar as it goes, helps Habermas and does not support Geuss's case that there are no fixed rules (pragmatic presuppositions) of discourse, and/or that the rules are not what Habermas says they are.⁵

So we are back with Geuss's skeptical point. The question is, what hangs on it? In my view not much, because the connections between Habermas's controversial claims about pragmatic implicature and his moral and political theory are not that tight. After all he has never actually succeeded in providing a formal derivation of principle U - his version of the moral principle of universalization - from the pragmatic presuppositions of argument. Not that I think that matters, because Habermas can make do with asserting a looser connection between the idea that speech and argument is disciplined or rule-governed, and that this discipline inflects our moral self-understanding and practice. In that case Geuss's skeptical point, even if true, cuts little ice.

2. Communicative Action and Habermas's Political Liberalism

Let's assume Geuss is right. Pragmatic implicatures are not his main concern. His main concern is the normative political theory and the sociological conception of politics that Habermas bases on the idea of communicative action. Geuss describes Habermas's project as that of 'rehabilitating a Kantian version of liberalism.' He objects both to its being a Kantian version, and to its being a version of liberalism. Let's set aside the former and focus on the latter.

Geuss claims that the connection between the ideas of free discussion and liberalism 'is too obvious to require discussion.' But it does need discussion. The connection between a controversial philosophical theory of communication and discourse, and a political idea like liberalism, not to mention actually existing liberal institutions is far from obvious.

Note that Geuss also assumes liberalism is a bad thing. He repudiates 'the soft nostalgic breeze of late liberalism that wafts through the writings of Habermas.' He does not say why it is bad. So that also needs spelling out. For as Geuss knows only too well, and has argued himself on other occasions, there is a whole family of different 'liberalisms'.⁶ For example, there's the methodologically individualist and procedural liberalism of unfettered markets propounded by Hayek and Friedman. There's Locke's Natural Law liberalism and Nozick's neo-Lockean version of it. There's Humboldt's liberalism of the night-watchman state. And Habermas rejects all these conceptions of liberalism as vehemently as does Geuss. We need to know what, if anything, unites these different conceptions, as 'liberalisms'. We also need to know what the specific kind of liberalism is that Geuss thinks Habermas is rehabilitating, and why that liberalism is such a bad thing.

Habermas is a liberal in the sense that he thinks that individual freedoms, the basic legal and constitutional rights that protect them, and the rule of law are important in themselves and functional conditions of a thriving democracy. Mathew Specter has argued that Habermas moved from a non-communist left politics, with affiliations to Marxism, to a 'North Atlantic political model of liberal democracy'.⁷ Actually, Habermas denies the commonly held view that some time at the end of the 1970s, he converted from Marxism to liberalism, that many of his leftist critics make. He says, rather, that he was always 'left-liberal, left of social democracy' even in the 1960s.⁸ But the sense in which Habermas is, and has always been, a left liberal, which is bound up with his democratic and socialist commitments, is one that Jeremy Corbyn, Theodor W. Adorno, or for that matter Geuss can

be comfortable with.

Geuss is ill-served by his strategy of inferring Habermas's political theory and liberal politics from his reading of the 'ideal speech situation' (a formula Habermas abandoned the 1970s) instead of engaging directly with Habermas's voluminous writings on politics and political theory. A glance at *Between Facts and Norms*, his major work of political and moral theory, or his debate with Rawls would show that the core liberal ideas in Habermas's political theory play the role of functional pre-conditions – in the sense of internal constitutive features – of democratic self-rule in modern representative democracies. And although Habermas defends a thesis about the equiprimordiality and equal weight of individual freedom and democratic self-rule (which he calls private and public autonomy), many commentators and critics argue (and I agree) that in the final analysis by his own lights the latter has normative priority. Habermas's liberalism, then, is narrowly drawn, and tightly bound with a conception of left social democracy, centred on a conception of radical democratic participation. It is very far from the classical liberalism Geuss dismisses, and compatible with a wide range of left politics, bar some forms of anarchism and communism. But now it's getting hard to see what's so bad about it. One suspects Geuss is relying on the semantic slippage between different types of liberalism. Or perhaps, in the end, it's really Habermas's neo-Kantianism and transcendentalism, he objects to.

3. Habermas's Kantian Fixation with Legitimacy

Geuss has an aversion for Kant's philosophy and Kantianism, which he can barely contain. And it informs his third objection namely that Habermas has an unhealthy Kantian preoccupation with the question of legitimacy, and consequently overemphasizes its importance.

[I]t is a Kantian prejudice that 'legitimation' is the basic problem of philosophy or even the basic problem of philosophy in the modern era. (Geuss, *The Point Mag*: 2019)

That Kant's whole critical philosophy is framed in quasi-legal terms is not to be denied. Personally, I think it can be, and was, fruitful to think of some areas of philosophy, such as epistemology and morality, in terms of questions of what one is entitled to say or do. But suppose he's right. Is it, then 'even less plausible to think that it is the basic social problem of the modern world?' (Geuss, *The Point Mag*: 2019) No. Not at all. 'Legitimation' and 'legitimacy' are social and political ideas, and have their proper realm of application in the social and political world. It's actually more plausible, not less, to think that legitimation is the basic social problem of the modern social world, than of, say, metaphysics. Anyway, Habermas nowhere says that problems of legitimation are the only important social problems, or even the main ones. So there are lots of other important problems. No-one, not even philosophers as prolix and productive as Habermas and Geuss can write about all of them. And, as Martin Jay rightly points out in his reply to Geuss's article, it is enough that it is an important and ongoing one in the modern world. Finally, it is worth highlighting, given that Geuss numbers among the most prominent and eminent political philosophers who are critical of ideal theory, that the problem of legitimation is properly political and has been endemic in 'real politics' at least since the early modern period. It is normative, but not like the moral notion of 'justice' on which foundation, according to Geuss, ideal political theorist like to build their edifices.

There are plenty of Kantian and neo-Kantian themes in Habermas thought to trigger Geuss's allergy to Kant, not least the discourse theory of morality, which is an account of the

moral point of view, albeit one that owes at least as much to Lawrence Kohlberg and George Herbert Mead. However, the idea that the modern social world, more particularly welfare-state capitalism is prone to legitimation crises, that animates Habermas's work of the 1970s – the work to which Geuss exclusively refers – isn't one of them. Rather it arises from Habermas's critical engagement with the social theory of Marx and the Frankfurt School. The basic legitimation problem is something like this. Early capitalist societies stabilized themselves with the help of religious traditions, which fostered complementary attitudes and values: for instance social economic and religious restraint; the achievement ethic; fatalism, and civil privatism. But while liberal capitalism depended on religious traditions, it also had the effect of dissolving these traditions and with them the social bonds they provided. Instead it gave rise to attitudes of possessive individualism that were functionally less able to provide social cohesion. Unlike in the earlier stages of liberal capitalism, where the state confined itself to securing the 'general conditions of production', in advanced capitalism, the political system intervenes and guides the economy directly. 'Recoupling the economic system to the political - which in a way repoliticises the relations of production - creates an increased need for legitimation'.⁹ If social inequality and hierarchy are not a matter of chance, or fate, and not divinely ordained, why should people accept them? The legitimation crisis could be deferred, providing that democracy remained merely formal (and limited to participation in periodic elections). A substantive democracy that extended to the production process and the administration of the state would, by contrast, bring the contradiction between socialized production and private accumulation to light and might have a disruptive political effect.

The central diagnostic thesis has much closer kinship with Frankfurt School critical theory and Marx than it does with Kant. Moreover, as we've seen, Habermas specifically rejects the 'liberal' solution to the problem proposed by Hayek and others, which is to abandon any state intervention in the economy, and thus try to avoid social contradictions and the demand for social justice from arising. At this stage in Habermas' work it is an open question whether revolutionary social transformation is still a real possibility. After *Legitimation Crisis* Habermas shifted his position away from Marxism and critical theory. He comes closer to Luhmann's view that the economy needs to be steered by economists in a purely technical and administrative way, independent of political imperatives. And in a related move he started treating markets as an enduring feature of modern societies. The upshot was that on the new version of the theory the crises to which markets give rise are seen as pervasive problems that need to be managed on an ongoing basis, rather than sudden and acute ruptures.¹⁰

Part III of *Legitimation Crisis* is a loose sketch of social, moral and political ideas Habermas subsequently develops in *Theory of Communicative Action*, *Discourse Ethics* and *Between Facts and Norms*. Geuss is not wrong to suggest that the original idea was to reconstruct immanent norms of social justice from the practical presuppositions of communication and discourse, and to harness these as the basis of a critical social theory, and as a modern functional equivalent to the loss of religious traditions ethical life. Still it's a misconception to claim that Habermas's preoccupation with legitimation stems from Kant. And if one does not share Geuss's aversion to Kant, one might wonder what is so bad about a Kantian theory of legitimacy anyway? Geuss's answer appears to be that Habermas's version of transcendentalism is a pretext for blocking discussions of political ideas more radical than liberal ones.

Habermas's transcendentalism is not just the shiny ornament of a philosopher ... but an indispensable instrument for ramming firmly into the ground the border-posts that were to enclose the area within

which discussion could take place, and keep out unwelcome topics. That this policy of limitation of discussion was not merely a local phenomenon in Germany is indicated by the fact that Rawls, at about the same time in the U.S., saw himself forced to borrow some similar bits of kit from Kant's great philosophical drugstore in his attempt to protect the American way of life from alternatives that were considered too radical. (Geuss, *The Point Mag*: 2019)

But *Legitimation Crisis* pretty much is a discussion of Marxism, albeit a critical one, so the insinuation that Habermas uses Kant to prevent a discussion of Marxism doesn't apply. Something similar is also true of the *Theory of Communicative Action* insofar as it advances a critical social theory that, unlike Adorno and Horkheimer's offers an account of its own normative foundations.

Geuss's main complaint, then, that Habermas's theory precludes a discussion, and implementation of a more radical politics, seems to apply only to Habermas's mature political and legal theory. It is in *Between Facts and Norms* that Habermas starts to engage seriously with Rawls's ideas. That's the point, when, according to Jan Werner Müller the 'transatlantic theory trade' takes place: the Kant Rawls imported from Germany travels back home in the form of Rawls and Dworkin's theories and their belated reception in Germany.¹¹ If Müller is right, and his reading of Habermas's development is a common one, Habermas moves from a critical engagement with Hegelian-Marxism and Frankfurt School critical theory via Luhmann's system theory, to a close (though still critical) engagement with Rawls's liberalism. In which case it is very odd that Geuss entirely ignores the later work.¹² No doubt he thinks there is a continuity between the early and the later work. And there is. But the continuity goes both ways, which I take it why Habermas's describes his political position as 'left-liberal.'

On the first page of *Between Facts and Norms* Habermas almost sheepishly admits that he is more concerned with Kant's philosophy of right than Hegel's.¹³ The main thesis is that constitutional democracies have the potential to resolve chronic problems of legitimation through the medium of law. Roughly speaking, the idea is that in functioning democracies with healthy civil societies, legitimate laws act as transformers by way of which the political system (parliament and government) can program the administrative and economic system in the general interest of all citizens.¹⁴ They do this only when, and because, discourses freely circulating in civil society find their way through the channels of representative democracy into the political and legislative system, and out again in the form of law and policy, that has legitimacy and is broadly accepted because it serves the general interest.

It has been argued that that Habermas presents a view of democracy that is too sanguine, abstracted as it is from the interests of power and capital. Insofar as Habermas's conception of deliberative democracy models real politics, it models a best-case scenario. In reality, though, the political system can be, and often is, lobbied by rich and powerful individuals and corporations, who use it as a way of lending the appearance of procedural and administrative legitimacy (laws passed technically correctly according to procedures) for substantively illegitimate ends. Brexit currently provides a spectacular example of what happens when for one reason or another laws are passed that manifestly do not serve the interests of all citizens, but of private interests. One of the merits, of Habermas's approach political theory is that it acknowledges that the democratic system and the medium of law are profoundly ambiguous, that can they work for or against the common good, and it helps understand why this is.

Geuss presents Brexit as an example of how communication and discourse are apt to fail in various ways, and how easily they can be manipulated by powerful interests. It

is supposed to illustrate his view that Habermas's conception of discursive democracy is a complete non-starter. But Brexit is a bad example. For one thing, it's far too complex, it's hard to know what's going on with Brexit, and what it does and does not follow from it. In the UK the right-wing populist Nigel Farage, with the help of a handful of well-connected neo-liberal ideologues, and an obliging conservative establishment élite, managed through a campaign of misinformation and overt xenophobia, to steer policy in a direction that benefits only some multinational corporations, hedge-funds, and a handful of non-domiciled super rich individuals. Whatever else they are doing the Brexiteers in Britain (like the Trumpeteers in the US) are not doing modern democratic politics as usual.¹⁵ Not that politics as usual is anything to write home about – spiraling inequality and impending ecological catastrophe testify to that – but still Brexit and Trump represent something novel, disruptive and more cynical.

The novel phenomenon is sometimes called 'post-truth' politics, although the attribute 'post-truth' is a misnomer. First, it is not only truth that the new politics has dispensed with, but reason, rationality, social justice and the common good.¹⁶ Second, it implies that there was a pre-post-truth era in which politicians did not lie or bullshit, or ignore evidence, which is rubbish.¹⁷ Nevertheless, it is remarkable how willing politicians and presidents now are to publicly mock experts, deride the advice of their own economists, ignore overwhelming scientific evidence, and dub established facts 'fake news'. Members of Parliament and potential Prime Ministers openly refuse to rule out proroguing parliament.

I think this represents a novel development. Once it is taken as read that it does not matter anymore whether one's utterances are guided by truth, that one's beliefs (or policies) are supported by evidence, that one's actions are constrained by moral norms, and that one's policies serve the common good, and when this assumption becomes operative in political practice, then politics undergoes a change in kind, not just in degree. One consequence is that politicians no longer have to pretend to speak the truth, respect evidence, observe moral norms, and work for the common good. Another is that they don't even expect to be held to account, and in fact cannot be held to account, for not doing what they do not even pretend to. Politicians are thus freed from encumbrances that would otherwise constrain the pursuit of their goals, or determine the way they pursue these goals; while citizens and journalists are deprived of important ways of holding them to account. The example of Brexit, then, could just as well be used to show that democratic politics as usual did in fact have a connection with truth, knowledge, social justice and the common good, if only a slender one. And if that is so, it speaks in favour of Habermas's approach which is not to confront political reality with philosophically worked out ideals, but rather to reconstruct, independently of a philosophy of history, 'particles and fragments of an 'existing reason' already incorporated in political practices, however distorted these may be'.¹⁸ Brexit does not expose the irrelevance of Habermas's conception of communication and discourse to 'real politics', so much as show what happens when 'real politics' is denuded of any connection with truth, reason, justice and the common good.

No doubt Geuss thinks that Brexit and Trump represent a continuation of politics as usual, rather than a new, more cynical and dangerous development. That's the point of his example. But then, one might wonder why he is so appalled by Brexit, and why he does not at least welcome it insofar as it exposes the naked truth about politics.

4. Habermas, in 'context'. *Westbindung* and the Cold War

Geuss does not go into the details of any of Habermas's main works of theory. His strategy, much beloved by Cambridge School political theorists, is to interpret Habermas's theory 'in

context.' As ever, the choice of context is crucial. Geuss presents Habermas's conception of communication, liberalism and legitimacy as thinly disguised pro-Western ideology, and a conservative fear of more radical politics.

After 1945, the pressing question was how Central Europe would be politically, economically and socially reconstructed. The alternative was, crudely speaking, integration into the West or into the East. There was no room for more radical suggestions, nor were they attempted. (Geuss, *The Point Mag*: 2019)

As a matter of fact, and the historically minded Geuss will know this, Stalin wrote to Adenauer in 1952 offering German unification in exchange for a declaration of German neutrality. Obviously that is not the kind of radical experiment Geuss has in mind. But the point is that Habermas was twenty-two at the time, studying philosophy Göttingen, and was hardly in a position to influence matters. Ignoring Stalin's note, under twin political pressures of the cold war, and the Marshall plan, Adenauer decided in favour of West-integration over reunification,

In 1981, at the age of 52, Habermas resigned as director of the Max-Planck Institute, where he had spent most of the previous decade, to take up a post at Frankfurt University. In the same year he published *Theory of Communicative Action*, an enormous two-volume work in which he develops a) a systematic social theory that purports both to explain the problem of social order in modern societies, and b) offers a diagnosis of its pathologies, while giving an account of its normative foundations. It is a continuation as well as a departure from his ongoing critical engagement Frankfurt School critical theory. Geuss glosses work as 'a quasi-transcendental philosophy, which consecrated discourse as the central medium of public reason, and gave ideological cover to further "West-integration"'. He is not the only one to make this claim. Peter Osborne argues in a recent review of Müller-Doohm's 'Habermas a Biography' that the assumption that determines Habermas social theory is that 'the West' is democratic, Germany was not; its salvation therefore lay in its integration into 'the West', the democratic aspects of which themselves require further normative grounding and actualization for their development. This is the political sociology of the Cold War...'

There are two misconceptions here. Geuss's charge that *Theory of Communicative Action* is a contribution to *Westbindung* is arguably anachronistic given that Germany's integration to the West was largely over by 1981. Meanwhile, Osborne's claim that Habermas's favourable attitude towards aspects of Western liberal democracy was a contribution to the Cold War is deluded. While Habermas had no illusions about 'really existing socialism', he remained throughout the Cold War resolutely 'anti-anti-communist'.¹⁹ He was an opponent of Adenauer's conservative attempt at 'restoration' and remained highly critical of the Adenauer régime's half-hearted efforts at de-nazification. Like Abendroth, his Doktorvater, he was appalled when the Federal Constitutional Court banned the Communist Party in 1956, and saw this as a usurpation of the Basic Law. Later on, he also opposed the stationing of American nuclear missiles in Germany.

Habermas to be sure always had a peculiar take on the *Westbindung* of the Federal Republic. Far from being the sociology of the Cold War, he saw it as a way of breaking with existing authoritarian German traditions, and of cultivating a politics of radical democratic self-determination in Germany.²⁰ It went hand in hand with Habermas's constitutionalism. The Basic Law and the *Rechtsstaat* that had been imposed on West Germany by the allies offered constitutional protections of basic individual freedoms. That was good, but insufficient. An authoritarian and paternalistic government, the merely technocratic management of

the economy and administration, and an increasingly affluent and consumerist, society, all worked together to prevent the development of anything more radical and substantial than a commitment to 'formal democracy', i.e. to voting in periodic elections. Habermas's trick was to argue that the Basic Law contained important but unrealized democratic ideals and values, and that the *Rechtsstaat* had to be complemented by democratic ethos, a political culture based on the moral vigilance of independent-minded citizens, with a critical cast of mind, a healthy mistrust of institutions and preparedness for non-violent acts of civil disobedience. He saw *Westbinding* and constitutionalism as opportunities to rekindle a democratic ethos that would make democracy in Germany more substantial and resilient

The irony is that all this is not so very different from Adorno and his political project as a public intellectual after his return from America. Adorno also was concerned to cultivate a truly democratic ethos to support democracy in German. True there were differences, which were partly generational. Adorno was more worried about latent fascist tendencies German society. Consequently, his political project as public intellectual was more defensive, focused on cultivating the critical capacities of citizens, and what he called '*Erziehung zur Mündigkeit*,' as a way of preventing 'adjustment' to the prevailing order and the development of authoritarian personalities. But underneath, he shared what Habermas called 'the deep everyday experience we lived through after 1945: things got better with the introduction of democracy and merely the rule of law' even if he is reluctant to make his positive stance to social democracy explicit.²¹

The same is true of Adorno's attitude towards America. In the words Claus Offe Adorno's evaluation of the political and academic culture in the US underwent a 'complete turnaround' by comparison with the somber picture he painted in *Dialectic of Enlightenment*, and *Minima Moralia*, when he was living there. Reflecting on his experiences in America he was 'impressed with the substantiality of democratic forms' and by the fact that by contrast with Germany 'they have seeped into life itself.'²² One sees this not only in his private correspondence to Thomas Mann and to his parents, also but in his reflections on German pedagogy, where he argues that the exposure to American politics, sociology, and culture is an effective means of countering the 'anti-civilizational and anti-Western undercurrent of the German tradition' that persists both on the left and on the right.²³

Geuss uses '*Westbindung*' and the Cold War as a pretext for assigning to Habermas, in stark contrast to Adorno, an ideological attachment to liberalism, a naïve faith the rational basis of democracy and hostility towards any more radical politics. The actual context of German nationalism, student radicalism, of Frankfurt School theorist's relation to a fledgling democracy after their return from exile, invites a rather different picture.

5. Party-Pooping, Putin, and Performative Contradictions

Seyla Benhabib and Martin Jay replied swiftly and forcefully to Geuss's piece. Both convict Geuss of bad faith. Benhabib levels the charge that by offering an argument against the very idea of communication and discourse, Geuss commits the error of performative contradiction: that is he *shows* that 'communication' is possible *malgré lui*, by offering reasoned arguments against it. Jay concurs, though he thinks this argument has limited force. If Geuss has such a dim view of rational discussion, why engage in it rather than retreat into silence?

Although I'm broadly on their side, I don't think this is a good line of defence. Geuss's point, as I understand it, is that 'communication' and 'discourse' are not what Habermas says they are. In particular, he denies there is a pragmatic implicature that

connects arguments with ‘rationally motivated consensus’. Unlike Benhabib and Jay, I think Geuss has reason to be skeptical. If so, two things follow. First, Geuss can quite consistently hold his view to be true and justified, without fear of contradicting himself performatively or otherwise. Second, in making the argument that Geuss performatively contradicts himself, i.e. that he invokes the very pragmatic implicature he denies, Benhabib and Jay presuppose the very idea of ‘communication’ that Geuss is rejecting. Dialectically speaking, this line of criticism will at best lead to a stalemate. So if there is bad faith in Geuss’s piece, that’s not where it lies.

It was to say the least bad timing that Geuss’s provocations were published on the same day as President Putin’s interview in the *Financial Times*,²⁴ when he claimed that ‘the liberal idea...has outlived its purpose’. Not that Putin had much of interest to say about liberalism. Putin’s arguments are not his most effective weapon. They provide cover for his policies of authoritarianism and ethnic nationalism. Benhabib rebukes Geuss for making common cause with of Putin and the right-wing populists currently gaining ground throughout Europe. That may seem a little unfair, given that Geuss is leftist critic of liberalism, not a right-wing nationalist, though he is hardly in a position to complain at unfair treatment. In fact, her critique is more generous and nuanced. Insofar as Geuss fails to distinguish his internal critique of liberal democracy, from Putin and the alt-right’s external criticism, he’s in danger of making common cause with them.

The validity of Benhabib’s and Jay’s complaint of bad faith lies more in the fact that Geuss’s disdain for liberal democracy may have the effect of undermining the very freedoms that he, unlike so many citizens the world over, enjoys and makes use of. In present circumstances that shows a lack of political understanding. For as much as the liberal-democratic institutions of Western Europe are flawed and in need of reform, they also are fragile and in jeopardy. Yet Geuss responds just as he says Trump does: ‘Give what is falling already a further good kick’. Sometimes in real politics one has to retrench and preserve what one has, at least for the time being, because however bad things are, they can always get worse. Radicals like Geuss want a different more humane, more egalitarian society. So do Habermas and the most of the participants in the discussion that Geuss has provoked. We should not let the narcissism of small philosophical differences between the anti-liberal left and the left-liberal democrats blind us to the present danger: a highly organized group of far-right activists, and powerful anti-democratic élites with unlimited funds, whose plans, unlike our thoughts here, won’t be submitted to the republic of discussion for criticism and analysis.

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The controversy

1. **Jürgen Kaube**, ‘Jürgen Habermas : Die Vernunft in der Gesellschaft,’ <https://www.faz.net/aktuell/feuilleton/juergen-habermas-wird-90-philosoph-der-oeffentlichkeit-16241308-p2.html>
2. **Raymond Geuss**, ‘A Republic of Discussion: Habermas at ninety’ <https://thepointmag.com/2019/politics/republic-of-discussion-habermas-at-ninety>

3. **Geuss's response to Benhabib**, 'Professor Benhabib and Jürgen Habermas' https://medium.com/@arendt_center/professor-benhabib-and-j%C3%BCrgen-habermas-2e3fd50e1147
4. **Martin Jay**, 'The Liberal Idea Has Become Obsolete' Putin, Geuss and Habermas' <https://thepointmag.com/2019/criticism/the-liberal-idea-has-become-obsolete-putin-geuss-and-habermas>
5. **Geuss, Presuppositions: Reply to Benhabib and Jay**, https://medium.com/@arendt_center/presuppositions-reply-to-benhabib-and-jay-835c4898d848
6. **Benhabib's second reply** <https://medium.com/.../contra-geuss-a-second-rejoinder...>

Endnotes

- 1 See Uwe Steinhoff's, *The Philosophy of Jürgen Habermas: A Critical Introduction*, for an unusually vitriolic 'introduction'.
- 2 'Würdigung' in German means both evaluation and appreciation. Suffice it to say that the article is long on evaluation and short on appreciation.
- 3 Geuss, 'Neither History nor Praxis' *European Review*, 11 (3) 2003.
- 4 Geuss, *History and Illusion in Politics*, 4.
- 5 See 'Presuppositions: Reply to Benhabib and Jay'.
- 6 Geuss, *History and Illusion in Politics*, 72.
- 7 Specter, *Habermas an Intellectual Biography*, 204.
- 8 Specter, *Habermas an Intellectual Biography*, 209.
- 9 Habermas *Legitimation Crisis*, 36.
- 10 Joseph Heath, 'Legitimation Crisis in the Later work of Jürgen Habermas, 'http://homes.chass.utoronto.ca/~jheath/legitimation.pdf
- 11 Jan-Werner Müller, "Rawls in Germany" *European Journal of Political Theory* 1 (2) 2002 <https://doi.org/10.1177/1474885102001002004>
- 12 At first I wrote that Geuss must not have read any Habermas after 1981, because that's what his range of references suggested. I deleted that line, because it a hunch. It turns out, though, that this is the case, as Geuss admits in his comment on Seyla Benhabib's reply to his initial article. Had he done so, he would have found some ammunition for his critique, and might have made more detailed and incisive criticisms of Habermas's theory of democratic legitimacy.

Finlayson, Happy Birthday Jürgen Habermas

- 13 Between Facts and Norms, xxxix.
- 14 This is not to bring the economy under direct political control, but to influence it through a counter-steering mechanism in the direction of the general interest.
- 15 By the phrase 'politics as usual' I refer to the post Second World War era, and its three broad phases: 1945-1978; 1978-2008, and 2008-2016.
- 16 Lorna Finlayson, 'What to do with Post Truth?'
- 17 Habermas, *Between Facts and Norms*, 287.
- 18 Müller-Doohm, *Habermas. A Biography*, 85.
- 19 Specter, *Habermas an Intellectual Biography*, 134 & 146.
- 20 Habermas, *Autonomy and Solidarity*, 189.
- 21 Adorno, *Critical Models*, 240. Adorno, Letter to Mann, 3 June 1950, 46.
- 22 Adorno, *Critical Models*, 97.
- 23 'The Stronger the state, the freer the individual.' Vladimir Putin 'Open Letter to Russian voters,' 25 February 2000.

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