

“Discourse and the Common Good:  
Legitimation and Plurality in Habermas and MacIntyre”

by  
Adam Benjamin Smith

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## Introduction

A basic challenge for political theory, perhaps now more pressing than ever, is how to imagine legitimate governments for plural societies. Of course societies have always been plural. In the contemporary world, demographics, migrations, technology, economics, and social and political upheavals have simply made them more so. These and other changes have pushed this challenge to the doors not just of oppressive or failing governments, but of stable ones which may have been taking their legitimacy for granted.

It is a challenge to imagine such governments because there is a persistent tension between the terms “legitimate” and “plural.” For a plural society is just that sort of society in which there will be many different ideas about what makes for legitimate government. And these different ideas will themselves involve different ways of reconciling the tension. The problem quickly becomes very complicated. Political theorists try to resolve it with a bit more clarity than has so far been achieved.

But perhaps “reconciling” and “resolving” are the wrong words. It is more a matter of *sustaining* the tension. The terms must be kept in balance with each other. A concept of legitimation should not obscure or ignore the facts of plurality, and a concept of plurality should not undermine the possibility of legitimate government. The tension can be easily “resolved” in favor of one term or the other. It is much harder to “sustain” it.

I want to consider two compelling attempts to do so. Neo-Kantian and neo-Aristotelian political theories have been plying the tension with great skill. Their efforts have been partly marked by the contrasts they draw between themselves. These contrasts often seem to turn on the same concern: each accuses the other of resolving the tension, for different reasons, at the expense of plurality.

For example, Jürgen Habermas says of the neo-Aristotelian insistence on the priority of the good: “Without the priority of the right over the good one cannot have an ethically neutral conception of justice. This deficit would have unfortunate consequences for equal treatment in pluralistic societies.”<sup>1</sup> Alasdair MacIntyre counters that right/good is a false dichotomy, which has its own “consequences”: “The principles which inform such [a] theory and practice of justice within such a polity are not neutral with respect to rival and conflicting theories of the human good. Where they are in force they impose a particular conception of the good life . . .”<sup>2</sup>

There are many possible points of entry for a debate like this one, which is part of that broader argument between what are often (perhaps simplistically) called “liberals” and “communitarians.”<sup>3</sup> I have chosen to enter by examining Habermas’s neo-Kantian concept of *discourse*, and MacIntyre’s neo-Aristotelian concept of the *common good*. The aim of the discussion is to try to work out my own suspicion that at the end of the day, they are not quite the surefooted opponents they sometimes believe themselves to be. For on the face of it, what really is the difference between the idea of discourse, which for Habermas secures the legitimacy of commonly binding agreements (laws), and the idea of the common good, which for MacIntyre is understood and legitimately pursued through deliberation?

Of course there are differences, and if my suspicion is to be made into a conclusion, they will need to be explored. But certainly the division is not between one side that courageously supports open discussion and another side that favors summary judgments that exclude “the other.” Nor is it between some who believe legitimate governments are

those that are good for all members of a plural society together, and others who think governments can be legitimate even if they aren't very good for some kinds of people.

The difference is rather between how they *theorize* discourse and the common good, and the conceptual relationship between the two. It is a difference between strategies for sustaining the tension between legitimation and plurality, between ways of imagining legitimate governments for plural societies. But it is not a difference between respect and disrespect for that tension. And in my view, it is not even a disagreement about what should be a central concept for any theory of legitimation. I will argue that in their shared emphasis on discourse and the common good as twin concepts, they both see *procedure* as a central concept. "Proceduralism," which can describe both views of *rationality* and views of *justice* (the two go together), is the idea that what is rational or just may be (at least partially) determined by a set of formal rules understood to be independent from the object and outcome of enquiry or adjudication. I think that in different ways they each draw on this idea to sustain the tension between legitimation and plurality.

This is obvious in the case of Habermas, who advocates a "proceduralist paradigm of law."<sup>4</sup> It is not so obvious in the case of MacIntyre, who repeatedly criticizes proceduralist views of justice for pretending to be neutral between ideas of the good.<sup>5</sup> Habermas's theory of discourse advances a proceduralist legitimation theory. MacIntyre's theory of the common good tries to conceive of legitimation apart from impossibly neutral procedures. To make my case, I will develop two basic arguments.

First, I will try to apply MacIntyre's critique of proceduralism to Habermas's theory of discourse. The aim is not to show that proceduralism is wrong as a theory of legitimation, but that it is wrong to claim strong neutrality between ideas of the good, and

so wrong to tie legitimacy to such neutrality. I want to show that the proceduralism of Habermasian discourse *is* an idea of the common good.

Second, I will try to identify proceduralist elements in MacIntyre's theory of the common good. The aim is not to uncover inconsistencies, but to show that these elements are *already* there. I want to show that despite claims to the contrary, he understands the common good in terms of a procedure of deliberation.

If I am right, it would require each to modify their projects in a different way. To recognize his proceduralist discourse theory of legitimacy as a substantive conception of the common good, Habermas has to give up his "strong" universalism, as MacIntyre urges. To recognize his idea of the common good as a proceduralist theory of discourse, MacIntyre has to embrace a kind of proceduralism shorn of "strong" neutralist claims.<sup>6</sup>

The work of conciliation this proposes will not be easy, not least because there are many layers to each of their projects, and this paper cannot become a book. But I do not think it will be impossible. To keep things manageable, I will use the following structure.

After this Introduction, the paper is divided into three chapters, followed by a conclusion. Chapter one explains Habermas's theories of discourse, rationalization, and discursive democracy. Chapter two explains MacIntyre's theories of incommensurability, traditions, and the common good. Chapter three argues: (1) that discourse is a substantive, not a third language, that rationalization is a tradition, and that discursive democracy is a theory of the common good; and (2) that learning a second first language is a procedure, that the rationality of traditions is a procedural rationality, and that the politics of the *polis* is a procedural politics.

To better explain discourse and common good, chapters one and two will follow a systematic format that starts with my interlocutor's ideas on *language* and then moves to *society* and *politics*. So for Habermas, I will explain the politics of "discourse" by exploring *discourse* as a mode of communicative action, *rationalization* as societal rationalization, and *discursive democracy* as the political institutionalization of discourse. For MacIntyre, I will explain the "common good" by exploring the *incommensurability* of languages, the rationality of socio-linguistic *traditions*, and the politics of the *common good* as the practice of political reasoning, which must be embodied in the *polis*.

Because I use the same format to explain both the Habermasian notion of discourse and MacIntyrean notion of the common good, in chapter three I will be able to build my arguments along the same language-society-politics line. So for Habermas I will argue that the theory of discursive democracy is a substantive theory of the common good because: (a) discourse shares the status of all "third languages"; (b) the idea of a rationalizing modernity is part of a tradition of procedural rationality; and (c) discursive democracy is not neutral between ideas of the good. And for MacIntyre I will argue that the *polis* model of common good politics is a proceduralist theory of deliberation because: (a) incommensurability is subject to a rule of "reciprocity" in "learning a second first language"; (b) the rationality of traditions is a procedural rationality; and (c) the *polis* "institutionalizes deliberation" in a necessarily procedural mode.



## Chapter One: Discourse and Democracy

“Discursive democracy”<sup>7</sup> is Habermas’s highly developed version of or contribution to the idea of “deliberative democracy.” Models of deliberative democracy share the basic conviction that the legitimacy of democratic governments depends on real deliberative participation; elections alone are not enough. To develop this conviction theoretically, deliberative democrats must clarify how deliberation can be legitimately institutionalized. To understand Habermas’s own attempt to do so, it will help to start at the beginning, with his theory of communicative action and the concept of *discourse*.<sup>8</sup> If we are to later grasp the political concept of deliberation developed by the theory of “discursive democracy,” we must first get a handle on what discourse means as a linguistic concept.<sup>9</sup>

### 1.1 Discourse

The theory of communicative action claims that there are universally obtaining conditions of possibility for achieving mutual understanding, and that an orientation toward mutual understanding is the universally *original* mode of communication. These claims are “universalist” in a specific sense that should be clarified before moving ahead.

Habermas gives a pragmatic twist to the linguistic turn from the “philosophy of consciousness.” Kant investigated the conditions that must be presupposed if we are to understand how subjects experience consciousness, and considered those conditions universal. Habermas investigates the conditions that must be presupposed if we are to understand how communication between subjects occurs, and considers these conditions universal. “Communication” on this account is conceived *pragmatically* in terms of speech acts used to achieve understanding, not semantically as in analytic linguistics.<sup>10</sup>

Hence in the theory of communicative action universals are never “metaphysical,”<sup>11</sup> and investigating the structure of communication is a job for a “formal pragmatics.”<sup>12</sup>

Universal pragmatics is developed as a “rational reconstruction.” Rational reconstruction generally “[explains] the presumably universal bases of rational experience and judgment, as well as of action and linguistic communication.”<sup>13</sup> It is an empirical social science which tries to make explicit the rules *universally* underlying an area of pre-theoretical knowledge. Yet as empirical theories, rational reconstructions are fallibilist and must be tested against the evidence, which in this case is the experience of using language. The universalism of the theory of communicative action is for Habermas not incompatible with, and is indeed inseparable from, its fallibilism.<sup>14</sup>

So the reconstructive project of the theory of communicative action is “universalist” in the sense that it claims to (1) systematically explicate the context-independent and invariable structure of communicative action, and to (2) show that without exception language so conceived both *is* and *ought to be* first a matter of acting communicatively, as opposed to strategically, meaning that “reaching understanding is the inherent *telos* of human speech.”<sup>15</sup> These are the two aspects of the universalist claim of the theory of communicative action that I will try to explain with at least enough (but no more) detail to be able to clarify their connection to the discourse theory of deliberative democracy.

Communicative action is action aimed at reaching mutual *understanding*. It is primarily a matter of language, which is conceived in terms of *speech acts*. Speech acts always raise *validity claims*. There are three classes of validity claim, corresponding to objective, social, and subjective formal worlds.<sup>16</sup> Understanding is achieved when two or more subjects recognize the same validity claim. Speech acts may have illocutionary and

perlocutionary components, but illocutionary components are directly connected with validity claims and with communicative action, while perlocutionary components are directly connected with strategic action and speech acts employed for strategic purposes.

The theory of communicative action develops a conception of *communicative rationality*, which centers on the criticizability of validity claims. Rationality is a matter of being open to both extending and receiving criticism. Validity claims are criticized by means of *argumentation*, in which contested claims are “thematized.” Through argumentation, we recognize mistakes and engage in *learning processes*. *Discourse* is a type of argumentation limited to claims raised about the objective and social worlds.<sup>17</sup>

These are some of the key components of the structure of communicative action. There is not space available here to explain them and their interrelationships in technical detail. For my purposes the most important of these components is *discourse*, and I will focus my discussion around that concept.

Rationality for Habermas attaches to the assertions, actions, or expressions of subjects which can be mutually understood as true, right, or truthful. TCA’s “preliminary specification” of rationality ties it from the outset to the potential for the intersubjective “criticism and grounding”<sup>18</sup> of these validity claims. Argumentation actualizes this potential and works to ground claims or criticize suggested grounds. It is the reflective dimension of communicative action, which moves to the level of argumentation whenever a validity claim to truth, rightness, or truthfulness is contested. Discourse is argumentation that thematizes validity claims made with *universal* intent, which for Habermas describes only claims to objective truth and moral rightness.

By examining discourse in order to understand why the structure of communicative action is supposed to be universal, we encounter the important complication that discourse is apparently related to “universalism” in two different ways. As an aspect of the argumentative mode of communicative action, in which communicative rationality inheres, its own structure is universal. But as an argumentative procedure, it tests the rationality of those validity claims the content of which is supposed to describe something universally true about the world or universally right about a regulation for human interactions.<sup>19</sup>

This distinction between the “universality” of discourse and the “universal intent” of (specific kinds of) validity claims tested in discourse is important for Habermas’s project. “Only such a theory of discourse could explicitly state . . . what we mean by procedural rationality after all substantial concepts of reason have been critically dissolved.”<sup>20</sup>

The challenge for discourse theory is then to show that “[t]he unity of rationality in the multiplicity of value spheres . . . is secured precisely at the formal level of the argumentative redemption of validity claims.”<sup>21</sup> To this end, Habermas develops a complex argument about “language’s inherent relation to the validity of statements.”<sup>22</sup> Briefly stated, the nature of this relation is that “[w]e *understand a speech act when we know what makes it acceptable*.”<sup>23</sup>

What makes it acceptable or valid is in one respect differentiated between the three substantive claims it makes about the objective, intersubjective, and subjective worlds. But because it is a *speech act*, actually or potentially oriented toward mutual understanding, in another respect its validity is secured by the intersubjective recognition it receives. And “an agreement of this sort is achieved simultaneously at three levels,”

because to use language is to seek “to come to an understanding *with* a hearer *about* something and thereby to make [*oneself*] understandable.”<sup>24</sup> This means that if language has to do fundamentally with reaching understanding, then the rationality of the agreement will be procedural and distinct from the rationality of the agreement’s content.

It is therefore necessary to show that reaching understanding really is the “originary mode” of language use, “upon which . . . the instrumental use of language [is] parasitic.”<sup>25</sup> For this Habermas relies heavily on Austin’s distinction between illocutionary and perlocutionary acts and aims, in which illocutions have intrinsically communicative aims, while perlocutions are other practical effects attaching to illocutions. Habermas focuses on a specific sense of “perlocutionary” as the intentional use of speech acts to strategically achieve purposes other than reaching understanding, purposes that may be at odds with the meaning of what is said.<sup>26</sup>

Perlocutionary acts relate to *teleological* as opposed to *communicative* action. One feature of the illocutionary/perlocutionary distinction is that to achieve a perlocutionary effect, a speaker must still be able to achieve his or her *illocutionary* effect, in that the hearer must be able to *understand* the speech act (by knowing its validity conditions) even if she or he is not aware of the intentions behind its performance.<sup>27</sup>

For Habermas this helps demonstrate the originary status of communicative action, for which the illocutionary component of speech acts is constitutive. It develops his preliminary claim that cognitive-instrumental models of rationality as the employment of knowledge in teleological actions must be incorporated into the more comprehensive model of *communicative* rationality, in which knowledge must first be achieved discursively in order to be effectively employed. The dependency of even deceptive

instances of perlocutionary acts on illocutions is supposed to help vindicate Habermas's "prior choice" for the priority of communicative over strategic action.<sup>28</sup>

Habermas calls this discursive achievement of knowledge "learning processes." Communicative action per se secures the potential for learning via the inherent criticizability of the validity claims that constitute speech acts oriented to understanding. And "[i]n view of this criticizability, rational expressions also admit of improvement: we can correct failed attempts if we can correctly identify our mistakes." Argumentation, as the critical apparatus, realizes this potential and drives learning processes. Discourse, as theoretical or moral argument, drives learning about the objective and social worlds.<sup>29</sup>

This adds further support to his claim about the originary status of communicative action and the capacity of the theory of communicative rationality to comprehend reductionist cognitive-instrumental theories of rationality. "Thus we call a person rational who, in the cognitive-instrumental sphere, expresses reasonable opinions and acts efficiently; but this rationality remains accidental if it is not coupled with the ability to learn from mistakes . . ." – a learning that is achieved communicatively in discourse.<sup>30</sup>

### *1.2 Rationalization*

The theory of communicative action is also a theory of society, which is conceived in terms of a relationship between "lifeworld" and "system." In order to explain the theory of sociocultural rationalization's claim that social structures can be judged more or less rational, I will first need to outline the lifeworld/system model.

Another look at the structure of communicative rationality reveals what might be called its "two-sided" character. On one side, communicative action aims for free

agreement. On the other, discourse has the power to dissolve existing agreements. The exchange of validity claims can lead to mutual understanding, and can also break it down. On the one side is potential agreement; on the other is persistent disagreement.

The disagreement side, however, rests on other agreements which remain unthematized. Habermas says that when in discourse we thematize a validity claim, we employ background presumptions that remain outside the discourse and enable its operation. This background of agreements is called the “lifeworld.”

Lifeworld is “a concept complementary to that of communicative action.”<sup>31</sup> It is “a culturally transmitted and linguistically organized stock of interpretive patterns,” and operates as “the horizon within which communicative actions are ‘always already’ moving.”<sup>32</sup> For its members, its radical commonality is “prior to any possible disagreement.”<sup>33</sup> The lifeworld is *constituted* by communicative action, meaning that its shape is determined by how many and which of its segments get thematized, even as it also establishes the *possibility* of communicative action.

Rationalization is conceived in *TCA* first in terms of the “rationalization of the lifeworld,” so for now I will suspend discussion of the system concept (it will come up again in the next section). Because persons are “individuated through socialization,” rationalization proceeds ontogenetically *in* the lifeworld and phylogenetically *for* the lifeworld.<sup>34</sup> For the first I briefly note what Habermas draws from Lawrence Kohlberg’s and Jean Piaget’s developmental theories. For the second, I summarize parts of a helpful discussion on cultural anthropology and universalism, in which he engages MacIntyre.

Piaget argued that learning progresses *structurally*, so that what changes is not what is learned, but *how* learning happens. On this account, “[c]ognitive development signifies in

general *the decentration of an egocentric understanding of the world.*”<sup>35</sup> As individuals mature, they begin to more fully differentiate between themselves, the world, and other people, so that they understand things not exclusively in terms of themselves, but with reference to the self-understandings of other people. They learn by “taking the perspective of the other.”

In this Piagetian vein, Kohlberg claimed that there is a “universally valid form of rational moral thought process” which all properly socialized individuals acquire in “an invariant stage sequence.”<sup>36</sup> For him there are three levels of moral consciousness: preconventional, where only consequences of actions matter; conventional, where action is judged by norms; and postconventional, where norms are judged by principles.<sup>37</sup>

Habermas suggests that “it might be a matter of something similar [i.e., structural change following a universal pattern as opposed to otherwise contingent changes in content] in the case of the emergence of new structures of worldviews.”<sup>38</sup> The rationalization of “worldviews” (which reflect the background knowledge implicit in lifeworlds) can be analyzed as a way to get at the “rationalization of the lifeworld.”<sup>39</sup>

Structurally, the lifeworld functions as “the conservative counterweight to the risk of disagreement that arises with every actual process of reaching understanding . . .”<sup>40</sup> This further clarifies the way in which communicative action is “two-sided,” divided between the weight of agreement and the weight of disagreement. What Habermas claims is that lifeworlds rationalize as “[t]he relation between these weights changes with the *decentration of worldviews.*”<sup>41</sup> “Decentration” is here taken from Piaget’s sense of the structural change from an ego-centric view of the world to one that differentiates between



and properly interrelates the world, oneself, and other people, which is reflected at the macro level in sociocultural evolutionary development.<sup>42</sup>

The rationalization of lifeworlds then seems to be a matter of critical openness to the revision of accepted agreements. Or, one might say that lifeworlds are more rational the less they depend on communicatively uncriticized agreements, and the more they require discourse for their reproduction. In more rational lifeworlds, “language no longer serves merely to *transmit* and actualize prelinguistically guaranteed agreements, but more and more to *bring about* rationally motivated agreements as well . . .”<sup>43</sup>

But how can this universalistic theory of rationalization approach questions raised by cultural anthropology, or simply by observation of the sheer plurality of lifeworlds and worldviews, concerning the sense in which one form of life can be judged more “rational” than another, if at all?

One question that impinges upon attempts to distinguish between “mythical” and “modern” worldviews concerns the *commensurability* of worldviews. Habermas picks through arguments advanced by cultural anthropologists like Peter Winch and Steven Lukes in order to set out the claim that “[t]he modern understanding of the world is indeed based on general structures of rationality but that modern Western societies promote a distorted understanding of rationality that is fixed on cognitive-instrumental aspects and is to that extent particularistic.”<sup>44</sup>

While it is wrong to conclude with Winch that internal to every worldview and form of life is an incommensurable concept of rationality, or still further with Lukes that the effect of this is to force an arbitrary choice between such concepts, their concerns can point toward a valid sense in which worldviews and cultures can be “incommensurable.”

This is an incommensurability of *content*, but not of form. The form of the procedure of discourse must be the same for every lifeworld. This is because of the universal structure of language, in which discursively criticizable validity claims are inherent to speech as such: “Whatever language system we choose, we always start intuitively from the presupposition that truth is a universal validity claim.”<sup>45</sup>

In this same context Habermas briefly engages MacIntyre’s own conception of incommensurability, which is different from and perhaps more subtle than Winch’s or Lukes’s. For on the face of it, MacIntyre might agree with the statement quoted above, even though he claims that standards of rationality are internal to “traditions” and “ways of life,” which are characterized by incommensurability or *rational undecideability*.

There is no call to intrude into the purview of the next chapter, so for now I will leave MacIntyre’s approach unexplained. I introduce it at this point because in the current context, it helps set off more clearly what is meant by the universalistic account of “procedural rationality” that Habermas defended for his theory of communicative action, and now for his reconstruction of lifeworld rationalization processes.<sup>46</sup>

MacIntyre does not think that incommensurability is “radical;” he firmly opposes the relativism advocated by Lukes. But beyond incommensurable “traditions” and “ways of life” he apparently sees only a “minimal” rationality that is in significant ways less thick than the “procedural” rationality of discourse which for Habermas drives the learning processes by which lifeworlds become more rational. Albrecht Wellmer calls conceptions of minimal rationality, which he attributes to Winch and Lukes as well as MacIntyre, “simple derivatives of the law of non-contradiction . . .”<sup>47</sup>

One respect in which discursive procedural rationality is thicker than this minimal rationality is precisely its connection with the ostensibly universal model of ontogenetic and phylogenetic rationalization that I have tried to summarize. This model is supposed to reconstruct how lifeworlds and their worldviews have actually become more rational in the progress of history, and how universally lifeworlds as such rationalize.

Before moving on, the sense in which the conception of lifeworld rationalization is “universal” needs two further clarifications. First, while it claims that the structures of rationalization are invariant, it certainly does not argue that rationalization itself is historically inevitable. All it claims is that *when* rationalization occurs (which it clearly has, for Habermas) it always occurs in a certain way.<sup>48</sup>

Second, the nature of the distinction between form and content set up by the discursive conception of procedural rationality means that cultures and societies as concrete entities *cannot* be judged against one another in terms of superiority and inferiority. Rationalization processes “concern the universal structures of life-worlds in general; they say nothing about the value of a concrete way of life.”<sup>49</sup>

The universalist conception of procedural rationality developed in the theories of communicative action and lifeworld rationalization plays a central role in the discourse theory of deliberative democracy. I have tried to explain some aspects of that conception as they are explicated in those theories in order to clear a path to discursive democracy and its proceduralist conception of legitimation, which I will now take up.

### *1.3 Discursive Democracy*

By way of introduction, I want to revisit the lifeworld concept and briefly explain the corresponding notion of “system.” This will be helpful because Habermas conceives of *law* as a unique kind of subsystem, and from a sociological perspective conceives of its legitimacy in terms of this role.

The lifeworld is the context for communicative action and the discursive establishment of agreements. Ideally, all agreements would be discursively achieved, at least indirectly. But practical considerations mean that it would be far from “ideal” were such an ideal to be realized; if we had to stop and talk through every decision until a complete consensus was freely reached by all concerned, matters of life and death would overtake us, and “discourse” would be irrelevant. For this reason, “systems” must arise.

The lifeworld enables social coordination via the discursive achievement of mutual understanding about the nature of some state of affairs, and about how to act in regard to it. A system suspends the need for communicatively achieved consensus by providing rules that coordinate action automatically. Discourse is made unnecessary for the coordination of whatever actions the system is designed to organize.<sup>50</sup>

The bureaucracies of modern markets and states, for example, are systems in this sense. Money is legal tender; buyers and sellers need not negotiate on whether to organize their transactions with dollars or with barter items. Bureaucratic authority is not negotiable; taxpayers do not discuss how much they are willing to pay for this year.

The legal system shares some of these qualities. Modern laws have *facticity*; once passed, they obtain regardless of whether those for whom they obtain discursively

recognize their validity. In this way they are social facts, systemic mechanisms removed from communicative contexts which serve “socially integrative functions.”<sup>51</sup>

Yet modern laws also claim *validity*; their facticity is supposed to be in the interests of those under their authority, and the manner in which they acquire their authority is supposed to be “legitimate” from the perspective of those persons. In this way they are social norms, validity claims to normative rightness which require intersubjective recognition if they are to comprise mutual understanding.

The tension “between facticity and validity” infuses communicative action at the level of validity claims themselves: “The validity (*Gültigkeit*) claimed for statements and norms . . . conceptually transcends space and time, whereas the actual claim is, in each case, raised here and now, in a specific context in which its acceptance or rejection has immediate consequences.”<sup>52</sup>

The lifeworld/system theory of society that complements the communicative theory of language recapitulates this as a tension between the lifeworld and the system. Law sustains this tension as an “internal connection between the facticity of law enforcement and the legitimacy of the lawmaking process” and functions as a “hinge” between the communicative coordination mechanisms of the lifeworld and the systemic coordination mechanisms of systems.<sup>53</sup>

But as Habermas explains it, the legitimacy of law does not stand on the norm side looking over at the fact side; the tension between the two infuses legitimation itself. This is because in addition to the facticity of “law enforcement,” there is also the facticity of the law-making process itself. In this way, “the positivity of law is bound up with the

promise that democratic processes of lawmaking justify the presumption that enacted norms are rationally acceptable.”<sup>54</sup>

To properly mediate this aspect of the tension, Habermas builds a legal philosophy based on the discursive conception of *procedural rationality* introduced in the preceding pages. Drawing on the “insight that there is neither a higher nor a deeper reality to which we could appeal,”<sup>55</sup> procedural rationality enables us to understand the law’s tension between facts and norms as pointing toward an “internal relation between the rule of law and democracy.”<sup>56</sup>

Legitimation is provided by this internal relation. It is a complex notion that involves similar relations between private and public autonomy and between human rights and popular sovereignty. It also involves a distinction between types of moral-practical discourse (and keep in mind that the “discourse” in this discourse theory of law is specifically of this type, meaning that it thematizes claims to normative rightness, not objective truth or the efficacy of action), in which the “moral,” the “ethical,” and the “pragmatic,” along with non-discursive “bargaining practices,” all play a distinct role in legitimate lawmaking. I will take up these issues in my attempt to explain the universalist model of legitimation developed for plural societies by discursive democratic theory.

Following Kant, Habermas begins by tying the legitimacy of law to the ability of its addressees to understand themselves simultaneously as its authors, so that law has both a coercive and a freedom-guaranteeing character. Liberal and republican traditions of political theory have privileged one over the other, but Habermas argues that the discursive democracy model can mediate the necessary balance between the two.<sup>57</sup>

Private autonomy attaches to the law's addressees, public autonomy to its authors. When we set out to understand the legitimacy of the lawmaking institution (the locus of public autonomy), we find that the conditions for its legitimation are in fact the protection of individual human rights (the locus of private autonomy). The mediation between private autonomy/human rights and public autonomy/popular sovereignty is only complete when we realize that "human rights legally enable the citizen's practice of self-determination."<sup>58</sup> This formulation

expresses the intuition that, on the one hand, citizens can make adequate use of their public autonomy only if, on the basis of their equally protected private autonomy, they are sufficiently independent; but that, on the other hand, they can arrive at a consensual regulation of their private autonomy only if they make adequate use of their political autonomy as enfranchised citizens.<sup>59</sup>

Habermas argues that keeping this internal relation in balance means *institutionalizing discourse*. Private autonomy can only be understood and protected by persons acting in their public role as legislators (even if ultimately via representatives), and this public role requires an institutional form. It appears that the ambiguity of law, its tension between the facts of its instantiation by publicly autonomous legislators and the validity it claims in regard to its privately autonomous addressees, relates back to the two senses of "universalism" borne out in the concept of discourse.

The "validity" part of a validity claim is universal in a procedural sense; it points beyond the specific "claim" toward that "critical sense of a validity transcending spatiotemporal and social limitations."<sup>60</sup> The "claim" is universal in a substantive sense, because it is raised in and about a particular context; that is, specific truth and rightness claims are given with universal intent.<sup>61</sup> The claim can be measured against its appeal to validity, and this is the discursive procedure. Similarly, the validity of the law – its legitimacy – lies beyond its particular content, in the procedure by which that content is

formulated. The internal relation between law and democracy is kept in balance by the proceduralist paradigm of law drawn from the universalist notion of procedural rationality found in the concept of discourse.

Legal legitimacy depends on an “elaborate communicative arrangement”<sup>62</sup> in which law stands between *moral*, *ethical*, and *pragmatic* practical discourses, and is grounded in the “Discourse Principle,” which states that “[o]nly those norms can claim validity that could meet with the acceptance of all concerned in practical discourse.”<sup>63</sup> Law cannot be understood in terms of one type of practical discourse alone; it relates to all three.<sup>64</sup>

Pragmatic discourses aim at strategies for solving existing problems. Ethical discourses clarify particular values contained in conceptions of the good held by particular individuals or groups. Moral discourses aim at universal norms. Respectively, they concern “the purposive, the good, and the just.”<sup>65</sup> I will limit my brief discussion to the moral and ethical.<sup>66</sup>

Here Habermas parts with Kant, who conceived of the legitimacy of law in the exclusively moral terms of justice, and continued to subordinate law to morality. Habermas by contrast thinks that law and morality stand in a “complementary” relationship secured by the discourse principle, which as the principle of practical reason in general is more abstract than both of them. Whereas moral discourse employs the “universalization principle,” the validation of legal norms is governed by the “democracy principle,” which takes into account the *institutionalization* of moral discourse.

Law and morality are then complementary in the sense that both are instances of the discourse principle. Morality “specifies the general discourse principle for those norms that can be justified” universally, while law specifies the discourse principle “for those



action norms that appear in legal form.” Norms in legal form, which experience that special tension between facticity and validity, must be validated by a variety of discourses suited to the kind of problem in question. This is precisely because the legal form *institutionalizes discourse*; it relates the procedures of validation to *specific* claims and specific *kinds* of claims raised by and for a *particular* society.<sup>67</sup>

*Ethical* discourses are therefore required by legitimate legal systems. Crucially, this means that Habermas does not think that legitimacy is established simplistically by the law’s “neutrality” between cultures and conceptions of the good, to which ethical discourses refer. Because law obtains for particular societies, the *validity* it enjoys must be attached to the law-related *claims* made by and in that society. What matters is *how* cultural particulars relate to the law.

The internal relation between law and democracy means that the modern constitutional democracy is “ethically permeated” even as the law is “ethically neutral.”<sup>68</sup> Against critics like Charles Taylor, who say that liberal legal theory’s focus on individual rights must be “balanced” by a communitarian politics that makes room for claims to collective recognition,<sup>69</sup> Habermas argues that “when properly understood the theory of rights is by no means blind to cultural differences”<sup>70</sup> and that the apparent problem of individual versus group rights “vanishes once we recognize that we ascribe to the bearers of individual rights an identity that is conceived intersubjectively.”<sup>71</sup> We require not an alternative model, but “the consistent actualization of the system of [individual] rights.”<sup>72</sup> In modern societies, “What sets off the battles [of multiculturalism] is not the ethical neutrality of the legal order but rather the fact that every legal community and every democratic process for actualizing basic rights is inevitably permeated by ethics.”<sup>73</sup>

In the case of struggles for recognition and debates about cultural plurality, “the limits of the ethical point of view become manifest once questions of justice arise: for from this perspective justice is reduced to just one value among others.”<sup>74</sup> If we grant, following the theory of communicative action, that practical reason cannot be reduced to instrumental reason, but includes epistemically-qualified *insight*, where “insight” involves accessing the epistemic meaning of the *intersubjective* world, then we can understand the ethical as a realm in which to be free is not simply to have the rational ability to choose, but to have the capacity to decide upon an *authentic* life.<sup>75</sup>

But then we can also understand that conceptions of the good are limited when it comes to questions of justice. Ethical reasoning can take up questions of *my* good and *our particular* good, but it cannot grasp justice conceived as equal treatment for *everyone*, universally. And “[w]ithout the priority of the right over the good one cannot have an ethically neutral conception of justice. This deficit would have unfortunate consequences for equal treatment in pluralistic societies.”<sup>76</sup>

Habermas argues that questions about what is best for all necessarily go beyond questions about what is best for me or us. Still, moral questions about the right do proceed from an idealization of ethical questions about the good. In this way, all members of ethical communities are also members of the larger abstract moral community, which functions as its “better self.” Solidarity then is the reverse side of justice; they are inextricably linked, so that

The good that is relevant from the moral point of view shows itself in each particular case from the enlarged first person plural perspective of a community that does not exclude anybody. The good that is subsumed by the just is the very form of an intersubjectively shared ethos in general, and hence it is the structure of membership of a community, though one that has thrown off the shackles of any exclusionary community.<sup>77</sup>

The discourse theory of democracy does not forbid the consideration of ethical questions in democratic legislative discourse, but it does prohibit the privileging of one conception of the good life over another; the principles of deliberation remain the same even as what is being deliberated may change. This means that as long as these discursive procedures are in place, there are no inherent problems with providing legal rights to ethical forms of life, since the theory of communicative action has already established that individuals depend on these forms of life for their individual identity, and depend politically on them for the ability to actualize their autonomy as bearers of legal rights.

This is not a question of preserving cultures by means of government guarantees, but of granting them certain *legal* rights.<sup>78</sup> The concept of the *legal*, as Habermas has argued, has to do fundamentally with individual rights and duties, and so “in the last analysis, the protection of forms of life and traditions in which identities are formed is supposed to foster the recognition of their members; it does not represent a kind of preservation of species by administrative means.”<sup>79</sup> A constitutional democracy preserves not the substance of a cultural form of life, but the freedom of its members to say “yes” or “no” to the invitation to participate in it. And in an increasingly rationalized and reflective society, the free assent of members becomes more and more crucial for the continued survival of any group and its traditions.

The distinction between *moral* and legal allows us to understand how the law can be “ethically permeated” by the particulars of which it treats and which inform the particular interpretations it receives by citizens who act as both its addressees and its authors; such ethical permeation is not permitted to the strictly moral point of view. The distinction between legal and *ethical* allows us to understand how the law can nevertheless be

procedurally neutral between those particulars. As a procedure that institutionalizes discourse, it cannot directly endorse the content of ethical conceptions of the good, because its job is to allow adherents of those conceptions to deliberate with one another.

These distinctions give rise to different types of integration that may occur in a democratic constitutional society. *Political* integration may be appropriately expected by a legitimate legal order; citizens, by definition, must participate in a public order structured by publicly recognized communicative procedures.<sup>80</sup> *Ethical* integration, however, may not be legally imposed, precisely because the legal order is organized around the legal person, the bearer of individual rights. Since one of those rights is in fact the “right to cultural membership,” as Will Kymlicka puts it,<sup>81</sup> the legal order must protect the individual right to be integrated into ethical forms of life, but it cannot itself force such integration without undermining private autonomy (which is presupposed by the public autonomy exercised by the citizen-legislator responsible for organizing the legal order in the first place).

The legal theory underpinning the theory of discursive democracy privileges the right over the good, the moral over the ethical. This is in keeping with the central contention that communicative action has a universal rational structure the general features of which are theoretically reconstructible. Again, Habermas relocates the supports for the priority of the right from the Kantian subject to the intersubjective world of language users. The right has priority over the good not because it is a “higher” good enabling a subject to judge between competing conceptions of the good life, but because it names the fundamentally intersubjective conditions of possibility for the formulation of those conceptions. Those conditions are conditions of communicative rationality, not subjective

consciousness. Communicative rationality resides in the exchange and redemption of claims to objective truth, normative rightness, and subjective truthfulness. Since no person can receive, formulate, or reject a conception of the good without making such claims, they are preconditions for those conceptions even as they are also meaningless apart from them (since a validity claim is always made *about* something, which is particular and is caught up in a conception of the good).

Participation in a community directed toward a shared conception of the good depends upon communicative action, and this dependency justifies the legal priority of right over good. Rather than undermining collective identities, the privileging of the right is in fact necessary for sustaining ethical forms of life.<sup>82</sup>

I might summarize my investigations so far in this way: Communicative action has to do with the exchange of validity claims. Rationality has to do with their criticizability. The lifeworld provides the presuppositions on the basis of which criticism can occur, which allows the lifeworld to renew itself by reestablishing agreement after validity claims have been satisfactorily redeemed against counter-validity claims. Lifeworlds rationalize according to the space they open up for criticism. Rationalization increases complexity, and so calls forth a parallel process of systematization, which bears the burden of coordinating certain kinds of action (mostly to do with material reproduction) by suspending the need and possibility for criticism.

Positive law is a system, because its validity does not depend on perpetual renewal or revision of the agreement that established it. Law must be removed from the conversation – if it is an optional guideline, then it is not law. The question, then, has been “how can law be ‘rational?’”

Here it helps to understand the special nature of moral-practical reasoning and claims to normative rightness. Habermas argues that claims to normative rightness are legitimated by the way in which they are made. While claims to objective truth are redeemed by their relationship to the objective world, and claims to subjective truthfulness by their relationship to the inner world of the subject, normative claims are justified by the integrity of their relationship to the intersubjective world, which is *also* the world in which *all three* kinds of validity claims are made (because the exchange of validity claims is an intersubjective practice). Normative claims thus have a double relation to their object domain: they are claims *about* the social world, but they are also claims made *by* or *in* the social world. This means that “[t]he mode of validity of moral norms now bears the traces both of the fallibility of the discovering mind and of the creativity of the constructing mind.”<sup>83</sup>

But it also means that the constructive aspect of morality does not tie it entirely to the ethical contexts from which it arises. Habermas works from the assumption that people prefer to solve disputes by coming to a consensus via communication, rather than by coercion or even by compromise. Such a consensus is difficult to come by, given the magnitude and complexity of contemporary plurality. This leads us to conclude that “[i]n the absence of substantive agreement on particular norms, the participants must now rely on the ‘neutral’ fact that each of them participates in *some* communicative form of life which is structured by linguistically mediated understanding.”<sup>84</sup>

Common ground is found in the procedural structure of discourse, in which we are all already engaged, and the spirit of substantive conceptions of the good is resurrected by the procedures of discourse. “The missing ‘transcendent good’ can be replaced in an

‘immanent’ fashion only by appeal to the intrinsic constitution of the practice of deliberation.”<sup>85</sup> But it is important to understand that the nature of this relationship of the ethical to the moral means that “the universal presuppositions of argumentation are by no means ‘normative’ in the moral sense,” and that “[a] moral obligation cannot follow from the so to speak transcendental constraint of unavoidable presuppositions of argumentation alone; rather it attaches to the specific objects of practical discourse, namely, to the norms *introduced* into discourse to which the reasons mobilized in deliberation refer.”<sup>86</sup>

This concludes my exposition of Habermas’s theories of communicative action and discourse, of sociocultural rationalization, and now finally of discursive democracy. As stated in the introduction, the first part of my thesis will be that Habermas should give up his “strong universalism” and recognize his proceduralist theory of discursive democracy as a component in a conception of the (common) good. I think that as it stands, his insistence on that strong universalism leaves his otherwise compelling theory of legitimation open to objections that it obscures the facts of plurality behind an unsupportable claim to be neutral between a plurality of conceptions of the (common) good. In the foregoing analysis, I have tried to lay out that theory and its universalist claim with as much detail as I will need in order to develop this argument. Hopefully this overview of the Habermasian project has been comprehensive enough to allow me to put it into conversation with MacIntyre’s alternative “politics of the common good” in chapter three. Before developing that conversation, I now want to do the same for MacIntyre’s project that I have tried to do for Habermas’s.

## Chapter Two: Traditions and the Common Good

At least since 1966's *A Short History of Ethics*, Alasdair MacIntyre's work has been marked by the conviction that close investigations of historical and social context are the only way to get at moral concepts and the idea of "practical rationality" (which for him means there are "practical rationalities"). Yet it has also been marked by a persistent effort to transcend the relativism that others draw from this very same conviction, and to do it without employing "universalist" conceptions of rationality or "procedural" reason that for him are implicated with a modernity that lingers *After Virtue*.<sup>87</sup>

The sense in which MacIntyre's conception of legitimation is "non-universalist" must be grasped in terms of this project, which I will try to outline below. His non-universalism may be understood in terms of the "incommensurability" that obtains between "traditions" of practical rationality, outside of which no universal and/or procedural rationality, such as is defended by Habermas, can make practical judgments, including judgments about the legitimacy of a political order. Rather, the legitimacy of a political community must be understood in terms of its "common good."

### 2.1 Incommensurability

The intent of MacIntyre's account of *incommensurability* is to adequately conceptualize the nature of our disagreements. Incommensurability becomes an issue in the context of those "boundary situations"<sup>88</sup> in which people, confronted with an alien linguistic community, become (often painfully) aware of "systematically different possibilities of interpretation, of the existence of rival schemata which yield mutually incompatible accounts of what is going on around us."<sup>89</sup> It describes the unsettling conclusion that



“there is no access to any subject matter that is not conceptualized in terms that already presuppose the truth of one set of claims rather than the other,”<sup>90</sup> and that there inevitably exists “systematic and apparently ineliminable disagreement between the protagonists of rival moral points of view, each of whom claims rational justification for their own standpoint and none of whom seems able, except by their own standards, to rebut the claims of their rivals.”<sup>91</sup>

So incommensurability means that not only do people come to different conclusions, but they come to different conclusions about just what is being concluded, about how conclusions are reached, and about why other enquirers failed to reach the same conclusions as themselves. It means that standards of rationality are not external to different sets of beliefs, but are *internal*.<sup>92</sup> Incommensurability “[excludes] the possibility of appeal to some neutral standard of rational justification to justify the choice of one set of beliefs, one way of life, one linguistic community rather than another.”<sup>93</sup>

Since my goal is to understand his conception of legitimation for plural societies, it is important for my project that this account is not limited to describing incommensurability of the strictly conceptual kind. MacIntyre’s conclusions about the social embodiment of rationality mean that theoretical and practical disagreements cannot be separated sharply enough for him to restrict the scope of plurality to debates between intellectual traditions, though his work does tend to focus on this aspect of the problem. As he says, not only are “sets of beliefs” incommensurable, but so are the “ways of life” and “linguistic communities” that embody those sets of beliefs or “modes of practical reasoning.”<sup>94</sup>

These conclusions follow arguments about “practical rationalities as forms of social structures,” which I will treat more fully when I examine his theory of *tradition*. Practical

reasoning (reasoning that issues in action) is always “embodied in the social life of some particular culture,” which means that “rational action is structured very differently in different times and places.”<sup>95</sup>

For example, MacIntyre illustrates this by setting up a contrast between the times and places of the Aristotelian *polis*, the 18<sup>th</sup> century of Hume, and contemporary individualist liberal modernity. Whereas in the *polis* action was always connected with a conception of the good(s), in a Humean society “agents . . . are detached altogether from any conception of or perception of the good or goods.”<sup>96</sup> And in contemporary individualist culture, “practical” rationality does not even have to issue in action. The point is that practical reasoning is in all three examples socially embodied, and that all three social embodiments look completely different. It would seem therefore that “each of these forms of practical rationality has its own conceptual and logical structure, each presupposing one particular type of social relationships and requiring the existence of such social relationships for its embodiment.”<sup>97</sup>

“Incommensurability” then describes the constraint this situation imposes simultaneously on philosophical conceptions of rationality and on political reflection on the legitimation of power. The constraint is simultaneous because philosophical problems are always related, even if indirectly, to social and political problems. “All philosophy, one way or another, is political philosophy.”<sup>98</sup>

While incommensurability is then a key component in his approach to society and politics, one of the key strategies by which it is explicated is through an account of language and its “partial untranslatability,” some degree of which “marks the relationship of every language to every other.” Translatability depends on shared access to a stock of

canonical texts, but the initial inability to read canonical texts in a foreign tongue precludes such access, which in turn precludes further translatability.<sup>99</sup>

A key aspect of untranslatability, however, is that it does *not* necessarily limit the possibility of *understanding*. “[T]hat we can understand completely what is being said in some language other than our own never entails that we can translate what we understand.”<sup>100</sup> It is this capacity for understanding *both* languages equally well – and thus of understanding the options at hand but apparently lacking any way to rationally decide between them – that marks the predicament of those living in a “boundary situation,” but which also marks the possibility that resolution can still be had, and that relativism, which only “names one kind of conclusion to inquiry into a particular class of problems”<sup>101</sup> does not have “the last word for philosophy.”

According to MacIntyre, what we must learn from the reality of untranslatability is that translation itself cannot overcome the problems presented by incommensurability. The liberal project has been to learn a “third language” that is not beholden to the presuppositions of either of the sets of beliefs between which a person has to choose, and is able to accurately represent both sets of beliefs in its own terms. Such a third language would be one, in other words, that provides a neutral standard able to judge and mediate between rival versions of enquiry and the cultures embodying them.

Enlightenment liberals from Diderot to Kant argued in different ways that by means of a third “universal” language, “[t]he belief system of any and every culture, or of almost any and every culture, can thus be accurately represented within our own.”<sup>102</sup> When this third language was found, it would “provide for debate in the public realm standards and methods of rational justification by which alternative courses of action in every sphere of

life could be adjudged just or unjust, rational or irrational, enlightened or unenlightened.”<sup>103</sup> For MacIntyre, the simple fact of the matter is that such a language has not been found.

Contemporary liberals like Rawls and Rorty have recognized this failure, and moved (along quite different paths) to transform liberalism accordingly by developing new conceptions of rationality and of politics that take account of both the conceptual and social aspects of plurality. Thus Rawls develops a “political, not metaphysical” theory of justice that depends for its legitimating effect on the existence of a liberal “background culture,” and Rorty works out a contextualist view of democracy as pragmatically legitimated by “our” cultural values.<sup>104</sup>

But for MacIntyre, even the new liberalisms of Rawls and Rorty continue to misguidedly pursue at least one of Enlightenment liberalism’s basic goals. Even if they recognize liberalism as a tradition, they continue that tradition’s tendency toward attaching “gradually less and less importance . . . to arriving at substantive conclusions and more and more to continuing the debate for its own sake.” For him this mistakes what a “substantive conclusion” is, and fails to appreciate that the procedural ideal of continuing debate *is* an “overriding theory of the good.”<sup>105</sup>

On MacIntyre’s account this mistake occurs on the one hand at an abstract level of the debate; liberalism advances theories of procedural rationality that depend on misconstruals of the nature of rationality and of its relationship to social structures. On the other hand, the particulars of liberal political theories take those misconstruals to a more concrete level. These will occupy my time in the third section of this chapter, when I take up MacIntyre’s own conception of legitimate political order.

But first I need to further explicate MacIntyre's construal of practical rationality, which he formulates in terms of a theory of "traditions." The aim of this explication will be to try to indicate why MacIntyre rejects "procedural" conceptions of rationality by explaining the alternative proposed by his account of the "rationality of traditions."

## 2.2 Traditions

Just as incommensurability is not only a conceptual phenomenon, but at the same time a social one (because conceptual enquiry takes place in social contexts), so "tradition" describes not only traditions of theoretical enquiry, but forms of social and political life. What is incommensurable between traditions is their conceptions of practical rationality. This incommensurability precludes the possibility of a rationality standing above or behind such conceptions. But it does not preclude a conception of how *all* traditions make rational progress. In this way there is a "tradition-constituted" and a "tradition-constitutive" rationality. Tradition-constitutive rationality is not supposed to be a functional equivalent for procedural rationality, but it does involve a similar question: in what sense if any can forms of living and enquiring be judged more or less "rational"?

To get at MacIntyre's answer, it will help to first explain what a tradition is. I will focus on the concepts of practice, virtues, learning, and truth, in order to then try to lay out the distinction between "living" and "dying" traditions, so as to clarify how traditions advance or decline in terms of that special rationality that constitutes them *qua* traditions.

A tradition is the ongoing history of a *practice*.<sup>106</sup> A practice is

any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.<sup>107</sup>

Some examples of practices include farming and playing chess. Theoretical enquiry is also a practice. Traditions are the sustained struggle to achieve these systematic extensions of human ability and understanding, so that social life is constituted by traditions *of* farming, chess-playing, and theoretical enquiry. The practice of farming has its own internal goods (e.g., to raise good crops), and a tradition of farming practice has its own internal problematics (e.g., how to prevent soil erosion). As new initiates learn the rules of the tradition, and then begin to emulate the virtues necessary to the practice, they contribute either to progress or stagnation and decline. A tradition of farming which never learns how to prevent soil erosion will be a dying tradition. Practices are inherently forward-looking, because they are directed toward a *telos*. “The *telos/finis* of any type of systematic activity is, on an Aristotelian and Thomistic view, the end internal to activity of that specific kind, for the sake of which and in the direction of which activity of that kind is carried forward.”<sup>108</sup>

“Truth” is the *telos* of the practice of theoretical enquiry. To develop this practice-based theory of truth, MacIntyre has (since his endorsement of Thomism)<sup>109</sup> developed a Thomistic conception of truth as *adequation*, in which “[t]ruth is the relationship of the intellect to an object or objects thus known [by the intellect as it completes or perfects itself in achieving knowledge].”<sup>110</sup> The theoretical search for truth and progress toward rational understanding take place only “within a social, moral and intellectual context ordered teleologically towards the end of a perfected science, in which a finally adequate comprehension of first principles has been achieved.”<sup>111</sup> A “tradition” of enquiry is the name for this context.

Truth is approached, through the adequation of the mind to its object, by means of a dialectical process in which “the end is to some significant degree presupposed in the beginning, in which initial actualities presuppose and give evidence of potentiality for future development.”<sup>112</sup> Enquiry into truth, then, involves an “ineliminable circularity,” because “reasoned enquiry is somehow already assumed in our starting point.”<sup>113</sup> This is in fact the Augustinian conception of moral enquiry<sup>114</sup> that Aquinas integrated with Aristotle’s account of syllogism from *Posterior Analytics*.<sup>115</sup> And Augustine’s account was itself “a Christian version of the paradox of Plato’s *Meno*: it seems that only by learning what the texts have to teach can [the reader] come to read those texts aright, but also that only by reading them aright can he or she learn what the texts have to teach.”<sup>116</sup>

The persistence of this paradox means that we need some account of what it means to *participate* in practices, including the practice of theoretical enquiry. MacIntyre’s theory of the *virtues* – as first proposed in *After Virtue* – is designed to provide this account. The virtues are “precisely those qualities the possession of which will enable an individual to achieve *eudaimonia* [the “state of being well”, for Aristotle] and the lack of which will frustrate his movement toward that *telos*.”<sup>117</sup> In the practice of enquiry, the *telos* is the theoretical goal of “achieved understanding,”<sup>118</sup> and the central virtue required of anyone who seeks to understand is *phronesis* (for Aristotle) or *prudentia* (for Aquinas). *Phronesis/prudentia* “characterizes someone who knows how to exercise judgment in particular cases.”<sup>119</sup> Furthermore, possessing the central virtue of *prudentia* “requires the possession of the other moral virtues in some systematic way.”<sup>120</sup>

To engage in practices, through exercise of the virtues, is to engage in *learning*. Learning is a matter of becoming what MacIntyre calls an “independent practical

reasoner.”<sup>121</sup> Practical rationality is rationality that “guides and directs action,”<sup>122</sup> reasoning whose premises always issue in conclusions that are *actions*.<sup>123</sup> As we have seen, MacIntyre believes rationality is directly related to the social order in which it functions: “‘rational’ is not a predicate to be applied to individuals *qua* individuals, but only to individuals *qua* participants in particular social orders embodying concepts of rationality.”<sup>124</sup> Thus, “every mode of practical reasoning is also a mode of social interpretation,”<sup>125</sup> and we learn to reason by participating in social “networks of relationships of giving and receiving.”<sup>126</sup>

#### Relationships of giving and receiving

are those relationships necessary for fostering the ability to evaluate, modify, or reject our own practical judgments . . . and the ability to imagine realistically alternative possible futures . . . *and* the ability to stand back from our desires, so as to be able to enquire rationally what the pursuit of our good here and now requires . . .<sup>127</sup>

Whereas moral philosophy usually begins with independent individuals conceived apart from their natural vulnerabilities and identity-forming relationships, MacIntyre argues that our initial – and sometimes permanent – vulnerabilities are central to what it means to be rational. As infants and children, we are taught by others about our goods and about *the* good. As we grow up, we learn how to make more independent judgments about goods. The transitions between dependence and independence are called *learning*.<sup>128</sup>

This conception of the relationship between dependence and independence helps to further clarify the paradoxical nature of participating in practices noted above. Restated, the paradox is that in order to learn what it means and why it is good to participate in a practice, one must actually participate in the practice. In order to read a text independently, we must first *depend* on others who are able to teach us what such a reading looks like. Learning cannot take place in a vacuum of objectivity; it requires



recognize their validity. In this way they are social facts, systemic mechanisms removed from communicative contexts which serve “socially integrative functions.”<sup>51</sup>

Yet modern laws also claim *validity*; their facticity is supposed to be in the interests of those under their authority, and the manner in which they acquire their authority is supposed to be “legitimate” from the perspective of those persons. In this way they are social norms, validity claims to normative rightness which require intersubjective recognition if they are to comprise mutual understanding.

The tension “between facticity and validity” infuses communicative action at the level of validity claims themselves: “The validity (*Gültigkeit*) claimed for statements and norms . . . conceptually transcends space and time, whereas the actual claim is, in each case, raised here and now, in a specific context in which its acceptance or rejection has immediate consequences.”<sup>52</sup>

The lifeworld/system theory of society that complements the communicative theory of language recapitulates this as a tension between the lifeworld and the system. Law sustains this tension as an “internal connection between the facticity of law enforcement and the legitimacy of the lawmaking process” and functions as a “hinge” between the communicative coordination mechanisms of the lifeworld and the systemic coordination mechanisms of systems.<sup>53</sup>

But as Habermas explains it, the legitimacy of law does not stand on the norm side looking over at the fact side; the tension between the two infuses legitimation itself. This is because in addition to the facticity of “law enforcement,” there is also the facticity of the law-making process itself. In this way, “the positivity of law is bound up with the

participation in social relationships which are necessary for the development of rationality, and which are ordered by the rational activity of the participants, but which themselves are pre-rational. To learn, then, we must first submit ourselves in faith.<sup>129</sup>

But, MacIntyre asks, does the circularity of this *Meno*-paradox not mean that we are “compelled . . . to draw some kind of relativist and perspectival conclusion?”<sup>130</sup> Are we left without a way to make judgments about the rationality of arguments, actions, and social structures, since “it seems that it must be the case that there can be no neutral impersonal set of standards by means of which we can judge one mode of practical rationality rationally superior to alternative modes”?<sup>131</sup>

He firmly claims that this is not the case. The theory of relativism, he argues, makes a claim to rightness just as hegemonic as that raised by any other time- and context-bound theory of practical rationality, and crucially it is the fact that it is indeed bound to a certain time and context that argues against that very claim to rightness.<sup>132</sup> What is the case, rather, is that the rationality of any action or argument about action is secured precisely by the tradition(s) of practical rationality in which they take place.

The standards for judging whether an action or argument fails are internal to these traditions themselves, but herein lies not the premise for relativism’s “last word for philosophy,” but the insight needed if we are to keep talking. The fact of social embodiment for MacIntyre does not endanger rationality: it itself is the commonality that secures a “rationality *qua* rationality” in the face of the incommensurability (never radical) that it engenders. The nature of social context, of practices and traditions and relationships of giving and receiving, is the experience of problems that need to be solved, and of the success and/or failure at solving them that constitutes dependent

learning at the side of the more learned and more independent. This experience of social context itself does not vary from context to context, and no practice or tradition can escape the constraints placed upon it by the need to solve its own problems.<sup>133</sup>

It seems from this that Albrecht Wellmer's characterization of what he called MacIntyre's conception of "minimal" rationality as "little more than the law of non-contradiction," which I mentioned in the previous chapter, may be a bit too quick. MacIntyre notes that

[i]t is not then that competing traditions do not share some standards. All the traditions with which we have been concerned [the Aristotelian, the Augustinian & Thomist, and the Scottish tradition of Hume and others] agree in according a certain authority to logic both in their theory and in their practice. Were it not so, their adherents would be unable to disagree in the way in which they do. But that upon which they agree is insufficient to resolve those disagreements.<sup>134</sup>

For MacIntyre, that rationality which is "beyond" traditions has to do not only with the basic rules of logic, but with the raw experience of social context and of epistemological crisis, which infuses the practical rationalities of *all* traditions.

To help explain this, MacIntyre draws a distinction between "tradition-constituted" and "tradition-constitutive" rationality.<sup>135</sup> The former is that practical rationality which, because it *is* itself a social practice,<sup>136</sup> cannot be called upon to judge the rationality of social practices. It is explicated by a theory of practices (including the practice of enquiry into truth) virtues, and the learning processes they enable.

The latter may be understood in two ways. The first way is to see it in terms of the Thomistic-Aristotelian conception of truth outlined above. This means that tradition-constitutive rationality can itself be understood partly in terms of tradition-constituted rationality, in which what measures the rationality of the practical endeavor of enquiry is the extent to which it adequates its object, and so approaches truth (and likewise for other practices, which can be rationally judged according to how far they move toward their

particular *telos*). According to the Thomistic-Aristotelian tradition's theory that rationality is tradition-constituted, it is "the objectivity of reality [which is] the limit and measure of our conceptions of reality . . ."<sup>137</sup>

The second way is to see it in terms of what MacIntyre calls "rationality *qua* rationality," as opposed to the particular rationalities embodied in social structures. This is how MacIntyre understands how traditions as such may be "living" and "dying." The difference between living and dying is the difference "between rational enquiries in which overall progress is made and those from which it is absent."<sup>138</sup> A living tradition has well-developed problematics whose adherents are committed to working on those problematics with the tradition's own conceptual resources until solutions present themselves, and old theories are discarded for more satisfying ones, or until they find themselves compelled to embrace another traditions' claims to provide a more satisfying resolution to their own problems.

A dying tradition is one which either fails to make any progress on its basic problems and thus seems *by its own standards* to have degenerated, or which refuses to recognize or sufficiently conceptualize the problems it needs to overcome, assuming instead that truth has finally been grasped in its philosophical precepts. A dying tradition is effectively closed to the possibility that resources from an alien tradition may be the best solution to some or all of its own problems.

This common potential for "life" or "death" – for rational progress or decline – seems to be a crucial aspect of the idea of tradition-constitutive rationality. But MacIntyre argues against several critics that it is neither a tradition-neutral "universal" nor a procedural conception of rationality of the liberal sort he pointedly rejects.<sup>139</sup>

I will now show that this has important implications for his *polis*-inspired model of politics and his conception of legitimate government for plural societies, in which the *practice* of politics and its guiding *tradition* must be ordered toward the telos of the “*common good*,” a telos that requires a certain set of “political and social structures of the common good.”

### *2.3 The Politics of the Common Good*

It would be misleading to speak of a “connection” between MacIntyre’s moral philosophy and his political philosophy, since he holds that all philosophy is inherently political (and vice versa). But if there is some definite point at which they “connect,” it is in this conception of the common good. He argues that “[o]ne cannot generally become an effective practical reasoner without also becoming in some measure a political reasoner” because one can only identify individual goods by deliberatively identifying common goods, and because many goods are such that the effect of decisions made in regard to them is never limited to the decision-maker.<sup>140</sup>

MacIntyre’s conception of legitimation is developed by this account of what political and social structures are necessary for the pursuit of the common good. However, there are rivals to his version of the “common good.” They lead to a different conception of legitimacy, and call for different kinds of political and social structure. MacIntyre’s account of legitimation is tied to the arguments he makes in favor of his own conception of the common good over one of these rival conceptions. Because he constructs his arguments partly as a rejection of what he calls the “liberal” version, I will first need to lay out his interpretation of the rival view of the common good presented by liberalism.

For MacIntyre, contemporary liberal regimes are “oligarchies disguised as liberal democracies.”<sup>141</sup> Three problems plague these regimes: (1) the exclusion from politics of philosophical questions about politics, (2) the exclusion from politics of substantial questions about different ways of life, and (3) the fact that despite this restriction of debate to “neutral” matters, current politics does presuppose a political philosophy, and government policies are not neutral between ways of life.<sup>142</sup>

The political philosophy of the modern liberal state is one that separates politics from philosophy, and is therefore no political philosophy at all. This separation is supposed to ensure the neutrality of politics towards the plurality of traditions and ways of life. The idea is that this plurality is amenable only to philosophical adjudication, and that its particulars can remain essentially unaffected by the jurisdiction of a law and the operation of a government that cast no philosophical judgments.

Such states necessarily conceive the “common” good (such as it is) as the aggregate of private interests. This model is tied to a proceduralist and universalist conception of rationality that is supposed to be neutral between substantive rationalities and questions of the good. As we have seen, MacIntyre brings the problem of incommensurability and the inescapability of social context to bear against this conception and declares that “[t]here is no theoretically neutral, pretheoretical ground from which the adjudication of competing claims can proceed.”<sup>143</sup> His critique of modern politics follows the same route as his critique of modern epistemology.

Legitimation for liberals is supposed to be secured by conformity to “neutral” standards (laws) established by equally “neutral” procedures, the purpose of which is to allow individuals to select and pursue their own ends. These neutral standards and

procedures are supposed to replace a common mind about what the common good is. The common good becomes the name given to the interest that private individuals happen to share in a generalized conformity to these standards. Just as liberal philosophy measures an individual's rationality according to a universal standard that is supposed to stand outside all social contexts, so liberal politics measures a law's legitimacy according to a procedural standard that is supposed to be neutral between rival versions of the common good of the political community.

For MacIntyre, this minimalist conception of the common good, as partly constituted by neutrality between conceptions of the common good, is unworkable. For one thing, it has two consequences which help prevent the legitimation of law and government from the perspective of citizens. First is the classic "free rider" problem: on the liberal account it would be perfectly rational to try to get as many benefits while contributing as little to the cost of providing them as possible. Second is the corresponding fact that it would be irrational to make any unrewarded sacrifices for the sake of the political society. MacIntyre concludes that "[a]n individualist and minimalist conception of the common good is then too weak to provide adequate justification for the kind of allegiance that a political society must have from its members, if it is to flourish."<sup>144</sup>

It is also unworkable because it diminishes the learning capacities of a political society. For the same reasons that problems of incommensurability apply not just to intellectual traditions but to the social structures that embody and are informed by them, so also the model of "living" and "dying" traditions can apply to political societies. A living tradition is one that moves forward by solving its problems, and this is a process of

continued learning. A dying tradition is one that either fails to solve its problems, or does not recognize that it has any problems to solve, and this blocks the learning process.

Learning means recognizing and solving problems; it is a matter of practical rationality. Practical reasoning is a social activity: we learn what we learn only by learning *from* and then *with* other people. If a conception of the “common” good relates individuals not as interdependent practical reasoners, but as autonomous Kantian persons, then a political community is presented with obstacles to both the recognition and solution of its problems. These obstacles appear because this inadequate liberal conception of the common good creates the sort of environment in which three basic failures that always hinder learning are encouraged. First is the inability to detach ourselves from our desires, second is a lack of self-knowledge, and third is the failure to recognize our dependence on others.<sup>145</sup> I will focus on the third, because the notion of interdependence is so central to MacIntyre’s conception of the political community.

The point here is that if a political society is organized around a minimalist conception of the common good that places little emphasis on dependence and vulnerability, then the ability of its members to learn will be stunted insofar as they subscribe to that conception. The individual’s problems will not be thought of as society’s problems, and the individual will not see society’s problems as her own. And so the ability of the political society to recognize and solve its common problems – to learn – will also be stunted.

At this point the outlines of MacIntyre’s own conception of the common good and of the political and social structures necessary for working toward it will have at least been suggested. Now I want to try to fill out those conceptions with details sufficient to render his idea of legitimation with satisfactory clarity.



MacIntyre describes the liberal common good as the common good of morally autonomous individuals, which he believes is no common good at all. By contrast, his common good is the common good of morally interdependent people – “those whose relationships embody both a recognition of the independence of practical reasoners and an acknowledgement of the facts of human dependence . . .”<sup>146</sup>

Different social structures have their particular common goods,<sup>147</sup> as “[p]ractical reasoning is by its nature . . . reasoning together with others, generally within some determinate set of social relationships.”<sup>148</sup> But what MacIntyre specifically names “*the* common good” is “the good of the overall community.”<sup>149</sup>

Here at the outset we must be careful to understand the potential ambiguity of this complex idea. Consider this passage, where MacIntyre indicates that his conception of the common good (in contrast to that of communitarians) is “that of a kind of community of political learning and enquiry participation in which is necessary for individuals to discover what their individual and common goods are.”<sup>150</sup> Here it seems that the common good is itself at least partly *constituted* by enquiry into the common good, but that there is also a “common good” that is to be *discovered* by that enquiry.

This we might call MacIntyre’s “thin” common good. It is “thin” because it describes mainly a deliberative framework for forming a common mind on what the common good is, without stipulating what that common mind must be (except in the negative sense that anything which would undermine the framework itself is ruled out). In the remainder of this chapter, I will be focusing on this sense of the concept.

But another sense of the common good appears when we recall that what is in view is not just an abstract concept; MacIntyre sees it as the common good *of* a certain social

structure called the political community. This “thick” sense comes through when the concept is approached in terms of his theory of practices. The common good is the *telos* of the deliberative practice of politics, which is embodied by the political community, and as such it has a certain shape. I will explore this thick sense of the common good, which is more complicated than the thin sense, in the last part of chapter three.

The “thin” common good relates to the fact that the *telos* of political society is the common good of all its members, yet its members may advance various accounts of what that common good is. Here it becomes clear how MacIntyre’s view of the political common good stems from his accounts of incommensurability and tradition. Just as a [living] tradition is “an argument precisely in part about the goods which constitute that tradition,”<sup>151</sup> and just as incommensurable disagreements are nevertheless constrained by the more fundamental agreements that make possible even their agonistic relations as well as the possibility for understanding across their boundaries,<sup>152</sup> so also a political society is an ongoing argument about its own identity, an ongoing attempt to solve its own problems, and a sustained institutional context of “constrained disagreement” which makes possible those arguments and those attempts. And so MacIntyre poses the question of legitimation very carefully. The question is not first “what is legitimation?” but “under what conditions are individuals able to learn about their individual and common goods, so that questions about the justification of political authority can be asked and answered through rational enquiry and debate? What form of social and political life makes this possible?”<sup>153</sup>

Liberal institutions might conversely be called contexts of “unconstrained agreement,” in which agreement on policies is not constrained by the need for constant deliberation by

interdependent persons on the purpose and effects of those policies and on the very procedures designed to legitimate them. “What is lacking in modern political societies,”

MacIntyre argues, is

any type of institutional arena in which plain persons – neither engaged in academic pursuits nor professionals of the political life – are able to engage together in systematic reasoned debate, designed to arrive at a rationally well-founded common mind on how to answer questions about the relationship of politics to the claims of rival and alternative ways of life, each with its own conception of the virtues and of the common good.<sup>154</sup>

MacIntyre describes the institutions that *would* enable individuals to “learn about their individual and common goods, so that questions about the justification of political authority can be asked and answered through rational enquiry and debate”<sup>155</sup> as having two basic characteristics. First, they will depend on and inculcate the shared understanding, usually more intuitive than theoretically explicit, of the norms without which the relationships we need to learn what we must learn cannot be sustained. This involves that form of practical rationality, described earlier as incommensurable with the Humean or the modern individualist versions, in which questions about the relation of my good to the good of others are assumed to have rational answers on which practical decisions can be based.<sup>156</sup>

Second, the size of a community in which the common good can really be pursued must be kept small, and the community must be as self-sufficient as possible. Deliberation of the kind MacIntyre describes cannot occur in a political society the size of the modern nation-state, because this kind of deliberation happens between interdependent individuals whose individual good requires the learning processes that only happen when all others from whom something may be learned (which, crucially, is *everybody*, even if some are represented by “proxies,”<sup>157</sup>) are not excluded from the decision-making process. The goal of deliberation is to arrive at a common mind. A

common mind cannot be formed if all those commonly affected by it cannot be included in the decision-making process, and such inclusiveness is a practical impossibility in large societies. A small community keeps individuals *accountable* to one another and encourages, rather than discourages, both individual and collective learning.<sup>158</sup>

A *polis* bears three features. First, it must “afford expression to the political decision-making of independent reasoners on all those matters on which it is important that the members of a particular community be able to come through shared rational deliberation to a common mind.” Second, the established norms of justice will have to be consistent with the exercise of “just generosity,” a revised and extended version of Marx’s formula “from each according to her or his ability, to each, so far as is possible, according to her or his needs” which is able to accommodate appeals to both need and desert. Third, “the political structures must make it possible both for those capable of independent practical reason and for those whose exercise of reasoning is limited or nonexistent to have a voice in communal deliberation about what these norms of justice require.”<sup>159</sup>

MacIntyre’s theory of legitimation emerges from this account. For MacIntyre, the legitimation of law and government depends on the integrity of a radically inclusive deliberative activity that can only be sustained in small communities united by a genuinely common mind achieved not by circumscribing discussion within the bounds of “neutrality” but by securing general participation in shared practices of self-scrutiny.

The crucial point in this account is that legitimation does *not* require that the deliberative procedures of lawmaking and governing be strongly neutral in regard particular social structures – between and from the particular traditions, ways of life, and linguistic communities governed by the laws. In fact it begins with the conclusion that

such neutrality and detachment are impossible and nonsensical, and that their pretense actually *precludes* legitimation.

Strong neutrality precludes legitimation because the demand that the reasons given to justify proposed legislation be “public” and not tied up with “comprehensive doctrines” (as Rawls puts it) effectively prevents the introduction of the only reasons that actually *can* serve as a legitimate basis for public laws, which are reasons introduced in real, deep deliberation about the content of the common good. Such deliberation engages rival conceptions of the common good at the level of their basic disagreements, instead of imposing a thin consensus between apolitical individuals on a minimalist common good to which all can agree because it requires no agreement, and which forbids the pursuit of a substantive common mind (which is the only basis for legitimate decisions), by prohibiting the discussion of whatever might be preventing that common mind from being forged, on the belief that legitimation actually *depends* on this pseudo-agreement.

The deliberative activity of forging a common mind about the common good is central to the legitimation of the practical decisions which obtain for all the members of the political community. The “common mind” can only be properly understood in terms of its linkage with the “common good.” For MacIntyre rejects any sort of *Volk* ideal, and does not think the “common mind” involves repressive demands for conformity. Deliberation on a common mind *about* the common good necessarily requires the participation of all whose goods are tied up with the common good.<sup>160</sup>

But what sense does “deliberation” have here, and how does it achieve inclusion on the basis of a public consensus without excluding dissenters? How “tolerant” is the common mind, and how is a political community to evaluate contributions to the

deliberation? One way MacIntyre answers this is by discussing what he calls the “goods of conflict.” These are the goods provided to communities “through disagreement and conflict . . . through aiming at conclusions that emerge from being tested by the most powerful counter-arguments available . . .” In the deliberative *polis*-type communities that value these goods, “what is to be treated as intolerable is anything the toleration of which would tend to frustrate or prevent the achievement of those goods.”<sup>161</sup>

The persons to be excluded are those whose conduct or opinions undermine the very activity of deliberation. Central to this rule is the idea that “it is a condition of rational discussion and enquiry that certain questions be understood by the participants to have been settled conclusively.”<sup>162</sup> Deliberation requires this condition because “the rational resolution of disagreement . . . requires some measure of prior agreement,” although this is “agreement which can itself always be put in question, if there turns out to be good reason to question it.”<sup>163</sup> As an example MacIntyre mentions those who actively promote the idea that the Holocaust is a myth. He contends that such persons, in their capacity as promoters of such opinions, may be justly excluded from deliberations in which the Holocaust is a relevant subject.

In the course of making such clarifications about the scope of the common mind, MacIntyre also adds some helpful clarifications to his analysis and rejection of liberal arguments about the neutrality of politics between conceptions of the common good, which must be mentioned before closing this chapter. After all, this account of the inclusivity of the deliberative practice of forming a common mind about the common good seems rather similar to liberal conclusions about the values of tolerance. MacIntyre admits as much, but argues that he comes to his account “by a very different route.”

But liberals generally have arrived at these conclusions because they believe either that the state ought to be neutral between different rival conceptions of the good or that states ought actively to promote the liberty and autonomy of individuals in making their own choices. I have argued by contrast first that the contemporary state is not and cannot be evaluatively neutral, and secondly that it is just because of the ways in which the state is not evaluatively neutral that it cannot generally be trusted to promote any worthwhile set of values, including those of autonomy and liberty.<sup>164</sup>

Perhaps MacIntyre's conception of legitimation might be explained in terms of a long-established principle of legitimation theory: "what touches all must be approved by all."<sup>165</sup> That which "touches all" he calls the "common good," the overarching good of the practice of politics in which individuals discover their good in the good of others. "All" describes every member of the political community; for this reason, political communities must be kept small enough to allow everyone to participate in real deliberation (though some, like the mentally handicapped, may require "proxies"). And "approval" is granted not by an aggregation of more or less private opinions, but by a substantive "common mind about the common good" formed through deliberation by all in common about what they have and should have in common.

This concludes my exposition of MacIntyre's theories of incommensurability, of tradition, and the politics of the common good. As stated in the introduction, the second part of this thesis will argue that there is a latent proceduralism in all three of these theories, and that he would benefit from recognizing it and making it explicit. I am now ready to develop my arguments. Following the same *language-society-politics* scheme used throughout, I will pursue both parts of my thesis – the first concerning Habermas and universalism, the second concerning MacIntyre and proceduralism – in an attempt to reconcile them both to what might be called a "non-universalist proceduralism."

### Chapter Three: Discourse and the Common Good

What I hope to have gained from the foregoing exposition is a ground on which to suggest the possibility of what might be called a *non-universalist proceduralism*. I think that Habermas's proceduralist paradigm of law is a better model of legitimation than MacIntyre's. But I also think that MacIntyre's arguments against the universalism of that kind of model are mostly right. The trick will be to use the one to strengthen the other. If I can use MacIntyre's arguments to surgically remove the offending universalism from Habermas's proceduralist approach to law, then I can use that approach to illuminate what I see as an unrecognized proceduralism in MacIntyre's politics of the common good which, if it *were* recognized, would help that politics acquire some of the scope and strength of Habermas's program for "deliberative democracy."

This commits me from the outset to a distinction between universalism and the idea of *procedural rationality*, a distinction both Habermas and MacIntyre would likely reject. For Habermas, procedural rationality is different from substantive rationality precisely because *every* substantive claim is *always* an appeal to a validity that can only be established through discourse, the rules of which are universal. This appeal takes the form of a procedure of discourse; a *particular* claim is connected to the potential for being *universally* valid via this *procedure*.

MacIntyre agrees that universalism constitutes the difference between procedural and substantive rationality. But because he rejects such universalism, he also rejects the proceduralism that is supposed to be connected with it. In his view, the difference between procedural and substantive rationality is only that proceduralism refuses to admit



that it is itself based on yet another substantive conception of the good. They are not different in kind; only in self-understanding.

But this mistaken self-understanding involves, in MacIntyre's view, a mistaken philosophical and political approach to other conceptions of the good. On an approach like Habermas's, the procedure claims to be *neutral* with respect to conceptions of the good. MacIntyre rejects both the wrong self-understanding and the claim to neutrality. He believes that given the facts of incommensurability and the nature of tradition, a conception of the good can be no more proceduralist than it can be universalist.

This has in my view weakened his own account of legitimation. I want to argue that his model of deliberation on the common good itself tends toward the "proceduralism" of Habermas's theory of discursive democracy, but that because "procedural" is for him tied to the "universalism" he rightly rejects, he tries to obscure it. If instead he were able to understand proceduralism *apart* from universalism, his conception of political order could be strengthened by Habermas's insights.

This means I will be making three kinds of arguments. The first will ask a MacIntyrean question of Habermas that tries to throw doubt on some aspect of Habermas's universalism, so that we can point to some reasons why that universalism should be rejected. The second will ask a Habermasian question of MacIntyre that tries to illuminate the proceduralism in his own non-universalist account of substantive rationality. Interspersed with these two, the third will question their mutual affirmation that procedural rationality necessarily involves some kind of universalism; I will suggest that if Habermas's universalism does not work, it can be removed without necessarily

undermining his proceduralism, and that if MacIntyre's politics of the common good is actually proceduralist, he can admit it without recanting his anti-universalism.

To answer these questions I can follow the language-society-politics framework I used for the exposition. For language, I will match "discourse" to "incommensurability," asking Habermas if his "discourse" is supposed to be one of MacIntyre's "third languages," and asking MacIntyre if "learning a second first language" is actually a "procedure" in a limitedly Habermasian sense.

For society, I will match "rationalization" to the "rationality of traditions," asking Habermas if his conception of modernity and its procedural reason is actually a "tradition" in MacIntyre's sense, and asking MacIntyre if the rationality of traditions is in fact a procedural rationality, again in a limitedly Habermasian sense.

For politics, I will match "discursive democracy" to "the common good," asking Habermas whether his procedural model of the "common good" (admittedly mixing their vocabularies a bit) is in the final analysis a part of a substantive conception of the good, and asking MacIntyre whether his substantive conception of the common good is not in fact procedural – again, in a limitedly Habermasian sense.

By "limitedly," I mean compatible with most elements of what Habermas terms a "procedural" approach to rationality and to law except for the universalism used to undergird that approach. My third kind of argument, that proceduralism and non-universalism are not necessarily incompatible, will be tasked to develop this idea. Proceduralism is a matter of formal rules that are understood to be independent from the particular claims and conceptions of the good they are designed to adjudicate, and also independent from the outcome of that adjudication. This does not (in my view) mean that

it must also be understood to be *justified* independently of a conception of the good; like MacIntyre, I agree this is impossible. I will suggest that if the critiques of MacIntyre and others can show that discourse proceduralism, contrary to Habermas's formulation, *is* in fact part of a conception of the good and not the discovery of a "right" that has priority over such conceptions, then MacIntyre should *let it be* such, and approach discourse proceduralism in terms of a possible rival tradition – or, as I want to suggest, as potentially implicit in his own tradition and so able to help clarify some of its concepts.

This third argument will be most fully developed in the final two sections, when I take up their political theories of legitimation. There I will try to show (section five) that proceduralism, shorn of its universalist pretensions, is not disqualified from being a component in a conception of the good simply because of the value it places on neutrality. And I will also try to show (section six) then that MacIntyre's own "politics of the common good" is a proceduralism that also incorporates an ideal of neutrality.

### *3.1. Discourse and Incommensurability: MacIntyre for Habermas*

MacIntyre describes the liberal versions of "rationality" and "justice" as an attempt to overcome incommensurability by means of a "third language" that would be able to translate between the incommensurable languages of different traditions. The central characteristic of this third language is its neutrality between rival traditions. Third languages are said to be detached from particular contexts in which the names of things have definite references or sets of references, so their vocabularies are not caught up with particular sets of beliefs. MacIntyre argues that because names *always* have particular contexts of reference – even if different and many – the idea of a third language is

incoherent. The choice between two languages is also a choice between “two mutually incompatible conceptions of natural and social reality; and it is not only a choice between two mutually incompatible sets of beliefs but one between sets of beliefs so structured that each has internal to it its own standards of truth and justification.”<sup>166</sup>

My question is, Is Habermas’s “discourse” supposed to be a “third language”? If it is, can it be exposed to MacIntyre’s critique of such languages? I want to suggest that “discourse” is certainly understood to have the central characteristic of a third language, and that its universalist claim is indeed open to MacIntyre’s objections.

The ostensible neutrality of discourse lies in the argumentative structure by which it thematizes validity claims. The distinction between the particularity of the claim and the universal intent of the validity the speaker attaches to it is the key to this structure; discourse is neutral between claims because it is concerned with their validity conditions, not with the particulars of the claims themselves. Furthermore, discourse is neutral between languages and linguistic communities because of the internal relationship between speech acts and validity claims. All linguistic communication consists of speech acts, and all speech acts raise validity claims. If discourse thematizes validity claims, its procedure is the same in and therefore neutral between every language structured around speech acts, which is to say, all languages.

But is discourse really a “language”? Is it not more precisely a *mode* of communicative action, a higher-level function of all languages-in-use? I think that while Habermas does define discourse in this way, it may also be accurately described as a “third language” if we look again at what MacIntyre means to describe with this phrase.

For while in “Relativism, Power, and Philosophy” and *Whose Justice?* he explains it in terms of actual modern “international” languages like French or English, his *point* is to get at a function or ability attributed to those languages. In other words, MacIntyre is not first a linguist; he is a philosopher, and by “third language” he means to describe a certain *conception of rationality*. Of course he is right to describe it in terms of actual languages, because he believes that conceptions of rationality are embedded in linguistic communities. But his argument is precisely that modern languages like French or English, to which are sometimes attributed the power to function as “third languages,” do *not* so function. According to his own argument, no “language” is a third language, because the *rationality* attributed to third languages is unavailable to language *qua* language. The focus is on the conception of rationality attributed to third languages, not on their actual identity as a spoken language.

As a conception of rationality, then, discourse is certainly a potential claimant to the role of third language in MacIntyre’s sense. And its apparent claim to neutrality seems to indicate that it fulfills the central characteristic for actually being one. Can MacIntyre’s *critique* also be brought to bear on Habermas’s universalist conception of discourse?

I think it can, if we can support MacIntyre’s argument that standards of rationality are internal to traditions against Habermas’s twin claims that there are universally obtaining conditions for achieving mutual understanding, and that communicative action is the originary mode of language use, which are key to the idea of discourse.

For MacIntyre, standards of rationality are the “standards by which disagreements are to be evaluated and resolved.”<sup>167</sup> They are internal to traditions because they can only be understood in terms of the pursuit of truth by way of adequation, and the pursuit of truth

is undertaken only in the context of traditions (though the “truth” being pursued transcends local contexts, and the idea of pursuing it is to get beyond local perspectives).

For Habermas, the standards for evaluating and resolving disagreements are the rules of discourse, which as the reflective mode of communicative action is oriented toward mutual understanding and proceeds similarly by “evaluating” existing validity claims as to what the nature of the agreement should be, and “resolving” conflict between opposing validity claims by systematically collecting and assessing reasons for or against. On his account, these standards are not internal to a particular set of validity claims that happen to serve as premises for a certain consensus (a “moral point of view,” for MacIntyre).

Rather, they are internal to the intersubjective *process* of exchanging validity claims, which is *external* (though not in a “metaphysical” sense) to particular agreements or sets of agreements that are established in the course of that ongoing process. Their externality is supposed to be guaranteed by the universality of the conditions for resolving disagreement and reaching agreement. This universality is supposedly secured by the idea that there is an internal connection between speech acts and validity claims, and by the idea of the primacy for language-use of the orientation to reaching understanding over the strategic orientation to employing language for non-communicative ends.

One of the main ideas behind MacIntyre’s arguments for the internality of standards of rationality is to demonstrate the logic of the *Meno* paradox: the premises somehow already presuppose the conclusions. This means there can be no hierarchical relationship between the context-bound pursuit of (context-transcending) truth, and the standards used to assess its progress. Standards of rational justification, in other words, have a conception of what it would mean to be rationally justified already built into them.

This argument concerns not only the “logic” of truth and rational justification; at the same time it raises a *moral* question that can be asked of Habermas’s externalization of the discursive standards for justifying validity claims. We encounter this question when we are faced with Habermas’s claim that, as Joseph Heath formulates it, “communication, as a form of social action, has a built-in structure of accountability, i.e., participants must be committed to defending their speech acts with reasons. Without such a commitment, there could be no such thing as meaningful speech.”<sup>168</sup> This claim is bound up with the argument that all speech acts raise validity claims and that there is an internal relation between the two. Its effect is to tie a conception of what social actors *should* do to a conception of what they *are doing* when they engage in communicative action: raising validity claims that can be thematized in discourse. Habermas is saying that whenever we use language, we are striving to reach mutual understanding. But the moral question that can be asked in connection with the question of the logic of rational justification is, as Charles Taylor poses it, “*why* I should strive for this.”<sup>169</sup>

This question cannot be answered by rational reconstructions of the internal relation between speech acts and validity claims. This is because, as Martin Seel argues, in order to demonstrate this relation, Habermas must “already presuppose [the] possible reference to argumentation.”<sup>170</sup> Here Seel lays bare what I think is a relatively straightforward insight into *The Theory of Communicative Action* that might easily be obscured by the project’s complexity. This is that the relation between speech acts and validity claims is necessarily *posited*; it cannot really be “demonstrated.” It is certainly plausible on an intuitive level, but how exactly would it be demonstrated? Whenever Habermas discusses it, speech acts and validity claims are in the final analysis simply *defined* in terms of this

internal relation.<sup>171</sup> To declare by definitional fiat that speech acts always raise validity claims is to presuppose as a *premise* the structure of argumentation pertaining to those validity claims, which is supposed to be the *conclusion* to a rational reconstruction of linguistic communication.

If discourse must be presupposed, then it is not purely “procedural” in Habermas’s universalist sense of being *always* and *necessarily* so as a matter of fact. Rather, the claim that validity is to be determined by the procedures of discourse serves as what Taylor calls a “strong valuation” designed to “show why it is I attach a value to rational understanding so great that it *should* be preferred to all other purposes. In which case, reaching understanding [through discourse] comprises one *purpose* among others, one which can lay claim to primacy only owing to a substantialist concert of human life.”<sup>172</sup>

The problem of presupposition attaches not only to the posited relation between speech acts and validity claims, but also to the claim that communication is the “originary” mode of language use. The problem arises specifically for the crucial distinction between illocutionary and perlocutionary uses of speech acts. This distinction is supposed to be the conclusion of a rational reconstruction of the nature of language; even perlocutionary effects depend on illocutionary meanings, so the communicative orientation toward mutual understanding has a scientifically demonstrable priority over the use of language for other, strategic purposes, including and especially cross-purposes like manipulation. The claim, as David Rasmussen puts it, is “that the peculiar predilection for the communicative over the strategic is not grounded in a personal preference, in a belief that this is the way things ‘ought’ to be” but in the reconstructable structure of the social world.<sup>173</sup>



The problem is that the illocutionary cannot be separated very easily, let alone scientifically, from the perlocutionary. This is at least intuitively apparent; rarely if ever can we be sure of the intent and/or effect of our *own* speech acts, not to mention those of our interlocutors. But Jonathan Culler makes this point more strongly by noting that “[m]any illocutionary acts seem primarily designed to produce certain effects rather than to bring about understanding: think, for example, of commanding someone to get out, warning them to look out, or calling them out, not to mention pronouncing them man and wife or appointing them to a committee.”<sup>174</sup> According to Culler, Habermas’s appropriation of speech act theories mistakes or ignores a central theme of those theories, which is that “*to understand sentences is to understand how they might function in purposive activity.*” Culler’s claim is that if Habermas cannot show that “language with an orientation to reaching understanding is the *original mode* of language use,”<sup>175</sup> then “appeal to the norms that subtend consensual speech situations would just be a case of choosing values that one preferred rather than relying on values inevitably implied by linguistic communication.”<sup>176</sup>

The fragility of the distinction between illocutionary and perlocutionary speech acts is one way that the problem of presupposition attaches to the universalist claim about the primacy of the discursive orientation for understanding (the “communicative thesis”). Another comes with Habermas’s argument that validity – here specifically the validity of truth claims, but by analogy that of claims to rightness – is established by the possibility of or potential for (the discursive achievement of ) “mutual understanding.”

Several critics call the conclusion about truth set out by this argument Habermas’s “consensus theory of truth,” though Habermas usually prefers the word “agreement” to

“consensus.”<sup>177</sup> Here we must recall that “mutual understanding” is defined specifically in terms of mutual recognition of a validity claim – this is what he calls “agreement.” While in normal speech “understanding” and “agreement” may not mean the same thing, in Habermas’s vocabulary they do. Mutual understanding is agreement that a validity claim has been successfully redeemed. Validity claims to truth (and to rightness) are redeemed in discourse. Discourse is that form of argumentation undertaken “when the meaning of the problematic validity claim conceptually forces participants to suppose that a rationally motivated agreement could in principle be achieved . . .”<sup>178</sup> This is the “ideal speech situation,” which is built into the structure of argumentation.<sup>179</sup>

Discourse, and communicative action generally, is “oriented to achieving, sustaining, and renewing consensus – and indeed a consensus that rests on the intersubjective recognition of criticizable validity claims.”<sup>180</sup> It is in this way that Habermas’s discourse theory involves a “consensus theory of truth.”

Nicholas Rescher observes that one problem with a consensus theory of truth like this one is that it assumes “the somewhat utopian idea that a properly managed dialogue must – inexorably – issue ultimately in agreement rather than simply sharper and harder disagreement – as seems actually to happen much of the time in real life.”<sup>181</sup>

Mary Hesse makes an argument out of Rescher’s observation when she contends that the only way an ideal consensus can have anything directly to do with “truth” is “to adopt the ideal of discourse and its concomitant concept of ‘person’ as a moral standpoint, and to embrace arguments which both support and are supported by that standpoint.”<sup>182</sup> Here Hesse echoes Taylor’s point. The procedures of discourse cannot independently establish the validity of claims – claims to truth and by analogy to rightness – in terms of the

potential achievement of a consensus, because “consensus” is *presupposed* by the idea of “discourse.”<sup>183</sup> And as Seel argued, discourse itself is the presupposition need to maintain the “internal connection” between speech acts and validity claims.

The objections registered by Seele, Taylor, Culler, Rasmussen, Rescher, and Hesse all seem to support MacIntyre’s contention that the idea of a “third language,” even one as compelling as “discourse,” overlooks what he describes as the internality of standards of rational justification. Discourse cannot justify validity claims in Habermas’s universalist sense of “justify” because the proposition that “validity claims must be justified through discourse” is itself a validity claim, and how would we go about redeeming it?

Discourse appears to be not a long-awaited “third language,” but a component in a substantive “conception of the good.” The procedural rationality of discourse is no less substantive for its procedural format, for it rests on the presupposition that we *should* participate in the procedure. The standards for rational justification it employs are tied up *with* that presupposition, and so are unable to relate to it as anything *but* a presupposition.

But it does not follow from this that the proceduralism of Habermasian discourse cannot be endorsed *as* one part of a conception of the good. In fact I think that MacIntyre’s substantive “rationality of traditions” amounts to a very similar proceduralism. I will try to explain what I see as the proceduralism of tradition-constituted and tradition-constitutive rationality in the next section, but I want to introduce the argument here by asking, Is MacIntyre’s idea of “learning a second first language” actually “procedural” in the Habermasian sense as I have begun to modify it?

### *3.2 Discourse and Incommensurability: Habermas for MacIntyre*

Discourse is a systematic form of argumentation that tests validity claims according to whether they are claims about the world of facts or the social world (claims about subjective experiences are subject to “therapeutic critique”). But as a form of argumentation it is an intersubjective activity, even if it is concerned with the vindication of claims not about the social world but about the world of facts. In this regard, the “discourse” of “discourse ethics” is concerned with the validity of *norms*. From now on I will use it in this sense.

Communicative action is oriented to the uncoerced establishment of mutual understanding (or more strongly, “consensus,” as we saw above). In discourse, communicative actors “presuppose in general that the structure of their communication, by virtue of features that can be described in purely formal terms, excludes all force . . . except the force of the better argument.”<sup>184</sup> As Simone Chambers puts it, the *procedure* of discourse is designed to make their presupposition a reality by “[setting] conditions such that only rational, that is, argumentative convincing, is allowed to take place.”<sup>185</sup>

Now, having suggested that we remove the universalist underpinnings of Habermas’s conception of discourse and recast it as a component in a substantive conception of the good, I am not about to simply make the fairly uninteresting argument that MacIntyre should now endorse that conception because it advocates the non-violent resolution of disagreements. Rather, my argument will be that some of the “formal features” of discourse by virtue of which force is to be excluded – summed up by the discourse principle – can be found in MacIntyre’s own conception of the rationality of traditions. In the remainder of this section I want to briefly suggest that one of these features, namely

the central idea of “taking the perspective of the other,” is already present in his conception of “learning a second first language.”

Learning a second first language is MacIntyre’s description of how the members of one tradition-embodiment linguistic community come to understand the language of the other. It is his alternative to the idea of the third or “internationalized” language. The model of someone who learns such a language is the anthropologist who immerses herself in a culture. She learns not or mostly not by translating sentence for sentence, but by becoming “a child all over again.” The mark of her success is “to be able to recognize where and in what respects utterances in the one are untranslatable into the other.”<sup>186</sup>

Learning a second first language is how MacIntyre explains the possibility of communication between traditions in the face of the incommensurability (never radical) he so firmly emphasizes. The rationality of traditions is constituted in part by an openness to the possibility that the resources of an alien tradition might prove better able to address the problems internal to one’s own tradition. Such an alien tradition “provides a standpoint from which, once they have acquired its language-in-use as a second first language,” the members of one tradition can recognize and explain their problems.<sup>187</sup>

As a component of the rationality of traditions, it seems fair to say that learning a second first language serves as a “procedure” at least in the sense that it has certain formal rules which are not tied to the content of what is being learned, and are said to apply to “all” instances of inter-traditional communication. Because they are not the rules of simple sentence-to-sentence “translation,” their character as rules may not be as readily apparent. But MacIntyre at least suggests them when he provides his examples.

What formal rules must the anthropologist follow if she wants to learn any alien culture from the inside? Perhaps the first and primary rule is precisely that she must *not* learn by simple translation. To assume that she has recourse to a third language – likely her own first language – is to exclude from view the particular local meanings that are constitutive of the language she wants to learn. In order to understand what is being said in the alien linguistic community, she must enforce a strict prohibition on the use of straight translation, which for all intents and purposes *distorts* what is being said.

But the anthropologist example has one potential weakness, which is that we tend to think of anthropology as a matter of *observation* rather than participation. Of course the whole idea of learning a second first language is intended to change this perception and emphasize the impossibility of completely detached observation by means of translation. But we can further emphasize the participatory nature of learning a second first language by formulating this first rule more precisely. For the prohibition on direct translation is not only necessary to “understand” a native speaker; it is necessary to *come to an understanding with* that speaker. The ban on simple, third-language translation must be followed not only so that the anthropologist can understand what the native speaker says, but so that the native speaker can understand what the *anthropologist* says. This aim to achieve “mutual understanding,” to borrow Habermas’s phrase, must be present at the very beginning of the anthropologist’s efforts.

On the flip side of this prohibition is then another rule. The first tells us what we must *not* do if we are to learn a second first language, but what must the anthropologist *do*? Clearly she must take into account as far as she can the understanding of her

interlocutors; she must be able to learn how *they* understand the words they use. She must “take the perspective of the other.”

For Habermas this is a rule of argumentation expressed in the universalization principle, which “operationalizes” the discourse principle. If our agreements on norms are to be valid, then the participants in the discourse in which the agreement is formulated must engage in “reciprocal perspective-taking.” Or, put differently, reciprocal perspective-taking is a rule of discourse, which aims to produce agreement on norms.<sup>188</sup>

For MacIntyre too, it seems to be one feature of a formal *procedure* of the rationality of traditions. Perhaps this can be seen more clearly if we move from the anthropology example to his theoretical account of how the rationality of traditions works, or should work, in the context of an institution like the university.

In MacIntyre’s model university, one tradition is not supposed to approach another as an anthropological observer. Rather, a university should be “a place where rival and antagonistic views . . . are afforded the opportunity to . . . conduct their intellectual and moral warfare.”<sup>189</sup> How is this “warfare” to proceed? How are incommensurable traditions like Nietzschean “genealogy” and MacIntyre’s own Thomism to communicate with each other? As we have seen, each must learn the language of the other from the inside, like a child. Their contest for “rational superiority” can only proceed “if and when the two rival bodies of theory and practice have first of all each been characterized and categorized in its own terms,” so that “no claim to rational superiority . . . can be made good except on the basis of a rationally justifiable rejection of the strongest claim to be made out from the opposing view.”<sup>190</sup> Because of the anthropological mindset (in the bad sense of assuming translatability) of, in MacIntyre’s example, the compilers of the 9<sup>th</sup>

edition of the *Encyclopaedia Britannica*, “it never occurred [to them] to enter imaginatively into the standpoint of those allegedly primitive and savage peoples who they were studying, let alone to enquire how they and their moral and religious theory and practice might be understood from the point of view of those alien cultures.”<sup>191</sup>

Rational progress *within* a tradition depends on a willingness to communicate with *other* alien traditions by “entering imaginatively into their standpoint.” It is this communication that allows for traditions to make rational progress *against* one another; one tradition may be judged by another to have failed rationally only *by its own standards*, and those standards can only be understood by a non-native by learning them as a “second first language,” something MacIntyre tried in *Three Rival Versions* to do with “encyclopaedia” and “genealogy.”<sup>192</sup>

So “learning a second first language” seems to be a procedure which must be followed if traditions are to be rational both on their own terms and in terms of that *rationality qua rationality* that is constitutive for all traditions. And “taking the perspective of the other” seems to be a rule, a formal feature of the activity of learning a second first language which always and everywhere must be followed if we are to learn it from the inside, rather than translating it by appealing to a neutral “third language.”

But I cannot make this suggestion plausible without dealing with some problems raised in Stephen Lutz’s defense of MacIntyre in the face of a similar suggestion offered by Alica Roque. Roque also interprets MacIntyre’s “learning a second language” as a procedural solution to relativism, and she criticizes that solution for supposedly depending on the idea that people have an innate capacity for acquiring such fluency,



which would contradict his basic thesis that rationality is tradition-constituted (since it would be a pre-traditional, universal rational capacity).<sup>193</sup>

As Lutz notes, MacIntyre's "Reply to Roque" countered that "[i]t is crucial that the ability to acquire this kind of understanding is not only far from universal, but perhaps relatively rare."<sup>194</sup> Lutz investigates the texts Roque used to support her interpretation, and concludes with MacIntyre that Roque's reading was simply wrong. He says that "MacIntyre did not suggest that relativism is overcome through a procedure of learning other cultures as second first languages. Rather, he proposes the discovery of the more adequate resources of an alien tradition as a means of overcoming an epistemological crisis within a tradition. . . . The alien tradition is not studied as a means to an end; it is simply encountered."<sup>195</sup>

Lutz's own "reply to Roque" understandably deals with the texts she herself cited, which all came from *Whose Justice?*. He argues that none of these texts indicate that MacIntyre had an "innate capacity" in mind when he described "learning a second first language," and so that Roque's charge of unacknowledged universalism cannot stick.

I think he is right that MacIntyre does not believe in some universal and/or innate linguistic capacity. But I do not think it is so simple to dismiss Roque's implication that learning a second first language functions as a *procedure* for the rationality of traditions. I suggest that the passages quoted above from *Three Rival Versions* help make this clear.

For in those passages MacIntyre is not talking about a random, unplanned and unorganized "encounter" at a cultural "boundary situation." He is talking about how to set up a university as a place to conduct enquiry. And in his university, at least, it certainly cannot be that the capacity to learn second first languages is "relatively rare;"

rather, it is to be *required* of anyone who wants to teach there. Being able to communicate across the traditions of enquiry occupying his ideal university requires as a matter of course the ability to challenge them on the basis of their own standards, and in order to make such challenges, one must be able to understand them from the inside.

The procedural character of learning a second first language by taking the perspective of the other is clearer then if we look not only at MacIntyre's conception of cross-traditional communication as it occurs randomly between cultures, but as it occurs in *institutions*. Unless institutions are to be monolithically organized around a single tradition – which apparently they are not, at least in the case of universities – then their institutional design must intentionally incorporate the activity of learning a second first language as a matter of course – as a procedure.

This does not mean the viability of the procedure depends on the presence of a universal human capacity. It only means that *if* we want to engage other traditions – which we will, if our tradition is rational<sup>196</sup> - *then* we *must* learn that tradition's language as a second first language, *by* taking on their perspective. The necessity and propriety of the procedure does not depend on its success. It may actually be true that few people are able to follow the procedure. But that does not mean there is some other way to communicate across traditions.

This is only an introduction to my idea that MacIntyre's conception of tradition-constituted and tradition-constitutive rationality is a non-universalist *proceduralism*. More work will be done in the following section, when I take up other aspects of his theory of tradition and compare them to Habermas's discourse theory of proceduralism. But at this point it can at least seem plausible that, if we remove the universalist claim

from Habermas's model of discourse and recast it in terms of a conception of the good, we can achieve a measure of convergence between it and MacIntyre's project. The question why I think that convergence is interesting and worthwhile will have to wait until the third section, when I examine MacIntyre's conception of legitimation in light of Habermas's discourse theory of deliberative democracy. In the mean time, I want to extend the discussion to the level of *society*. I again start by questioning the *universalism* of Habermas's proceduralist theory of rationalization, and then move to question whether MacIntyre's theory of tradition is not similarly *procedural* in a non-universalist sense.

### *3.3 Rationalization and the Rationality of Traditions: MacIntyre for Habermas*

Both Habermas and MacIntyre develop ideas about "rational progress" and how and where it occurs. For MacIntyre, progress is something that happens to *traditions*. In his work, he deals primarily with traditions of *enquiry* and the rational progress they can make toward their telos, which is *truth*. But recall that he thinks of a "tradition" as the history of a social practice; traditions of enquiry are the ongoing histories of social practices of pursuing truth. Rational progress is not just a matter of theoretical enquiry, but of practices as such. There may be rational progress in traditions of the practice of farming, of fishing, or of chessplaying.

The effect of tying rational progress to the traditions of social practices is to understand such progress as a particular sort of event the effect of which is unique to the context in which it occurs. On this account traditions do not partake in some abstract process called "progress." Rather, progress happens *in* traditions, and the nature of what comes out of it will be different depending on the tradition in question. This is so because

rational progress is a matter of resolving a tradition's unique, internal problematics. Rational progress in a tradition of Korean rice farming will be different from rational progress in a tradition of corn farming in Indiana – or perhaps even from progress in a tradition of, say, Chinese or Japanese rice farming.

For Habermas, MacIntyre's "traditions" may rationally progress, but they progress in a common way toward a common – and indeed "posttraditional" – form (though certainly not, he argues, toward adopting a common "content"). He conceives of the subject of progress somewhat differently; it is "lifeworlds" and their "worldviews" that become more rational. In general he offers an account of sociocultural rationalization. Like MacIntyre he sees this taking place *in* particular lifeworld contexts, in each of which it may have a different *dynamic*, but he holds that its *logic* is universal; to the extent that rationalization happens (and he does not argue that societies must "inevitably" evolve), it happens everywhere the same way, and affects the same formal changes.

To set out such a thesis is to be unavoidably committed to identifying particular societies that have made more or less progress toward rationalization. In fact, the thesis is important to the success of Habermas's attempts to salvage what he sees as the real gains of the Enlightenment and uncover what is legitimate in modernity's emphasis on *reason*. He tries to understand the ways in which modernity is the fruit of real rational progress, as well as the ways in which it constitutes irrationality and perhaps rational regress.

Habermas's thesis might be initially summed up by saying that the sense in which modernity does indeed represent rational progress is in its discovery of *procedural rationality*, and especially in its attempts – variously successful – to institutionalize

procedural rationality as the only available way to mediate the tension “between facts and norms” and connect political power to normative legitimacy.

But as I have indicated, the thesis makes a strong *universalist* claim. It conceives modernity’s discovery of procedural rationality not as a particular development that takes place in a particular sociocultural context, but as a development toward which *all* cultures and their social institutions are oriented. In the previous section I suggested that Habermas’s “discourse” is supposed to be a “third language,” and that MacIntyre’s arguments can help show that like all claimants to “third language” status, it is no such thing, but a particular language which must relate to other particular languages not by straight translation, but by the acquisition of fluency. Here I want to ask whether Habermas’s “modernity” with its principle of procedural rationality is not in fact one of MacIntyre’s “traditions,” rather than the (partial and very imperfect) achievement of a goal set out by a universal logic of development. Basically, I will be asking whether Habermas is advocating a *tradition of procedural rationality*.

To answer this question will mean showing that “tradition” is the identity left to Habermas’s rationalization theory after its universalist claims have been questioned, hopefully with sufficient force to recommend their removal. And to show this, it will of course be necessary to offer some reasons that recommend their removal.

Generally, the argument MacIntyre can offer for rejecting the universalism of the rationalization thesis would be the same argument he offered for rejecting the universalism of discourse ethics: hidden behind the universalist claim about how all societies actually *do* rationalize is a substantive conception of how they *should* rationalize. Furthermore, it is a substantive conception formulated by a particular

*tradition* of rationality centered on a concept of procedural reason. As in the previous section, I will rely on commentators who address Habermas's work directly to add some details to MacIntyre's argument that can help apply it to the universalism of the rationalization thesis.

I have already put some questions to the universalism of the theory of communicative action and its theory of discourse. The systematic connection between the theory of communicative action and the theory of sociocultural rationalization already goes a long way toward putting these same questions to the universalism of the rationalization thesis. David Owen, however, argues that even if we assumed for the sake of discussion that the structure of discourse *is* universal, that would not necessarily mean that the structure of societal rationalization is *also* universal.

This is because Habermas's claim that developmental logic has a universal structure in the same way that discourse does is not put forward as an *a priori* (which for him would definitely be illegitimate), but rests on the success of a rational reconstruction. And this rational reconstruction fails because "we could not accumulate sufficient historical evidence that would be needed to make a case that the reconstructive interpretation offered is the single best interpretation of the evidence."<sup>197</sup> Sufficient evidence could never be gathered, he says, because the theory to be proved is so abstracted from the empirical world from which the evidence would be gathered.

He concludes that "[t]he consequence is that any proposed rational reconstruction cannot be shown to be the best interpretation of the available evidence without at the same time relying on unexamined normative assumptions."<sup>198</sup> These normative assumptions relate to the "Eurocentric bias" that seems to be somewhat inevitable, but

which Habermas thinks he can “mitigate” or “avoid.” Because of the problem of abstraction and insufficient evidence, “[t]here is no guarantee that the Eurocentric bias will be gradually eliminated through the processes of empirical corroboration and theoretical reformulation because there simply is not sufficient evidence to determine theory choice.”<sup>199</sup>

To this I would add only that “underdetermination by the evidence” is not only a problem for Habermas’s universalist theory of societal development; it will remain an Achilles’ heel for *any* attempt at a universalist conception of sociocultural evolution. MacIntyre’s arguments about the status of rational justifications suggest that there can *never* be “sufficient evidence to determine theory choice” in this sense, because the standards by which the sufficiency of evidence can be determined are themselves always internal to a substantive theory.

To this objection we can add Stella Gaon’s argument that a substantive teleology is involved in Habermas’s appropriation of Kohlberg’s Piagetian model of development for his theory of societal rationalization. For her, the “Eurocentric bias” that remains in Habermas’s theory of social evolution is a particular European view of the *telos* of individual human beings.

Her argument is especially incisive because she explains that not only is this teleological bias present in Habermas’s theory of development, but that it is ironically *necessitated* by his attempt to demonstrate the universality of that postconventional “moral” stage toward which individuals and societies should be developing.

First, recall that for Habermas societal rationalization is not some world-historical inevitability; its universality lies in the *logic* of development, not in its dynamics.<sup>200</sup> But it

is also put forward as a supposedly motivating ideal; he requires his universalism to be somehow abstract and ethically “emphatic” at the same time.

Recall also that lifeworlds persist in institutional contexts which represent the ongoing communicative achievement of cultural reproduction, social integration, and socialization (corresponding to the three kinds of validity claims). The lifeworld then is both the background for the rationalizing work of communicative action, and the object of that rationalization.

Certainly we can see the import of these claims in Habermas’s practical political project, for example his writings on international relations. His recommendations for the “constitutionalization of international law” suppose that since Kohlbergian sociocultural development toward a universalizing moral point of view is structurally invariable (though not empirically inevitable), and since the complementarity of communicative action and lifeworld means that “[t]he unity of practical reason can be realized in an unequivocal manner only within a network of public forms of communication and practices in which the conditions of rational collective will formation have taken on a concrete institutional form,”<sup>201</sup> then we *ought* to work toward a “decentered world society” in which those institutional forms are able to meet “halfway” with individual and group actors on a global scale.<sup>202</sup>

But these claims, Gaon argues, raise a problem of circularity:

Habermas is proposing the creation of concrete institutional forms in order to ensure the proliferation of ‘the’ moral outlook. This outlook is said to give rise to universally valid norms. And these norms, in turn, are said to provide the legitimate grounds of the very institutions – the political concretizations – which are deemed necessary to ensure the proliferation of ‘the’ moral point of view . . . Clearly, a principled moral outlook of the Kohlbergian sort cannot itself serve – in the name of unconditional validity – as the justificatory grounds of those institutions which are intended to condition or produce it, *unless a particular outcome of moral development has been presumed from the start.*<sup>203</sup>



The particular outcome presumed from the start is for Gaon an ultimately metaphysical “Enlightenment conception of the universal subject.”<sup>204</sup> Habermas must presuppose this subject, says Gaon, because he wants his universal moral principle to have ethical force. To reconcile these apparent opposites, he puts forth a theory of societal rationalization which holds that a universalist moral outlook is the structurally invariant outcome of both individual and sociocultural development. The problem is that, despite Habermas’s insistence that discourse is always connected with ethical particulars, this universalist moral outlook is demonstrably unique to a “generalized other” abstracted from his or her life context. And this “generalized other” is really just the substantive Kantian conception of human nature; it works for Habermas simply as a normative *presupposition*.<sup>205</sup>

So Gaon’s objection to the theory of societal rationalization is that it implicitly introduces a substantive teleology and transcendental conception of human nature into his general project, which contradicts its universalist claim. Just as the validity of the universalist claim of the theory of communicative action is supposed to depend on what Gaon calls the “natural” primacy of communicative modes of language use, so the validity of the universalist claim of the theory of societal rationalization is supposed to depend on the “quasi-natural” developmental model of self extended by homology to society. But if that model actually describes how *some* people or *some* societies develop (namely “societies of Kantian men”), not how they *all* develop, then it is not universal.

Georgia Warnke, while less critical of Habermas’s universalism, still points toward some of the same conclusions. After exploring Habermas’s distinctions between moral-practical and aesthetic discourses, and his use of those distinctions to help explain the relationship between discourses of justification and application, she concludes that the

judgment of cultural values is better understood if we temper his universalist conception of ideal discourse with something like Gadamer's concept of the "fusion of horizons."

Habermas distinguishes validity claims to truth and rightness from validity claims to truthfulness. The difference is that those involved in discourses of truth or rightness share certain pragmatic presuppositions, which secure the formal structure unique to those discourses, while one who makes claims to truthfulness has no direct recourse to shared presuppositions. Instead, her interlocutors judge the rationality of her claims by whether her actions prove consistent with her expressions.<sup>206</sup>

Habermas argues that "evaluative judgments" have the same kind of structure. The "standards of value or appreciation" employed in evaluative judgments "neither have the generality of norms of action nor are they merely private."<sup>207</sup> Evaluative judgments are rational when they appeal to the shared standards of a particular culture. Ethical questions are considered by making "strong evaluations."<sup>208</sup> Like claims to truthfulness, evaluative claims are critically assessed on the basis of their consistency with the particular cultural context to which they refer. Evaluation then involves something like Habermas's "aesthetic criticism," which is a reflective attitude toward non-universalizable values.

The difficulty with this distinction arises when Habermas tries to explain how norms that are *justified* by the universalization principle of discourse ethics can be *applied* to particular cultures. This is complicated from the outset by the fact that discourse, as explained in the theory of communicative action, is precisely what occurs when we *thematize* previously uncontested validity claims – claims that had previously been culturally particular and subject only to *evaluative* discussions (or not discussed at all).

To address this problem, Habermas says we have to balance discourses of justification with discourses of application (so perhaps “reapplication” would be more accurate?).

Crucially, these new discourses of application do not have the same status as processes of evaluation. Rather, they rely on principles of application which are themselves demonstrably universal, and so allow us to determine impartially how to apply universal norms to particular cultures. On this account, the upshot of the relationship between justification and application is that “any universalistic morality is dependent upon a form of life that *meets it halfway*.”<sup>209</sup>

The problem is that this begs an important question: justified universal norms may meet cultural values “halfway,” but those values were themselves the original “candidates for universalization.”<sup>210</sup> Which came or comes first? Furthermore, the context of application will be some particular cultural setting, but it is unclear how the “principles of application” would remain culturally neutral. Warnke takes two of Habermas’s suggested principles (relevance and the proportion of means to ends) and notes that in both cases, “the content we give [to the principles] would seem to depend upon and to differ with our values.”<sup>211</sup> And so, she concludes

It is not clear that such disagreements on the way classical principles of application are themselves to be understood or applied can be resolved in discourses of application. Rather, these principles appear themselves to be tied to a hermeneutic starting point from which forms of evaluative orientation cannot be eradicated. We must apply justified norms to concrete situations of action that we already interpret in light of our cultural values but the influence of our cultural values seems to extend right through the way we understand principles of application and judgments of appropriateness themselves.<sup>212</sup>

In light of this, and taking her cue from Charles Taylor’s comments on how liberalism can accommodate cultural values,<sup>213</sup> she suggests that Habermas’s conception of how universal principles meet cultural values “halfway” privileges a top-down approach. Instead of focusing exclusively on how cultures can conform to universal moral

principles, Warnke suggests we must also approach “from the bottom up,” and ask “what principles are necessary to the survival and flourishing of our own cultures?”<sup>214</sup>

Habermas’s theory of societal rationalization argues that the processes of discourse work to rationalize societies by simultaneously socializing individuals and infusing the institutions of socialization with the universalist perspective of mature people, and that there are therefore available culturally neutral discourses of justification, organized around this universalizing perspective, for assessing the rationality of particular sociocultural lifeworlds. But for particular, concrete sociocultural lifeworlds to actually become more rational, Habermas realizes that discourses of *application* are necessary to ensure that “the unity of practical reason can be realized.” These discourses serve to connect the abstract principles justified by moral discourse to the ethical contexts in which they are supposed to obtain. But the connection they make immediately reintroduces ethical particulars back into the moral discourse which was supposed to have “decontextualized” them for the sake of discursive testing, because there is no culturally neutral way to apply the abstract principles.

One effect of this is to question the universalist claim that all sociocultural lifeworlds rationalize according to the same formal structure of development. For to be precise, the measure of sociocultural rationality is for Habermas not only the extent to which cultural values are discursively thematized; it is also the extent to which the “conclusions” of the discourse are then “returned” to the lifeworld, internalized by its members and concretized by its institutions. Of course the *results* of application will not be the same for every context. But the decisive point is that neither will the *principles* said to guide the application; they too will be finally substantial and particular, never “universal.”

Warnke's own suggestion for what it may mean to begin "from the bottom up" is interesting in that it brings us round to MacIntyre's own conception of how traditions progress, and how that progress may be judged from the outside. Drawing on Taylor, who is drawing on Gadamer, she recommends that what we should be talking about is "the possibility of discussions in which I can use the standards and evaluative orientations of other cultures to check and develop my own."<sup>215</sup>

As she notes, this does in fact amount to something like Habermas's "idealized conditions of discourse," in that what we need is for everyone to participate in free and open discussion and unhindered learning processes. The difference between her own view and Habermas's, however, is that contra (her interpretation of) Habermas, "universal participation does not necessitate universal assent to concrete meaning."<sup>216</sup>

We have seen that MacIntyre makes the same sort of arguments. The facts of incommensurability for him mean that standards and evaluative orientations are *always* internal to particular traditions and linguistic communities; there is no such thing as universal assent to the concrete meaning of a "universal" principle as Habermas conceives it. This means that one tradition cannot approach other traditions by appealing to standards that are neutral between them. Yet traditions may still argue with one another over truth, when by taking the perspective of the other they learn an alien tradition as a "second first language," and order their discussion as an "immanent critique." Traditions can make rational progress, and their progress is tied directly to their willingness and ability to use what they have learned from other traditions to solve problems internal to their own that had proved unamenable to their own resources.

In this case, the question whether the modernity that institutionalizes or tries to institutionalize the principle of procedural rationality is a “tradition of procedural rationality” cannot be answered until we answer a second question, which asks whether MacIntyre can be said to conceptualize the “rationality of traditions” as a procedural rationality in Habermas’s sense (excepting the universalist claims he attaches to it). I take up that question now.

### *3.4 Rationalization and the Rationality of Traditions: Habermas for MacIntyre*

I have already suggested that the “rationality of traditions” involves a key element – the idea of “learning a second first language” – that operates as a “procedure” in the sense that it is a formal rule that is supposed to obtain regardless of the context in which it is applied. The reasons for following the procedure must indeed be substantive; the procedure cannot be grounded in something supposedly “universal,” like the structure of communicative action. “Proceduralism” is put forward as part of a conception of the good that raises claims about “the way things are” and about “the way things ought to be.”

Now I want to suggest that if we explore the relationship between “tradition-constituted” and “tradition-constitutive” rationality, we can see the “rationality of traditions” in general as a “procedural” rationality, and that this can clarify some confusion about the relationship between the two.

The confusion turns on whether the tradition-constitutive rationality of traditions, by which traditions may be called “living” or “dying,” and which progresses in discernible stages, is supposed to be entirely *part of* that rationality which is *constituted* by the tradition of Thomistic Aristotelianism, or if it is supposed to be somewhat *distinct from*

that tradition, in the limited sense that it is said to apply for *traditions as such*, not just the one in which MacIntyre works.

Of course MacIntyre does not think there is any confusion at all. For him rationality is *both* tradition-constituted and tradition constitutive, and since rationality is a particular practice that arises within a tradition bound to a cultural way of life, it could not be any other way. A (intellectual) tradition pursues objective truth about the world, including the world of rival traditions. Its conclusions will include a theory about how all traditions, itself and others included, go about the pursuit of truth. MacIntyre's Thomistic Aristotelian tradition theorizes that traditions as such pursue the truth on their own terms, not on the terms of an intertraditional standard by which the progress of their pursuit can be measured. As Lutz puts it, "the standpoint of tradition-constituted and tradition-constitutive rationality judges developments in traditions according to their relationships to those traditions, rather than importing foreign standards in either an anachronistic or atavistic manner."<sup>217</sup>

The "rationality of traditions" then is a theory of traditions put forth by (MacIntyre's formulation of) the Thomistic Aristotelian tradition. MacIntyre's conception of the progress of traditions *qua* traditions is a *substantive* conception; it makes a claim about what is objectively true, but it does not make a "universalist" claim that pretends to be a-traditional and so equally affirmable by any tradition.

I certainly agree that "it could not be otherwise" than this. What I want to suggest, however, is that this claim about what is objectively true – the thesis of the "rationality of traditions" – is a *proceduralist* one in somewhat the same sense that Habermas gives "proceduralism:" the means by which a *particular* claim is connected to the potential for

being *universally* valid. The theory of the rationality of traditions lays down the procedure by which any tradition *qua* tradition tries to approach the truth through *adequation* (this is in the case of a tradition of enquiry; in the traditions of another practice like politics, the same would be true of attempts to realize the common good).

I suggest that this can be seen if we first look at the “stages” that characterize the rational progress of a tradition, and then at a central feature of Habermas’s procedure of discourse, to see whether there might be some conceptual similarity.

MacIntyre identifies three stages in a tradition’s “initial” development (the developments which lead to its becoming a full-fledged tradition, with standardized and institutionalized rules for achieving its telos). All traditions begin with “some condition of pure historical contingency,” in which received beliefs are sacred and unquestionable. This starting point marks the first stage of development. The second stage begins when people identify problems with those beliefs and start to question them, but have not yet found solutions or answers. Then comes a third stage, “in which response to those inadequacies has resulted in a set of reformulations, reevaluations, and new formulations and evaluations, designed to remedy inadequacies . . .” Once these initial stages are completed, they are repeated as the newly-constituted tradition continues to develop. But as long as what is developing remains a *tradition*, then *qua* tradition it progresses through these stages systematically and deliberately.<sup>218</sup>

The systematic and deliberate character of a tradition’s progress through these stages is central to the theory of the rationality of traditions. Though prior to its constitution as a tradition, a set of beliefs changes gradually and randomly, afterward the process becomes a necessary feature of traditions as such. To be rational, according to MacIntyre, a



tradition must continue to pass through these stages as a matter of course; it must continue to recognize and try to solve its own problems. If it does not, or cannot, it dies, either withering away or succumbing to a rival tradition. The rationality of traditions requires an ongoing attempt to discover truth about the world, and it also requires “acknowledgment of defeat in respect to truth . . .”<sup>219</sup> Put another way, as a rule it requires both recognizing mistakes and learning from them.

Precisely this, as I indicated previously, is central to Habermas’s conception of communicative rationality and the theory of argumentation he uses to develop it. “Learning from explicit mistakes” is Habermas’s more specific definition of “rational” (more specific because while “openness” to criticism is a general prerequisite for rationality, actually engaging in and learning from criticism is what finally specifies persons as rational).<sup>220</sup>

Learning from mistakes is the procedural rule that guides the rationalization of sociocultural lifeworlds and their worldviews. According to Habermas, learning processes have a universal structure, which Piaget and Kohlberg have successfully reconstructed. The procedure is said to be universal in the strong sense that closedness to the procedure on the part of some culture or worldview may be judged irrational without prejudice. For him this is possible because the discursive process toward which rational progress aims and by which rational progress can be judged does transcend context and offers a certain “neutrality,” which attaches not to the particulars of one’s claims but to the way in which they should be defended.

By suggesting that the conception of “rationality *qua* rationality” discernible in his “rationality of traditions” is “procedural,” I am not saying that MacIntyre argues against

his own thesis that the claims of rival traditions can be adjudicated by a neutral criterion. Rather I am suggesting that MacIntyre argues, from out of his *own* tradition, that there is a certain procedure by which *all* traditions judge *for themselves* whether or how well the conclusions to their own enquiries have so far approached objective truth. This may still be more than he wants to admit, but it is not in my view contradictory to his program; it is only hidden within that program's opposition to liberal universalism.<sup>221</sup>

Thus I hope to have avoided a mistaken critique which rests on an interpretation that might seem similar to my own, against which Lutz has once again skillfully defended MacIntyre. To make my own argument as clear as possible, I shall have to distinguish it from this critique and show why Lutz's refutation of it leaves my argument unaffected.

On Mark Colby's reading, MacIntyre's basic argument is that "there can be no universal, inter-traditional canons or content of practical reason."<sup>222</sup> Colby develops a criticism of this argument based on the idea that it "renders problematic how the key evaluative norm, the progressivist norm of response to the condition of epistemological crisis, is to be applied in the appraisal of traditions."<sup>223</sup> His objection is that if there is nothing common to traditions, then how can they all progress or regress according to what I have called the "procedural" standards enumerated above?

Lutz takes issue with both of these statements. He calls the first an "overstatement": "[t]here may be 'no inter-traditional canons' for practical reason, for canons arise within substantive rationality, but there is some universal content, insofar as practical reasoners in every culture struggle with the same issues of human frailty and social interaction."<sup>224</sup> This is certainly right, since MacIntyre's theory of truth takes the world as its object, and all traditions find themselves located in this same objective world.

Lutz argues that Colby's second statement is wrong because it overlooks this central idea.

MacIntyre takes the objectivity of reality as a limit of rationality, but Colby asserts that MacIntyre is proposing 'the instrumental test of response to epistemological crisis' as a norm of rationality. The distinction between them is subtle, but important. . . . What counts as progressiveness in epistemological crisis resolution is improved adequacy to truth, but epistemological crises only arise *within* traditions.

Lutz concludes that like Roque, "[b]y specifying the instrumental test as a 'norm of rationality embraced by all traditions,' Colby sets himself on the path toward the specification of a procedure in which that norm is utilized."<sup>225</sup>

Lutz rejects the proceduralist interpretations of Roque and Colby (which they use to accuse MacIntyre of relativism, an accusation Lutz rightly rejects as unsupportable) because he thinks MacIntyre's project neither can nor does allow for the rationality of traditions to be a procedural rationality. He bases this rejection on his insightful reading of the relationship between tradition-constituted and tradition-constitutive rationality, according to which the latter cannot be seen as separate or separable from the former.

I think this rejection is both right and wrong. It is right because MacIntyre does conceive of rationalities as practices bound to a time and place, so that even a conception of "how traditions *qua* traditions make rational progress" is formulated in the terms of a particular tradition. MacIntyre's conception of the progress of traditions is unapologetically a Thomistic-Aristotelian perspective.

But it is wrong because there is no reason why the particular conception of how traditions make rational progress by overcoming epistemological crises cannot understand this progress in terms of a *procedure*. Just because a "procedure" is supposed to *be* neutral between the traditions to which it is understood to universally apply, does not mean that it understands itself as *originating* from some extra- or inter-traditional

source. It is not ruled out in principle that MacIntyre's self-consciously Thomistic-Aristotelian theory of the "rationality of traditions" can conceive of the rational progress of traditions as occurring according to a procedure.

And in my opinion, this is in fact how the progress of traditions is conceived. Colby may be wrong to interpret "the instrumental test of response to crisis" as MacIntyre's norm of rationality, since the measure of our rational progress is for MacIntyre's tradition actually the objective reality of the world. But is it not right to say that MacIntyre's world is one in which all traditions progress in a particular way that can be reconstructed as a procedure with set rules – like the rule of discourse which requires that we learn from our mistakes if we are to be counted rational?

### *3.5 Habermas and Discursive Democracy*

In the preceding arguments I have offered some objections to the universalist claims of Habermas's theories of discourse and sociocultural rationalization, and I have tried to show how MacIntyre's theories of "learning a second first language" and of the "rationality of traditions" are proceduralist in important ways. So far then I have advanced through the *language* and *society* levels of my systematic analysis, and have hopefully laid the groundwork necessary to move to the third and final level of *politics*. Here then I will suggest that the strong universalism (and the "strong neutralism") of Habermas's politics of discursive democracy faces some serious objections, and that MacIntyre is right to reject the universalist philosophical claims that underpin its model of legitimation, because such claims obscure the extent of plurality. Later I will turn the

conversation back to MacIntyre and extend my search for his unrecognized proceduralism to his model of the politics of the common good.

For Habermas, discourse is institutionalized in law.<sup>226</sup> Law is a special kind of physically enforceable validity claim. For discourse ethics, this is a difficult problem, since the rationality of a validity claim is said to depend on discursive redemption alone, which eschews “all force but the unforced force of the better argument.” With its non-discursive moment, law has the quality of a system. And with its public jurisdiction and recourse to physical force, law is exposed to a potential moment of irrationality. This is the problem faced by the attempt to institutionalize discourse in law.

Habermas’s strategy for solving this problem involves some “internal relationships,” which are supposed to help reconcile the apparent contradiction. The first is the internal relationship between *private and public autonomy*, and the second is the internal relationship between *law and democracy*. I think that both of these involve presuppositions that make his theory of legitimation-as-the-institutionalization-of-discourse part of a substantive theory of the common good. For him this would endanger the power of the theory to imagine legitimate government for a plural society, but I do not think this is necessarily the case.

One important question about private and public autonomy is about what sort of “autonomy” is supposed to be private and public. Private autonomy is the *moral* autonomy of individual persons. For Kant moral autonomy was a matter of self-legislation. Law protected the moral right of individuals to “independent rule” (von Savigny). Habermas reworks this to take account of the *intersubjective* composition of the person, where intersubjectivity is conceived in terms of the structure of

communication.<sup>227</sup> With this modification, the “public autonomy” of morally autonomous individuals is no longer strictly a matter of protecting the right to be morally autonomous; private autonomy *depends on* public autonomy because the morally autonomous individual is individuated through socialization.<sup>228</sup>

What can we make of this intersubjectively-conceived moral autonomy? Perhaps the first thing to note is that it goes a long ways toward protecting Habermas from one of MacIntyre’s basic critiques of liberalism, namely the charge that it inculcates an atomistic individualism. But in same breath I then want to suggest that his conception of the morally autonomous person remains exposed to another of MacIntyre’s criticisms of liberal conceptions of personal identity, which is simply that such conceptions cannot be defended on universalist grounds (because *no* model of the person can enjoy such grounding). This criticism as applied to Habermas can be that in order to sustain the “internal relation” between private and public autonomy, a particular conception of the person must be *presupposed*.

I have already used this argument, drawing from Gaon, to support my contention that Habermas theorizes sociocultural rationalization in terms of a modern *tradition* of procedural rationality. Here I want to extend it; not only does rationalization theory presuppose a substantive conception of the person, but the discourse theory of democracy presupposes a substantive conception of the person *as citizen*.

Gaon noticed that Habermas faces a problem of circularity: democratic institutions are said to inculcate the “moral point of view” of the morally autonomous person, but this moral point of view is also supposed to legitimate the institutions themselves. I think this circularity is implicit in the internal relationship between private and public autonomy.

Mark Warren notices the same potential problem (though for him what are involved are not quite problems, only “issues that remain to be addressed” by some modifications).<sup>229</sup> As a “radical democrat,” Habermas’s project involves notions about the “democratic transformation of the self.” On this account, discursive processes are what secure the development of morally autonomous persons. We have already seen this on the level of society, where Kohlberg’s and Piaget’s developmental psychologies play a large role. Warren says that on the face of it, this is not such a remarkable conceptualization of the (trans)formation of individual identity. However, it

would be quite remarkable . . . if [that conceptualization] pointed toward the more specific and problematic link between the development of autonomy and specifically *political* contexts. . . . since the case is not obvious, even if we accept the terms of developmental and social psychology.<sup>230</sup>

One reason it is not obvious is that “. . . politics has the peculiar quality of demanding moral competencies of individuals – one dimension of autonomy – without having moral foundations.”<sup>231</sup> What replaces the moral foundations of politics is the internal relation, the mutual presupposition, of private and public autonomy. Private persons develop moral autonomy by participating in the procedural deliberations of discursive democracy, while those deliberations in turn require the participation of morally autonomous persons for their legitimacy.

Moral autonomy is on this account connected to cognitive capabilities, since discourse requires people to defend their claims with reasons, rather than emotional or rhetorical appeals. So Warren remarks that “The point of discursively democratic institutions is, of course, to structure situations so that individuals are drawn to cognitive uses of language – if only because they lack other means of resolving conflicts. The question remains, however, as to how autonomous individuals must be – that is, how competent at

negotiating conflict and identity by discursive means – if they are to respond to discursively structured politics.”<sup>232</sup>

By setting up discursive democracy precisely as a procedure that makes the cognitive activity of argumentation engaged in by morally autonomous persons primary for the success of the procedures by which legitimate law is made, Habermas’s conception of a *citizen* – one whose private autonomy interrelates with her public autonomy to help legitimate the political order – presupposes

a particular kind of personality as a condition of discursive resolutions of conflict, namely, an autonomous individual who is capable of cognitive motivation and reflection, who can distinguish discursive from other uses of languages, and who is motivated to ascend to a discursive level in the face of conflict.

The possibility is that discursive democracy is supposed to *produce* this kind of person, in which case it would seem to “presuppose the kinds of individuals it needs to function.”<sup>233</sup>

Warren’s helpful essay explains Habermas’s conception of the internal relation between private and public autonomy as the transposition of the idea of moral autonomy as intersubjectively constructed from the level of society, at which the intersubjective thesis is laid out in developmental and psychological terms, to the level of politics, at which it is laid out in terms of the institutionalized procedures conducive to the development of morally autonomous persons.

Moral autonomy is conceived on both levels in the cognitive sense of being willing and able to participate in discourses that aim at a consensus. On the level of politics, the consensus (as a regulative ideal) is both something that is pursued in public institutions, and something that helps provide those institutions with legitimacy. The moral autonomy of the citizen is connected to a potentially real consensus pursued in discourse, because



moral autonomy is developed by participation in discourse, and because discourse aims at consensus. Warren's comments have suggested that this model must presuppose a particular kind of political person, namely the kind of person who values consensus and is able and willing to work toward it.

This seems very much like MacIntyre's conception of the citizen of the *polis*, who must be a virtuous practitioner of a politics designed to achieve a "common mind" on the common goods of the community. MacIntyre would balk at the phrase "moral autonomy." But if moral autonomy is intersubjectively achieved, as Habermas says it is, at least one hurdle is removed, and perhaps the biggest one. For now it involves something more like "reflecting *with others* on what *I* should do in light of what we *all* could agree that we *all* should do" rather than "solitary reflection on what would make for a logically consistent social world." Does this not sound similar to how MacIntyre describes how an "independent practical reasoner" tries, in the context of relationships of giving and receiving, to come to a common mind about what is common?

MacIntyre even insists that "one cannot become an effective practical reasoner without becoming in some measure a political reasoner," because our individual goods are to a large extent caught up with our common goods.<sup>234</sup> The relationship between reasoning about individual goods and reasoning together about common goods has the same sort of structure as the internal relation between private and public autonomy, in which not only is a citizen's *right* to "self-legislate" protected by her participation in public discourse, but her *ability* to be an "independent" individual is formed by that participation.

One difference is that the legitimacy of the common mind about the common good *conceptually* depends on this type of reasoning, and on this type of reasoner. It is a substantive presupposition. The legitimacy of law in a discursive democracy is supposed to depend on the internal relation between private and public autonomy only in a *sociological* sense; the legitimacy of the *system* of law is preserved from the potential moment of irrationality because it secures the autonomy of individuals through a system of rights. To do so it must be legislated by individuals in their publicly autonomous capacity as *authors* of the law, but the legitimacy does not depend on their being publicly autonomous kinds of people; it depends on the discursive *procedures* by which, as (privately and publicly) morally autonomous persons, they go about authoring the law.<sup>235</sup>

So my argument so far is not that Habermas presupposes a particular conception of the citizen in order to conceptualize the legitimacy of the law. The argument rather is that Habermas presupposes a particular conception of the citizen in order to conceptualize the *legislators* who make legitimate law. At this point it is not the model of legitimacy itself that involves a substantive presupposition, but rather the *sociological* view of *who it is that is able to make legitimate laws*. This is a *presupposition* because the *possibility* of discursive law-making depends on the existence of such persons-*qua*-citizens, yet Habermas also says that these kinds of citizens are *formed* by participation in discursive procedures. Which comes first? Of course Habermas's idea of the internal relation between private and public autonomy is intended to indicate that they are simultaneous. But then we come back to the question of motivation raised by Taylor and Gaon, among others. Why *should* persons participate in practices – and I choose that word with deliberate reference to MacIntyre – of discourse, since prior to being formed by those

practices they can have no discursively redeemed or redeemable reasons (and for Habermas “reasons” are by definition discursively redeemable) for doing so?

It seems that MacIntyre’s approach is more convincing, since it understands politics and political reasoning as a *practice*, which persons must first participate in before they can understand *why* it is good, or if it is good, to participate. MacIntyre’s conception of legitimation depends directly and conceptually and unapologetically on a certain substantive conception of the person, indeed a neo-Aristotelian conception of “human flourishing” in which human *qua* humans are political (dependent rational) animals.

Here then I need to up the ante. I have argued that via the *empirical* dependency on a substantive conception of the citizen, Habermas’s theory of discursive democracy involves a presupposition that brings it fairly close to MacIntyre’s conception of the common good. Now I want to suggest that since this is a presupposition, it cannot be only sociologically related to the legitimacy of the law in terms of the sorts of people who have to do the legislating. Rather, the validity of the law itself must depend *conceptually* on this presupposed conception of the citizen. We can see this if we take up the second “internal relationship” in terms of which Habermas understands the institutionalization of discourse: that between law and democracy.

Law is the institutionalization of discourse. Because discourse is a deliberation that includes all affected, the form of the institution is *democratic*. The institutionalization itself is conceived in terms of democracy. The inclusion of all who are affected means, however, that different people will be involved in different conversations. Discourse is the principle of deliberation, but there are many particular deliberations, which talk about many particular things. This is implicit in the logic of discourse, which examines a

*particular* claim to a *transcending* sense of validity. So what is universally the case is that law must be the institutionalization of discourse if it is to be legitimate; it must be *procedural*. But because of what is being institutionalized, the institution must be formed democratically, which means it will be caught up with the particulars of the democratically organized group for which the law is to obtain. Laws are made *by* and *for* particular people.

In this way Habermas avoids a simplistic neutralism that places laws on the “moral” side, where they are neutral toward “ethical” matters. To be sure, he does distinguish *within* the institution of lawmaking between moral and ethical (and pragmatic) discourses, as well as bargaining processes bound by discursive principles. But what is said to be “strongly neutral” is the discourse principle, *not* the law that it institutionalizes. In fact, the legitimacy of the law can be seen to relate partly to its *not* being neutral in regards to the people for whom it obtains, in that “validity” must be the validity of particular claims. However, legitimacy still directly *depends* on the “strong neutrality” of the procedure, and not on the ethical particulars that are a subject of discourse.

But here is where we can suggest that not only does the discourse theory of legitimacy depend sociologically on a *substantive* conception of the citizen, but that what Habermas relates only sociologically is actually related *conceptually*, which completes the embedding of discourse procedures in social practices.

This is because, since democratic culture is comprised of privately and publicly autonomous citizens, the internal relationship between law and democracy also secures an internal relationship between law and a culture of privately/publicly autonomous citizens, which as we have already argued are conceived in substantive terms that must be

presumed valid prior to any possible validating work that might be done in a discursive examination of those terms. The effect of this is to say, in more Hegelian fashion, that “cultural embeddedness conditions the meaning and validity of law.”<sup>236</sup>

It sounds like, after recommending the removal of the universalist claims from the legitimation theory of discursive democracy, we are left then with a political theory based on the substantive idea that a particular practice of *discourse* is central to the legitimation of governments. This practice of discourse is conceived in procedural terms, but the procedure does not “found itself”; it must be understood in terms of presuppositions about things like the nature of language and motivation that are embedded in democratic cultures, though they are necessarily advanced as presuppositions about what is *true*.

Can we now move to a political theory that already admits its tradition-bound presuppositions and justifies them according to standards of rationality internal to a tradition of enquiry, but find in it a similar idea about an institutionalized, procedural practice of deliberation as fundamental to the legitimate activity of a political authority?

### *3.6 MacIntyre and the Politics of the Common Good*

In what follows I will be reexamining the concept of the common good that I explained in chapter two. Whereas at that point I was concerned primarily with the “thin” sense of the concept, here my discussion will be implicitly focused on its “thick” sense, where what is in view is the common good *of* the political community. The political community is the *institutionalization* of the deliberative *practice* of politics. MacIntyre’s thick sense of the common good is therefore “thicker” than the thin sense an important way: it is the common good of a practice of deliberation that is *institutionalized* in a certain structure.

In order to understand the concept of the common good, then, we have to understand *how* a practice, and particularly the practice of political deliberation, gets institutionalized in MacIntyre's *polis*. The answer to this question will clarify the relationship between the thin and the thick sense of the common good – how the thin becomes the thick, so to speak. And it will also provide the final argument for my thesis that the politics of the common good is a *proceduralist* one.

What sort of practice is politics? Begin by recognizing that its own *internal* good is related to the *common* good of the community. Politics uniquely is that practice the telos of which is to order the many practices which comprise a political community. To achieve this ordering with excellence is the internal good of the practice of politics. In politics, then, the ideas of a practice and of the relationship between internal and external goods become more difficult to conceive. For the internal good of politics must be to some extent constituted by the external goods of other practices.

Internal goods are constituted by the *telos* of a practice. External goods help to enable that telos to be achieved. External goods – MacIntyre usually mentions money, power, and status – must in this way serve as connecting lines between the different practices operating in a community. For practices cannot persist apart from one another; they must operate within a diverse community of practitioners. The common good is the good of a diversity of practices and practitioners in their interrelationships. If those interrelationships are ordered partly by external goods – money enables a fishing crew to pursue the good of fishing by buying suppers from a local cook, who is enabled to pursue the good of cooking with the money he or she earns from the fishing crew – then the common good, the good of the practice of politics, must be partly constituted by the

pursuit of these external goods (by which I do not mean that politics is about making money; rather, the common good must have partly to do with reflecting on, e.g., how monetary exchange can best serve the practices which it helps to interrelate).

The practice of politics then is unique in that its internal good is to order other practices in such a way that their interrelationships serve each of their *tela* to the greatest extent possible. What is commonly good to all is then partly constituted by what is *externally* good to all. But the common good is also a constitutive, not only an enabling condition for individuals in their various practices. This is because in order to learn how to become independent practical reasoners about their goods, individuals must first depend on others who are their teachers, so that practical reasoning is a social activity. Practical reasoning takes place in *practices*, each of which is dependent on a whole network of other practices in order to pursue its own *telos*. Practical reasoning then must be at the same time *political* reasoning, which is reasoning together with others about what is commonly good for all in light of this network of practices.

Political reasoning then bears a peculiar shape; its own good is partly the good of a practice, and partly a practice-transcendent good. By this I do not mean to say, as Charles Taylor suggests, that there are practice-*independent* goods.<sup>237</sup> To this MacIntyre rightly responds that (1) goods are never wholly independent of practices, and that (2) to the extent that they are wholly independent, they are not goods.<sup>238</sup>

But I do mean to say that goods are never wholly *dependent* on a single practice, either, and that this is important for understanding how political reasoning is *institutionalized*. As for Habermas, the problem for MacIntyre is how to *institutionalize political reasoning*, or deliberation. Initially it is the same sort of issue as is involved in

institutionalizing other practices, such as intellectual enquiry, and from my earlier arguments about the proceduralism of MacIntyre's university we might now be able to take a helpful hint. But it also involves different issues because of the fact that the practice of politics, the activity of reasoning about the common good, is unique in that it must reflect on the good of this thing called a political community, which is organized around different practices interrelated to one another partly in terms of external goods.<sup>239</sup>

To this point I have used "procedural" or "substantive" primarily to describe conceptions of *rationality*. In the Introduction, however, I noted that views of rationality (or more specifically of *practical* rationality) and views of justice go hand in hand – this is of course a basic point in *Whose Justice? Which Rationality?*.<sup>240</sup> Questions of justice arise when we must decide how to act; conceptions of practical rationality are designed to guide these decisions. In this sense, views of rationality are at the same time views of justice, and I have been speaking of both, though with a strategic focus on the former.

But there is another sense of "justice" which is more sharply distinct from "rationality," and this arises when, as in the current discussion, we have *institutions* in view. "Justice" as a quality (or lack thereof) of *institutional*, not just deliberative, structures is "procedural" or "substantive" in a different sense, which may be confusing given how I have been using those terms.

I introduce this different sense (explained below, from an essay by David Miller) only in order to continue my investigations into how the practice of political deliberation is institutionalized in the *polis*. I think that as long as the potential for confusion is adequately recognized, this will help clarify the meaning of the "proceduralism" that I argue is brought in by MacIntyre's theory of institutionalization.



Miller says that if we are to define justice in institutions in terms of the concept of practice, then we will have to make a distinction between procedural justice as “a matter of applying established procedures to the case in hand in an impartial manner” and substantive justice as “a matter of bringing about outcomes in which each person receives what is due to them” (which is a question of “desert”). Procedural justice on this account is “required at the moment of engagement,” while substantive justice is “invoked at the point at which the practice is being brought under critical review.” Procedural justice is a matter of *enabling* a practice to pursue its internal goods of excellence, while substantive justice has to do with *criticizing* whether that pursuit has been undertaken justly.<sup>241</sup>

Miller helpfully notes that “[i]t is possible, of course, for a practice to have as one of its procedural requirements that a person (or a committee) should at some point make a judgement of substantive justice.”<sup>242</sup> There is a difference between a rule that invokes substantive judgment and the passing of substantive judgments on whether a rule-ordered practice is on the whole “just” in terms of whether its outcomes meet the criterion of desert. “So we can acknowledge that practices may require practitioners, on occasion, to make judgements of substantive justice, while still continuing to distinguish between procedural justice, which helps to sustain the practice in its present form, and substantive justice, a criterion in terms of which the practice may be assessed from the outside.”<sup>243</sup>

From this he goes on to ask how MacIntyre can define justice in terms of desert, which criticizes practices from the outside, but also regard justice as something internal to practices. To this question MacIntyre rightly responds that Miller ignores the distinction between three types of good: those of the individual, those internal to practices, and those of the *community*.<sup>244</sup> So it is not that substantive justice can criticize

practices from an outside standpoint that is also outside practices *as such*; it is that the goods of community entail the criticism of practices which fail to achieve their goods or which pursue them unjustly, perhaps by subordinating them to external goods like money and power.<sup>245</sup> And so contrary to Miller, “the standard of justice relevant to practices is one formulable and intelligible only in the light *both* of goods internal to practices . . . *and* also of the goods of an individual life and those of a community.”<sup>246</sup>

MacIntyre then says that Miller also misses “a second crucial distinction, that between a practice and the way in which it is institutionalized.”<sup>247</sup> But then he does not say what this distinction amounts to; he does not here explain how practices are institutionalized. This is difficult enough to understand in any case, and it is even more so in the case of the the practice of politics, which (as I suggested above) in order to accomplish “the ordering of those [individual] goods in achieving the common good”<sup>248</sup> must have as one of its own internal goods the just ordering of inter-practice and inter-individual relationships, including their mediation by external goods like money and power.

Following this “Partial Response to my Critics,” (1994) further explanations of the institutional structure of the practice of politics were provided in “Politics, Philosophy, and the Common Good” (1997) and chapter 11 of *Dependent Rational Animals* (1999), both of which I used to try to summarize his view in chapter two of this paper. But it is still necessary to extrapolate from his account of *what* Aristotelian political institutions look like an account of *how* they are institutionalized – i.e., how they overcome what I have characterized as the difficulty involved in understanding such institutionalization.

This difficulty is that what must be institutionalized in this case is a practice the good of which involves judging how and whether other practices are achieving their goods, and

whether their pursuit of their own goods is harmonizing with other practices' pursuit of their goods, which harmonization proceeds partly by means of the mediating work of external goods. But in order to be "institutionalized," that practice must itself be at least partially removed from the purview of the deliberative criticism it provides. From MacIntyre's picture of the "political structures of the common good," what sort of solution to this difficulty can we understand him to have proposed?

These structures, he says, must have three features. First is a setting in which real deliberation can continually take place between substantive conceptions of what the common good is, and include debate on necessarily related questions. Second is an established understanding of what "justice" is which revolves around the principle of "just generosity." And third is a set of structural guarantees designed to ensure that those who are unable themselves to take part in such deliberation – children, the mentally ill, and others – are represented alongside those who are able to participate independently.

I want to suggest that this conception is in effect a *procedural* solution to the institutionalization problem. This does not mean that what Miller called the critical work of substantive justice is *subordinated* to the establishing and preserving work of procedural justice. Some have accused MacIntyre of being a political "conservative," a charge I think Kelvin Knight has done well to refute on MacIntyre's behalf.<sup>249</sup> It means rather that MacIntyre works toward a procedural solution to the tension between facts and norms in much the same spirit that Habermas does – the difference being, of course, that for MacIntyre the procedural reasoning of political deliberation is tied to the internal good of a *practice* of politics, and not tied to universalist claims about the structure of communicative action and the inner logic of argumentation.

Why do I suggest this? First, the second feature, which establishes just generosity as what we could call a “substantive” principle of justice, by which all specific norms of justice are to be judged, is by virtue of its institutional *establishment* exactly what Miller describes as a procedural rule for following a substantive principle of justice. The goods of individuals, who are participants in a variety of practices participation in which is constitutive of their good as individuals, are both constitutive of and constituted by the common good. Deliberation on the common good is constrained by the procedural rule that any structure or policy must be subject to the critique of a substantive principle of justice able to take into account the effects of that structure or policy on particular individuals. Such deliberation is a central constituent of the common good itself; in its thin sense, the common good is to reason together about what the common good is. The point is that what makes it the *common good* – and here is its thick sense – is not the application of the substantive principle of just generosity, but the *institutionalization* of that political reasoning in which the principle is applied as a matter of procedure.

The same argument can be made about the first and third features as well. The provision of an institutional setting in which real debate can take place is made according to a procedural rule about what makes deliberation on the common good *possible*. To be sure, the rule must be understood as revisable – but only by means of further deliberation. The stipulation that for those unable to deliberate themselves, “proxies” must be supplied, is a *procedural* stipulation. All of these are procedural in the sense that they *establish* an institution that is *self-critical* according to principles of substantive justice. The moments of establishment and criticism are, in an *institution* devoted to deliberating about the common good, coequal. This seems to me to be the underexplained distinction between a

practice and its institutionalization. In a practice the pursuit of its telos is judged by the substantive principle internal to that practice. The practice of chess pursues the good of excellent chess playing, and whether a chess-player achieves this good is determined according to standards internal to the practice. When a practice gets institutionalized, it is supposed to become a matter of procedure that these standards are followed. A chess club lays down rules that stipulate what excellent chess playing is. This is why there is a potential – and for MacIntyre, in modern societies a reality – for danger in institutionalization. For the rules can, instead of remaining complementary to the goods and continuously developing alongside new understandings of excellence, begin to subordinate the substantive principles to themselves, so that they appropriate for themselves the job of substantive judgment.<sup>250</sup>

But institutions *qua* institutions still require rules, because practices, if they are to be sustained over time, require that stability that can only be provided if they are put into some form where practitioners know what is expected of them, even if they may eventually learn to change the expectations and formulate the rules differently to take account of extended understandings of excellence. Political institutions, in which the practice of deliberating on the common good pursues the good of coming to a rational *common mind about the common good*, are no different. They must be organized around *procedures* that specify the form that the deliberation must take if it is to realize its good. In this way they do not specify the good itself, which is already specified by the practice being institutionalized. To take it further, they do not and, if they wish to avoid the potential for corruption inherent in institutionalization, cannot specify in advance the outcome of deliberations on the common good, except of course to say that certain

outcomes are excluded by the fact that they must be agreed upon through deliberation. The good of the practice specifies what procedures must be in place if the practice is to be institutionalized.

What I hope to have concluded from these reflections is that in order to institutionalize the practice of deliberating on the common good, the practice of *politics*, MacIntyre must conceive of the political structures of the common good in *procedural* terms. He tends to reject this move because of his distaste for that liberal proceduralism which pretends to be neutral between conceptions of the good, when in fact it is itself tied to such a (liberal) conception. But what I have suggested is that his own conception of how a politics of the common good relates as an institutionalized practice of deliberation to the rival conceptions of the common good found in any plural society is *also* a procedural conception, and necessarily so because of what an *institutionalization of a practice* requires. Furthermore, the procedure is designed to ensure “neutrality” between voices in the value-laden sense that *all* voices must be heard if the deliberation is to be rational, a rule of neutrality that sounds very similar to the one laid down by Habermas’s discourse principle, once that principle has been divested of its strong universalist claims.

## Conclusion

My aim has been to explore two attempts to sustain what in the Introduction I called the “tension between legitimacy and plurality,” and to test my suspicion that despite their rivalry, both attempts can be seen to understand similar conceptions of *procedure* as the best way to imagine legitimate governments for plural societies.

This involved laying out a two-fold thesis. First, that the proceduralist politics grounded in the theories of discourse and rationalization is, contrary to Habermas’s own understanding, a substantive conception of the common good. Second, that MacIntyre’s politics of the common good, grounded in the theories of incommensurability and tradition, conceives of the common good as, contrary to his own understanding, a procedure of deliberation.

I have advanced this thesis by setting up a conversation between the two thinkers in which the ideas of the one, supplemented with work from other commentators, are used to challenge how the other understands his own claims. If the first part of the thesis is correct, it means that Habermas must give up his strong universalist understanding of the proceduralist paradigm of discursive democracy. If the second part is correct, it means that MacIntyre must recognize his own politics of the common good as a proceduralist politics. Habermas should concede that proceduralism *cannot be* universalist, while MacIntyre should concede that it *does not have to be understood as* universalist.

The conversation moved through a series of specific arguments. First, I brought MacIntyre’s objections to the idea of a “third language” to bear on two universalist claims of Habermas’s theory of discourse: (1) that there is an internal relation between speech acts and validity claims, and (2) that the communicative mode of language use is

originary. Against these claims, and so against the idea of discourse as a third language, I argued (drawing on several other commentators) that there remains a problem of *motivation*; the question “Why should I participate in discourse” cannot be answered by a universalist theory of discourse, but only by a substantive theory of the good life, which may nevertheless include discourse among its central tenets.

Second, I argued that MacIntyre’s concept of “learning a second first language,” which is central to the theory of the “rationality of traditions,” is a procedure in the same way that “taking the perspective of the other” is a rule of discourse ethics. It is such because rational progress, at least in *institutionalized* traditions and practices, requires that practitioners learn second first languages as a matter of course. Though this learning may require the exercise of virtues, the requirement that we learn functions as a rule.

Third, I extended my argument against the universalist claims of discourse theory to the universalist claim of Habermas’s theory of sociocultural rationalization. Here I objected (again drawing on others) that the universalism of his rationalization model fails because: (1) the rational reconstruction cannot gather enough evidence to justify itself as the best theory for explaining the evidence; (2) the theory presupposes a substantive conception of human nature; and (3) the principles of “justification” which arise from a rationalized socioculture cannot be neutral in regard to that context, because their application binds them to it in such a way that they cannot be understood as “universal.”

Fourth, I argued that MacIntyre’s conception of the “progress of traditions” can, if we are sufficiently precise, be understood as a procedural rule, much like learning from mistakes is at the heart of Habermas’s theory of discourse. Though the rule is posited by a particular tradition (MacIntyre’s Thomistic Aristotelianism), it is said by that tradition



to apply to *all* traditions. The rule is clearly laid out in these what might be called these “*weak* universalist” terms by the model of a tradition’s stages of progress.

The fifth and sixth arguments gathered all of these preceding arguments about *language* and *society* together and took them up to the third level of my analysis, *politics*. Against the universalism of Habermas’s proceduralist politics of discursive democracy, I argued (fifth) that two of that model’s key concepts are actually substantive, not universalist ideas, because they depend on a certain necessarily controversial presupposition. The concepts of the internal relationship between private and public autonomy and of the internal relationship between law and democracy each presuppose, in different ways, a substantive conception of the person *qua* citizen.

Sixth and finally, I argued that the institutionalization of the practice of politics means that deliberation on the common good necessarily has the character of a procedure. The substantive common mind, which is necessary for the legitimation of political structures and policies, must as a rule be formed by means of deliberation. The legitimacy it provides depends directly on the fact that it functions as a procedure. A common mind is not legitimate simply because it is common. Rather, it must have the *common good* as its object, and this itself requires, as a rule, that all participate in the deliberation.

Two terms in particular have been central to these arguments. In order to make them as clear as possible, I should also briefly restate how I have understood the *universalism* that Habermas should give up and the *proceduralism* that MacIntyre should recognize. Habermas’s universalism is a “strong” universalism; it refers not simply to the making of claims about the world with “universal intent,” but to the idea that such claims can be

related to something that transcends context and tradition – for Habermas, this something is the structure of communicative action, and specifically of discourse.

“Procedural reason” in Habermas’s view is reason that is universal in the sense of “reason turned back on itself.” Its reflexive structure is supposed to secure its strong universality. With MacIntyre, I reject the idea that this structure is something “universal.” But the “proceduralism” of the proceduralist paradigm of law refers also to the more modest idea that the justice of the political community is a matter of formal rules that are understood to be independent from the particular claims and conceptions of the good they are designed to adjudicate, and unprejudiced (so far as is possible) in regard to the outcome of that adjudication. This does not (in my view) mean that this proceduralism must also be understood to be *justified* independently of a conception of the good; rather, the idea that different views of the good and of the common good must be given free play in an institutionalized deliberation *is* a key component in a conception of the good.

The goal of developing my two-fold thesis has been to suggest the possibility of a *non-universalist proceduralism*. The necessity that it be non-universalist has hopefully been shown by my discussion of Habermas. The possibility that a proceduralism can be non-universalist – or perhaps more precisely, that a non-universalist politics can be procedural – has hopefully been shown by my discussion of MacIntyre. The success of this thesis rests on whether I have been able to make good on this suggestion.

And if I have in fact been successful, what will I have accomplished? Most directly, of course, I will have identified some problems in two important contributions to contemporary political thought, and pointed toward a conciliation between them that may help resolve those problems. Strictly speaking, this was the extent of my project.

But of course my arguments also imply that such a conciliation can indicate a better way to sustain the tension between legitimacy and plurality than is provided by either Habermas or MacIntyre alone. As it stands, Habermas's universalism leads him into a "strong neutralism" that obscures his own substantive presuppositions and, to the extent that they remain unacknowledged, obscure the intensiveness of plurality. And MacIntyre's common good politics remains underdeveloped as a theory of legitimation so long as it is so intent on avoiding strong universalism that it fails to recognize the proceduralism of its own insights and take advantage of the extensive resources provided by proceduralist projects like Habermas's. They end up resolving the tension at the expense of plurality and legitimation respectively, instead of keeping the two in balance.

How then might a "non-universalist proceduralism" (and certainly more felicitous terms could be found) drawing from both Habermas and MacIntyre be further developed and employed in our ongoing attempts to imagine legitimate governments for our plural world? What more could it accomplish? I want to finish with a brief suggestion, which is that it could contribute to reflections on *democracy* as a *tradition*.

Jeffrey Stout points out that MacIntyre devotes much time to critiquing "liberalism," but rarely mentions "democracy," though surely he is not opposed to democratic ideals like equality, participation, and individual freedom (not the same as "individualism").<sup>251</sup> He does so in large part because he opposes the universalist philosophical arguments that have served and, with theorists like Habermas, continue to serve as a foundation for liberal politics. MacIntyre's argument is of course that liberalism *is* a tradition, but that because it has refused to recognize itself as such, it is a dying one. How then should MacIntyre respond if and when liberalism does begin to recognize itself as a tradition?

This recognition does not necessarily mean endorsing Stout's own account of "democracy as tradition," which draws on thinkers like Dewey and Rorty. Part of my suggestion is rather that MacIntyre's own view of *tradition* can and should be enlarged to make room for some of the basic insights of the tradition of democratic reflection, one of which has to do with the proceduralism central to institutionalized discourse.

What it means is that, as Stout recommends, MacIntyre should be more willing to recognize what good social and political order modern democracies have produced – order that can certainly be understood without philosophical universalisms – so as to think creatively about how to improve the institutions that sustain that order. The necessary improvements may indeed be radical, and some institutions might need to be entirely replaced. But part of my suggestion is that if MacIntyre were to more thoroughly develop a theory of institutions and institutionalization, he would have to appreciate certain aspects of existing institutions in democratic societies – such as their respect for procedure and deliberation. His objection, that in such societies deliberation is vacuous because substance is disallowed, certainly has traction. But in my view, the better solution to this problem might be found in a reconception of liberal democracy along the lines of MacIntyre's view of tradition, not a pessimistic rejection of it altogether.

A great deal of work remains to be done here. But perhaps this modest attempt to "think with to go beyond" these two important theorists can contribute to further deliberation on how best to imagine legitimate governments for plural societies. And it may be that the terms best suited to understanding that deliberation will be those provided by a tradition of democratic discourse, supported by continued enquiry into possibilities for imagining what legitimate government might look like in our pluralizing world.

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Endnotes

<sup>1</sup> Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory*, eds. Ciarin Cronin and Pablo DeGreiff (Cambridge, MA: MIT Press, 1998), 28.

<sup>2</sup> Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame: University of Notre Dame Press, 1988), 345. To be fair, MacIntyre is not talking here about “neo-Kantianism” per se, but about “liberalism.” In the context of this passage he mentions Kant, Rawls, Nozick, Dworkin, and Ackerman, among others. His criticisms, however, are clearly broad enough to include Habermas’s own neo-Kantianism, which may also be said to focus on “the nature of the debate and not its outcome.” (344)

<sup>3</sup> For a good overview of the liberal/communitarian debate, see Stephen Muhall and Adam Swift, *Liberals and Communitarians*, 2<sup>nd</sup> ed. (Oxford: Blackwell Publishing, 1992). For a shorter similar discussion, see Ana Escribá Wicks, “El problema de la fundamentación de la validez de las normas morales y la escisión entre ser valor,” *Revista de Filosofía* 57 (2001): 19-28.

<sup>4</sup> See chapter nine (“Paradigms of Law”) of Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge, MA: MIT Press, 1996). An abridged version is included as chapter one in *Habermas on Law and Democracy: Critical Exchanges*, eds. Michael Rosenfeld and Andrew Arato, 13-25 (Berkeley: University of California Press, 1998).

<sup>5</sup> See chapter 17 of MacIntyre, *Whose Justice?* (see note 2 above).

<sup>6</sup> By “strong” universalism I mean the idea of a grounding in something that transcends context and “tradition,” in MacIntyre’s sense. For another suggestion that Habermas give up his “strong universalism,” see Michael Kelly, “MacIntyre, Habermas, and Philosophical Ethics,” *Philosophical Forum* 21 (Fall-Winter 1990): 70-93. I take my definition of “strong” universalism from Kelly. His argument for a “methodological convergence” has influenced my own project.

By “strong” neutralism I mean the neutrality claim implied by “strong universalism.” A proceduralism that claims to be “strongly” neutral between ideas of the good makes the strong claim that its own validity is independent of some substantive idea of the good. Key to my argument is that proceduralism does not *have* to make this claim. On this score Bruce Ackerman helps clarify matters: “First, whatever else it may be, Neutrality is not a way of transcending value; it *is* a value.” Ackerman, “Neutralities,” in *Liberalism and the Good*, eds. R. Bruce Douglas, Gerald M. Hara, and Henry S. Richardson (New York: Routledge, 1990), 29.

<sup>7</sup> I take the term “discursive democracy” from John Dryzek. See Dryzek, *Discursive Democracy: Politics, Policy, and Political Science* (Cambridge: Cambridge University Press, 1994).

<sup>8</sup> This is a *systematic* beginning. Chronologically speaking, Habermas has been concerned with specifically political questions from the start. For example, *Legitimation Crisis* (Boston: Beacon Press, 1975) was an important early work. However, the discourse theory of deliberative democracy has more recently emerged in increasing detail, especially with the German publication of *Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats* (Suhrkamp Verlag: Frankfurt am Main, 1992).

<sup>9</sup> For another take on deliberative democracy that draws on but also parts with Habermas on several points, see Michael Rabinder James, *Deliberative Democracy & The Plural Polity* (Lawrence, KA: University Press of Kansas, 2004).

<sup>10</sup> For example, Habermas rejects H. Skjervheim’s semantic approach to the problematic status of social-scientific observation and interpretation (the “*Verstehen*” problem) because it reduces understanding to the apprehension of the semantic contents of utterances and so misses Wittgenstein’s insight that the meaning of a communicative act depends on “contexts of action oriented to reaching understanding . . .” Habermas, *The Theory of Communicative Action*, vol. 1 (Boston: Beacon Press, 1984), 115. (Henceforth cited as *TCA* followed by volume number.) His contention is that “*the concept of the validity of a sentence [cannot] be explicated independently of the concept of redeeming the validity claim raised through the utterance of the sentence.*” *Ibid.*, 316. The primary opponent here is the “logical analysis of language” approach advocated by Carnap.

<sup>11</sup> See Habermas, *Postmetaphysical Thinking*, trans. William Mark Hohengarten (Cambridge, MA: MIT Press, 1992).

<sup>12</sup> For an earlier account, see chapter one (“What is Universal Pragmatics?”) in Habermas, *Communication and the Evolution of Society*, trans. Thomas McCarthy (Boston: Beacon Press, 1979). Habermas now prefers the term “formal” pragmatics. See *TCA* 1, 328-37. What is universal, then, is not something called

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“communication,” but rather the structure of *communicating*, of the observable *how* of communication; hence the theory of communicative *action*, not the theory of communication.

<sup>13</sup> Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt & Shierry Nicholsen (Cambridge, MA: MIT Press, 1993), 16.

<sup>14</sup> Peter Dews writes that “For Habermas, in other words, it is not the *universality* of philosophical truth-claims which is to be abandoned, but rather their non-fallibilist aspect.” See Dews, “Editor’s Introduction,” in *Autonomy and Solidarity: Interviews with Jürgen Habermas*, ed. Peter Dews (London: Verso, 1992). For an early but still helpful explanation of universal pragmatics and rational reconstruction, see Thomas McCarthy, *The Critical Theory of Jürgen Habermas* (Cambridge, MA: MIT Press, 1978), 272-82.

<sup>15</sup> TCA 1, 287.

<sup>16</sup> There are actually *four* kinds of validity claims, but the fourth is the claim to intelligibility, to which Habermas does not devote much attention.

<sup>17</sup> There is also “explicative discourse,” in which the validity claim to intelligibility mentioned in the preceding footnote is thematized.

<sup>18</sup> TCA 1, 9.

<sup>19</sup> Discourse tests the efficacy of actions as well, but we can leave this aside; Habermas assumes that actions involve implicit assertions of efficacy that could potentially be made into speech acts with validity claims.

<sup>20</sup> Ibid., 249.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid., 276.

<sup>23</sup> Ibid., 297. Emphasis in the original.

<sup>24</sup> Ibid., 307.

<sup>25</sup> Ibid., 288.

<sup>26</sup> See Ibid., 288-95.

<sup>27</sup> Ibid., 293-4.

<sup>28</sup> See Ibid., 1-14.

<sup>29</sup> Ibid., 18.

<sup>30</sup> Ibid.

<sup>31</sup> TCA 2, 119.

<sup>32</sup> Ibid., 124.

<sup>33</sup> Ibid., 119.

<sup>34</sup> See Habermas, “Individuation through Socialization,” in *Postmetaphysical Thinking*. See also TCA 2, 96-111. “Ontogenetic” refers to the development of the individual, while “phylogenetic” refers to the development of society.

<sup>35</sup> TCA 1, 69. Habermas cites Piaget, *The Principles of Genetic Epistemology* (New York: Routledge, 1972).

<sup>36</sup> Lawrence Kohlberg, “The Current Formulation of the Theory,” in Kohlberg, *The Psychology of Moral Development* (San Francisco: Harper & Row, 1984), 286. Quoted in Jürgen Habermas, *Justification and Application: Remarks on Discourse Ethics*, trans. Ciarin Cronin (Cambridge, MA: MIT Press, 1993), 114.

<sup>37</sup> See Habermas, TCA 2, 174, where he cites Kohlberg, *Essays on Moral Development*, vols. 1 and 2 (San Francisco: Harper & Row, 1981, 1984).

<sup>38</sup> TCA 1, 68.

<sup>39</sup> See Ibid., 43.

<sup>40</sup> Ibid., 70.

<sup>41</sup> Ibid.

<sup>42</sup> Habermas says that “[i]f we employ Piaget’s concept of decentration as a guiding thread in this way, in order to clarify the internal connection between the structure of a worldview, the lifeworld as the context of processes of reaching understanding, and the possibilities of a rational conduct of life, we again encounter the concept of communicative rationality. This concept relates a decentered understanding of the world to the possibility of discursively redeeming criticizable validity claims.” Ibid., 72.

<sup>43</sup> TCA 2, 107.

<sup>44</sup> TCA 1, 66.

<sup>45</sup> Ibid., 58. The word “truth” here is used because it pertains specifically to worldviews, which are collections of knowledge. Habermas could also say that “we always start intuitively from the

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presupposition that *rightness* is a universal validity claim” (but rightness does not pertain *directly* to worldviews). It is important to note that Habermas introduces the other validity claims by way of *analogy* to truth. On the “analogy to truth,” see Habermas, *Postmetaphysical Thinking*, 75.

<sup>46</sup> In the course of building an argument for the usefulness of MacIntyre’s theory of tradition as a social science concept, Ambrosio Velasco Gómez provides a helpful discussion of the original debates in the 1960s between Winch and MacIntyre and the related (and contemporaneous) arguments between Habermas and Gadamer. See Gómez, “La relevancia epistemológica del concepto de tradición en la filosofía de las ciencias sociales,” *Revista Patagónica de Filosofía* 1, no. 2 (2000) 97-113.

<sup>47</sup> Quoted in Habermas, *TCA* 1, 72. He is citing an unpublished manuscript by Wellmer.

<sup>48</sup> Habermas, *TCA* 1, 67.

<sup>49</sup> Habermas, “A Philosophico-Political Profile, in *Autonomy and Solidarity*, 167. The rest of the quotation reads: “For the intuition of an unspoiled life we apply yardsticks which are valid in the first instance in the context of our culture or plausible in the context of our tradition, which in any event cannot be generalized in the same way as the standards which we use in judging processes that involve learning – knowledge of nature or moral and legal ideas, which, despite their paradigm-dependence, are not *entirely* incommensurable.” For an interesting discussion of different takes on the “critique of pathologies,” especially on the one developed by Habermas and Karl Otto-Apel, see Luis Sáez Rueda, “¿Es posible una razón crítica sin recurso a Ideas Regulativas? El nexo entre las dimensiones reflexiva y existencial de la crítica de la patologías,” in *Revista de Filosofía Moral y Política* 26 (2002): 257-75.

<sup>50</sup> It must be understood that systems increase in complexity as a result of, not in opposition to, the rationalization of the lifeworld. William Rehg explains, “Communicatively achieved agreements are in principle always open to challenge, and thus are at best a precarious source of social integration. If a community is to be a stable one, then, it requires more than explicit agreement as a basis for social cooperation.” Rehg, “Translator’s Introduction,” in Habermas, *Between Facts and Norms*, xvi.

<sup>51</sup> Habermas, *Between Facts and Norms*, 448. In other words, “Communicative action involves obligations that are *suspended* by legally protected liberties.” *Ibid.*, 119.

<sup>52</sup> *Ibid.*, 20.

<sup>53</sup> *Ibid.*, 33.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*, xli.

<sup>56</sup> *Between Facts and Norms* is intended “to demonstrate that there is a conceptual or internal relation, and not simply a historically contingent association, between the rule of law and democracy.” (*Between Facts and Norms*, 450). A more concise demonstration is found in “On the Internal Relation between Law and Democracy,” in Habermas, *Inclusion of the Other*.

<sup>57</sup> See Habermas, “Three Normative Models of Democracy,” in *Inclusion of the Other*.

<sup>58</sup> Habermas, *Inclusion of the Other*, 260.

<sup>59</sup> *Ibid.*, 261.

<sup>60</sup> *TCA* 1, 31.

<sup>61</sup> Expressive claims are given with the intent to truthfully describe a subjective state, which obviously does not have “universal” intent in the same sense, though all claims to truthfulness are intertwined with truth claims.

<sup>62</sup> Habermas, *Inclusion of the Other*, 259.

<sup>63</sup> *Ibid.*, 41.

<sup>64</sup> In fact, “the unity of practical reason can be realized in an unequivocal manner only within a network of communication and practices in which the conditions of rational collective will formation have taken on concrete institutional forms.” Habermas, *Justification and Application*, 17.

<sup>65</sup> *Ibid.*, 2.

<sup>66</sup> Note that the distinction between types of discourse is a later development in Habermas’s work. Gunther Teubner observes that in books like *Legitimation Crisis* and *Communication and the Evolution of Society*, Habermas “could still be understood as constructing one and only one communicative rationality which integrated discursivity and morality. . . . Now, in [*Between Facts and Norms*], Habermas makes a decisive move toward a plurality of discourses – and their concomitant rationalities.” (Teubner, “*De Collisione Discursuum*: Communicative Rationalities in Law, Morality, and Politics,” in Rosenfeld and Arato, eds., *Habermas on Law and Democracy*, 174.) In *Between Facts and Norms* (page 108) Habermas says that “In

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my previous publications on discourse ethics, I have not sufficiently distinguished between the discourse principle and the moral principle.”

<sup>67</sup> See *Between Facts and Norms*, 104-18. See also “A Genealogical Analysis of the Cognitive Content of Morality,” in *Inclusion of the Other*.

<sup>68</sup> By “ethically permeated,” Habermas means that “legal systems . . . reflect the political will and form of life of a specific legal community.” (*Inclusion of the Other*, 227.) See also Karl-Otto Apel, “Morality, Law, and Democracy,” in *Habermas & Pragmatism*, ed. Mitchell Aboulafia, Myra Bookman, & Cathy Kemp, (London: Routledge, 2002), 28.

<sup>69</sup> See Charles Taylor, “The Politics of Recognition,” in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton, NJ: Princeton University Press, 1994).

<sup>70</sup> Habermas, *Inclusion of the Other*, 207.

<sup>71</sup> *Ibid.*, 208

<sup>72</sup> *Ibid.*

<sup>73</sup> *Ibid.*, 218.

<sup>74</sup> *Ibid.*, 27.

<sup>75</sup> *Ibid.*, 25-27. On “insight” see also *TCA* 2, 26-7. “Because, under the presuppositions of communicative action oriented to reaching understanding, validity claims cannot be rejected or accepted without reason, there is in alter’s response to ego a basic *moment of insight*, and this takes the response out of the sphere of mere caprice, sheer conditioning, or adjustment – at least that is how participants themselves see it.”

<sup>76</sup> Habermas, *Inclusion of the Other*, 28.

<sup>77</sup> *Ibid.*, 30.

<sup>78</sup> See Seyla Benhabib’s criticisms of multiculturalist preservationism in *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton, NJ: Princeton University Press, 2002).

<sup>79</sup> Habermas, *Inclusion of the Other*, 222.

<sup>80</sup> Habermas here is thinking of, for example, basic citizenship tests for immigrants wishing to become naturalized in a country like the United States, as opposed to, for example, the Germanization policies of Bismarck’s Prussia. See *Ibid.*, 228-9.

<sup>81</sup> See Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995).

<sup>82</sup> At least it is necessary given historical developments, as a result of which consensus on particular norms is no longer available.

<sup>83</sup> Habermas, *Inclusion of the Other*, 36.

<sup>84</sup> *Ibid.*, 40.

<sup>85</sup> *Ibid.*, 41.

<sup>86</sup> *Ibid.*, 45.

<sup>87</sup> MacIntyre, *A Short History of Ethics: A History of Moral Philosophy from the Homeric Age to the Twentieth Century* (London: Macmillan Press, 1966); *After Virtue: A Study in Moral Theory*, 2<sup>nd</sup> ed., (Notre Dame: University of Notre Dame Press, 1984).

<sup>88</sup> MacIntyre, “Relativism, Power, and Philosophy,” in *After Philosophy: End or Transformation?* ed. Kenneth Banes et al. (Cambridge, MA: MIT Press, 1989), 388.

<sup>89</sup> MacIntyre, “Philosophy, ‘Other’ Disciplines and Their Histories: A Rejoinder to Richard Rorty,” in *Soundings* 45 (1982): 127-145.

<sup>90</sup> MacIntyre, “Relativism,” 394.

<sup>91</sup> MacIntyre, “Moral Relativism, Truth, and Justification,” in *MacIntyre Reader*, 202. See also MacIntyre, “First Principles, Final Ends, and Contemporary Philosophical Issues,” in *MacIntyre Reader*, 173.

<sup>92</sup> MacIntyre, “Relativism,” 394.

<sup>93</sup> *Ibid.*

<sup>94</sup> “Every tradition is embodied in some particular set of utterances and actions and thereby in all the particularities of some specific language and culture.” Here MacIntyre emphasizes that “this concern with the linguistic embodiment of traditions, however important, is not to be taken as a move to a more fundamental level of philosophical enquiry.” It is simply the case that traditions are linguistically embodied as traditions, but “[p]rima facie it is just as reasonable to draw conclusions about what must be the case in the philosophy of language from what is the case, say, epistemologically as vice versa.” (MacIntyre, *Whose Justice?*, 371.) And of course, “[t]he concept of language presupposed in saying this [that translation proceeds by samesaying and by innovation, and takes into account what is *untranslatable* just as much as



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what is *translatable*] is that of a language as it is used in and by a particular community living at a particular time and place with particular shared beliefs, institutions, and practices.” (Ibid., 372-3.)

<sup>95</sup> MacIntyre, “Practical Rationalities as Forms of Social Structure,” in *MacIntyre Reader*, 120.

<sup>96</sup> Ibid., 129.

<sup>97</sup> Ibid., 132. For example, in the case of the liberal tradition of enquiry and its conception of practical rationality, “it is of the first importance to remember that the project of founding a form of social order in which individuals could emancipate themselves from the contingency and particularity of tradition by appealing to genuinely universal, tradition-independent norms was and is not only, and not principally, a project of philosophers. It was and is the project of modern liberal, individualist society, and the most cogent reasons that we have for believing that the hope of a tradition-independent rational universality is an illusion derive from the history of that project.” (MacIntyre, *Whose Justice?*, 335.)

<sup>98</sup> MacIntyre, “Relativism,” 398.

<sup>99</sup> Ibid., 393.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid., 387.

<sup>102</sup> Ibid., 400.

<sup>103</sup> MacIntyre, *Whose Justice?*, 6.

<sup>104</sup> See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993); Richard Rorty, *Contingency, Irony, and Solidarity* (New York: Cambridge University Press, 1989).

<sup>105</sup> MacIntyre, *Whose Justice?*, 344, 345.

<sup>106</sup> MacIntyre says that a tradition in good order is “an historically extended, socially embodied argument, and an argument precisely in part about the goods which constitute that tradition.” (MacIntyre, *After Virtue*, 222.) Put differently, it can be said that practices, which have a set of internal goods that the practitioners are always trying to understand more closely and to realize more fully, *have* traditions, in which the attempts and achievements of previous generations of practitioners are preserved and, when they become untenable, transformed.

<sup>107</sup> MacIntyre, *After Virtue*, 187.

<sup>108</sup> MacIntyre, “First Principles,” 182.

<sup>109</sup> MacIntyre’s transition from Aristotelian to “Thomistic Aristotelian” and his re-adoption of Christianity are important for understanding his most recent work since *Whose Justice?*. For an account of this transition, see Gilbert Meilaender, “*Dependent Rational Animals: Why Human Beings Need the Virtues and The MacIntyre Reader*,” *First Things* 96 (October 1999): 47-55. As Meilaender mentions, Kelvin Knight’s “Introduction to the MacIntyre Reader” is also helpful on this score. See also Edward T. Oakes, “The Achievement of Alasdair MacIntyre,” *First Things* 65 (August/September 1996): 22-26.

<sup>110</sup> MacIntyre, “First Principles,” 190. MacIntyre claims to work within the Thomist tradition, but some Thomists disagree. On the Thomist credentials of his theory of truth, see John Haldane, “MacIntyre’s Thomist Revival: What Next?” in *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre*, eds. John Horton and Susan Mendus (Notre Dame: University of Notre Dame Press, 1994). See also chapter four of Christopher Lutz, *Tradition in the Ethics of Alasdair MacIntyre* (Lanham: Lanham Books, 2004), where he addresses Haldane and the general question, “Is MacIntyre’s Philosophy Thomism?”

<sup>111</sup> Ibid.

<sup>112</sup> Ibid., 177.

<sup>113</sup> Ibid.

<sup>114</sup> MacIntyre, *Three Rival Versions*, 82.

<sup>115</sup> MacIntyre, “First Principles,” 177.

<sup>116</sup> MacIntyre, *Three Rival Versions*, 82. MacIntyre’s thoughts on Plato’s *Meno* paradox as it appears throughout Aristotle, Augustine, and Aquinas mirror his thoughts on “partial untranslatability.” (MacIntyre, *Relativism*, 393.)

<sup>117</sup> MacIntyre, *After Virtue*, 148, 191.

<sup>118</sup> MacIntyre, “First Principles,” 183.

<sup>119</sup> Ibid., 189.

<sup>120</sup> Ibid., 190.

<sup>121</sup> MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court, 2002).

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<sup>122</sup> MacIntyre, "Practical Rationalities as Forms of Social Structure," in *MacIntyre Reader*, 120.

<sup>123</sup> For a list of three basic features of practical rationality, see *ibid.*, 122.

<sup>124</sup> *Ibid.*, 121. See also MacIntyre, "First Principles," 176. "My mind or rather my soul is only one among many and its own knowledge of my self *qua* soul has to be integrated into a general account of souls and their teleology."

<sup>125</sup> *Ibid.*

<sup>126</sup> MacIntyre, *Dependent Rational Animals*, 99. "Practical reasoning is by its nature, on the generally Aristotelian view that I have been taking, reasoning together with others, generally within some determinate set of social relationships." *Ibid.*, 107.

<sup>127</sup> MacIntyre, *Dependent Rational Animals*, 83.

<sup>128</sup> I word it in this way so as to make clear that "there is a scale of disability on which we all find ourselves." (*Ibid.*, 73.) No one is ever entirely dependent or entirely independent; rather, each of us depends on others, or is depended upon by them, in different ways and at different times, for different reasons. The "giving and receiving" is ongoing and reciprocal.

<sup>129</sup> MacIntyre, *Three Rival Versions*, 82.

<sup>130</sup> "Practical Rationalities as Social Structure," 134. MacIntyre does make a distinction between relativism and perspectivism. "The relativist challenge rests upon a denial that rational debate between and rational choice among rival traditions is possible; the perspectivist challenge puts in question the possibility of making truth-claims from within any one tradition." (*Whose Justice?*, 352.)

<sup>131</sup> MacIntyre, "Practical Rationalities as Social Structure," 134.

<sup>132</sup> *Ibid.*

<sup>133</sup> One helpful passage comes at the end of "Relativism, Power, & Philosophy," in *After Philosophy*, 408. MacIntyre says that "Rationality, understood within some particular tradition with its own specific conceptual scheme and problematic, as it always has been and will be, nonetheless requires *qua* rationality a recognition that the rational inadequacies of that tradition from its own point of view – and every tradition must from the point of view of its own problematic view itself as to some degree inadequate – may at any time prove to be such that perhaps only the resources provided by some quite alien tradition . . . will enable us to identify and to understand the limitations of our own tradition; and this provision may require that we transfer our allegiance to that hitherto alien tradition. It is because such rationality requires this recognition that the key concepts embodied in rational theory and practice within any tradition that has a developed problematic, including the concepts of truth and rational justification, cannot be defined exclusively in terms of or collapsed into those conceptions of them that are presently at home within the modes of theory and practice of the particular conceptual scheme of that tradition, or even some idealized version of those conceptions: the Platonic distinction between 'is true' and 'seems true to such and such person' turns out within such traditions to survive the recognition of the truth in relativism."

<sup>134</sup> MacIntyre, *Whose Justice?*, 351.

<sup>135</sup> See *Ibid.*, 7-11.

<sup>136</sup> "So rationality itself, whether theoretical or practical, is a concept with a history; indeed, since there are a diversity of traditions of enquiry, with histories, there are, so it will turn out, rationalities rather than rationality, just as it will also turn out that there are justices rather than justice." *Ibid.*, 9.

<sup>137</sup> *Ibid.*, 91.

<sup>138</sup> MacIntyre, *Three Rival Versions*, 149.

<sup>139</sup> For example, see Mark Colby, "Moral Traditions, MacIntyre and Historicist Practical Reason," *Philosophy and Social Criticism* 21, no. 3 (1995): 53-78; and Susan Feldman, "Objectivity, Pluralism, and Relativism: A Critique of MacIntyre's Theory of Virtue," *Southern Journal of Philosophy* 24, no. 3 (1986): 307-319. Again, I am indebted to Lutz for bringing these objections and their context to my attention, and in chapter three I deal with the arguments he brings to MacIntyre's defense against such criticisms.

<sup>140</sup> MacIntyre, *Dependent Rational Animals*, 140.

<sup>141</sup> MacIntyre, "Politics, Philosophy, and the Common Good," 237.

<sup>142</sup> *Ibid.*, 238.

<sup>143</sup> MacIntyre, *Three Rival Versions*, 172.

<sup>144</sup> MacIntyre, "Politics, Philosophy, and the Common Good," 242.

<sup>145</sup> MacIntyre, *Dependent Rational Animals*, 136.

<sup>146</sup> *Ibid.*, 131.

<sup>147</sup> *Ibid.*, 109.

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<sup>148</sup> Ibid., 107.

<sup>149</sup> Ibid., 109.

<sup>150</sup> MacIntyre, "Politics, Philosophy, and the Common Good," 246.

<sup>151</sup> MacIntyre, *After Virtue*, 222.

<sup>152</sup> Describing his vision for a "post-liberal" university, MacIntyre emphasizes "the importance of those large areas of agreement without which conflict and disagreement themselves would necessarily be sterile." (MacIntyre, *Three Rival Versions*, 231.) This emphasis is echoed in "Toleration and the Goods of Conflict," to which I refer below.

<sup>153</sup> MacIntyre, "Politics, Philosophy, and the Common Good," 247.

<sup>154</sup> Ibid., 239. He makes the same point at the beginning of *Whose Justice? Which Rationality?*, where he says (page 2) that "One of the most striking facts about modern political orders is that they lack institutionalized forums within which . . . fundamental disagreements can be systematically explored and charted, let alone there being any attempt made to resolve them."

<sup>155</sup> Ibid., 247.

<sup>156</sup> Ibid., 248.

<sup>157</sup> "Proxies" are those who speak for those who cannot themselves participate in the deliberations which affect their good, such as children and the mentally handicapped. See *Dependent Rational Animals*, chapter 11.

<sup>158</sup> Ibid., 248-9.

<sup>159</sup> MacIntyre, *Dependent Rational Animals*, 129-30.

<sup>160</sup> See "Politics, Philosophy, and the Common Good," 241. The difference between the *polis* and the *Volk* is that "[a] *polis* is always, potentially or actually, a society of rational enquiry, of self-scrutiny. The bonds of the *Volk* by contrast are prerational and nonrational." On a side note, this is precisely why MacIntyre resists the label "communitarian." He rejects communitarianism because he does not advocate "community" itself, regardless of what *kind* of community it is, as an antidote to liberal individualism. "I do not believe in ideals or forms of community as a nostrum for contemporary social ills." MacIntyre, "An Interview with Giovanna Borradori," in *MacIntyre Reader*, 265.

<sup>161</sup> MacIntyre, "Toleration and the Goods of Conflict," in *The Politics of Toleration in Modern Life*, ed. Susan Mendus (Durham, NC: Duke University Press, 2000), 136.

<sup>162</sup> Ibid., 146.

<sup>163</sup> Ibid., 145.

<sup>164</sup> Ibid., 143.

<sup>165</sup> On the *quod omnes tangit* principle, see Brian Tierney, *Religion, Law, and the Growth of Constitutional Thought 1150-1650* (Cambridge: Cambridge University Press, 1982).

<sup>166</sup> See MacIntyre, "Relativism, Power, and Philosophy," 393-4.

<sup>167</sup> MacIntyre, "Moral Relativism, Truth, and Justification," 203.

<sup>168</sup> Joseph Heath, "What is a Validity Claim?" in *Jürgen Habermas: Communicative Rationality, Formal Pragmatics, Speech Act Theory and Truth*, vol. 4 of *Jürgen Habermas*, eds. David Rasmussen and James Swindal (London: Sage Publications, 2002), 285.

<sup>169</sup> Charles Taylor, "Language and Society," in *Jürgen Habermas*, 130. Emphasis added.

<sup>170</sup> Martin Seel, "The Two Meanings of Communicative Rationality," in *Jürgen Habermas*, 112.

<sup>171</sup> By this I mean that speech acts get defined in terms of the validity claims they raise, and validity claims get defined in terms of how they provide speech acts with the power to coordinate social action. Speech acts are interesting to Habermas not as units of spoken language, but because they have the power to coordinate social action communicatively, not strategically. They are able to coordinate social action because they raise validity claims on which hearers take a yes or no position. They are *classified* according to the kinds of validity claims they make; Habermas suggests no other way to understand or categorize them except in terms of validity claims. "The action potential typical of a speech act finds expression in the claim that the speaker raises for what he says – in an explicit speech act by means of a performative verb." (TCA 1, 296). On the other hand, validity claims are comprehensible only in terms of real speech acts made in everyday life. They cannot be understood except as *acts*; validity claims are not raised except by actually speaking (or writing) with other people (or with oneself, in an internal conversation). This is meant to secure their pragmatic nature and remove the need for metaphysical grounding, in the sense of a ground that is located "outside" or "beyond" the discourse itself. "But it is only at the level of grammatical speech that an agreement *can* take on the form of communicatively achieved consensus." (TCA 2, 73). The

discursive achievement of mutual understanding through the raising and challenging of validity claims can only take place through speech acts.

<sup>172</sup> Taylor, "Language and Society," 131. It is unclear whether "concert" is a typographical error (the intended word would likely be "concept"), or whether Taylor is saying that a substantial conception of the good life is one in which various ideas about the good work together "in concert."

<sup>173</sup> David Rasmussen, *Reading Habermas* (Cambridge: Basil Blackwell, 1990), 37.

<sup>174</sup> Jonathan Culler, "Communicative Competence and Normative Force," *New German Critique* 35 (Spring/Summer 1985), 135. Quoted in Rasmussen, *Reading Habermas*, 38.

<sup>175</sup> Habermas, *TCA* 1, 288.

<sup>176</sup> Culler, "Communicative Competence," 137. Quoted in Rasmussen, *Reading Habermas*, 40.

<sup>177</sup> In addition to Rescher and Hesse, who I mention below, see also Alessandro Ferrara, "A Critique of Habermas's Consensus Theory of Truth," in Rasmussen & Swindal, *Jürgen Habermas*.

<sup>178</sup> Habermas, *TCA* 1, 42.

<sup>179</sup> *Ibid.*, 25.

<sup>180</sup> *Ibid.*, 17.

<sup>181</sup> Nicholas Rescher, *Pluralism* (Oxford: Clarendon Press, 1993), 46.

<sup>182</sup> Mary Hesse, "Habermas's Consensus Theory of Truth," in *Reading Habermas*, 386.

<sup>183</sup> Rescher makes a similar point about the circular relationship between Habermas's "rationality" and "consensus." It is worth quoting at length. "What Habermas's theory of consensus ultimately demands is not just any old consensus, but a consensus produced through an adherence to rational principles. What counts for him is consensuality reached 'solely by the force of cogent argumentation.' And then we can extract rationally [*sic*] from consensus all right, but only because we put it there in the first place. We can get rationality out of Habermas's idealized consensus because we have been instructed to pack rationality into it. . . . injunctions to consensus only make sense when the burden of obligation is borne not by consensuality as such, but by whatever it is that makes the consensus at issue a good one (the true, the rational, the right, etc.). From the angle of rationality it will only be a rationally engendered consensus that is significant: and what is significant about it is not its consensuality but its rationality. Once it is acknowledged that it is *rational* consensus that matters and not consensus as such, any prospect of extracting rationality from consensus in a meaningful, non-circular way has to be abandoned." (Rescher, *Pluralism*, 14).

<sup>184</sup> Habermas, *TCA* 1, 25.

<sup>185</sup> Simone Chambers, "Discourse and democratic pactices," in *The Cambridge Companion to Habermas*, ed. Stephen K. White (Cambridge: Cambridge University Press, 1995), 238.

<sup>186</sup> MacIntyre, *Whose Justice?*, 375.

<sup>187</sup> *Ibid.*, 387-8.

<sup>188</sup> Habermas, *Inclusion of the Other*, 41-3.

<sup>189</sup> MacIntyre, *Three Rival Versions*, 222.

<sup>190</sup> *Ibid.*, 181.

<sup>191</sup> *Ibid.*, 182.

<sup>192</sup> "Judged by its own standards and in its own terms," MacIntyre concludes, "the project of the major contributors of the Ninth Edition failed . . ." (*Ibid.*, 189.)

<sup>193</sup> Alica Roque, "Language Competence and Tradition-Constituted Rationality," *Philosophy and Phenomenological Research* 51 (1991): 611-617.

<sup>194</sup> MacIntyre, "Reply to Roque," *Philosophy and Phenomenological Research* 51 (1991): 619.

<sup>195</sup> Lutz, *Tradition*, 94. MacIntyre uses the term "epistemological crisis" (which he introduced in "Epistemological Crises, Dramatic Narrative, and the Philosophy of Science," *The Monist* 60, no.4 [1977]: 453-73) to describe the "dissolution of historically founded certitudes," which results when "[c]onflicts over rival answers to key questions can no longer be settled rationally." (*Whose Justice?*, 361-2.)

<sup>196</sup> Engagement with other traditions is not *per se* a requirement of the rationality of traditions, in that traditions are not required to *seek out* alien traditions. The point is that traditions will want to expose their own claims to the strongest counterarguments available, and that many of these counterarguments are likely to be provided by alien traditions.

<sup>197</sup> David S. Owen, "Habermas's Developmental Logic Thesis: Universal or Eurocentric?" in *Jürgen Habermas*, 246.

<sup>198</sup> *Ibid.*

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<sup>199</sup> Ibid., 247.

<sup>200</sup> Ibid., 238.

<sup>201</sup> Habermas, *Justification and Application*, 17.

<sup>202</sup> See Habermas, "The Kantian Project of the Constitutionalization of International Law: Does it Still Have a Chance?," 6 (paper distributed at the International Conference in Social and Political Philosophy, University of Guelph, December 13-14, 2004). See also Habermas, "Kant's Idea of Perpetual Peace," in *Inclusion of the Other*, where he says (page 185) that "this aim can succeed only if, in spite of the stratification of world society, a consensus emerges in at least three areas: a shared historical consciousness of the nonsimultaneity of societies which are nevertheless simultaneously dependent on a peaceful coexistence; a normative agreement concerning human rights whose interpretation at the moment is a matter of dispute between the West, on the one hand, and the Asians and Africans, on the other; and finally a shared conception of the desirable state of peace."

<sup>203</sup> Stella Gaon, "Pluralizing universal 'Man': The legacy of transcendentalism and teleology in Habermas's discourse ethics," *The Review of Politics* 60, no. 4 (Fall 1998): 717.

<sup>204</sup> Ibid., 718.

<sup>205</sup> Here Gaon refers to Seyla Benhabib, who offers one of the most insistent arguments about the epistemic difficulties caught up in this Habermasian attempt to reconcile the idea that the rational discourse intrinsic to justice should involve concrete persons with the idea that the moral principle guiding that discourse – the rational universalist outlook toward which the participants are supposed to be developing both as individuals and as a society – is "impartiality." She argues that "the impartiality of the moral point of view is bought at the cost of transcendentalizing the subject." (Ibid., 701.) And a transcendental subject, separated from his or her communicative life-contexts, cannot exist for Habermas. See Benhabib, "The Generalized and the Concrete Other: The Kohlberg-Gilligan Controversy and Feminist Theory," *Praxis International* 5 (January 1986): 402-424.

<sup>206</sup> See TCA 1, 15-22.

<sup>207</sup> Ibid., 16.

<sup>208</sup> See Habermas, *Inclusion of the Other*, 215-16. He says that "[e]thical questions cannot be evaluated from the 'moral point of view,' of whether something is 'equally good for everyone;' rather impartial judgment of such questions is based on strong evaluations and determined by the self-understanding and perspectival life-projects of particular groups, that is, by what is from their point of view 'good for us,' all things considered."

<sup>209</sup> Habermas, "Morality and Ethical Life," in *Moral Consciousness and Communicative Action*, 207. Quoted in Warnke, *Communicative rationality and cultural values*, in White, ed., *Cambridge Companion to Habermas*, 129.

<sup>210</sup> Habermas, TCA 1, 20.

<sup>211</sup> Warnke, *Communicative rationality*, 131.

<sup>212</sup> Ibid., 131-2.

<sup>213</sup> See Taylor, *The Politics of Recognition*.

<sup>214</sup> Warnke, 139. To be precise, Warnke poses this alternative more as an "also" rather than an "instead of."

<sup>215</sup> Ibid.

<sup>216</sup> Ibid., 140. She goes on: "Our discussions of both our principles and our values are to exclude direct or implicit force, the effects of relations of power, fear, or the threat of sanctions. Even so, the world might still contain as many legitimate interpretations of the meaning of its universal principles as Habermas's own notion of aesthetic criticism indicates it has of its art and literature. It follows that normative discourse and aesthetic criticism are perhaps closer or more complexly related than Habermas has yet explained." (140-41).

<sup>217</sup> Lutz, *Tradition*, 57.

<sup>218</sup> MacIntyre, *Whose Justice*, 354-56.

<sup>219</sup> Ibid., 365.

<sup>220</sup> Habermas, TCA 1, 22.

<sup>221</sup> On this point see also Andrew Mason, "MacIntyre on Liberalism and its Critics: Tradition, Incommensurability, and Disagreement," in Horton & Mendus, eds., *After MacIntyre*, 226, where he argues that "even though MacIntyre may be partially successful in distancing himself from what might be called (at the risk of oversimplification) the 'Enlightenment conception of rationality and rational resolvability,' he implicitly accepts a key element of it by representing the confrontation between different traditions of

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thought and practice as a battle which can only be won (if it is to be won by rational means) by arguments which should satisfy anyone who meets his or her tradition's standards of reasonableness."

<sup>222</sup> Colby, "Moral Traditions," 53. Quoted in Lutz, *Tradition*, 89.

<sup>223</sup> Colby, "Moral Traditions," 54. Quoted in Lutz, *Tradition*, 90.

<sup>224</sup> Lutz, *Tradition*, 90.

<sup>225</sup> Ibid.

<sup>226</sup> See Habermas, *Between Facts and Norms*, 431. "The discourse theory of law conceives constitutional democracy by institutionalizing – by way of legitimate law (and hence also guaranteeing private autonomy) – the procedures and communicative presuppositions for a discursive opinion- and will-formation that in turn makes possible (the exercise of political autonomy and) legitimate lawmaking."

<sup>227</sup> Thus moral autonomy is in part a matter of "communicative competencies." See Habermas, *Moral Consciousness and Communicative Action*, 33-41, where he discusses Piaget's and Kohlberg's theory of "competences"; and 199, where he says that "[l]inguistically and behaviorally competent subjects are constituted as individuals by growing into an intersubjectively shared lifeworld, and the lifeworld of a language community is reproduced in turn through the communicative actions of its members."

<sup>228</sup> See Habermas, *Between Facts and Norms*, 84-104.

<sup>229</sup> Warren argues that the problems he identifies do not require an abandonment of discursive democracy, but simply a reformulation of how it can take institutional form, a reformulation that takes into account the psychological reality that persons are not, and should not be expected to be, susceptible to only cognitive motivations for participating in discourse, but that their "affective dimensions" should also be the subject of the work of democratic transformations of the self. Warren's own recommendations are beside my point, which is only to show that Habermas *does* presuppose a certain conception of the person-as-citizen, not to argue that this presupposed conception is invalid or implausible, or that it should be modified in some way. Mark Warren, "The self in discursive democracy," in *Cambridge Companion to Habermas*.

<sup>230</sup> Ibid., 175.

<sup>231</sup> Ibid., 177.

<sup>232</sup> Ibid., 181-82.

<sup>233</sup> Ibid., 182.

<sup>234</sup> MacIntyre, *Dependent Rational Animals*, 140.

<sup>235</sup> For helping me to understand this distinction more clearly, I am indebted to Andrew Buchwalter's comparison of Habermas's theory of law to Hegel's in "Law, Culture, and Constitutionalism," in Robert Williams, ed., *Beyond Liberalism and Communitarianism: Studies in Hegel's Philosophy of Right*, (Albany: State University of New York Press, 2001).

<sup>236</sup> Ibid., 210.

<sup>237</sup> See Charles Taylor, "Justice After Virtue," in John Horton and Susan Mendus, eds., *After MacIntyre* (Notre Dame: University of Notre Dame Press, 1994).

<sup>238</sup> MacIntyre, "A Partial Response to my Critics," in *After MacIntyre*, 289.

<sup>239</sup> External goods are understood "not only as qualities enabling their possessors to achieve the goods internal to practices, but also as qualities enabling their possessors to achieve both the goods of a whole human life and the goods of those types of communities in and through which the goods of individual lives are characteristically achieved. [External goods are] integrative of and partly structured in terms of the goods internal to particular practices, and never to be understood as wholly independent of them – indeed the work of integrating those goods into individual and communal lives itself has the structure of a practice . . ." Ibid., 288.

<sup>240</sup> See MacIntyre, *Whose Justice?*, 2.

<sup>241</sup> David Miller, "Virtues, Practices, and Justice," in *After MacIntyre*, 254.

<sup>242</sup> Ibid., 254.

<sup>243</sup> Ibid., 255.

<sup>244</sup> MacIntyre, "A Partial Response," 284.

<sup>245</sup> See Kelvin Knight, "Revolutionary Aristotelianism," *Contemporary Political Studies* 1 (1996): 894, where he puts this quite clearly: "the task for politics in the Aristotelian tradition [as MacIntyre formulates it] are to defend the rationality, ideals, creativity, and cooperative care for common goods of practices against institutional corruption and managerial manipulation, and to uphold internal goods of excellence against external goods and claims of effectiveness."

<sup>246</sup> MacIntyre, "A Partial Response," 286.

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<sup>247</sup> Ibid., 284.

<sup>248</sup> Ibid., 288.

<sup>249</sup> See again Knight, "Revolutionary Aristotelianism." Some of those who have made this charge are Elizabeth Frazer and Nicola Lacey, *The Politics of Community: A Feminist Critique of the Liberal-Communitarian Debate* (Harvester Wheatsheaf, 1993), and they repeat this argument in their contribution to *After MacIntyre*, titled "MacIntyre, Feminism, and the Concept of a Practice."

<sup>250</sup> On rules and virtues, see chapter six of MacIntyre, *Three Rival Versions*, especially page 139, where he says: "Rules and virtues are interrelated. To possess the virtue of justice, for example, involves both a will to give each person what is due to him or her and a knowledge of how to apply the rules which prevent violations of that order in which each receives his or her due. To understand the application of rules as part of the exercise of the virtues is to understand the point of rule-following, just because one cannot understand the exercise of the virtues except in terms of their role in constituting the type of life in which alone the human *telos* is to be achieved. The rules which are the negative precepts of the natural law thus do no more than set limits to that type of life and in so doing only partially define the kind of goodness to be aimed at. Detach them from their place in defining and constituting a whole way of life and they become nothing but a set of arbitrary prohibitions, as they too often became in later periods. To progress in both moral enquiry and the moral life is then to progress in understanding *all* the various aspects of that life, rules, precepts, virtues, passions, action as parts of a single whole. Central to that progress is the exercise of the virtue of *prudentia*, the virtue of being able in particular situations to bring to bear the relevant universals and to act so that the universal is embodied in the particular. That virtue is acquired through experience, the experience of judging in respect of how and in what ways the universal has been or is to be embodied in the particular and of learning how to learn from these experiences." See also chapter nine of *Dependent Rational Animals*, especially pages 103-05.

<sup>251</sup> Jeffrey Stout, *Democracy and Tradition* (Princeton, NJ: Princeton University Press, 2003).

## Bibliography

- Aboulafia, Mitchell, Myra Bookman and Cathy Kemp, eds. *Habermas and Pragmatism*. London: Routledge, 2002.
- Ackerman, Bruce. "Neutralities." In Douglas, R. Bruce, Gerald M. Hara, and Henry S. Richardson, eds. *Liberalism and the Good*. New York: Routledge Press, 1990, pp. 29-43.
- Baynes, Kenneth, James Bohman and Thomas McCarthy. *After Philosophy: End or Transformation?* Cambridge, MA: MIT Press, 1986.
- Benhabib, Seyla. *The Claims of Culture: Equality and Diversity in the Global Era*. Princeton, NJ: Princeton University Press, 2002.
- . "The Generalized and the Concrete Other: The Kohlberg-Gilligan Controversy and Feminist Theory." *Praxis International* 5 (January 1986): 402-424.
- Buchwalter, Andrew. "Law, Culture, and Constitutionalism." In Williams, Robert, ed., *Beyond Liberalism and Communitarianism: Studies in Hegel's Philosophy of Right*. Albany: State University of New York Press, 2001, pp. 207-227.
- Chambers, Simone. "Discourse and Democratic Practices." In White, Stephen K., ed. *The Cambridge Companion to Habermas*. Cambridge: Cambridge University Press, 1995, pp. 233-259.
- . *Reasonable Democracy: Jürgen Habermas and the Politics of Discourse*. Ithaca: Cornell University Press, 1996.
- Chaplin, Jonathan. "How Much Cultural and Religious Pluralism can Liberalism Tolerate?" In Horton, John, ed., *Liberalism, Multiculturalism, and Toleration*. London: Macmillan Press, 1993, pp. 32-49.
- Colby, Mark. "Moral Traditions, MacIntyre and Historicist Practical Reason." *Philosophy and Social Criticism* 21, no. 3 (1995): 53-78.
- Cook, Deborah. "The Two Faces of Liberal Democracy in Habermas." *Philosophy Today* 45 (Spring 2001): 95-104.
- Dews, Peter, ed. *Autonomy and Solidarity: Interviews with Jürgen Habermas*. Revised and enlarged edition. London: Verso, 1992.
- Douglas, R. Bruce, Gerald M. Hara, and Henry S. Richardson, eds. *Liberalism and the Good*. New York: Routledge Press, 1990.
- Dryzeck, John. *Discursive Democracy: Politics, Policy, and Political Science*. New York: Cambridge University Press, 1994.
- Feldman, Susan. "Objectivity, Pluralism, and Relativism: A Critique of MacIntyre's Theory of Virtue." *Southern Journal of Philosophy* 24, no. 3 (1986): 307-319.
- Ferrara, Alessandro. "The Ambiguity of Habermas's Notion of Generalizability." In Rasmussen, David and James Swindal, eds., *Jürgen Habermas: Volume IV*. London: Sage Publications, 2002, pp. 3-12.
- Frazer, Elizabeth and Nicola Lacey. "MacIntyre, Feminism, and the Concept of a Practice." In Horton, John and Susan Mendus, eds., *After MacIntyre*. Notre Dame: University of Notre Dame Press, 1994, pp. 265-282.
- Gaon, Stella. "Pluralizing Universal 'Man': The Legacy of Transcendentalism and Teleology in Habermas's Discourse ethics." *The Review of Politics* 60, no. 4 (1998): 685-718.



- Gassanov, Samir. *The Quest for Rational Agreement: A Critical Assessment of Alasdair MacIntyre's Attempt to Overcome Relativism*. M.A. Thesis. Institute for Christian Studies, Toronto, 2003. 115 pages.
- Gómez, Ambrosio Velasco. "La Relevancia Epistemológica del Concepto de Tradición en la Filosofía de las Ciencias Sociales." *Revista Patagónica de Filosofía* 1, no. 2 (2000): 97-113.
- Gutmann, Amy, ed. *Multiculturalism: Examining the Politics of Recognition*. Princeton, N.J.: Princeton University Press, 1994.
- Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Translated by William Rehg. Cambridge, MA: MIT Press, 1996.
- . "Beyond the Nation State?" *Peace Review* 10, no. 2 (1998): 235-39.
- . *Communication and the Evolution of Society*. Translated by Thomas McCarthy. Boston: Beacon Press, 1979.
- . *Justification and Application: Remarks on Discourse Ethics*. Translated by Ciarin Cronin. Cambridge, MA: MIT Press, 1993.
- . *Legitimation Crisis*. Translated by Thomas McCarthy. Boston: Beacon Press, 1975.
- . *Moral Consciousness and Communicative Action*. Translated by Christian Lenhardt and Shierry Nicholsen. Cambridge, MA: MIT Press, 1993.
- . "Religious Tolerance: The Pacemaker for Cultural Rights." Royal Institute of Philosophy Lecture, 2003.
- . *Postmetaphysical Thinking*. Translated by William Mark Hohengarten. Cambridge, MA: MIT Press, 1992.
- . *The Inclusion of the Other: Studies in Political Theory*. Edited by Ciaran Cronin and Pablo De Greiff. Cambridge, MA: MIT Press, 1998.
- . "The Kantian Project of the Constitutionalization of International Law: Does it Still Have a Chance?" Paper distributed at the International Conference in Social and Political Philosophy, University of Guelph. Guelph, ON, December 13-14, 2004.
- . *The Theory of Communicative Action*. 2 vols. Translated by Thomas McCarthy. Boston: Beacon Press, 1984, 1987.
- . "Towards a Cosmopolitan Europe." *Journal of Democracy* 14, no. 4 (2003): 86-100.
- Heath, Joseph. "The Problem of Foundationalism in Habermas's Discourse Ethics" In Rasmussen, David and James Swindal, eds. *Jürgen Habermas: Volume IV*. London: Sage Publications, 2002, pp. 88-107.
- Hesse, Mary. "Habermas' Consensus Theory of Truth." In Rasmussen, David and James Swindal, eds. *Jürgen Habermas: Volume IV*. London: Sage Publications, 2002, pp. 369-387.
- Hibbs, Thomas S. "MacIntyre, Aquinas, and Politics." *The Review of Politics* 66, no. 3 (2004): 357-383.
- Horton, John and Susan Mendus, eds., *After MacIntyre*. Notre Dame: University of Notre Dame Press, 1994.
- James, Michael Rabinder. *Deliberative Democracy & The Plural Polity*. Lawrence, KA: University Press of Kansas, 2004.
- Kelly, Erin. "Habermas on Moral Justification." *Social Theory and Practice* 26, no. 2 (2000): 223-49.

- Kelly, Michael. "MacIntyre, Habermas, and Philosophical Ethics." *Philosophical Forum* 21 (Fall-Winter 1990): 70-93.
- Knight, Kelvin. "Introduction" In Knight, Kelvin, ed. *The MacIntyre Reader*. Notre Dame, Ind.: University of Notre Dame Press, 1998, pp. 1-27.
- , ed. *The MacIntyre Reader*. Notre Dame, Ind.: University of Notre Dame Press, 1998.
- . "Revolutionary Aristotelianism." In *Contemporary Political Studies*, vol. 3. Edited by I. Hampsher-Monk and J. Stanyer. Belfast: Political Studies Association of the United Kingdom, 1996.
- Kymlicka, Will. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press, 1995.
- Lutz, Christopher Stephen. *Tradition in the Ethics of Alasdair MacIntyre*. Lanham, MD: Lexington Books, 2004.
- MacIntyre, Alasdair. "A Partial Response to My Critics." In Horton, John and Mendus, eds., *After MacIntyre*. Notre Dame: University of Notre Dame Press, 1994, pp. 283-304.
- . *A Short History of Ethics: A History of Moral Philosophy from the Homeric Age to the Twentieth Century*. London: Macmillan Press, 1966.
- . *After Virtue: A Study in Moral Theory*. 2<sup>nd</sup> ed. Notre Dame, IN: University of Notre Dame Press, 1984.
- . *Dependent Rational Animals: Why Human Beings Need the Virtues*. Chicago: Open Court Press, 2002.
- . "Epistemological Crises, Dramatic Narrative, and the Philosophy of Science." *The Monist* 60, no. 4 (1977): 453-73.
- . "First Principles, Final Ends and Contemporary Philosophical Issues." In Knight, Kelvin, ed. *MacIntyre Reader*. Notre Dame, Ind.: University of Notre Dame Press, 1998, pp. 171-201.
- . "An Interview for Cogito." In Knight, Kelvin, ed., *The MacIntyre Reader*. Notre Dame, Ind.: University of Notre Dame Press, 1998, pp. 267-275.
- . "An Interview with Giovanna Borradori." In Kelvin Knight, ed., *The MacIntyre Reader*. Notre Dame, Ind.: University of Notre Dame Press, 1998, pp. 255-266.
- . "Moral Relativism, Truth and Justification." In Knight, Kelvin, ed., *The MacIntyre Reader*. Notre Dame, Ind.: University of Notre Dame Press, 1998, pp. 202-220.
- . "Philosophy, Other Disciplines, and Their Histories: A Rejoinder to Richard Rorty." *Soundings* 45 (1982): 127-145.
- . "Politics, Philosophy, and the Common Good." In Knight, Kelvin, ed., *The MacIntyre Reader*. Notre Dame, Ind.: University of Notre Dame Press, 1998, pp. 235-252.
- . "Practical Rationalities as Forms of Social Structure." In Knight, Kelvin, ed., *The MacIntyre Reader*. Notre Dame, Ind.: University of Notre Dame Press, 1998, pp. 120-135.
- . "Relativism, Power, and Philosophy." In *After Philosophy: End or Transformation?* Edited by Baynes, Kenneth, James Bohman, and Thomas McCarthy. Cambridge, MA: MIT Press, 1986, pp. 385-411.

- . “Reply to Roque.” *Philosophy and Phenomenological Research* 51 (1991): 611-620.
- . *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition*. Notre Dame, IN: University of Notre Dame Press, 1999.
- . “Toleration and the Goods of Conflict.” In *The Politics of Toleration in Modern Life*. Mendus, Susan, ed. Durham, NC: Duke University Press, 2000, pp. 133-155.
- . *Whose Justice? Which Rationality?* Notre Dame, IN: University of Notre Dame Press, 1988.
- Mahoney, Jon. “Proceduralism and Justification in Habermas’s Discourse Ethics.” *Philosophy Today* 46, no. 3 (2002): 300-312.
- Mason, Andrew. “MacIntyre on Liberalism and its Critics: Tradition, Incommensurability, and Disagreement.” In Horton, John and Susan Mendus, eds., *After MacIntyre*. Notre Dame: University of Notre Dame Press, 1994, pp. 225-244.
- McCarthy, Thomas. *The Critical Theory of Jürgen Habermas*. Cambridge, MA: MIT Press, 1981.
- McMahon, Christopher. “Discourse and Morality.” *Ethics* 110, no. 3 (2000): 514-36.
- Meilaender, Gilbert. “Dependent Rational Animals: Why Human Beings Need the Virtues and The MacIntyre Reader.” *First Things* 96 (October 1999): 47-55.
- Miller, David. “Virtues, Practices, and Justice.” In Horton, John and Susan Mendus, eds., *After MacIntyre*. Notre Dame: University of Notre Dame Press, 1994, pp. 245-264.
- Mulhall, Stephen and Adam Swift, eds. *Liberals and Communitarians*. 2<sup>nd</sup> ed. Oxford: Blackwell Publishing, 1992.
- Murphy, Mark. *Alasdair MacIntyre*. Cambridge: Cambridge University Press, 2003.
- Oakes, Edward T. “The Achievement of Alasdair MacIntyre.” *First Things* 65 (August/September 1996): 22-26.
- Otto-Apel, Karl. “Regarding the Relationship of Morality, Law, and Democracy: On Habermas’s *Philosophy of Law* (1992) From a Transcendental-Pragmatic Point of View.” In Aboulafia, Mitchell, Myra Bookman and Cathy Kemp, eds., *Habermas and Pragmatism*. London: Routledge, 2002, pp. 17-30.
- Owen, David S. “Habermas’s Developmental Logic Thesis: Universal or Eurocentric?” In Rasmussen, David and James Swindal, eds., *Jürgen Habermas: Volume IV*. London: Sage Publications, 2002, pp. 238-248.
- Parekh, Bhikhu. *Rethinking Multiculturalism: Cultural Diversity and Political Theory*. Cambridge, MA: Harvard University Press, 2000.
- Rasmussen, David. *Reading Habermas*. Cambridge: Basil Blackwell, 1990.
- Rasmussen, David and James Swindal, eds. *Jürgen Habermas: Volume IV*. Volume 4 of *Jürgen Habermas*, edited by David Rasmussen and James Swindal. London: Sage Publications, 2002.
- Rawls, John. *Political Liberalism*. New York: Columbia University Press, 1993.
- Rehg, William. *Insight and Solidarity: A Study in the Discourse Ethics of Jürgen Habermas*. Berkeley: University of California Press, 1994.
- Rescher, Nicholas. *Pluralism: Against the Demand for Consensus*. Oxford: Clarendon Press, 1993.
- Rorty, Richard. *Contingency, Irony, and Solidarity*. New York: Cambridge University Press, 1989.

- Rosenfeld, Michael and Andrew Arato. *Habermas on Law and Democracy: Critical Exchanges*. Los Angeles: University of California Press, 1998.
- Roque, Alicia Juarrero. "Language Competence and Tradition-Constituted Rationality." *Philosophy and Phenomenological Research* 51 (1991): 611-620.
- Rueda, Luis Sáez. "¿Es posible una razón crítica sin recurso a Ideas Regulativas? El nexo entre las dimensiones reflexiva y existencial de la crítica de la patologías." In *Revista de Filosofía Moral y Política* 26 (2002): 257-75.
- Sandel, Michael, ed. *Liberalism and its Critics*. New York: New York University Press, 1984.
- Seel, Martin. "The Two Meanings of 'Communicative' Rationality: Remarks on Habermas's Critique of a Plural Concept of Reason." In Rasmussen, David and James Swindal, eds., *Jürgen Habermas: Volume IV*. London: Sage Publications, 2002, pp. 108-122.
- Stout, Jeffrey. *Democracy and Tradition*. Princeton, NJ: Princeton University Press, 2003.
- Taylor, Charles. "Justice After Virtue." In Horton, John and Susan Mendus, eds., *After MacIntyre*. Notre Dame: University of Notre Dame Press, 1994, pp. 16-43.
- . "Language and Society." In Rasmussen, David and James Swindal, eds., *Jürgen Habermas: Volume IV*. London: Sage Publications, 2002, pp. 123-135.
- . "The Politics of Recognition." In *Multiculturalism: Examining the Politics of Recognition*. Gutmann, Amy, ed. Princeton, NJ: Princeton University Press, 1994, pp. 25-73.
- Tierney, Brian. *Religion, Law, and the Growth of Constitutional Thought, 1150-1650*. Cambridge: Cambridge University Press, 1982.
- White, Stephen K., ed. *The Cambridge Companion to Habermas*. Cambridge: Cambridge University Press, 1995.
- Wicks, Ana Escríbar. "El problema de la fundamentación de la validez de las normas morales y la escisión entre ser valor." *Revista de Filosofía* 57 (2001): 19-28.
- Wolfe, C. and J. Hittinger, eds. *Liberalism at the Crossroads*. Lanham, MD: Rowman & Littlefield, 1994.
- Zuidervaat, Lambert. *Artistic Truth: Aesthetics, Discourse, and Imaginative Disclosure*. Cambridge: Cambridge University Press, 2004.