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## Habermas on Solidarity and Praxis: Between Institutional Reform and Redemptive Revolution in Critical Theory and the Challenge of Praxis

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## Chapter 13

### Habermas on Solidarity and Praxis: Between Institutional Reform and Redemptive

#### Revolution in *Critical Theory and the Challenge of Praxis*

David Ingram

Since its inception critical theory has been ambivalent about what kind of political practice it should promote and in the name of what kind of solidarity. Oversimplifying somewhat, the choices fall somewhere between two extremes: Should it promote institutional reform in the name of achieving democratic solidarity? Or should it promote anarchic revolution in the name of achieving solidarity with suppressed nature, redeeming integral life in its totality from narrow self-interest and instrumental reason?

The former practice recalls earlier struggles for social justice, civil rights, and the franchise that find their contemporary evocation in human rights movements that aim to hold states and international institutions of governance accountable to the people and not just a privileged few. Ending domination of one group by another here requires the kind of critical theoretical praxis associated with the critique of ideology, exposing partisan norms and undemocratic institutions that masquerade as universally valid for all. Its modus operandi is undistorted self-understanding achieved through concerted efforts at rational reflection, or critical dialogue.

The latter recalls Sorel's myth of the general strike, which later inspired Walter Benjamin's youthful fantasy of a *divine* violence, an apocalyptic annihilation of the all-too rational violence of an institutional order that alienates humanity from itself and its natural environment.<sup>1</sup> Today this

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<sup>1</sup> W. Benjamin, "Critique of Violence" (1921) in *Selected Writings*, Vol. 1, ed. M. Bullock and M Jennings (Cambridge, MA: Belknap Press, 2000), 236–52. The contrast between two types of critical theory practice I am suggesting here is

yearning for solidarity with those who have suffered the catastrophe of modern progress, solidarity with a world both human and natural, inspires a range of activists, from anti-globalization anarchists to deep ecologists, who extend the besieged community of fate to include the entire planet. Critical theory is here called upon to redeem a utopian hope for integral fulfillment by recalling suppressed needs and by reimagining alternative ways of living and (re)producing our lifeworld.

Common opinion has it that the first generation of Frankfurt School critical theorists, when confronted with the incapacity of liberal democratic institutions to stanch the rise of totalitarianism, embraced an anti-institutional practice that mourned the loss of humanity's instinctual solidarity with nature. Second- and third-generation critical theorists, by contrast, are presumed to have abandoned such religious-metaphysical yearnings in favor of a more sober and pragmatic political practice of piecemeal amelioration of injustice and insult requiring what Antonio Gramsci described as a protracted tactical war of position involving a struggle for cultural hegemony, a "long march through institutions," as Rudi Dutschke famously put it during the German student revolt of the 60s.

As generalizations go this simple correlation of critical theory generations and their preferred modes of enlightened resistance rings true. However, we need look no farther than Marx himself, whose theoretical promotion of class struggle expressly combined both types of practice, to see that critical theory in whatever applied form it assumes—class struggle, democratic reform, defense of human rights, or planetary salvation has—and I would argue, must—invoke both civic and planetary ideals of solidarity, ideology-critique and redemptive critique, political and aesthetic-artistic practice. In short, critical theory combines institutional reform and existential revolution in advancing the transformation of human needs in solidarity with others.<sup>2</sup>

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discussed by Habermas in "Walter Benjamin: Consciousness Raising or Rescuing Critique?" (1972) in *Philosophical-Political Profiles*, trans. F. Lawrence (Cambridge, MA: MIT Press, 1983).

<sup>2</sup> Lawrence Wilde distinguishes three kinds of leftist appeals to solidarity: the ethico-inclusive ideal, which has its roots in Pierre Leroux's peaceful, humanitarian call to bring about a democratic socialism based on worker cooperatives; a redemptive ideal, which resonates with Bakunin's call for a violent, apocalyptic annihilation of all legal institutions, and the class struggle ideal advocated by Marx, which urges the creation of internationalist working class movements and working class political parties to affect revolutionary changes in basic legal and economic structures with the aim of eventually

I hope to illustrate this point by tracing the evolution of Habermas's critical project from its inception in aesthetic criticism of capitalism to its current political form. As Habermas noted back in 1996 in speaking of his focus on legal institutions, "Even if readers do not always see the 'end of critical theory' in this project, they frequently think it diffuses the critique of capitalism and just gives in to political liberalism."<sup>3</sup> However, it was this same philosopher who responded to his left-leaning critics by saying, "I mostly feel that I am the last Marxist."<sup>4</sup>

After Habermas's deliberate abandonment of the Marxian concept of revolutionary praxis, this self-assessment may seem misleading if not disingenuous. But Habermas himself saw his departure from this strand of revolutionary Marxism as continuous with Western Marxism's own critique of bureaucratic socialism, a critique that sought to recover the revolutionary potential of social democratic reform while "developing a self-critique of the capitalist, mass democratic, constitutional welfare state, with its strengths and weaknesses."<sup>5</sup> The welfare state, he insisted, still drew its power from the liberating spirit of a utopian society of workers (*arbeitsgesellschaftliche Utopie*) but the idea of unalienated life—with its core values of freedom, liberty, and solidarity—could no longer be thought in terms of a concrete model of the good society, based on a radical reorganization of the labor process. Rather, utopia would have to be reconceived as a form of "undistorted intersubjectivity" grounded in an open and egalitarian democratic public sphere.<sup>6</sup> When linked to a procedure of critical debate oriented to unconstrained consensus, the political sphere, the

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achieving a non-oppressive world society. Competing with these concepts of solidarity are liberal ideals based on liberal, social democratic models of integration of the sort that was classically defended by Émile Durkheim; and nationalist ideals, based on national-cultural identity. L. Wilde, *Global Solidarity* (Edinburgh University Press, 2013), ch. 2. Habermas's appeal to solidarity straddles the ethico-inclusive and liberal ideals.

3 Habermas, "Reply to Symposium Participants," in *Cardozo Law Review* 17/4–5 (1996): 1545.

4 Habermas, "Further Reflections on the Public Sphere," in *Habermas and the Public Sphere*, ed. C. Calhoun (Cambridge, MA: MIT Press, 1993), 469.

5 Was heisst Sozialismus heute?" in *Die nachholende Revolution: Kleine Politische Schriften VII* (Frankfurt a.M., 1990), 203.

6 Habermas, "Krise des Wohlfahrtsstaates und die Erschöpfung utopischer Energien," *Die Neue Unübersichtlichkeit. Kleine Politische Schriften VII* (Frankfurt a.M.: Suhrkamp, 1985), 161, 195.

constitution and the entire legal system could be understood, in Ulrich Preuss's sense, as a fallible learning project, a never-ending revolutionary redefinition of the rights and freedoms that constitute emancipated life.<sup>7</sup>

Most commentators date Habermas's legal turn back to the 1970s, when he started developing his discourse theoretic account of democratic legitimation. For Martin Matustik and many others, the pivotal year in which Habermas turned away from his aesthetic-anthropological critique of technocracy—1968—was also the year that he changed from being a progressive leftist to being a “reform-minded legal scholar.”<sup>8</sup> But as Matthew Specter observes in his intellectual biography of Habermas, the legal turn had probably already been set in motion by the late 1950s, before Habermas had written *Structural Transformation of the Public Sphere*.<sup>9</sup> His introduction to the Institute's empirical study of the political awareness of Frankfurt students, *Students and Politics*,<sup>10</sup> shows that by 1957 Habermas was deeply concerned about the legal ramifications of the Federal Constitutional Court's banning of the Communist Party in 1956, the Christian Democratic Union-led government's decision to allow NATO to install missiles on German soil, and the Social Democratic Party's gradual abandonment of its identity as a “worker's party” oriented toward the necessary democratic establishment of socialism in favor of reconstituting itself as “people's party” (*Volkspartei*) that presented socialism as an ethical choice alongside other capitalist-friendly Keynesian alternatives.

Of this time in his career Habermas says, “I was very much influenced in the late '50s by the Weimar *Staatsrechtslehrerdiskussion* and its aftermath (C. Schmitt, Forsthoff, Weber vs Abendroth) ... Until I discovered Rawls in the late '70s I was nourished in political theory almost only by the

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7 Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. W. Rehg (Cambridge: MA. MIT Press, 1996), 384, 444.

8 M. Matustik, *Jürgen Habermas: A Philosophical-Political Profile* (London: Rowman and Littlefield, 2001), 93.

9 M. Specter, *Habermas: An Intellectual Biography* (Cambridge: Cambridge University Press, 2010).

10 Habermas, “Reflexionen über den Begriff der Politischen Beteiligung,” in *Student und Politik: eine soziologische Untersuchung zum politischen Bewusstsein Frankfurter Studenten*, ed. L. von Friedeburg et al. (Neuwied: Luchterhand, 1961), 11–55.

German *Staatsrechtslehre*.”<sup>11</sup> The German legal debates to which Habermas referred gravitated around the relationship between state and civil society, legality and legitimacy, and liberal constitutionalism and democracy. Was the state’s executive branch and civil service a neutral force above civil society that could rightfully suppress radical political parties in the name of protecting Germany’s fragile democracy, as Schmitt and his students argued? Could the CDU’s lawful decision to allow NATO missiles be resisted as undemocratic and illegitimate, perhaps by the more legitimate means of popular plebiscite? Did Article 20, Section 1 of the Basic Law that refers to “a democratic and social federal state” and Article 79 asserting that Article 20 was immune to future constitutional change be understood as constitutionally entrenching the welfare state? Did it imply that the constitution was grounded on an unstated principle of social justice, or natural law, as the Federal Constitutional Court asserted? If so, did this natural law interpretation of the constitution not have the consequence of elevating Platonic judges over democratically elected legislatures as the guardians of basic rights?

Specter’s attempt to read the entire trajectory of Habermas’s critical theory as a response to German legal and political debates is illuminating because it shows that he broke from his mentors in Frankfurt very early on in developing an institutional form of immanent critique that, unbeknownst to him at the time, had already been pioneered by Franz Neumann and Otto Kirchheimer in their critical legal theories. But Specter is so insistent on opposing Habermas’s Weberian analysis of the unavoidable systemic constraints of modern legal and economic institutions to the more holistic, aesthetic-expressive praxis approach defended by first-generation critical theorists like Marcuse, that he forgets Habermas’s continuing fascination with this other form of critique.<sup>12</sup> The following essay

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11 Correspondence with Specter, cited in Specter, 59–60.

12 Habermas disputes Specter’s reductive interpretation of him as a “political scientist,” noting the latter’s relative neglect of his “theory of communicative action.” The latter reconstructs the Marxian critique of capitalism understood as a social-pathological life-form, the structural imperatives of which undermine capitalism’s own personal, cultural, social, legal, ecological, and political presuppositions. [Personal communication with the author on May 4, 2014 at the Critical Theory in Critical Times Conference held at Northwestern University].

therefore situates Habermas's institutional critical theory against the backdrop of his more speculative critique of technological alienation.

Habermas was already a critical theorist well before he became Adorno's assistant in Frankfurt and had immersed himself in the writings of the first generation. His youthful interest in Heideggerian phenomenology and Jewish philosophy, which culminated in his Young Hegelian appropriation of Schelling's idealism, displayed a theological yearning for a redemptive, solidaristic practice aimed at overcoming technological reification. At the same time, he cultivated an abiding interest in institutional debates surrounding the new social democracy that was taking shape throughout post-war Europe and especially in West Germany's fledgling democracy during the height of the Cold War. Although his first treatise on modern democracy and the transformation of the public sphere bore the indelible trace of Carl Schmitt's political-theological critique of liberal parliamentarism as the very antithesis of popular sovereignty, and was accordingly read by many as a total rejection of institutional mass partisan politics—a revolutionary invocation that apparently worried his more conservative mentors in Frankfurt—Habermas's own mercurial rise in the German student movement eventually led him to oppose over-politicizing the university, whose value as an inclusive institution of impartial debate accorded with his increasing embrace of rational discourse as a privileged form of solidaristic practice. This tension between reform-minded and revolutionary forms of praxis in the name of conflicting ideals of solidarity would accompany him throughout his career, and would culminate in his current project of extending democratic practice and solidarity globally. The limitations associated with this project, I argue, are partially offset by Habermas's turn to utopian religious consciousness and his defense of a solidaristic idea of human nature in confronting neoliberalism's atomistic reduction of the individual to a rational, self-interested calculator. This view is continuous with his earliest pre-Frankfurt writings on technological alienation, to which I now turn.

### **Early and Late Habermas on Aesthetic Fulfillment in the Age of Industrial Technology**

Habermas's earliest interest in technological alienation was inspired by Heidegger, whose unapologetic Nazi sympathies he denounced in 1953, and by Marx, whose writings he read possibly as early as 1946, when he was still a student in the Gymnasium and a patron of a local Communist

bookstore.<sup>13</sup> It was Marx and other Young Hegelian influences that shaped his dissertation on Schelling as well as his earliest newspaper contributions as a reviewer of exhibitions and technical books. The writings spanning 1953–56 reflect Jewish and other theological motifs in addition to Heideggerian themes in a way that has led one commentator to describe Habermas’s pre-Frankfurt brand of critical theory as a kind of “redemptive republicanism.”<sup>14</sup> Some of these more philosophical pieces, such as an essay written during the centennial of Schelling’s death in 1954 (the same year as Habermas’s dissertation on Schelling), hint at a sweeping critique of modern science and technology reminiscent of similar totalizing critiques advanced by Heidegger, Adorno, and Horkheimer. Praising the untimely meditation on evil developed in Schelling’s later philosophy, Habermas observes that “error and sin always arise whenever [rational] understanding (*Verstand*) refuses to bid farewell to its own autonomy” and thereby recognize its natural emergence out of unconscious sensibility (*Gemüt*) and its higher aspiration toward soulful wholeness in unity with divine creation. Evil (*das Böse*), on this reading, is therefore “pure spirit” (*das reinste Geistige*), humanity seeking to become God-like in imposing its own nihilistic, ego-centric (*eigenwillige*) will on everything that resists its all-consuming desire. The target of this critique appears to be a freedom-denying, authoritarian economic and legal system:

[U]nless we contain the objectification of ourselves in the face of limits revealed in our essence (*Wesen*), we will surrender our freedom, and the gain in our ability to manipulate (*die Verfügungsgewinn*) our life circumstances will be our demise . . . as a first step toward a philosophically free spiritual act [Schelling] teaches us not to know but to refuse to know, to refuse the self-willing of the administering (*verwaltenden*) and controlling (*verfügenden*) spirit.<sup>15</sup>

Although Habermas takes note of Schelling’s hope that the rational spirit can be subordinated to the intuition of the absolute but now forgotten unity of being in the aesthetic experience of a work of art,

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13 Habermas’s very early exposure to Marx’s writings, mentioned by Matustik (p. xxx), was confirmed in a personal communication with the author on May 4, 2014.

14 Dirk Moses, *German Intellectuals and the Nazi Past* (Cambridge: Cambridge University Press, 2008), ch. 5.

15 Habermas, “Schelling und die ‘Submission’ unter das Höhere,” *Zum 100 Todestag des Philosophen—nicht nur in memoriam.* *Frankfurter Allgemeine Zeitung* (August 21, 1954).



he does not here explore the possibility of developing an aesthetic theory of modern technology, consumption, and production. Many of his other earlier pieces do, however. To begin with, these early pieces address the meaninglessness of consumption in the age of planned obsolescence, when traditional styles (barock, Biedermeier, etc.) are shamelessly exploited to provide the comfortable and meaningful ease of the familiar against the backdrop of a mindless pursuit of novelty for novelty's sake. The fake "sovereignty" of the consumer in the face of manipulative marketing geared toward unconsciously stimulating an endless cycle of consumption is juxtaposed to the more traditional act of using durable goods that express the intimacy and constancy (*Selbständigkeit*) of social relations expressive of a meaningful existence (*Dasein*).<sup>16</sup> Where music once expressed the natural rhythms of physical labor jointly synchronized, it now surreptitiously invades the modern workplace as a subliminal technique for elevating the mood and productivity of isolated office workers;<sup>17</sup> where holidays and festivals once marked the natural cycles of life and public religious events that punctuated the routines of daily existence, they now serve to celebrate either the individual's withdrawal into the intimate space of familial privacy or the commercial exploitation of public carnivals uprooted from their once playful and sacrilegious mockery of the upper classes.<sup>18</sup>

When speaking of production, these early essays also hint at two countervailing tendencies. The modern tendency toward automatized production, Habermas ruefully notes, promises something it can't deliver. Instead of freeing everyone from the need to toil so that all can develop their human potentials, it consigns a mass of unskilled workers to unemployment while creating a class of educated, over-specialized engineers whose intellectual responsibility—fixated on the repair and

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16 Habermas, "'Stil' auch für den Alltag," *Handelsblatt*" (Sept. 23, 1955), 4

17 Habermas, "Wie an einem Samstagnachmittag. Musik als indirektes Produktionsmittel—Ihr Einfluss auf die Arbeitsstimmung," *Handelsblatt* (Dec. 14, 1954), 4.

18 Habermas, "Man möchte sich mitreissen lassen: feste und Feieren in dieser Zeit," *Handelsblatt* (Feb. 17, 1956).

oversight of technical processes—permits little or no initiative,<sup>19</sup> despite the replacement of old managerial hierarchies and horizontally situated control rooms.<sup>20</sup>

Countering this diagnosis, Habermas elsewhere hints at the possibility of implementing liberating technical designs that would integrate art and technology, nature-as-life process and humanity-as-natural (sensuous) being. As he stated in 1953,<sup>21</sup> the problem of modern technology has nothing to do with “the multiplication and increase in aesthetic effects, but rather with the relationship between people and technically produced objects with(in) which they live (*umgeht*), [and] with the relationship to the world in general, into which twentieth century mankind is born.” More precisely, Habermas observes that today “contemporary humanity creates its technical products not for the sake of its own purposes but rather creates its purposes for the sake of the means (which provide humanity with a permanently perfectible process of production), so that these ‘purposes’ are no longer [humanity’s] own.” Accompanying the detachment of technical things from the people who produce and use them is a “myth” of functional “neutrality and anonymity,” the myth that technology itself is “removed from [persons’] immediate interests.”

Instead of the “domination of means,” characteristic of capitalist forms of productive efficiency, Habermas allows that “there could again be genuine things (*Dinge*) that are tailored to people (and not the other way around), that are something in themselves by which people and their world are revealed, their life space disclosed (*erschliesst*) just as a dwelling (*Wohnung*) is, and ought to be, shelter and not merely a barracks for sleeping and a guard against the elements ... Stylization, shaping, and giving form would thus mean bringing the thing character of technical products to appearance (*Vorschein*), allowing them to emerge from their anonymity and win their own durability (*Bestand*), in part even allowing them to become their own world, making them in such a way that they can bring forth (*hervorkehren*) what they are.”

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19 Habermas, “Die Hilfsarbeiter wird angelernter Ingenieur: Die Entwicklung vom Fließband zum Prüfstand—Berufsumschichtung durch die Technik, *Handelsblatt* (May 14, 1954), 4.

20 Habermas, “Für und Wider: Der Mensch zwischen der Apparaten,” *Süddeutsche Zeitung* (Sept. 6, 1958).

21 Habermas, “Der Moloch und die Künste: Gedanken zur Entlarvung der Legende von der technischen Zweckmäßigkeit,” *Frankfurter Allgemeine Zeitung* (May 30, 1953), 20

Habermas concludes this Heideggerian meditation by noting that “stylization in this sense of world disclosure is however a problem of art.” What it would mean to restore technology to its former aesthetic dimension, in craftwork, say, is not pursued further by Habermas except to note that modern art has also witnessed a tendency toward arrangements involving the bundling together of forms that at once “bind and liberate” technique. As examples of such a bundling—in which the blending of art and technique open up human living space—Habermas mentions tapestry prototypes based on Klee drawings, stained glass windows, and the neo-classical architectural style of Stazione Termini in Rome. Elsewhere, in reviewing an exhibit on Italian design, he approvingly cites the playful, ironic prototypes of furniture, silverware, vases, lamps, and other implements that manage to cross the divide between older, individually expressive craft artisanship and modern, mass-produced industrial artifact. The ability of a simple basket to recapture the natural cycle of harvesting and to recall the countryside, or the capacity to draw forth from glass and clay an imaginative and evocative experience of a more rooted, intimate, and meaningful life suggest to him the possibility of a new international style that retains regional and local accents.<sup>22</sup>

Habermas expounds further upon the synthesis of artisanal wisdom and modern industry in a 1955 review article on John Diebold’s discussion of automated factories and cybernetic control systems.<sup>23</sup> This article critically examines the development toward technical efficiency by which machines automatically reconfigure themselves to adapt to changing materials, supplies, storage facilities and work components: “He [Diebold] wants machines that design (*entwerfen*) not only in reference to what concerns the produced article but also in reference to what concerns the basis of their special modes of working. Otherwise machines become obsolete (*ausgedient*) as soon as their products are no longer marketable (*nicht mehr abgesetzt werden kann*). Engineers like Lewer and Brown therefore suggest a division of minutely designed machines on the basis of their fundamental

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22 Habermas, “Im Süden nichts Neues? Italienischer Stil vom Kunsthandwerk zur Industrie—Die Ausstellung ‘Forme Nuove in Italia,’” *Handelsblatt* (December, 1954), 3.

23 Habermas, “Die Letzte Phase der Mechanisierung,” *Frankfurter Allgemeine Zeitung* (Jan. 8, 1955), 29

work processes, which can then be elastically recombined. This idea of ‘bundled work processes’ makes possible machines serving multiple purposes.”

According to Specter, the aesthetic transformation of labor and technology cited by the young Habermas as essential to human emancipation was later rejected by the mature Habermas. This break, he argues, was officially documented in Habermas’s 1968 essay, *Technology and Science as Ideology*.<sup>24</sup> Accepting Marcuse’s thesis that modern science and technology had functioned ideologically in late capitalism by promoting the substitution of administration for political action, Habermas criticized Marcuse’s proposed political goal of aesthetically transforming technology into a non-objectifying communicative praxis. However, despite his rejection of Marcuse’s praxis philosophy, Habermas—contrary to Specter’s claims—did not abandon aesthetic critique.<sup>25</sup> Although Habermas shifted the problem of technological alienation to the problem of political domination, he continued to see these problems as intertwined with a more basic problem: capitalism.

Written at the same time as his critique of Marcuse, Habermas’s *Knowledge and Human Interests* (1968) anticipates this intertwining in its linkage of technological alienation (scientism) with class domination, and its utopian advocacy of a community of solidarity. A classless society based on undistorted, domination-free communication here appears as a necessary condition for freedom, justice, happiness, and enlightenment. Formulated in the language of psychoanalytic reflection, the shattering of ideological compulsions and the recovery of suppressed nature wrought by rational communication culminates in a transformative reconciliation between the self, other, and nature.<sup>26</sup>

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24 Habermas, “Technology and Science as Ideology,” *Toward a Rational Society*, trans. and ed. J. Shapiro (Boston, MA: Beacon Press, 1970).

25 For a more detailed discussion of aesthetic rationality and technological design as it bears on the disagreement between Marcuse and Habermas, see my essay “Living Well in the Modern Age: Feenberg on Habermas, Technology and the Dialectic of Reason,” published in the Book Symposium on Andrew Feenberg’s *Between Reason and Experience: Essays in Technology and Modernity*, *Philosophy and Technology*, 24/2 (2011): 206–11.

26 Habermas, *Knowledge and Human Interests*, trans. J. Shapiro (Boston, MA: Beacon Press, 1971), 314.

By 1973 Habermas had relinquished the idea that rational communication anticipates such a reconciled form of the good life. Nonetheless his abandonment of this idea, along with social psychoanalysis, did not signal an abandonment of ideology critique or aesthetic critique. The critical political theorist guided by a procedural ideal of democratic legitimation still retains a critical awareness of the stark contradiction between capitalism and democracy. The ideology of administering welfare (consumption) under the aegis of technological elites conflicts with moral imperatives demanding greater accountability and political participation. It also conflicts, as Marcuse earlier noted, with counter-cultural aesthetic sensibilities that forswear institutional rewards of monetary and career success.<sup>27</sup>

By 1980 Habermas expanded his focus on the legitimation crisis of the welfare state to include the social disintegration of family and society caused by the “colonization of the lifeworld.” Here the crisis shifts from political domination to the instrumental (economic and administrative) domination of life in the broadest environmental and ecological sense of the term.<sup>28</sup> Classical struggles for civil rights and democratic inclusion (civic solidarity) now share space with new “green” movements (planetary solidarity). Habermas also reaffirmed his earlier commitment to workplace democracy and market socialism.<sup>29</sup> Rejecting “simple recipes of workers’ self-management” aimed at eliminating market systems, he nonetheless supported the abolition of “capitalist labor markets.”<sup>30</sup>

If social pathologies reflect a capitalist course of rationalization in which market demand determines technological development and abstract processes of learning (rationalization complexes) and split-off technical elites confront each other as alien and opposed, then we must turn to

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27 Habermas, *Legitimation Crisis* (Boston, MA: Beacon Press, 1975).

28 Habermas, *The Theory of Communicative Action. Volume Two. Lifeworld and System: A Critique of Functionalist Reason*, trans. T. McCarthy (Boston, MA: Beacon Press, 1987).

29 Habermas, *A Berlin Republic: Writings on Germany*, trans. S. Rendell (Lincoln, IN: University of Nebraska Press, 1997), 141–42.

30 Habermas, *Habermas: Autonomy and Solidarity: Interviews with Jürgen Habermas*, trans. and ed. P. Dews (London: Verso, 1986), 187.

conceptions of aesthetic rationality in order to retrieve the notion of a life lived in integrity.<sup>31</sup> Aesthetic experience, Habermas tells us, “harbors a utopia that becomes a reality to the degree that the mimetic powers sublimated in the work of art find resonance in the mimetic relations of a balanced and undistorted intersubjectivity of everyday life.”<sup>32</sup> But “an aestheticization of the lifeworld is legitimate only in the sense that art operates as a catalyst, as a form of communication, as a medium within which separated moments are rejoined into an uncoerced totality [in such a way] that art ‘leads’ everything which has been dissociated in modernity—the system of unleashed needs, the bureaucratic state, the abstractions of rational morality and science for experts—’out under the open sky of common sense.’”<sup>33</sup>

### **Habermas and the Project of Constitutional Reform**

I have argued that aesthetic concerns regarding a form of life beyond alienation played an important role in Habermas’s revolutionary critique of capitalism throughout the eighties and into the nineties. Do they continue to do so in the aftermath of his discourse theory of law and democracy? Habermas has used this theory to advocate on behalf of social movements that he believes promote potentials for civic and planetary solidarity that already find institutional support in liberal democracy. However, Habermas’s call for a constitutionalization of international relations in response to human rights violations, global poverty, and global climate injustice, by no means follows as seamlessly from discourse theory as he thinks it does.

Two challenges immediately come to mind. First, although discourse theory grounds a cognitive commitment to resolve normative disagreements through argumentation, it says nothing about the personal commitment to cooperate in the first place, especially when it involves risks and

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31 A more detailed discussion of Habermas’s views on aesthetic rationality and art in relationship to competing theories advanced by Adorno, Benjamin, and Marcuse, can be found in my essay, “Habermas on Aesthetics and Rationality: Completing the Project of Enlightenment,” *New German Critique* 53 (Spring/Summer 1991): 67–103. For the importance of aesthetic rationality in grounding critical theory and practice, see my *Habermas: Introduction and Analysis* (Ithaca: Cornell University Press, 2010), 316–28; and *Critical Theory and Philosophy* (New York: Paragon House, 1990), ch. 8.

32 Habermas, “Questions and Counter-Questions,” *Praxis International* 4/3 (1984): 237.

33 Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures* (Cambridge, MA: MIT Press, 1987), 50.

sacrifices. The commitment to improve the lives of strangers, while potentially worsening our own lives, would seem to come from ethical ties that lie outside discourse proper.

Second, ethical caring for others withers beyond our national borders. Outrage in the face of human rights abuses does not compel the sorts of sacrifices that must be made in redistributing the costs and benefits of a global market economy. Whatever solidarity we feel for the starving masses living outside our borders seldom motivates any practice beyond modest levels of charitable giving.

This last comment leads to a third challenge. By its very nature, discourse theory turns to institutionalized forms of democratic discourse, parliamentary and public, in raising and resolving social justice concerns. But deliberative democracy only works when citizens overcome their deep social differences. Democracy and constitutional reform can exist as a revolutionary project for expanding inclusion and social equality only when the citizens begin to speak in one voice. This happens only during those rare moments of economic and political crisis, as in the United States during the Great Depression, when the people's mandate for a New Deal set in motion a massive revolution in constitutional jurisprudence that led to the elevation of new civil, political, and social rights over entrenched economic, racial, and gender domination. But crises can also trigger reactionary responses. Since the passing of the Fordist model of organized capitalism and its Keynesian economic justification along with the advent of unregulated neo-liberal capitalism based on trickle-down economics, welfarist solidarity has declined in proportion to the weakening of unions and the cutting back of public services. Heightened inequalities have created divisions among the large mass of people whose incomes have stagnated or declined and are now fighting each other for a dwindling portion of the pie, and these divisions have been exacerbated by partisan politics that have increasingly reduced democracy to a non-deliberative, winner-take-all contest, driven by propaganda and narrow self-interest.

Habermas's response to the economic crisis of 2008,<sup>34</sup> which reiterates his earlier analysis of the legitimation crisis besetting the welfare state, and his situating that crisis within a broader analysis of the democratic legitimation crisis crippling the EU and of institutions of global governance,

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34 Habermas, *Europe: The Faltering Project*, trans. C. Cronin (Cambridge: Polity Press, 2009), 187.

expressly targets neo-liberal economic policies as a major obstacle to progressive democratic politics, if not democracy as such. If we take him at his word, critical theory must continue to enlighten the broader public about the stark tension between capitalism and democracy. It must continue to lay bare the potential for pseudo-compromise as well as ideologically induced consensus on partial interests. In the former instance it must show how a compromise between, say, the growth imperative of capitalism and a healthy ecology of the planet is not a sustainable compromise between two equally legitimate and worthy values. In the latter instance it must show how unregulated flows of capital, labor, and goods coupled with the selective devaluation of currencies, restructuring of economies, and privatization of services—the so-called Washington Consensus—is not, contrary to the claims of free market ideologues, theoretically or empirically justified, and does not lead, even in the long run, to everyone's lives being improved.

In the face of these facts, Habermas's practical response to today's crisis is remarkable for urging a gradual reform of global institutions of governance that works within the given limits of a largely state-centered system of international law while recommending the strengthening of a cosmopolitan human rights regime centered on the UN. The key to this project revolves around the capacity for states, no less than individuals, to acknowledge the importance of cooperating solidaristically in confronting their collective planetary fate.

Empathy leads to demands for humanitarian intervention in remedying only the worst human rights violations, but intervention generally takes the form of military actions or economic sanctions, which appear costless to most citizens inhabiting the enforcer nations (who remain largely ignorant of their collateral effects on citizens inhabiting the sites of intervention). Indeed, according to Habermas's most recent observations on this subject, we cannot say that our moral outrage in the face of gross human rights violations normally requires feeling solidarity with the victim. Expressly contradicting an eponymous article he wrote over twenty years ago on this subject,<sup>35</sup> he now denies that solidarity and justice are complementarity moral categories. Justice refers to moral respect for the

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35 Habermas once observed that “[j]ustice conceived deontologically requires solidarity as its reverse side.” J. Habermas, “Justice and Solidarity: On the Discussion Concerning Stage 6,” *The Philosophical Forum*, XXI/1–2 (1989/90): 47.



rights of the individual qua individual; it commands unconditional duties in our treatment of all persons, even strangers with whom we are not connected. By contrast, solidarity refers to ethical trust and reciprocity based on an acknowledgement of one's jointly shared long-term interests (what Habermas here designates by Hegel's conception of *Sittlichkeit*, or ethical life). The special duties it enjoins are not, however, equivalent to the special duties parents owe children, despite the fact that solidarity may also call forth supererogatory acts of sacrifice. Unlike pre-political forms of ethical life that extend familial sensibilities in the direction of national ties, modern civic solidarity arises as a *political* response to economic and social crises of a systemic nature that dissolve communal bonds and traditional identifications.<sup>36</sup> As Axel Honneth notes, this kind of postmodern, multicultural matrix of overlapping solidarities presupposes mutual recognition and concern among equally esteemed consociates whose particular communities need not be bound by broader notions of communal identity based on shared goals.<sup>37</sup> Yet Habermas's observation that such abstract civic solidarity has a potentially unifying *offensive* orientation seems correct, namely, to combat the technical colonization of the lifeworld and reclaim popular democratic control over economic and political processes whose unintended side-effects (poverty, global climate change, financial and other economic crises) are patently unjust (in the socio-political sense of the term) and damaging in their impact on selected populations and ultimately the entire planet.

We don't have to accept Habermas's recent relegation of solidarity to the politico-ethical sphere in order to appreciate his point that commitments to engage in risky and costly political activity go beyond the minimum requirements of moral duty. These commitments are to be found in their purest form at the level of the state. According to Habermas's genealogy, the emergence of the nation state signals a progressive stage in the evolution of ethical life insofar as it subsumes divisive religious and sectarian bonds of solidarity under a broader cooperative scheme. Outwardly, however, national solidarity, like any insular and exclusive notion of solidarity, can induce sacrifices for

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36 Habermas, "Plea for a Constitutionalization of International Law," *Philosophy and Social Criticism* 40/5 (2014): 10–11.

37 A. Honneth, *Disrespect: The Normative Foundations for Critical Theory* (Cambridge: Polity, 2007), 123–4, 254–62.

regressive aims of imperial expansion. The democratic reform of the nation state tempers this nationalism by introducing a new form of civic solidarity.

This solidarity reflects the Janus-faced nature of the liberal-democratic constitution, whose rights of national citizenship implicitly apply to all individuals in a universal cosmopolitan sense. The kind of solidarity appropriate to modern constitutional democracy signals a readiness to make sacrifices for the sake of protecting and augmenting the rights of one's consociates, rather than a readiness to sacrifice one's life for the state or the nation. But as Hauke Brunkhorst notes, the emergence of what Durkheim calls "organic solidarity"—the solidarity of mutually interdependent individuals living in highly stratified societies structured by market systems of exchange and contractualist relations—produces social inequalities and class tensions that threaten civic solidarity.<sup>38</sup> Democracy functions to legitimate the legal order only insofar as it regulates these inequalities to the perceived benefit of all; and that means securing equal opportunities to exercise rights for all citizens. The equal inclusion of all persons as active participants in democratic deliberation depends on a fragile class compromise that is now threatened by the forces of neo-liberal globalization. Civic solidarity thus emerges to the degree that citizens collectively reclaim their right to self-determination and communal-ecological integrity against the disempowering and disintegrative effects of an economic-administrative system managed in top-down fashion by technical elites.

The question arises whether the kind of civic solidarity that barely exists at the domestic level of the welfare state be extended globally.<sup>39</sup> Habermas's long-standing worry about the democratic deficit plaguing the economic unification of the EU illustrates his own ambivalence on this score. As of 2014, the EU has managed to increase overall systemic efficiency by increasing economic and

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38 Brunkhorst contrasts modern civic solidarity, which has its birth in the French Revolution, with its premodern sources: the ethical-political solidarity found in ancient Greece (civic friendship) and the religion-based form of solidarity found in the Judeo-Christian tradition in *Solidarity: From Civic Friendship to Global Legal Community*, trans. J. Flynn (Cambridge, MA: MIT Press, 2005).

39 Honneth (2007, 124) designates "abstractly utopian" notions of humanitarian solidarity that are based on a common goal exceeding common recognition of "equal cultural differences." Following Habermas, I defend a notion of humanitarian solidarity based on a common ethical-aesthetic need for an unalienated, sustainable form of life.

monetary integration without making the bureaucracy in Brussels accountable to the people. Instead, it has managed the current financial crisis in a way that has pitted bureaucrats allied with Germany's neo-liberal policies against the interests of Greeks, Spaniards, and other EU citizens who happen to reside in crisis-ridden states of the Euro Zone.<sup>40</sup> The Lisbon Treaty, with its marginal closure of the democracy gap, has not made the Brussels bureaucracy more accountable, but has allowed this bureaucracy to shatter whatever solidarity once existed between northern and southern member states.

At the transnational level, things look equally bleak. The prospects for mounting a global extension of domestic welfare policies involving concerted sacrifices on the part of developed nations to remedy global inequalities and ecological imbalances seem discouraging. Even Habermas's recommendation that the General Assembly of the UN be transformed into a quasi-legislative body that would lay down general principles of distributive justice to check the self-serving behavior of powerful states and global economic multilateral organizations in their trade negotiations is qualified by a stark institutional realism.

Abandoning his earlier defense of a post-national cosmopolitan constellation, Habermas today cautions that the world's inhabitants should not be expected to relinquish their civic solidarity with fellow nationals for an intangible solidarity with humanity. Neither the EU nor the UN should aspire to a federal union like the United States, but a looser federation constituted by sovereign member states and their elected representatives, on one side, and supranational citizens and their elected representatives, on the other. Extended globally, the principle of *dual constituent powers* involves reconstituting the UN General Assembly as a bicameral body representing both member states and cosmopolitan citizens.<sup>42</sup>

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40 "Under the leadership of the German government, the European Council is adhering to a crisis agenda that insists on the priority of each individual state's balancing its national budget on its own [thereby] adversely affecting the social security systems, public services and collective goods, which means that it is being implemented at the expense of the strata of the population that are disadvantaged" ("Plea," 9).

42 Habermas, "The Constitutionalization of International Law and the Legitimation Problems of a Constitution for World Society," *Constellations* 15/4 (2008): 444–54. More recently, Habermas has argued that the constitutionalization of international law would continue the civilizing mission of the rule of law under conditions of democratic legitimacy under a

Let me here suggest that Habermas's attempt to lay out a constitutional pathway for democratic reform of the global political and economic order correctly designates political practice as the only praxis capable of making long-term revolutionary changes in capitalism. This practice must somehow *reconcile* the *dual* ties of solidarity claimed by persons who identify as citizens of states and as citizens of the world. But will citizens of wealthy states be motivated to distribute their wealth and make greater sacrifices in cutting back their production of greenhouse emissions in their capacity as world citizens? Would they be willing to reform economic and legal institutions in the name global justice, especially if this required redeeming the planetary community of living things through a revolution in their aesthetic sensibilities?

Beholden to global forces beyond their control, citizens must increasingly look beyond their local governments to new forms of global cooperation. They must reimagine themselves as *future* cosmopolitan citizens whose civic solidarity is forged alongside a growing planetary solidarity. Living harmoniously with our global environment in a sustainable way requires all of us to re-imagine a world beyond capitalism as we know it, a world that somehow balances the efficiencies of the market and the legal system with aesthetic needs for happiness, ethical needs for community, and moral needs for justice.

Arguably the single most important moral idea undergirding the struggle for justice—respect for the dignity of the individual as a bearer of human rights—intersects the ethical-aesthetic idea of solidarity. As Habermas himself recently observed, human rights have a pedigree extending back to the Judeo-Christian tradition, perhaps even as far back as the Axial break.<sup>43</sup> Their content embraces a long history of insult and injury, indeed, all forms of dehumanization that deny some persons

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radically new constellation in which states (whose administrative powers are directly democratically legitimated) would retain a monopoly of sanctioning power subordinate to powerless supranational legal structures. Key to this proposal (and the idea of global democratic legitimation) is the dual constituent role of persons as citizens of both states and supranational polities. J. Habermas, "The Crisis of the European Union in the Light of the Constitutionalization of International Law," *EJIL* 23/2 (2012): 335–48.

43 Habermas, "The Concept of Human Dignity and the Realistic Utopia of Human Rights," *Metaphilosophy* 41/4 (2010): 464–79.

opportunities to develop themselves ecologically as well as socially, politically, and economically. In this way, the conditions for leading a worthwhile life as a human agent—conditions that human rights are uniquely geared toward protecting—intersect with the conditions for leading an ethical life in solidarity with others and the entire matrix of planetary life. Reimagining these conditions in literature, art, and innovative technology is the task set forth by redemptive critique; reflectively evaluating them in a manner both just and legitimate is the task set forth by discourse theory and ideology critique; and realizing them is the task set forth by democratic politics.

Achieving cosmopolitan and planetary solidarity will require shifting our loyalties away from the local and regional to the global. Only if we combine civic solidarity with planetary solidarity—guided by a comprehensive understanding of human emancipation and human dignity—can we conceive the possibility of a democratic, revolutionary praxis. Such praxis depends on expanding our sense of civic solidarity beyond borders to acknowledge our reciprocal connectedness to others and our mutual dependence on a sustainable community of life. But only remembrance of the catastrophe of history and of all those who have suffered under its reign of “progress” can ignite hope for a redeemed humanity, without which our best efforts at institutional reform will continue to perpetuate a mythic cycle of violence.