

ROOTS OF HUMANIST ETHICS. A HISTORICAL PERSPECTIVE

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Jürgen Habermas: A Practical Sense Sociologist and a Kantian Moralist in a Nutshell

Introduction

Post World War II Germany was facing enormous problems caused by its immediate past: psychological, economical, social, political, moral. In addition it had to deal with an awkward situation of the country being split artificially into two diametrically different republics. It had to cope with its heritage and recent past and find a way out of the impasse to be able to function in the modern and increasingly integrated world. Habermas's intellectual career reflects these problems, political climate, and tensions; his own views are a testimony to how people can seek various solutions to intricate issues. In fact he became an intellectual conscience of Germany. He wrote prolifically on almost every aspect of public life and inspired the democratic movement.

Habermas was born in 1929 in Düsseldorf in a German family that uncritically accepted the Nazi reality without actively participating in the political process. He joined in 1945, as many other German youths, the *Hitler jugend*, the Nazi youth movement. After the war he became completely disillusioned with the Nazi past when he learned the extent of moral catastrophe perpetrated by the Nazis, especially by their attempt at eliminating ethnic and social groups they considered undesirable. Habermas studied philosophy in Göttingen, Zurich, and Bonn and obtained his doctoral degree in 1954 for his studies on the German idealist philosopher Friedrich Schelling. He joined the Institute for Social Research at Frankfurt where he became a research assistant to Theodore W. Adorno (1903-1969). He was influenced by Adorno and by Max Horkheimer (1895-1973), both of whom were of Jewish origin.¹ In such a context Habermas discovered his

¹ Max Horkheimer was the director of the Frankfurt Institute for Social Research and author of the philosophical trend labeled "critical theory." It was based primarily on Marx and Hegel's dialectical philosophy augmented by the insights from developing new sciences, psychology and anthropology. This multidisciplinary approach was characterized as self-reflective, dialectical and critical. It was contrasted with the so-called traditional theory which claimed that the approach of the natural sciences was the only valid empirical approach. Moreover in the traditional theory the facts were independent of the theory. The critical theory also encompassed a practical normative aspect leading to the transformation of the society. The Frankfurt School relocated during the war to the US where its theorists became exposed to the American consumer, industrialized capitalistic society which they characterized as manipulative leading to a false sense of freedom and happiness. After the return to Frankfurt, Adorno and Horkheimer became pessimistic about the

own identity as belonging to German tradition viewed, however, from a critical distance. He was, for example enthusiastic about Martin Heidegger, but quickly turned away from him as well as from Konrad Adenauer's regime which, according to him, did not acknowledge the break with the German immediate past. Habermas developed a certain sympathetic attitude toward Marx and the Marxist movement and because of it he was forced to leave the Frankfurt Institute and move to the University of Marburg where he received his habilitation in 1961. Since 1964 he worked as a professor of philosophy and sociology at the University of Frankfurt until his retirement in 1994 with a break between 1971 and 1983 when he became a director of the Max Planck Institute in Stanberg.

Habermas was always responding to the pressing current issues of society. In the 1960's he initially supported the student movement, but quickly became disappointed by their radical policies. After the fall of the Berlin Wall in 1989 and the reunification of Germany he criticized the way the process was done. In the 1990's he studied American democracy and American liberal constitutional traditions and valued the appropriation of the Western democratic traditions by Germany, though he remains in his methodological approach a strong critic of both capitalism and liberalism. On the political level he advocated a "constitutional patriotism" as a form of identification with one's now traditions:

The political culture of a country crystallizes around its constitution. Each national culture develops a distinctive interpretation of those constitutional principles... such as popular sovereignty and human rights – in the light of its own national history. A "constitutional patriotism" based on these interpretations can take the place originally occupied by nationalism.²

Habermas belongs to the second generation of the Frankfurt School of theorists and follows the pragmatic American tradition of Charles Sanders Peirce (1839-1914)³ and John Dewey (1859-1952).⁴

possibility of realizing the goal of a critical theory – to transform society. In their further analysis, they came to the conclusion that the modern bureaucratized world is shaped by rationalization which involves mathematization, objectification of nature, and the demise of mythical and religious worldviews. Through the increased role of science and technology, the modern vision of the world becomes more and more institutionalized and instrumentalized. Thus the Enlightenment instead of liberating men from nature leads to man's imprisonment in the new system of administrative and economic control. It leads to misery, poverty, moral regression, violence, intolerance and intellectual *aporia* (perplexity, or in the extended meaning, impossibility of change).

² Jürgen Habermas, *The Inclusion of the Other*, translated by C. Cronin and P. De Greiff, (Cambridge: Polity Press, 1996). p. 118.

³ Charles Sanders Peirce (1839-1914) was an American logician, mathematicians and philosopher. His formal education was in the field of chemistry. Because of his contribution to logic and the founding of pragmatism, he is appreciated as one of the most original and versatile American

I. Methodological pragmatism of Habermas

Habermas developed his critical theory by responding to the pessimistic aporia of the first generation of Frankfurt thinkers. His methodological approach starts with a *critical analysis of language and its meaning*, not unlike Ludwig Wittgenstein's.⁵ He calls it a “**linguistic turn**” and contrasts it with “the paradigm of the philosophy of consciousness” which was based on certain basic assumptions: Cartesian subjectivity – subject or self is an internal mind as the locus of ideas; Cartesian metaphysical dualism of body and mind; subject-object metaphysics – the world is a totality of objects and a totality of acting subjects;⁶ the grounding of knowledge on the sense data or a class of primitive sentences;⁷ the requirement of the “first philosophy” which would provide a demonstration of the validity of scientific inquiry. This “philosophy of consciousness,” according to Habermas, establishes criteria for correct knowledge⁸; social atomism – the community is constituted by individuals remaining in relation with each other while the individual subjects are not constituted by relationship among themselves or with society

philosophers. Bertrand Russell evaluated him as “Beyond doubt [...] he was one of the most original minds of the later nineteenth century, and certainly the greatest American thinker ever.” He obtained his BA and MA degrees from Harvard University and in 1863 M.Sc. in chemistry from the Lawrence Scientific School. Between 1859 and 1891, Peirce was intermittently employed in various scientific capacities by the United States Coast Survey and in 1879, he was appointed lecturer in logic at the new Johns Hopkins University. His works were published in the eight volumes of the *Collected Papers of Charles Sanders Peirce*, published between 1931 and 1958. A selection of Peirce's philosophical writings was published in *Selected Writings. Values in a Universe of Chance*, edited by Philip Wiener, (Dover Publications, Inc., New York, 1966) and in two volumes *The Essential Peirce* (Vol. 1, edited by Houser and Kloesel; Vol. 2, edited by the Peirce Edition Project, Indiana University Press, Bloomington, 1992 and 1998).

⁴ John Dewey (1859-1952) was an American philosopher and psychologist but is primarily known as an educational reformer. He is considered, together with Charles Peirce and William James, as one of the founders of pragmatism. He advocated democracy which should comprise two important elements - schools and civil society. In the construction of society, full democracy was to be obtained not only by extending voting rights but also by ensuring that there exists a fully-formed public opinion accomplished by communication among citizens and politicians.

⁵ Ludwig Wittgenstein (1889-1951) was an Austrian born philosopher who contributed to the field of logic and philosophy of language. He was an inspiring force to the Vienna Circle and to the Oxford philosophers. His most important works are *Tractatus Logico-Philosophicus* translated by D. F. Pears and B. F. McGuinness with an introduction by Bertrand Russell, (London: Routledge & Kegan Paul, 1961) and *Philosophical Investigations*, edited by James C. Klagge and Alfred Nordmann, (Indianapolis and Cambridge: Hackett, 1993).

⁶ G. W. F. Hegel (1770-1831) postulated a single self-knowing subject spirit which formed the world.

⁷ This was the epistemological doctrine of the Vienna Circle and is a basis for much of modern philosophy.

⁸ As proponents of such a view on philosophy one may list here René Descartes (1596-1650) and Immanuel Kant (1724-1804).

as a whole. Society simply serves the pre-existing needs and desires of the subjects; society is a kind of collective person, macrosubject.

Habermas rejects all the premises of the “philosophy of consciousness.” He sees society as a medium in which we live. Society in his view is not an aggregate of individuals or a unity. It is, rather, a complex, multifarious, intersubjective structure with many different overlapping spheres. Moreover philosophy does not have priority over natural sciences. It may, however, fill gaps in the natural sciences and provide hypotheses which would require empirical confirmation.

A. Theory of Meaning.

In the standard theory of meaning, the meaning of a sentence consists of a **truth proposition**, that is to know what would make it true or false. This is **propositional meaning** and it makes sense for some descriptive sentences, e.g., “snow is white.” But it does not fit into sentences such as “how do you do?” Thus Habermas develops a view that language has a **pragmatic** or **performative** function to establish intersubjective consensus for understanding what the utterance conveys.⁹

One simply would not know what it is to understand the meaning of a linguistic expression if one did not now how one could make use of it in order to reach an understanding with someone about something.¹⁰

The meaning of utterances rests on reasons and their relation with consensus Habermas denotes as validity.¹¹ “We understand the meaning of a speech or act, when we know what would make it acceptable.” Moreover, the meaning of utterances and actions is public or shared because the reasons are public or shared. Habermas treats meaning and understanding as one aspect of speech because they relate to interaction between interlocutors. Thus they are intersubjective.

Any act of communication by the speaker by necessity is characterized by three postulates to its validity which represent the same three types of meaning:

- to truth, i.e., epistemic, that there are good reasons for believing the statement, its content and its utterance;
- to rightness, i.e., normative, that the speaker claims the rightness of the underlying moral norm because there are reasons justifying it;

⁹ Habermas’s view of language is an elaboration of the studies on the language use done by Karl Bühler (1879-1963) who differentiated three functions of the language depending on the three elements involved in communication: objects or facts – cognitive function, speaker – expressive function, and hearer – appeal function.

¹⁰ Jürgen Habermas, *On the Pragmatics of Communication*, translated and edited by Maeve Cooke, (Cambridge, MA: MIT Press, 2000), p. 228.

¹¹ It is not the meaning of the term used in logic. In logic validity is understood as a “truth-preserving inferential relation between well-formed sentences.”

- to truthfulness, i.e., expressive.

And there are four factors involved in understanding the meaning of an utterance:

- recognition of its literal meaning
- evaluation of the intentions of the speaker or hearer
- knowledge of the reasons which would be adduced for justification of the statement
- acceptance of those reasons

This Habermas theory may be flawed, however, because it depends on his handling of meaning and understanding. For simple understanding of what others mean, shared understandings and shared meanings do not guarantee that they will adhere to the same social and moral rules. Rather, social order rests on intersubjective agreement. Moreover, normal language may combine in one utterance all the types of validity or meaning differentiated by Habermas.

B. Theory of Communication.

Based on his theory of meaning Habermas builds now his theory of communication or how agents in society develop consensus. The speaker must convince the interlocutor to accept his utterance. The general pattern would be like this: the meaning of the utterance depends on its validity which is conditioned by the reasons which the speaker could adduce to convince the hearer. Most often the reasons are tacitly recognized and accepted.

In the case when the hearer asks the speaker for explanations and reasons, we have **discourse** which can be defined as a **reflective or critical form of speech** between the listener and speaker, a two-way method of dialoguing aiming at reaching a consensus. If they reach consensus, critical discourse leads to a **rational agreement** which Habermas labels as **communicative action** since the communication may lead to an action. Interpersonal discourse is an everyday form of communication in modern societies. And Habermas classifies it into three groups just as there are three types of meanings and validities (**truth, rightness, truthfulness**):

- **theoretical discourse** (truth statements in a very broad meaning)
- **moral-practical discourse**
- **aesthetic discourse**

What is important here is that each participant is obligated to reflect on his/her own discourse and correct it or modify it as the need arises. In the discourse the position of the interlocutor is assumed in order to point out its untruth or truth, whatever it may be. This is essentially the Socratic method of discourse adopted by many philosophers. There are certain rules which must be fulfilled for achievement of a rational agreement:

1. The first level rules must fulfill the logical and semantic principles
2. The second level rules involve the principle of sincerity and the principle of accountability (participant will justify upon request what he/she asserts or provide reasons for not doing this)
3. The third level rules protect the discourse against coercion, repression and inequality such as:
 - No one's participation can be refused;
 - The discourse does not allow any dogma to be accepted, all participants must try to be open-minded;
 - All participants are allowed to introduce any assertion;
 - All participants are allowed to express their views, attitudes, desires.

The formation of many public institutions in the eighteenth century was probably paradigmatic for recognizing a public sphere in the discourse and formulating an ideology. Habermas's innovation was that he recognized this public sphere as open, universally accessible. In the nineteenth and twentieth centuries these public spheres became subject to manipulation by social structure, nevertheless he believes that they still can achieve their goal through, e.g., political parties or other social organizations. He wanted to identify those public institutions that foster autonomy and resist the negative effects of capitalism and state administration. In this point Habermas differed from Adorno¹² who aimed at the emancipation of the individual who should refuse to adjust to the current social reality and reach the Kantian level of autonomy. This communicative action represents discursive rationality and in turn is a point of convergence for various cultures and societies which is based on the role played by universal concepts such as **truth, rationality, justification, and consensus** found in every community. They form a "grammar" for the discourse by analogy to the Chomsky universal language grammar:

We may assume that the know-how informing argumentative practices represents a point of convergence where participants, however diverse their backgrounds, can at least intuitively meet in their efforts to reach an understanding. In all languages and in every language community, such concepts as truth, rationality, justification, and consensus, even if interpreted differently and applied according to different criteria, play *the same grammatical role*.¹³

¹² Adorno's aim for his critical theory was to equip people with the capacities to resist integration into the institutions of capitalistic society and the most important part of it was to use one's reason in order to think for oneself.

¹³ Jürgen Habermas, *Between Facts and Norms*, translated by William Rehg, (Cambridge, MA: MIT Press, 1998), p. 311.

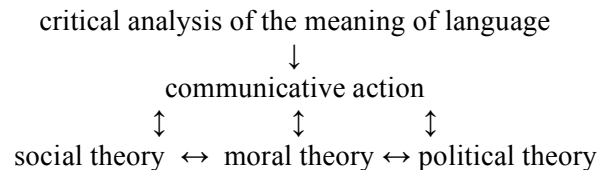
Though the norms of equality and universality of participation are part of language discourse, there is no perfect communicative action. It can be considered an ideal and various biases can be brought to light during the process. Nevertheless through such a procedure which is self-reflective, interpersonal, non-dogmatic, and inclusive, we may arrive at a **universalized knowledge**.

Habermas's approach became centered on the normative structures and development of moral consciousness as opposed to the views of the Vienna Circle which maintained that the knowledge of the social structures must conform to the rules of the natural sciences. He divided all knowledge into three categories:

- a. **Theoretical knowledge** which is concerned with the technical control over non-human nature;
- b. **Practical and moral knowledge** is concerned with human interests and each other;
- c. **Critical knowledge** of social interactions and psychoanalysis is concerned with emancipation of individuals, their freedom from illusions and realization of the good life.

The major difference between paradigms of the social sciences and the natural sciences is that the theories of the latter follow in a historical succession replacing one the other, whereas the theories of the former compete with each other undergoing continuous modifications and transformations.

This method now is applied to various realms of society: social structure, cohesion, secularization, and cultural pluralism; interpersonal relations; democracy, human rights. Thus Habermas develops several theories concerning society, morality, and politics. The scheme illustrates Habermas's reasoning which from a critical analysis of language leads to postulating theories concerning all aspects of social life:



II. Structure and Function of Society

A. Social Theory

In his early years Habermas was engaged in the critique of Marxism contesting the Marxist tenets that the basic human relations are those of labor and forces of

production. Hence it followed that freedom could be achieved by emancipation of the forces of production and transformation of the relations of production.

Habermas took a critical stand vis-à-vis Marxist theory and found inspiration for his own evaluation in two sources. One was the view of Simone Weil (1909-1943)¹⁴ who argued that the relations of labor and work are instrumental relations of subject and object, whereas human relations are relations between subjects and are noninstrumental. The other was American pragmatism and German hermeneutic tradition which claimed that philosophical theories and ideas must find implementation in everyday life to be effective in changing lives of people.¹⁵

The starting point of Habermas's thinking was the analysis of the meaning of human action. The standard approach would consider that the meaning of human action depends on grasping the reasons for the action and knowing the circumstances of the action both of which must be accessible to the interpreter as well. Though Habermas accepts this procedure he points to the flaws in it, namely it assumes that each individual has his/her needs and desires independent of their social context, thus the public meanings would depend on private, individual meaning. Moreover, the standard approach is based on an assumption that people behave rationally. Habermas avoids this issue by postulating that people are streamlined by economic and administrative structures into instrumentally (directed by others rather than by themselves) rational patterns of behavior.¹⁶ This reasoning is Habermas's basis for his theory of rationality, as well as for his social, moral, political, and legal theories.

From this general approach Habermas now speculates how the social order may develop. People commit themselves to actions by justifying them using language from good reasons which constitute their rational validation. This validation has practical function because it guides the action of the social agents. Commitments have moral status on the ground that they are universally applicable, are unavoidable, and produce obligations by others. Social agents now become accustomed to this pattern, develop

¹⁴ Simone Weil (1909-1943) was a French philosopher, Christian mystic, and social activist. Weil was a precocious at school and studied philosophy at the École Normale Supérieure, receiving her agrégation in 1931. Weil taught philosophy at a secondary school for girls in Le Puy. She had a broad interest in religions and tried to understand all religious traditions. She wrote extensively about political movements and about spiritual mysticism. Most of her works were published posthumously.

¹⁵ Among pragmatists one has to list William James (1842-1910), John Dewey (1859-1952), George Herbert Mead (1863-1931), and Charles Sanders Peirce (1839-1914). German hermeneutic tradition is represented by Wilhelm Dilthey (1833-1911) and Hans-Georg Gadamer (1900-2002).

¹⁶ With it is related the issue why the masses go along with the institutions or laws that oppress them as at the time of Marx (1818-1883), or still support the church and religious institutions today. The answer given by Marx was that they held false beliefs about what their true interests are. He used for such false beliefs the term "ideologies." And the problem was that it was not enough to make them aware of the false beliefs. One had to identify and alter ideology-generating mechanisms.

mutual recognition of good reasons and, as a result, a social order and stability develops without the threat of punishment, religious traditions or previous moral values.¹⁷

Habermas is essentially a social scientist and his concern about society refers to the problem of how a social order and integrity can be maintained. His response is that in modern democratic and secular society this is possible through the **communicative action and discourse** which have a conceptual role and the **instrumental or strategic action** which is practical result of reasoning how to select the best means to a given end.

So Habermas differentiates between two types of **practical** action: **instrumental** and **strategic**. **Instrumental action** (which can be discussed together with the strategic action) occurs when the agent does something in order to bring about a desired end. **Strategic action** involves getting other people to do things as a means of realizing one's own ends. They are characterized by two criteria: 1. action is determined antecedently and independently of the means of its realization; 2. is realized by causative action in the objective world. Communicative action, on the other hand, does not meet these criteria. These two types of action are basic and irreducible to other types. Habermas wants to show by his distinctions that the adequate explanation of a society must involve first, the concept of communicative action and that all successful action in the world depends on reaching a consensus. And he bases his analysis on the language analysis produced by J. L. Austin (1911-1960) who differentiated *illocutionary* and *perlocutionary* effects. An **illocutionary effect** of speech-act is to reach rationally motivated consensus; to make someone accept voluntarily an argument as valid or reasonable and comply with it. A **perlocutionary effect** is the effect of speech-act apart from eliciting understanding, it's a warning or alarm. It can be good, bad, or neither. Both these effects are parasitic on communicative action which alone is free-standing.

Habermas argues in this way against the instrumental and atomistic view of society which cannot account for the phenomenon of communication between agents and its integrative effect. Ancient, anthropological and modern views of society (inspired by Hobbesian or rational choice theory) **neglect the role of communication and discourse in forming bonds between agents**. This standard view assumes that society is an aggregate of lone individual reasoners essentially self-interested. And then the meaning of actions depends on truth conditions of propositional attitudes attributed to lone individuals on the basis of their behavior and the logical deductions performed inside their heads. According to Habermas, this is the wrong theory of meaning and false rationality.

¹⁷ This view of social order contrasts with the one held by Thomas Hobbes (1588-1679) (*Leviathan or the Matter, Forme and Power of a Commonwealth Ecclesiastical and Civil*, Macmillan Publishing Company, Collier Books, 1962. Originally published in 1651) who speculated how a social order could derive from a large number of individuals who do not know each other and are not able to coordinate their actions in an explicit agreement. Thus he postulated that the social order is created by the laws and authority of a ruler who is supported by the use of force and punishment.

B. Theory of Social Ontology

The theory of social ontology distinguishes between **lifeworld** and **system** both of which are site of communicative and instrumental action and the latter depends on the first.

Lifeworld. It is the term used first by Edmund Husserl (1859-1938)¹⁸ to contrast the pre-theoretical attitude of people to the world with that of the objectifying and mathematicizing perspective of natural science. In Habermas's perspective the lifeworld is the word for unmarketized and **informal domains of social life**: family, household, culture, political life outside organized parties, mass media, voluntary organizations, etc. This is a background for communicative action constituting a certain unity but not totality of vision. The contents of lifeworld can be revised and changed just like Otto Neurath (1882-1945)¹⁹ visualized it for the language situation. And this is done through communicative action and discourse.

Lifeworld has several functions: it provides the contents for action – i.e., shared assumptions and background knowledge, shared reasons to reach consensus; it is a force for social integration, a platform for agreement, and provides a condition for the possibility of critical reflection and possible disagreement. It is the medium for the symbolic and cultural reproduction of society and transmission of all kinds of knowledge. It provides **'social integration.'**

System. Is the term referring to the structures and established patterns of instrumental action. It operates on the basis of resources of meaning coming from the lifeworld. It is subdivided into two subsystems: **money** and **power** which are the **means by which it imposes external aims on agents**. It is a 'steering media,' of the capitalist economy and the state administration and related institutions (including political parties). Agents fall

¹⁸ Edmund Gustav Albrecht Husserl (1859-1938) was a philosopher who is credited with the foundation of phenomenology. He was born into a Jewish family in Moravia and was baptized a Lutheran in 1887. He studied mathematics and obtained his Ph.D. in philosophy under Franz Brentano and Carl Stumpf. He taught philosophy at Halle and became professor at Gottingen (9101) and at Freiburg im Breisgau (1928). His teachings influenced many philosophers and thinkers of the modern era: Jean Paul Sartre, Emmanuel Levinas, Rudolf Carnap, Paul Ricoeur, Jacques Derrida, Roman Ingarden. Major selections of his work: Dallas Willard, translator, *Early Writings in the Philosophy of Logic and Mathematics*, (Dordrecht: Kluwer, 1994); D. Welton, editor, *The Essential Husserl*, (Bloomington: Indiana University Press, 1999).

¹⁹ Otto Neurath (1882-1945) was an Austrian philosopher of science, sociologist and political economist. He was forced to flee Austria to Great Britain. He was a leading member of the Vienna Circle of philosophers. He was the major author behind the Vienna Circle Manifesto. *Philosophical Papers 1913-1946: With a Bibliography of Neurath in English (Vienna Circle Collection, Volume 16)* by Otto Neurath, Robert S. Cohen, and Marie Neurath, (D. Reidel Publishing Company, 1983).

here into pre-established patterns of instrumental behavior and action, which are determined antecedently and independently of reaching consensus. The chief function of the two sub-systems is the material reproduction of society, i.e., its goods and services. But they have also a coordinating and integrating effect of their own – **‘system integration.’**

In this view of social ontology Habermas differs from Horkheimer and Adorno. There are dangers in the structure of the system: systems promote situations where agents conceal their aims and do not reflect on the ends of actions, moreover the ultimate aims of agents are not up to them. There are other dangers of this arrangement: money and power become uncoupled from the lifeworld, capitalistic economy and administration become detached from family and culture, from public sphere such as mass media and slowly absorb lifeworld and its functions. Habermas lists the following pathologies which may result from this ‘colonization’ of the lifeworld:

1. decrease in shared meaning and mutual understanding (anomie);
2. social disintegration;
3. increase in the alienation of people – feelings of hopelessness and a lack of belonging;
4. An unwillingness to take responsibility (demoralization);
5. social instability and crisis. Thus this colonization produces malfunction of society and at the same time morally flawed individuals.

III. Theory of modernity

Habermas’s **social theory** is a diagnosis and critique of modern forms of social life and his **discourse ethics** is a justification and elucidation of modern morality. They are developed on a background of his views on modernity which he discusses in two perspectives. One is a **historical narrative** of the development of Western society from the medieval period to the late twentieth century and the other the **emergence of secular morality** from a Christian religious tradition.

A. The Historical Account

From the seventeenth century there was a massive increase in knowledge, particularly in the natural sciences. It started in the Middle Ages from the Aristotelian principles of observation but it led to precise mathematical formulations, testing predictive hypotheses, and an increase in practical technical knowledge. As a result, this process led to the separation of the three major spheres of values: 1. scientific technical; 2. legal-moral; 3. aesthetic-expressive – all within the realm of lifeworld. This separation is associated with the transfer of epistemic and practical authority from religious traditions to validity of which Habermas differentiates three types: 1. truth; 2. rightness; 3. truthfulness. They, in turn, correlate with the three types of discourse: 1. theoretical; 2. moral; and aesthetic. Habermas considers that religious views collapse in the wake of rationalization and

increase in our knowledge, however, this leads to an increasing gap between what we know and how we live.

Since Habermas considers modernity in historical development, it is an unfinished project. He sees it as a cultural movement arising in response to particular problems arising from an increase in specialized knowledge and the need to connect it with common sense and everyday life. The discrepancy between the growth of technical knowledge and the worthwhile forms of social life (addressed already by Horkheimer and Adorno) calls for a “post-metaphysical philosophy” which could produce a new interpretation and provide guidance. The process, however, cannot be stopped or reversed, and alternatives as suggested by Alasdair MacIntyre (b. 1929),²⁰ a return to the Thomist tradition of moral virtues or by Martin Heidegger (1889-1976),²¹ a return to a more rural way of life, which together with post-modernism do not provide, according to Habermas, reasonable solutions. He recognizes the benefits of economic, cultural, technological, and social achievements. However, he warns against the corrosive effects of capitalistic system. He does not see at present any force to prevent these effects.

B. The Emergence of Secular Morality

Since Habermas considers modernity as a process in which subjects liberate themselves from traditional roles and values, and create a new social order through communication and discourse, it follows that they create new **“normativity”** out of their own discourses. And he understands “normativity” as new **meanings and understandings which are shared and rational i.e., based on mutual recognition of validity claims.** The issue here is the emergence of secular morality from the Judeo-

²⁰ Alasdair Chalmers MacIntyre (born in 1929 in Glasgow, Scotland) is a moral and political philosopher and works as a Senior Research Professor of Philosophy at the University of Notre Dame. He argues for one moral tradition which he considers “the best theory so far,” namely, the tradition of Thomistic Aristotelianism. Alasdair Chalmers MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1988).

²¹ He was Raised a Roman Catholic and first studied theology at the University of Freiburg then switched to philosophy and obtained his doctoral degree in 1916. He served as a soldier during the WW I and after the war as a senior assistant to Edmund Husserl at the University of Freiburg, then as a professor of philosophy at the University of Marburg until his retirement in 1928. In 1933 he became rector of the University and joined the Nazi party. After one year he resigned from this position and from the party in 1945. He regained his privileges as a former professor in 1951 and taught regularly until 1967 as professor emeritus. His best known work is *Being and Time* (1927) which is considered to be one of the most important philosophical works of the 20th century. *Being and Time*, translated by John Macquarrie and Edward Robinson (London: SCM Press, 1962); re-translated by Joan Stambaugh (Albany: State University of New York Press, 1996). Heidegger believed all investigations of being since Plato have been focused on particular entities and their properties or substance. The correct analysis of being should be focused on “that on the basis of which beings are already understood.” Heidegger suggested that philosophical inquiry should be conducted in a new way, through a process of retracing the steps of the history of philosophy.

Christian tradition, namely the question of how to live one's life. Habermas contends that gradually an ethics based on religious tradition was replaced by competing conceptions of the good and transformed from a set of commands to a system of principles and valid norms which are universal and unconditional. Though they are a legacy of the religious tradition, they function in a new social order. This consideration would refer to the existing morality in practice.

Similarly, one could consider the history of moral theory, and Habermas emphasizes that Kant was the first among the moral philosophers who pointed to modern conception of morality, namely, the "formula of universal law," maxims which are incorporated into the will:

Act only on that maxim by which you can at the same time will it to be a universal law.²²

In Kant's ethics moral actions are expressions of a free act, and based on establishing the validity of moral norms by each individual. Habermas, as a sociologist, criticizes Kant for this individualistic twist and considers morality a collective process of reaching a consensus:

The emphasis shifts from what each can will without contradiction to be a general law, to what all can will in agreement to be a universal law.²³

Habermas develops Kantian ethics into a discourse of social consensus.

C. Theory of Social Evolution

Habermas develops also a theory of social progress by analogy to the theory of development of individuals and a learning processes developed by Lawrence Kohlberg (1927-1987).²⁴ Though Kohlberg claimed that his theory has empirical support,

²² Immanuel Kant, *Foundations of the Metaphysics of Morals, and What is Enlightenment?* translated with an introduction by Lewis White Beck, (New York : Macmillan Publishing Company, 1988), p. 39.

²³ Jürgen Habermas, *Moral Consciousness and Communicative Action*, translated by Christian Lenhardt and Shierry Weber Nicholsen, (Cambridge, MA : The MIT Press, 1990), p. 67.

²⁴ Lawrence Kohlberg developed a theory, based on the philosophical intuition of Cicero, of the moral development of children through three levels – the pre-conventional, conventional, and post-conventional, each subdivided into two stages: level 1: stage 1 – morality is understood as obedience and punishment and avoidance of harm to others; stage 2 – morality is understood as satisfying one's own interests and letting others do the same; level 2: stage 3 – morality is understood as playing the role of being a good person, i.e., meeting expectations, following the rules, and being concerned about others; stage 4 – morality is understood as doing one's duty, maintaining the social order and the welfare of the society. Level 3: stage 5 – morality is understood as basic rights, values, and legal contracts of a society. Laws and duties are calculated on overall utility (utilitarian morality); stage 6 – morality is understood as an accord with

nevertheless utilitarians and feminists objected to it pointing to some limitations restricting the importance of their own theories. Habermas accepts this theory but replaces Kant's objective principles with his moral discourse theory. He equates the development of society as analogical to the development of moral consciousness achieved through the learning process. So he differentiates pre-conventional, conventional, and post-conventional societies. In conventional societies morality is bound to religious and tribal authorities; modern societies are those which are bound by universalistic morality and legitimate law. There is a problem, however, with such a differentiation and classification of societies. For one fact, the historical development of societies does not confirm their moral progression analogical to the individual behavior. Moreover in collective society there is no controlling consciousness analogical to individual consciousness. And he rejects Hegelian teleological concept of society as a form of self-developing spirit. We should see rather a development of societies as a fragile balance between pathologies associated with modernization and positive aspects linked to practical, economic and cognitive gains.

IV. Habermas and Traditional Religion

Habermas acknowledges the emergence of secular morality but he treats it as a consequence of the modern form of consciousness like abstract law, modern science, and art which could have developed only through the participation of Hellenistic Christianity and the Roman church in the process. He claims that through the concept of one God the Western world was able to achieve objectification of an external nature and a community of morally regulated agents in a society. Thus all modern achievements, egalitarian society, ideas of freedom, autonomous conduct of life, emancipation of individuals, the individual morality of conscience, human rights, and democracy are direct heirs of the Judaic ethics of justice and of the Christian ethics of love. Similar achievement was produced by Buddhism through its concept of interpersonal consciousness. Globalization in the modern world is only a new infrastructure and not a new form of consciousness.

But modernity and globalization in turn affect religious consciousness and theology leading to ecumenism without paternalism, global inclusive Christian ethics and pluralism in worldviews. Each religious confession must now adopt a relationship with the competing messages of other religions and the objections of science and secularized common sense. Religions must become reflexive and call for reasonableness, restrain from violence and implement religious tolerance. In terms of globalization – human rights should become the universal language regulating global relations and not the Christian civilizing tradition. Confronting other cultures we should not see them as alien but recognize their distinctive character with their religion at the core. With respect to human freedom, we should recognize: a. an intersubjective constitution of autonomy,

universal, self-chosen principles (e.g., justice, equality and respect for the dignity of all human beings) which confer validity to maxims and actions (Kantian morality).

that is that no one is free unless recognized by at least one other subject, and b. the self-binding of the individual will to unconditionally valid norms, that is, the unconditional character of the moral “ought.” These are the essential principles of Kantian ethical theory.

In pre-modern societies religious ideas are the glue for solidarity and are excluded from rational critique. In modern societies traditional worldviews are not immune to critical discourse: “when one enters into full communicative action, it is difficult to retain one’s pre-modern, conventional, parochial view of the world.” Traditional cohesion is threatened, group members must “agree to disagree,” mythical traditions undergo destruction. Traditional groups may view it as a threat to their identity. But demythologizing of a culture is a necessary process for producing rational morality:

To consolidate into a rational conduct of life ... the cultural tradition must permit a reflective relation to itself ... stripped of its dogmatism.²⁵

But it is not Eurocentric intellectual colonization, because rational agreement via propositional language is already the *telos* of communication in all cultures.

Habermas maintains that religions will survive, at least for a long time, because neither science, art, the economy nor governmental bureaucracy can provide solidarity once generated by traditional religious beliefs. Only moral norms produced via communicative action have the potential to produce such solidarity. Only moral norms have an emotional sense of religious power to produce strong moral obligations:

The [traditional] binding force of moral agreement grounded in the sacred can be replaced only by moral agreement that expresses in rational form what was always intended in the symbolism of the holy: the generality of the underlying interest.²⁶

Something of the penetrating power of primordial sacred powers still attaches to morality; it permeates . . . culture, society, and personality in a way that is unique in modern societies.²⁷

The authority of moral norms rests on the fact that they embody a general interest, and the unity of the collective is at stake in protecting this interest. . . . The ‘ought’ quality of moral norms implicitly invokes

²⁵ Jürgen Habermas, *The Theory of Communicative Action*, translated by Thomas McCarthy, Vols. 1-2, (Cambridge UK: Polity Press, 1981). 1, p. 71.

²⁶ Jürgen Habermas, *The Theory of Communicative Action*, translated by Thomas McCarthy, Vols. 1-2, (Cambridge UK: Polity Press, 1981). 2, p. 81.

²⁷ *Ibidem*, 2, p. 92.

the danger that any harm to the social bond means for all the members of a collectivity—the danger of anomie, of group identity breaking down, of the members’ common life-contexts disintegrating.²⁸

There is no other answer to the question, Why be moral?

When asked: “But can it be extended beyond the dimension of the nation to create global solidarity?” He answers: “ ‘Rationalization’ does not plug the wellspring of solidarity; rather, it discovers new ones as the old ones run dry.”

As for philosophy replacing the values of religious traditions, Habermas is pessimistic claiming that philosophy has not yet reworked all the values of religious traditions into secular language. Until that time the language of religion will continue to have a legitimate place in society. Philosophical translations of religious insight lose the “performative meaning” of faith:

Philosophy, even in its postmetaphysical form, will be able neither to replace nor to repress religion as long as religious language is the bearer of a semantic content that is inspiring and even indispensable, for this content eludes (for the time being?) the explanatory force of philosophical language and continues to resist translation into reasoning discourses.²⁹

Indispensable semantic potentials are preserved in religious language, potentials that philosophy has not yet fully exhausted by translating them into the language of public reasons, that is, reasons assumed to be capable of commanding general agreement. Taking the example of the concept of the individual person, I attempted to point out this deficit, or at least the clumsiness of philosophical attempts at translation. In my view, the basic concepts of philosophical ethics, as they have been developed up to this point, do not even come close to capturing all the intuitions which already found nuanced expression in the language of the Bible and which we learn only through a halfway religious socialization. Mindful of this deficiency, discourse ethics attempts to translate the categorical imperative into a language that enables us to do justice to another intuition, I mean the feeling of “solidarity,” the bond of a member of a community to her fellow members.³⁰

When asked whether it is the goal of philosophy to assimilate, to translate, to rework and to “sublate” all religious contents worth preserving or whether he thinks that

²⁸ Ibidem, 2, 93.

²⁹ Jürgen Habermas, “A Conversation about God and the World.” In Jürgen Habermas, *Time of Transitions*, edited and translated by Ciaran Cronin and Max Pensky, (Polity Press, Cambridge, UK: 2006), p. 163.

³⁰ Ibidem, p. 164.

religion will indefinitely resist all such attempted interventions, and that it will therefore remain forever inassimilatable and inaccessible, and to a certain extent also autonomous and indispensable, he answers : “I don’t know. That will transpire when philosophy conducts its work on its religious heritage with more sensitivity than heretofore.”

And more:

In the ethics of Christian love the imitation of Christ enjoins an active sacrifice of one’s won legitimate interests. But on earth there is no absolute power that may impose a sacrifice upon an autonomous individual for supposedly higher ends. This is why the Enlightenment wanted to abolish sacrifice. Today, this same skepticism is directed against the death penalty and against the legitimacy of obligatory military service. This is the reason for the cautiously resigned restriction to a morality of justice.³¹

But I does not diminish our admiration for the case of selfless sacrifices, e.g., by mothers and women.

At the same time Habermas differentiates between religion and theology stating that theology has a certain “parasitic or derivative status.” “It can never exhaust the performative meaning of lived faith.” “It is all the more true for philosophy.” “Philosophy can never more or less appropriate the forms of experience preserved in religious language along the ‘path of translation.’” Moreover,

Theology cannot provide a substitute for religion, for the latter’s truth is nourished by the revealed Word, which inherently manifests itself in religious and not in learned form. But philosophy has an entirely different relation to religion. It seeks to express what it can learn from religion in a discourse that is marked precisely by its independence from revealed truth. Thus, every philosophical translation forfeits performative meaning of lived faith. A philosophy that makes itself dependent on, or takes solace from, ‘destinies’ is no longer philosophy. The goal of philosophy’s ‘translation program’ is, if you like it, to rescue at most the profane meaning of interpersonal and existential experiences that have thus far only been adequately articulated in religious language. In contemporary terms, I am thinking of response to extreme situations of helplessness, of the loss of self, or of the threat of annihilation, which leave us ‘at a loss for words.’³²

³¹ Ibidem, p. 166.

³² Ibidem, p. 165.

V. The Pragmatic Discourse Theory of Morality

Habermas's moral theory is in the center of his social program and is a continuation of the Frankfurt School evaluation of modern ethics represented by Adorno.³³ Adorno, however, was pessimistic about the possibility of living after Auschwitz and Hiroshima with a clear conscience. One can only resist the depredation brought about by mass culture. For Habermas the "new moral imperative" has a role in preventing the occurrence of another Auschwitz and organizing society in such a way that the individual could act on the basis of valid norms and answer to himself how should he act. Thus his moral theory is pragmatic and his norms are behavioral rules. He assumes that modern societies are at stage 6 of Kohlberg's developmental scheme corresponding to Kantian "categorical imperative" and the agents act on principles they can justify. Actual disputes are resolved through discourse and by establishing norms that involved parties accept. Habermas's ethics is deontological with a small modification of the Kantian paradigm by introducing a social group factor in selecting the norm instead of a single autonomic agent acting through logical reasoning. There are two parts in the process of resolving a moral conflict: elucidation and justification.

A. Elucidation.

It starts with the assumption that there are valid moral norms recognized intuitively and contingently true. These moral norms are based, according to Habermas, on two principles: a. discourse principle and b. moral principle.

a. The discourse principle is a **dialogical process** because it always involves more than one person: **"Only those action norms are valid to which all possibly affected persons could agree as participants in rational discourse."** The action norms may include both legal and moral norms, and are based on the agent's moral intuition.

The discourse principle refers to discourses about norms but not all discourse involves norms (e.g., aesthetic discourse). This principle can function only in a negative way because the **validity of a norm is not decided by a consensus**.

The meaning of the principle is that if a norm is valid than all persons involved can possibly reach a consensus. This principle may require a large number of people involved and even those who are not yet born. Thus its application is very limited.

b. The moral principle or principle of universalizability is formulated thus "A norm is valid if and only if the foreseeable consequences and side effects of its general observance for the interests and value-orientation of each individual could be freely and jointly accepted by all affected." This principle is designed to

³³ Theodor W. Adorno, *Negative Dialectics*, (New York: Continuum International Publishing Group, 1983).

test the **“universalization” of the moral argument**³⁴ but is not by itself a moral norm. Habermas argues that certain norms preserved from the Judeo-Christian tradition, e.g., “Thou shalt not kill,” passed the test of time. However, Habermas neglects to mention other traditions which are even older than the Judeo-Hellenistic Christian tradition and devoid of the supernaturalistic element. This principle means that the norm is valid if the consequences of its application are universally acceptable, moreover the interests of each person must be accepted. Thus it represents another modification of the Kantian categorical deontological ethics where consequences of the action do not have any role. In Kant’s system, universalization is a logical property of a maxim. The maxim does not explain why there is a moral obligation to follow it, though modern science gives an indication for its origin.³⁵ In the Habermas system as in Nietzsche’s³⁶ it comes from the process of socialization where an individual is integrated into a social order. In this process an individual is modifying his own interests by taking into consideration the interests of others involved in the society. There are several detailed postulates associated with this principle of universalization:

1. The individuals involved, however, cannot take a position of third persons isolating themselves from the situation. They are not observers but participants in the social process.
2. The second issue involved here is that an actual discourse must take place even if it should include non-existent people.
3. This discourse has to be dialogical and cannot be only monological as in Kant’s imperative.
4. By the process of discourse individuals integrate themselves into the society, become part of it and serve the common good. Individual interests must be considered also from the perspective of other members of the society.

B. Justification of the Moral Discourse Principle

In the previous procedure of elucidation of the moral discourse principle, it is assumed that the moral principle exists and constitutes a premise for action. Next Habermas attempted to derive the moral principle from non-moral premises. Otherwise it would be only an expression of cultural and historical sets of values. Habermas, however, failed to do it. He refers us to the **rules of discourse and its normative justification**

³⁴ Habermas adopted this concept of “universalization” from George Herbert Mead, an American pragmatic philosopher who considered universalization as dependent on our behavior in a social context. (*Mind, Self, and Society from the Standpoint of a Social Behaviorist*, edited by Charles W. Morris, Chicago: University of Chicago Press, 1967 [1934]).

³⁵ Marc D. Hauser, *Moral Minds. How Nature Designed Our Universal sense of Right and Wrong*, (New York: HarperCollins Publishers, 2006).

³⁶ Friedrich Nietzsche, *The Birth of Tragedy and The Genealogy of Morals*, translated by Francis Golffing, (Anchor Books, New York, 1956).

(universalization). But from these rules one cannot logically infer that if a norm leads to a consensus, that at the same time one must infer that such a norm must be valid.

Habermas's moral system can be objected to on the ground that there are very few universally accepted moral norms therefore, the discourse mechanism for their selection loses much of its import for solving social conflicts and moral norms cannot be the vehicle for holding the society together. On the other hand, human rights discourse when the rights of individuals are asserted, puts others under obligation. People do not readily assume their own obligations towards others, thus the rights discourse may serve as a mechanism for colonization. Another objection concerns the problem of a dialogical versus a monological concept of morality. In practice the number of participants in the moral discourse may be very small, but it would affect a huge number of people. Consensus in that case may not confer validity and to indicate that each person individually judged the norm.

A final objection is that the derivation of the discourse moral principle leads to circularity. This is due to the fact that his ethics assumes a need of justification on non-moral premises. But his rules of discourse have already moral significance.

C. Discourse Ethics in Political Context

The term ethics derives from the Greek term *ethos*, which refers to the customs of a city-state and to the morals or habits of its citizens. Until the time of Hegel, the terms were used interchangeably to designate both, ethics, a moral theory and morality, a pattern of behavior. **Hegel differentiated ethics as a way of life of the community**, with its values, practices, institutions, and laws. Habermas, following Hegel, in order to accommodate the political aspect of the moral issues, differentiated three types of discourses:

1. The so-called ethical discourse which concerns the choice of ends evaluating what is good for an individual or collective life of the society. It deals with values which are germane to a specific cultural tradition or group and are absorbed by an individual belonging to it. Thus they concern the **self-understanding of an individual or a group**. They are also subject to interpretation and to gradual change. They have relative validity, are prudential and teleological. **They cannot, however, outweigh the moral considerations.**

The questions arise now, relative to membership in cultural groups: the group must have a common character and be large enough; the members must mutually recognize their membership; the identity of the group must be recognized by others; belonging to the group is not a matter of administrative adherence but a result of a process, e.g. upbringing and birth. It is obvious that Habermas does not include among those cultural group associations with a specific agenda or program, e.g., interest groups or lobbying groups, but, e.g., traditional cultural ethnic groups of immigrants. These ethical discourses cannot be resolved and are the source of conflict which should be resolved through moral discourse which is concerned with universally shared interests. Ethical discourse, however, involving all parties concerned may lead to clarification and compromise and thus lead to the resolution of the conflict.

2. **Moral discourse**, in contrast to values, **concerns norms which are absolute and are either unconditionally valid or non valid** and hold across competing cultural traditions. They are evaluated either as right or wrong, just or unjust, and are deontological and their validity is unconditional. In many situations it is difficult to separate these two discourses, Habermas nevertheless insists on the priority of moral discourse and moral norms which always trump the ethical values. This is due to the fact that in this discourse values are cut from the justification process; moral norms are not cultural values but are communicative ideals of universal validity; moral discourse is not rooted in any particular cultural tradition but belongs to the post-conventional level of understanding morality. Table 1 presents comparison of these two discourses.

3. **Pragmatic discourse, deals with the means to achieve a given end.** It is a form of dialogical and instrumental discourse especially applicable to a political situation. Habermas was influenced here by the ideas of John Rawls (1921-2002), an American political philosopher, who set the priority of the right over the good. Rawls observed that modern societies are no longer culturally homogeneous; they comprise a plurality of worldviews. Therefore a **legal and constitutional framework cannot depend on the presumed truth or on any particular worldview.** It follows that the concept of right in a legal system must not be metaphysical but political. In this view **moral and religious values are eliminated from the political process of justification.**

Political justifications appeal to ideas and values which are widespread and command assent across cultures. Rawls terms this situation **“overlapping consensus” which means that they are accepted regardless of the tradition,** because everyone has a reason to accept them. One such idea is view of the society as a **system of cooperation between free and equal citizens.** And Rawls classifies it among the universal moral ideas.

Table 1
Classification of ethical and moral discourse

	Ethics	Morality
Basic concepts	good/bad	right/wrong just/unjust
Basic unit	values	norms
Basic questions	What is good for me or for us?	What ought I to do, and why?
Validity unconditional	relative and conditional	absolute and

Type of theory	prudential, teleological	deontological
Aims	advice; judgment preference ranking	establishing valid norms; discovering duties

The concept of right or justice entails setting a political framework within which each individual is free to pursue his conception of the good provided it is compatible with everyone else's freedom to do the same. Thus various conceptions of the good can coexist but justice provides the limit. At the same time "right" has pragmatic priority over the good, i.e. moral considerations.

Habermas and Rawls agree on many aspects of the social theory: both accept pluralism of the society; they agree on the difference between morality and the right; they agree on the functional priority of the right. The differences concern Habermas's emphasis on the preference of secular morality in modern societies. He also rejects Rawls's interpretation of the principles of justice as being justified because they are accepted by all whether or not they deserve to be. Habermas insists on the acceptance of norms on the ground that they **must be demonstrably universalizable (Habermas's moral discourse)**. Thus moral rightness is treated as analogous to truth. Rawls argues that this insistence on secular morality is another metaphysics.

The major critique of the Habermas discourse ethics concerns his distinction between norms and values. Such a distinction is fuzzy because norms already presuppose values which are culturally differentiated. Thus, in a social situation, resolution of conflicts must be done on a different basis than moral, preferably political and legal.

VI The Political Theory of Democracy

Describing modern society Habermas had in mind a model developed in the Western world, that is in Europe and United States. Such a model has limited application, nevertheless, judging from the direction China and India take it will be adopted in other parts of the world. It is based on a **few general phenomena**: 1. modern society does not have a controlling center; 2. it is not held together by a single overarching tradition or rules; 3. it is multicultural and multiethnic; 4. individuals in such a society are autonomous moral agents who conduct their lives according to general principles; 5. individual identities persist in spite of changes in and places of residence, nationality or career; 6. these identities and subjectivity are, however, under constant pressure of discourse, especially moral discourse which, according to Habermas, was to provide the **main mechanism for integration in the society**. But Habermas realized that moral discourse alone was too narrow to provide a unifying function. And this is due to the fact that there are very few valid moral norms and they may be loaded with controversial values; also because humans do not act always as reliable rational moral agents (as it also was postulated by Kant). Therefore, he introduced the concept of **ethical discourse**

which takes into consideration **political institutions and laws** which are additional elements holding together modern society.

In his political views Habermas differentiated **informal civil society** which is comprised of voluntary organizations, political associations, and the media. They do not make formal political decisions but form public opinion on matters of general concern. They are contrasted with formal political organizations such as a parliament, cabinets, elected assemblies, political administrations which make formal decisions, pass laws, formulate and implement policies and comprise the **formal medium of power**. Such a political system may operate well in a democracy if input from the informal spheres is large enough to influence the formulation of policies and laws. Moreover, input based only on moral considerations may be too narrow. **In political discourse, ethical and pragmatic considerations come into play and they seek rational consensus**. Citizens participate in the political community and secure in this way their rights and freedom which is expressed in opportunities.

The state should be neutral with regard to the values of the citizens recognizing human rights. It is not possible, however, that the state be neutral with regard to values that are inconsistent with the idea of liberty for all. Thus it seems reasonable to insist that **the laws should not be justified on the basis of controversial values**. Law is legitimate only if there are **appreciable reasons to obey it**. It is a necessary condition for its being valid. The other two conditions are that it must be **imposed by a recognized authority**, and it must be **coercible**. Habermas especially emphasizes the legitimacy of law. It is essential because legitimate laws elicit rational compliance. And in modern societies lawful behavior must arise in most cases from recognition of the legitimacy of laws. From such a consideration Habermas derives his democratic principle: "Only those laws count as legitimate to which all members of the legal community can assent in a discursive process of legislation that has in turn been legally constituted." This principle implies that legitimate laws must be assented by all members of the legal community and not that they must be actually agreed to by all. Moreover, laws must be in tune with moral norms and ethical values, and directed toward the common good.

Habermas's political system combines the **ideal of liberal democracy based on the idea of human rights** and the **ideal of republicanism based on the idea of popular sovereignty**. He subscribes to the view that rights should be acquired only through socialization and that the state should be inclusive and tolerant of different cultures and world views. Thus at the same time he rejects some basic assumptions of liberalism:

rights belonging to pre-political individuals,
 membership in the political community is merely a means to safeguard
 individual freedom,
 neutrality of the state as avoiding appeal to values and ethical
 considerations;

and of republicanism:

state embracing the values of the political community,
 realization of these values is participation in the community,
 derivation of the subjective rights from the ethical self-understanding of

the community.

Habermas's theorizing represents an ideal and utopian situation, not the actual one achievable in the society. He argues for the right interaction between civil society and the formal medium of power (system in Habermas's terminology). Too much input from below would lead to anarchy and instability. It is not clear to what extent his theory is a normative ideal for a discursive democracy and to what extent it is an empirical descriptive exercise. Habermas's theory does not explain how the administrative power can be prevented from destruction of the integrity of the moral and ethical discourse in the sphere of lifeworld.

Habermas's legal and democratic theory appears to arise from the critical analysis of the Western societies. The danger they are facing is that, if their legislative bodies may be influenced by powerful interest groups, political decisions may then lead to certain ideological distortions. Some groups may feel marginalized and alienated. Moreover, if the governments are delegating decision-making to informed elites, experts and interest groups, they are eliminating the discourse process entirely.

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