Theoretical Modesty: Habermas and Rawls on the Role of Philosophy and its Relationship to Public Discourse

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In the March 1995 volume of *The Journal of Philosophy*, two modern moral giants, Jürgen Habermas and John Rawls, engaged in a constructive conversation concerning the role of philosophical theory and its relationship to public discourse. Habermas calls his critique of Rawls ‘immanent’, both Rawlsians and Habermas work within the Kantian tradition, embracing Kant’s general approach to ethics while distancing themselves from Kant’s metaphysical claims. Habermas shares Rawls’ ‘intersubjectivist version of Kant’s principle of autonomy’ in which ‘we act autonomously when we obey those laws which could be accepted by all concerned on the basis of a public use of their reason’ (Habermas, 1995, p. 109).1 This intersubjectivist approach is an attempt to combine Kant’s universalisation principle with the pluralism of modern society. It seeks an answer to the following question: how can individuals who have divergent and often incommensurable ideas of the good coexist peacefully in modern society?

As I hope to make clear in this paper, Habermas has a markedly different answer to this question than Rawls. First I shall discuss how each understands the role of theory. Interestingly, they both claim to be simultaneously more and less modest than their interlocutor about the role theory is to play in their intersubjectivist accounts. Second, I shall ask whether the metaphysical and religious beliefs that individuals hold ought to be included in public discourse or if they should be restricted to the private domain. This question about ‘comprehensive doctrines’ is fundamentally important in the disagreement between Habermas and Rawls. Third, I shall investigate how each conceives of the role of philosophy and its relevance to public discourse. Here it is important to consider the relationship between philosophical theory and the political realities to which it must respond practically.

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Rather than merely undertaking an exegesis of the main arguments, I hope to show how Habermas’ and Rawls’ ‘modest’ theoretical positions can be combined into a more robust, and I think, more philosophically compelling account of the relationship between philosophical theory and public discourse. More specifically, I wish to reject Rawls’ separation of comprehensive doctrines and public discourse, endorsing instead Habermas’ claim that such religious and metaphysical beliefs ought to be part of public, political discourse. However, as I shall make clear, my reason for adopting this belief is Rawlsian in nature; instead of being purely procedural (setting up ideal conditions for discourse and then letting it go where it will), I give discourse ethics the substantive end of helping to achieve tolerance and stability in society.

In my view, there cannot be a purely political discourse that brackets questions of religious and metaphysical beliefs. Citizens have good reasons for considering their most deeply-held beliefs when, for instance, voting on matters that affect societal institutions and traditions. Since public discourse cannot be philosophically value-neutral, theorists would do well explicitly to include such beliefs in public discourse rather than relegating them to a private, subjective existence. Any philosophical theory that fails to acknowledge this constitutes a failure of philosophical practice; it ignores the political reality that the distinction between the public and the private cannot be so narrowly drawn. Moreover, I doubt that citizens can truly tolerate others whose beliefs differ radically from theirs unless they first see those ‘others’ as rational, reasonable human beings like themselves. The special merit of discourse ethics is the way in which it (ideally) allows individuals to communicate with one another as human beings even when they disagree in matters of doctrine. We would do well as citizens to achieve the true tolerance and stability that can be obtained only after engaging with, rather than remaining ignorant of, one another’s most deeply-held religious and metaphysical beliefs.

Habermas and Rawls undertake utterly different strategies for securing intersubjective agreement amongst citizens in a modern, pluralistic society. After briefly outlining their respective positions, I will ask why each thinks his own position to be both more and less modest than the other. Going as far back as the 1971 publication of his groundbreaking work, *A Theory of Justice*, Rawls has employed an idealised, hypothetical situation to deal with the fact of modern pluralism. By theoretically abstracting oneself from the natural and social contingencies that shape one’s life (e.g. economic class, level of education, gender, etc.), one can achieve a sense of impartiality by which one sees oneself as merely a rational agent.

Under this veil of ignorance, one can consider the question of justice in a manner far fairer than when one’s position in society is determined by natural and social contingencies. What emerges from an idealised ‘original position’ is a set of substantive principles that everyone in a society can agree upon intersubjectively, since they do not reflect the egocentric interest of any particular citizen. This agreement is obtained by slowly removing the veil at successive stages (e.g. constitutional convention, legislative assembly, judicial

interpretation of the constitution and the laws) until one is left with a society of actual moral agents.

Rawls, then, views the project of moral philosophy in terms of theory-construction. Because the empirical conditions of modern society do not lend themselves to a single, overarching conception of the good, philosophers must construct an impartial, free-standing theoretical model rather than reconstruct an account of the presuppositions of modern pluralistic society. A reconstructive account is more modest in the sense that it does not determine the outcome of the public discourse. Rawls, on the other hand, uses the original position to generate substantive principles of justice. Thus, while Habermas’ reconstruction is more comprehensive than Rawls’ political theory (in the sense that it includes, rather than avoids, comprehensive doctrines), it is less comprehensive (and thereby more modest) by leaving more questions open to real discourse. His reconstruction neither prescribes an end to be achieved (e.g. Rawls’ ends of stability and tolerance) nor substantive principles of justice to be accepted.

Habermas sees theory-construction as both overly abstract and ultimately self-undermining. While Rawls pays careful attention to procedural ‘participation conditions’ (e.g. the equality of parties in the original position), Habermas thinks that ‘the potential gains of this turn are dissipated precisely by the systematic deprivation of information’ (Ibid. p. 116). The veil of ignorance, then, fails in two related ways as a theoretical construct: either it is so thoroughly impartial that the principles generated therein are seen as alien to real, flesh-and-blood moral agents, or it fails to achieve impartiality by already entailing substantive assumptions about what conclusions would be reached by individuals in the original position. The first horn of the dilemma has to do with moral autonomy: the intersubjectivist project fails if an individual cannot rationally accept and put into practice what is agreed upon in the original position. Habermas thinks that the method of impartiality creates a gulf between a purely rational agent and a real person; a flesh-and-blood moral agent would not have reason to accept and put into practice the principles generated under the veil if he or she did not participate fully in their construction. In order to ensure that philosophical theories are able to be put into practice, philosophers must be modest in their moral theory.

On the other hand, Habermas criticizes Rawls’ theoretical construction for not being purely procedural. He writes that ‘Rawls introduces normative contents into the very procedure of justification, above all those ideas he associates with the concept of the moral person: the sense of fairness, and the capacity for one’s own conception of the good’ (Ibid. p. 119). These dispositions, on Habermas’ view, can continue to affirm their previously held comprehensive doctrines to the process of rational argumentation, whereas Rawls builds into his theory substantive guidelines to bring about intersubjective agreement (both by positing substantive principles of justice to be agreed upon and by giving this agreement the substantive ends of tolerance and stability). Rawls takes issue with the notion of ‘pure procedure’ when he writes, ‘The point is that no institutional procedure without such substantive guidelines for admissible reasons can cancel the maxim: garbage in, garbage out’ (Rawls, 1995, p. 178).

Tolerance and stability must be regulative ideals; otherwise, a procedure can be perfectly legitimate and still yield unjust outcomes (Ibid.). In other words, Habermas decides to be modest at precisely the moment that he ought to make substantive judgments: by leaving the outcome of public discourse undetermined, he cannot know whether it achieves a fair and just result. It is only if tolerance is aimed for as a substantive end to discourse, and not just a rational presupposition of discourse, that one can hope to achieve just results.

I endorse this view. However, I think that Rawls fails to show how his method of avoidance of comprehensive doctrines guarantees the tolerance and stability that he prizes. His privatization of comprehensive doctrines protects them from public critique and justification. Likewise, this privatization ensures that such controversial doctrines ‘have no normative role in public justification’ (Ibid. p. 144). In this way, Rawls’ separation of comprehensive doctrines and public discourse preserves the integrity of each. Overlapping consensus amongst reasonable persons is to be achieved ‘without rejecting their deepest religious and philosophical commitments, (Ibid. p. 146).

But why is this a recipe for true tolerance and stability? Does not the achievement of true tolerance and stability require that people have reasons for tolerating the deeply-held beliefs of other human beings in their society? Rawls tries to achieve tolerance and stability by fiat, rather than achieving and earning them though a process of public discussion. Habermas is right to criticise Rawls for raising the question of stability up front, rather than showing how stability can be generated by his theory. He writes, ‘Because Rawls situates the “question of stability” in the foreground, the overlapping consensus merely expresses the functional contribution that the theory of justice can make to the peaceful institutionalization of social cooperation; but in this the intrinsic value of a justified theory must already be presupposed’ (Habermas, 1995, p. 121).

Public discourse can effectively humanise others with whom one disagrees. Rawls is blind to this possibility because he conflates the process of discussion and critique with the inevitable rejection of one’s comprehensive doctrines. He fails to consider how individuals engaged in sincere discourse can continue to affirm their previously held comprehensive doctrines and yet be deeply affected by conversation with others. Or that the beliefs may be stronger than ever because they were recognised and affirmed as reasonable by other members of a society. For instance, a dialogue between a Christian and a Muslim will not likely convert either of them, but it might (if engaged in sincerely) achieve the
kind of tolerance that true stability depends upon. On the other hand, if each were instructed to be tolerant up front, they would remain ignorant of what they were tolerating and why. Since both care about their society (its laws and institutions), they have good reasons for wanting to understand the beliefs of their fellow citizen and how those beliefs might impact the society they share.

This is where Habermas’ discourse ethic is promising. It sets up the ideal conditions under which public discourse can result in an idealised we-perpective. However, here I wish to balance an endorsement for discourse ethics with a Rawlsian call for tolerance and stability. Like Rawls, Habermas conflates the discussion of comprehensive doctrines with the inevitable rejection of those which do not pass the test of rational justification. Here one must ask about the cost of attaining the idealised perspective of discourse ethics. If doing so means the rational rejection of any doctrine not suitable for an idealised perspective, then we would do well for stability’s sake to protect comprehensive doctrines from such outright rejection.

Comprehensive doctrines deeply define individuals and form their identities. On my view, they should be publicly shared, discussed, and even criticised at times but never subjected to a purely rational critique. No comprehensive doctrine is built to withstand such an assault, being rooted in metaphysical and religious rather than purely rational foundations. Thus, it is important to set up substantive guidelines for ideal discourse (e.g. tolerance and stability), rather than permitting it to be purely procedural. Rawls compellingly shows how philosophical theory cannot avoid making substantive judgments (i.e. cannot be ‘purely procedural’), if it hopes to guarantee just outcomes as its practical effects.

My qualified endorsement of the way in which discourse ethics treats comprehensive doctrines allows me to weigh in on another divisive issue: the role of the philosopher. Rawls and Habermas are correct to consider the relationship between philosophical reflection and public discourse, rather than understanding philosophy as an independent and self-standing discipline. I think that Rawls successfully shows how philosophy can (and must) generate substantive guidelines for achieving intersubjective agreement. The kind of discourse that Habermas prizes must have substantive principles and ends built into it, rather than being purely procedural. On Rawls’ view, these are the principles generated under the veil of ignorance, as well as the substantive ends of tolerance and stability. Rawls properly situates the philosopher as a concerned citizen who, though not an expert, can provide to other citizens ‘some ideas of right and justice ... and some basis for their reasoning’ (Rawls, 1995, p. 174-175).

Within this Rawlsian framework, Habermas’ discourse ethics becomes more promising. The philosopher, while not forsaking substantive principles and ends, must judge these principles in light of their actual embodiment in the lives of flesh-and-blood individuals. This involves being modest in a way that Rawls failed to be; his narrow and strict distinction between the public and the private runs counter to the actual experience of citizens who, practically speaking, cannot neatly compartmentalise the self in this way. Furthermore, tolerance and stability, though the proper substantive ends, must be practically achieved rather than merely theoretically stipulated. The comprehensive doctrines that Rawls was so keen to protect inevitably seep into public discourse. It is more honest to acknowledge these practical challenges rather than philosophically suppressing their effect on public discourse.

Whereas Rawls attempts to protect comprehensive doctrines from rational criticism, Habermas seems only too willing to subject them to this kind of criticism. They both assume that these comprehensive doctrines will inevitably be undermined, differing merely on whether this is desirable or not. Neither seems to consider the possibility that true tolerance and stability depend upon individuals having good reasons for respecting the beliefs of one another. Here the Kantian legacy in the work of Rawls and Habermas is evident; they both conceive of the public sphere as the place where rational and intersubjective agreement takes place. However, it might be more philosophically practical to consider the public sphere as both the realm of rational discourse and as the manifestation of the deeply-held beliefs of individuals.

Practical philosophy can, and must, incorporate theoretical and substantive claims that provide a framework for actual discourse to take place. However, in doing this, it must not lose sight of the practical challenges that confront any philosopher attempting to theorise how individuals with widely divergent conceptions of the good can peacefully coexist in society. Habermas’ rejection of philosophical ‘experts’ and his insistence on reconstruction miss the point; both he and Rawls are engaged in theory-construction when they make explicit what it means to be in a modern pluralistic society or to engage in rational discourse. Substituting an analysis of modern society and its institutions for a metaphysical account of human essence does not make one less philosophical or theoretical. It just sets up a different target to be shot with the same theoretical arrow.

References


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