

ETHICS OR MORALITY? HABERMAS ON EUROPEAN IDENTITY*

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1. Introduction

In his most important work on political and legal theory, *Between Facts and Norms* (Habermas 1996: henceforth *BFN*), Habermas argues that there are certain areas of policy-making and legal regulation where distinctively *ethical* considerations and reasoning have a legitimate and necessary role, by contrast with those where the relevant normative considerations are exclusively *moral* in character. Thus:

“The need for regulation is not found exclusively in problem situations that call for a *moral* use of practical reason. The medium of law is also brought to bear in problem situations that require the cooperative pursuit of collective goals and the safeguarding of collective goods. Hence discourses of justification and application also have to be open to ... an *ethical-political use of practical reason*.” (*BFN*, p. 154: italics in text).

The distinction invoked here between *ethics* and *morality* – between questions about the good life for humans, and about the rules that should govern their relations with one another, such as principles of justice – has long been a significant feature of Habermas’s work. It has also been central to liberal political theory, in terms of the (largely) equivalent contrast between questions of ‘the good’ and ‘the right’. But whereas many – though not all – liberal theorists have argued for the exclusion of ethics from politics, Habermas (in *BFN*) rejects this ‘neutralist’ limitation of political deliberation to moral reasoning alone.¹

I shall discuss the relationship between Habermas’s view of the place of ethical reasoning in politics and liberal political theory in the final section of this paper. But my main and prior concern will be to evaluate the account that Habermas provides of the nature of that form of reasoning itself, i.e. his (philosophical) theory of ethical-political reasoning. In doing so I shall make extensive reference to a number of his more recent papers on the European Union, in which he argues for a fully-fledged political union that will enable Europe to resist the pressures of globalisation. (Habermas 1999; Habermas 2001; Derrida and Habermas 2003).² In these papers, I

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¹In doing so he arguably rejects what was his own position prior to *BFN* (or at least to the key publication it draws on, in this respect, namely Habermas 1993b). For analysis of this shift on Habermas’s part see Cooke (1997), pp. 270-279. The shift brought with it a potentially confusing change of terminology (see the Preface to Habermas 1993a): what he now calls ‘ethics’ (concerned with the good) he had previously called ‘values’, and what he had previously called ‘ethics’ (as in his ‘discourse theory of ethics’) he now calls ‘morality’ (concerned with the right).

² Although Derrida also put his name to this ‘joint article’, it is noted explicitly therein that it was written by Habermas alone, and I shall talk of it as if it were single-authored.

shall argue, one can see the practical application of key elements of his theory, applications that point to serious defects in that theory.

I begin, in section 2, by presenting a brief outline of Habermas's theory of ethical-political reasoning, highlighting the central role played by the concepts of self-understanding and identity. This is followed in section 3 by an account of his claims about the nature of European identity and political culture, in the context of his argument for a European Constitution and full political union. In section 4, I draw attention to the presence, in his depiction of European identity, of features that, contrary to the implications of his theory, are moral rather than ethical in character; I go on to argue that this anomaly points to the theory's error in invoking the concepts of identity and self-understanding to distinguish ethical reflection from its moral counterpart.

In section 5, Habermas's discussion of neoliberalism is considered. While supporting his view that neoliberalism possesses a distinctively ethical dimension, I argue that his theory of ethical-political reasoning is unable to account for the kinds of argument that are actually required for a critical evaluation of this economic ideology and practice. I conclude, in section 6, by examining the relationship between Habermas's view of the place of ethical reasoning in politics and the debates about neutrality and perfectionism in liberal political theory. The implications of these issues for European responses to the pressures of globalisation, and for the different levels of governance at which ethical judgments about economic policies and institutions need to be made, are also briefly explored.

2. Ethical-political reasoning³

Habermas's conception of ethical-political reasoning in *BFN* builds on his account of ethical reasoning by *individuals* in his somewhat earlier essay, 'On the Pragmatic, the Ethical and the Moral Employments of Practical Reason' (Habermas 1993b). There he distinguishes ethical reasoning from two other kinds of practical reason, *moral* and *pragmatic*. Moral reasoning is concerned with the rules or norms which should govern one's actions towards others, prohibiting or requiring one to act in certain ways. Pragmatic reasoning deals with instrumental questions about the most effective means by which a given end or goal can be achieved. By contrast with both of these, *ethical* reasoning is concerned with the evaluation and choice of the ends or goals one is to pursue, and addresses questions about what is *good* or *valuable* in the life one is or might be living.

Habermas examines the nature of ethical reasoning by individuals by considering how it operates in making important life-choices, such as deciding what kind of career to pursue. There may be moral constraints which rule out career-choices that would otherwise be attractive, and pragmatic questions about how best to implement any decision that is made. But what makes it a distinctively ethical issue, he says, is that it is about what would be 'good (or indeed best) for me', and this is not resolvable through pragmatic or moral reasoning.

³ In this section I draw on the fuller account and critical response presented in Keat 2005. For informative and illuminating analyses of Habermas's conception of ethical-politics, see Warnke 1995, Cooke 1997 and 1999, and Breen 2005 (ch. 4).

Habermas says that in the process of reflection involved in making such choices, there comes a point at which one sees that what is essentially at issue is one's own identity: one has to ask oneself 'who am I and who would I like to be?' Given the possibilities for self-deception and illusion, this is not always easy to answer. But dialogue with others can help one identify and overcome these obstacles. On the basis of this reflective process of self-understanding it becomes possible to arrive at ethical decisions that take proper account of the kind of person one is, what matters most to one and so on. For example, it may become clear that: "You must embark on a career that affords you the assurance that you are helping other people" (Habermas 1993b p. 5).

Like any ethical judgment or advice, says Habermas, this is about what is *good for you* to do: it is about what is good for the particular individual concerned, and makes no claims of universality. In this respect, he insists, ethical judgments differ crucially from their moral counterparts, in which certain rules or principles are claimed to be applicable to all actions or situations of a specified kind, and what has to be shown is that these rules are 'equally good for all'. This difference is closely related to another. In ethical reflection, he says, by contrast with moral reflection, one cannot 'detach oneself' from one's identity (the kind of person one is, and has become through a particular life-history). Thus:

"In ethical-existential discourses, reason and will condition one another reciprocally, though the latter remains embedded in the life-historical context thematized. Participants in processes of self-clarification cannot distance themselves from the life histories and forms of life in which they actually find themselves". (Habermas 1993b, p. 12)⁴

The reference in this passage to "ethical-existential" discourse points to a further feature of ethical reflection, on Habermas's account, its 'existential' character. "Self-knowledge", he says, is but one of two "interpenetrating" elements; the other is "existential decision" (BFN p 96). Ethical reflection is not just a matter of 'working out who one really is', but of doing so with a view to a freely made decision - to live in a certain way, to pursue a particular career - that is very much one's own, that one recognises as such, and for which one accepts responsibility. Taken together, these two elements provide the conduct of ethical reflection with its *authenticity*.⁵

I turn now to Habermas's account of ethical reasoning at the political level. This, he says, must be distinguished from the *moral* reasoning involved in political decisions about matters of justice and rights, where what is at issue is "the distribution of social wealth, life opportunities, and chances for survival in general...": for example, in "questions of social policy, of tax law, or of the organization of educational and health-care systems" (BFN p. 165). By contrast, in ethical-political reasoning citizens are making decisions about the collective goods and purposes they wish to secure and pursue. Distinctively ethical issues, he says, are raised *inter alia* by "...ecological questions concerning the protection of the environment and animals, questions of

⁴ So ethical reflection differs crucially from its *moral* counterpart, where such detachment is both possible and necessary, in Habermas's view. Analogous claims are made about ethical reflection at the collective, political level in BFN, pp. 156 and 163.

⁵ Indeed, authenticity is regarded by Habermas as 'the criterion of validity' for ethical decisions, that is, the basis on which they are appropriately evaluated.

immigration policy, the protection of cultural and ethnic minorities, or any question touching on the political culture.” (BFN, p. 165).⁶

As a first approximation, Habermas’s account of ethical-political reflection can be represented simply as a ‘first-person plural’ version of ethical reflection by individuals. Its central focus is thus on the process of self-understanding that ‘we’ carry out as members of a political community. So, in making decisions about the goods we wish to secure, and the goals we wish to pursue, we find that we have to ask ourselves ‘who we are and who we would like to be’, and thus to reflect critically upon our current understanding of the historically rooted identity and values we share, aiming to free ourselves from illusion or self-deception. By doing so we will be able to determine what is good *for us*, given ‘who we are’. But we do not thereby prescribe this for other political communities, with different identities from which they are no more able to detach or separate themselves than we are.

However, there is an important disanalogy between ethical reasoning at the individual and political levels, which requires some qualification to what has just been said. For whereas individuals are (at least implicitly) conceived by Habermas as having a single, determinate identity, he insists that this is not the case for the collective ‘identity’ of members of a political community. Rather, in modern, pluralistic societies there will be a variety of different answers that can legitimately be given when citizens ask themselves who they are, what their formative history and traditions consist in, and so on. Thus:

“A pluralism in the ways of reading fundamentally ambivalent traditions has sparked a growing number of debates over the collective identities of nations, states, cultures and other groups. Such discussions make it clear that the disputing parties are expected to consciously choose the continuities they want to live out of, which traditions they want to break off or continue.” (BFN, p. 97).

Authenticity requires members of a political community to recognise this diversity, and to take responsibility for the decisions that must then be made about which ‘version’ or ‘elements’ of their identity are to be acted upon, and which rejected. The ‘existential’ character of ethical reasoning is thus re-affirmed, and indeed now in an accentuated form. But just as in the individual case, Habermas makes no attempt to indicate the grounds upon which such choices or decisions should be made; it seems that nothing can be said about what *reasons* there might be for the members of a political community to pursue one tradition, or interpretation of their past, rather than another.

3. European identity

I turn now to what Habermas has said about ‘European identity’ in a number of papers published since BFN, and which can be seen, I suggest, as illustrating some of the central claims and concepts in his theory of ethical-political reflection.

⁶Habermas also identifies an additional form of political reasoning, namely bargaining and negotiation, where agreement ethical or moral questions cannot be achieved.

In 'Why Europe Needs A Constitution' (Habermas 2001), Habermas argues that the primarily *economic* union between European nation-states that has so far been achieved through the European Union needs to develop into a fully-fledged *political* union, with a broadly federal structure and the possibility of a genuinely democratic, deliberative politics. He says that an effective case for this development (one that could actually motivate people to support it), and hence for a European Constitution, cannot be made on economic grounds alone:

“Economic justifications must at the very least be combined with ideas of a different kind – let us say, with an interest in and affective attachment to a particular ethos: in other words, the attraction of a specific way of life.” (Habermas 2001, p. 8).

Indeed, as he goes on to argue, what is especially persuasive is the sense that this ‘ethos’ or ‘way of life’ is seriously at risk, or under threat; as he notes in a similar vein: “Constitution-making has hitherto been a response to situations of crisis.” (ibid., p.8).

But where, he asks “...is such a challenge... in today’s rather wealthy and peaceful societies of Western Europe?” (ibid., p.8). His answer is that just such a challenge is presented by *globalization*, the pressures of which threaten to undermine their historically-rooted commitment to a way of life based on an extensive and solidaristic welfare state – pressures that cannot be resisted by individual nation-states acting independently. Thus, referring to the members of these West European societies, Habermas says:

“Today, against perceived threats from globalization, they are prepared to defend the core of a welfare state that is the backbone of a society still oriented towards social, political and cultural inclusion”. (ibid., p.9).⁷

Habermas says a good deal more about globalization, and especially about the economic ideology and practice of *neoliberalism*, in a somewhat earlier paper (Habermas 1999). I shall discuss this in section 5, continuing now with his discussion of political union.

Having indicated why he thinks there is a need for this, a need that will be deeply felt by the citizens of European states, Habermas goes on to consider whether political union is a viable project. He argues that for this to be so, three preconditions must be met. These are the existence of a European *civil society*, of a European *public sphere*, and of a shared *political culture* (Habermas 2001, pp. 15-21). The first two of these, he says, exist at present only to a limited extent, but both can be facilitated by various means, including the impact of current debates about a European Constitution. The third, by contrast, is something that cannot be ‘encouraged into existence’, since it is a matter of historically established values and dispositions. But Habermas believes there is sufficient commonality across the political cultures of European nation-states for this precondition to be met.⁸

⁷ Likewise: “Threats to this form of life, and the desire to preserve it, are spurs to a vision of Europe capable of responding inventively to current challenges”. (Habermas 2001, p.9)

⁸ Although Habermas apparently distinguishes the protection of its ‘way of life’ as the aim of political union from ‘political culture’ as one of the preconditions for this union, the two turn out on his account to have a great deal in common.

Some indication of why a shared political culture is necessary for a political union, at least for one with the specific rationale Habermas attributes to it, is provided by the following:

“... the decision on whether or not to maintain an appropriate level of *general* social welfare largely depends on the degree of support for notions of distributive justice. But normative orientations move majorities of voters only to the extent that they can make a straightforward appeal to ‘strong’ traditions inscribed in established political cultures”. (Habermas 2001, p.10)

Habermas proceeds to characterise European political culture in a way intended to show how it manages to provide support for such welfare provision: “In terms of a comparative cultural analysis, we might speak of the unique European combination of public collectivism and private individualism.” (ibid., p.10). In a similar vein he says: “... the egalitarian and individualist universalism that informs our normative self-understanding is not the least among the achievements of modern Europe”. (ibid., p. 20).

There are further claims about European political culture in this ‘European Constitution’ paper, but these are developed more fully in a somewhat later one, ‘February 15, or What Binds Europeans Together’, to which I now turn (Habermas and Derrida 2003). The date in this paper’s title refers to the Europe-wide demonstrations in February 2003 against the war in Iraq, and Habermas’s purpose here is to argue for a ‘common (European) foreign policy’ that would “defend and promote a cosmopolitan order on the basis of international law against competing visions” (ibid., p. 294). For this to be possible, he says, there must be a common European ‘identity’, and from the way in which he goes on to characterise this, it is clear that what he has in mind is the equivalent of what we have already seen him refer to as its ‘political culture’.

Habermas argues that for something to count as an element of European it must be shared by European nation-states, but not by non-European ones.⁹ Further, he suggests that it must be rooted in the former’s distinctive historical experiences, and in what has been learned from these. He gives particular emphasis to what he calls ‘the common achievements’ of European nation-states in learning to deal with a wide range of deep-seated social and political conflicts. As he puts it:

“A culture which for centuries has been beset more than any other by conflicts.... has had to painfully learn how differences can be communicated, contradictions institutionalised, and tensions stabilised.” (Habermas and Derrida 2003, p. 294).¹⁰

Habermas then proceeds to summarise the outcomes of these learning experiences. This summary can be taken as a brief characterisation of what he takes European identity to consist in, or at least centrally to include. Specifically:

⁹ Habermas notes that this requirement makes the task of specifying European identity a difficult one, since so many ‘European achievements’ have been ‘exported elsewhere’, though it is unclear to me why he imposes this requirement. See Habermas and Derrida 2003, p. 294 .

¹⁰ The passage continues: “The acknowledgement of differences – the reciprocal acknowledgement of the Other in his otherness – can also become a feature of a common identity”. This points to the significance of *solidarity*, but I shall not discuss this here.

- (1) “In European societies secularization is relatively far advanced. Citizens here regard transgressions of the border between politics and religion with suspicion.
- (2) Europeans have a relatively large amount of trust in the organizational and steering capacities of the state, while remaining sceptical towards the achievements of markets.
- (3) They possess a keen sense of the “dialectic of enlightenment”; they have no naively optimistic expectations about technical progress.
- (4) They maintain a preference for the welfare state’s guarantees of social security and for regulations on the basis of solidarity.
- (5) The threshold of tolerance for the use of force against persons lies relatively low.
- (6) The desire for a multilateral and legally regulated international order is connected with the hope for an effective global domestic policy, within the framework of a reformed United Nations.” (Habermas and Derrida 2003, p. 295; I have added the parenthesised numbers, and re-formatted the paragraph in list-form, for convenience in later discussion).

This summary of the main elements of European identity is followed by an account of the historical roots of each one. For example, (5) is said to be the outcome, amongst other things, of the European experience of totalitarianism and the holocaust, which led to a “heightened *sensitivity to personal and bodily integrity*” (ibid., p. 296). In the case of (3), which I shall discuss in section 5 below, the accompanying ‘historical sketch’ helps one make sense of a somewhat gnomic statement.

Finally, in response to the objection that, by talking of European identity being rooted in historical traditions, the ‘invented’ or ‘constructed’ character of ‘traditions’ is being ignored, Habermas says:

“... a European identity born in the daylight of the public sphere would have something constructed about it from the very beginning. But only what is constructed through an arbitrary choice carries the stigma of randomness. The political-ethical will that drives the hermeneutics of processes of self-understanding is not arbitrary. Distinguishing between the legacy we appropriate and the one we want to refuse demands just as much circumspection as the decision over the interpretation through which we appropriate it for ourselves”. (Habermas and Derrida 2003, p 295).

Here we can see Habermas appealing to one of the main features of his theoretical account of ethical-political reflection in *BFN*, rejecting the unitary and uncontested nature of collective identity, and emphasising the need for reflective decisions about which aspects or interpretations of a political community’s past are to form the basis for its future actions.¹¹ In section 5 below I will consider how this might be applied to Habermas’s discussion of political responses to neoliberalism. But first I shall argue that his actual depiction of European identity points to some serious problems for his theory of ethical-political reasoning.

¹¹ Elsewhere Habermas suggests that failure to recognise the contestable and ‘politically decided’ nature of identity is associated with the concept of *ethnic* identity, which he rejects in favour of *civic* identity: see Habermas 2001, p. 15.

4. Identity: ethical or moral?

To indicate the nature of these problems I will start by noting that several of the items in the 'list of 6 elements' presented above seem quite clearly to belong to the category of *morality* rather than *ethics*. This applies most obviously to (4), the 'preference for welfare state guarantees of security', which concerns what are for Habermas the paradigmatically moral issues of social justice and welfare, and also to (5), the 'low tolerance for the use of force', which is to do with basic rules of conduct of a straightforwardly moral nature. The same could be said in the case of (6), the 'desire for a multilateral order', which likewise involves rules of conduct, this time at a transnational level.¹² Thus none of these three elements make any reference to ethical, or ethically relevant, concepts, beliefs or values; they are exclusively moral in character. (I shall comment on the other three elements in later sections).

This is surprising, to say the least. As we saw earlier, the concept of identity is central to Habermas's conception of ethical reasoning, both at the individual and political levels. Ethical reflection is said to involve a process of self-understanding, which focuses on 'who one is (and would like to be)', and it is claimed that one cannot separate oneself from this identity. In these and other respects it differs radically from moral reasoning, in Habermas's view. So when he presents us with a description of European 'identity' – in effect, as his contribution to a process of collective self-understanding – we can presumably expect this to be couched in recognisably ethical, or at least ethically-relevant, terms. Yet what we actually find is the presence of several *non*-ethical, distinctively *moral* concepts and beliefs, which on Habermas's account of ethical-political reasoning are surely not the appropriate objects of ethical reflection or self-understanding.

The seriousness of this anomaly is heightened by the following considerations. As noted in the previous section, Habermas's 'list of 6 elements' can be understood as a description of Europe's *political culture*, and not just of its 'identity' in some more general sense. But political culture, as we saw in section 2, is identified in *BFN* as one of the main areas of politics in which distinctively *ethical* issues arise, and is contrasted there with the *moral* nature of issues about distributive justice (*BFN* p. 165, quoted on p. 3 above). Further, the anomaly here is not confined to what is said in the 'February 15' paper for, as we saw in section 3, when Habermas talks about a suitable political culture being a precondition for European political union, the example he provides is to do with distributive justice and support for welfare policies (Habermas 2001, p. 10, quoted on p. 6 above).

Now it might be argued that these apparent inconsistencies can quite easily be removed by revising Habermas's conception of identity (or political culture) along the following lines.¹³ Identity, it might be proposed, should be seen as having both ethical and moral components, and we can legitimately talk of both ethical and moral identity. So, in the case of individuals, we can say that when they reflect on 'who they are', what they will find will include both moral principles and conceptions of the good, to both of which they are so strongly committed or attached that they form 'part of who they are'. Likewise, when we describe the collective identity of a political community, we should include both its ethical and its moral components, and in saying that political culture is an important arena for ethical issues, we are not denying that this is also true for moral ones.

¹² (6) is arguably a conceptual oddity, since it has more to do with the presumed policy-implications of underlying values than with the latter as such; I shall ignore it in what follows. It is no doubt included because of Habermas's political aims in this paper; what is clear is that it has nothing to do with *ethics*.

¹³ It might be argued that this 'revision' provides a more accurate account Habermas's position, which I have so far misrepresented, but this objection will not affect the criticism that follows the 'revised' account.

This revised conception of identity points to the need to distinguish carefully between the meanings of the terms 'ethics' and 'ethos', despite their etymological connection. As noted in the previous section, when Habermas talks of the European 'way of life' that is under threat from globalisation, he refers to this as its 'ethos'. He then describes this in what are, according to his theoretical terminology, moral rather than ethical terms, referring to a shared commitment to the welfare state and social justice. But there is no problem here, if 'ethos' is understood as referring to the general character or spirit of a community or society, to its central beliefs and commitments, since these can include both 'ethical' and 'moral' elements, where the term 'ethical' has the narrower, theoretical sense of concerning issues about 'the good' rather than 'the right'.

Now I think this revised conception of identity has a good deal of plausibility, and that its adoption would enable the anomalies I have pointed to in Habermas's position to be removed. In doing so, however, a more fundamental problem is brought to light. For once it is recognised that identity has both ethical and moral components, it becomes unclear why ethical reasoning should be characterised as a process of identity-reflection, or self-understanding, whilst moral reasoning is not.¹⁴ Why not adopt the model of self-understanding in both cases? Or in neither? It would seem quite arbitrary to adopt it one case but not the other. And why should it be thought that whereas one cannot separate oneself from one's ethical identity, one can do so from one's moral identity? It seems more reasonable to believe that both are equally difficult, or indeed equally easy.

To put this criticism in another way: Habermas's theoretical account of ethical reasoning, at both individual and collective levels, introduces the concepts of identity and self-understanding precisely in order to articulate the specific character of this form of practical reason. So if there is no better reason to associate these concepts with ethical questions and decisions than with their moral counterparts, their value for this theoretical purpose is surely undermined. What is distinctive about ethical reasoning cannot be analysed in terms of identity-reflection, if identity is as relevant to morality as it is to ethics.

Of course, this objection does not show that ethical reasoning is *not* a matter of self-understanding (and existential decision), only that *if* it is, the same should be said about moral reasoning. What I will now go on to argue is that this conception of ethical reasoning should in any case be rejected. I shall do so by considering what Habermas says in applying his theory of ethical-political reasoning to 'the ethics of neoliberalism', in the context of his discussion of European identity and the need for political union.

5. The ethics of neoliberalism.

As I noted earlier, Habermas says that a powerful motivating factor for political union is the desire to protect a certain 'way of life' from the impact of globalisation, and hence from the ideology and practice of neoliberalism (Habermas 2001, pp 11-12). He discusses this in more detail in 'The European Nation-State and the Pressures of Globalization', where he attributes to neoliberalism both *moral* and *ethical* elements (Habermas 1999, pp. 52-

¹⁴ An argument for this differentiation might be advanced by Habermas on the basis of his claims about the different 'logics' of statements about what is 'good' and what is 'right': see *BFN* pp. 255-257. I think these claims can be resisted on the basis of an objective pluralism about goods, but I shall not try to show this here.

55).¹⁵ The former consists in its conception of equality, the latter in its view of how individuals should best lead their lives as economic agents. As he puts it in the following passage, pointing to the continuities between Thatcher's neoliberalism and Blair's 'Third Way':

"In normative terms, advocates of this 'Third Way' fall in with the line of a liberalism that regards social equality itself from the standpoint of input, making it a mere matter of equal opportunity. This borrowed *moral* element aside, however, public perception of the difference between Thatcher and Blair is blurred above all because the 'Newest Left' has accommodated the *ethical* conceptions of neo-liberalism. I have in mind its willingness to be drawn into the ethos of a 'lifestyle attuned to the world market', which expects every citizen to obtain the education he needs to become 'an entrepreneur managing his own human capital'" (Habermas 1999 pp. 53-54).¹⁶

Habermas elaborates on this ethical view of how individuals are to live as economic agents by referring to the kinds of social policies supported by advocates of the (Blairite) Third Way, which are intended to provide citizens with the skills they need to compete in the new conditions imposed by globalisation. Citing Giddens on 'responsible risk-takers', he says that these policies and practices involve "... a kind of fitness training that should enable everyone to assume personal responsibility and take initiatives which will allow her to hold her own in the marketplace", and notes that this can be seen as 'an economistic slant' on the old adage about 'helping people to help themselves'" (ibid., pp 53-54).

Although Habermas does not go quite this far, it could reasonably be said that what is involved here is the attempt to construct 'a neoliberal self', or at least to encourage the development and exercise of a specific set of 'virtues', and hence of a certain kind of 'character'. Further, there are close connections between the virtues and character promoted by this neoliberal ethic, and those attributed to the so-called 'enterprising self', a key figure in what can be understood as the 'ethical-political project' of Thatcherism.¹⁷

Let us suppose now that a European political union has been established. What kind of political debate about neoliberalism could then be envisaged? It might at first seem that European citizens would simply and 'automatically' reject this, recognising it as an alien ideology entirely at odds with their shared identity and way of life. But although Habermas sometimes talks of neoliberalism as if it were 'un-European', he clearly does not regard the establishment of a political union as foreclosing serious political debate about it.¹⁸

¹⁵ In doing so he refers explicitly to the distinction between these in his theoretical work, specifically in Habermas 1993b: see Habermas 1999, p. 54.

¹⁶ In the phrases with single-quotation marks, he draws on claims made by other commentators. As will be seen below, Habermas defines New Labour's Third Way as one of two variants of this mid-way position; both reject the 'extremes' of total acceptance and total opposition, the latter involving protectionism, immigration controls, ethnocentrism etc.

¹⁷ For more on the attributes of 'the enterprising self' and Thatcher's promotion of an 'enterprise culture', see Keat and Abercrombie 1991, and Heelas and Morris 1993.

¹⁸ Thus at one point he suggests that neoliberalism "... does not sit well with the kind of normative self-understanding so far prevalent across Europe as a whole" (Habermas 2001, p. 12). But he also says that political union is only a necessary, not a sufficient condition for resisting neoliberalism, since it does not determine the outcome of the political debates that it makes possible.

Nor should he, if he is to be consistent, since as we have seen, both in his theoretical account of ethical-political reasoning, and in his discussion of European identity, Habermas denies that collective identities or traditions are singular and uncontested, and hence that political debates could be settled in this simple way. Further, as I shall now suggest, his description of European political culture points to a specific tradition of ideological disagreement that is directly relevant to ethical-political reasoning about neoliberalism.

To see this we can return to Habermas's 'list' of six elements of European identity, focusing now on item (3), "the keen sense of the 'dialectic of enlightenment'" (see p. 7 above). What he has in mind by this becomes much clearer in his elaboration of its 'historical roots':

"The party system that emerged from the French Revolution has often been copied. But only in Europe does this system also serve an ideological competition that subjects the socio-pathological results of capitalist modernization to an ongoing political evaluation. This fosters the *sensitivity of citizens to the paradoxes of progress*. The contest between conservative, liberal, and socialist agendas comes down to the weighing of two aspects: Do the benefits of a chimerical progress outweigh the losses that come with the disintegration of protective, traditional forms of life? Or do the benefits that today's processes of "creative destruction" promise for tomorrow outweigh the pain of modernization losers?" (Habermas and Derrida 2003, p. 296; italics in original).

These competing 'political evaluations' of capitalism, I would argue, clearly have a significant *ethical* dimension. In this respect they differ from the exclusively *moral* character of the other elements of European identity (ie (4) – (6)) considered earlier, in section 4.¹⁹ One might think, for example, of the ethical value placed in socialist thought on meaningful work, in opposition to more instrumental views of its significance, or of conservative critiques of individualistic conceptions of the good, by contrast with the ethical value of community.²⁰

Further, these diverging views about what 'the good life for humans' consists in or requires have obvious connections with the kinds of ethical issues raised 'today' by neoliberalism, which is itself closely related to certain historical strands of liberal ideology, at least in its 'economic' form. Indeed, there is even a partial parallel between Habermas's talk of 'protecting the European way of life' from neoliberalism, and what he describes in the passage quoted above as (implicitly conservative) responses to "the disintegration of protective, traditional forms of life".

Thus the political debate about neoliberalism that Habermas wishes to be conducted on a Europe-wide basis can be seen as a continuation of these historical disagreements between rival ideologies, in the different context now provided by globalisation. However, as I will now argue, once this is recognised what also becomes clear is that Habermas's theory of ethical-political reasoning not only fails to provide any account of how the crucial

¹⁹ That Habermas recognises this ethical dimension is signalled by his use in this passage of the concepts of 'weighing', 'losses', 'benefits' and so on, which he argues elsewhere (e.g. *BFN* pp 253-267) are applicable only to ethical, as distinct from moral, claims.

²⁰ Until *BFN* (and related writings) Habermas argued that these ethical elements of socialism should be excluded from social critique (and by implication, from political deliberation). See Cooke 1997 on his change of view; also Keat 2003 and Keat 2005 on Habermas's exclusion of ethics from economics.

judgments involved in the debate about neoliberalism could or should be made, but also misrepresents the nature of that debate.

To see this we can begin by considering the guidance that would be provided by this theory for the hypothesised members of a European polity. What it tells them is that they should start by reflecting on their historically rooted identity as ‘Europeans’, and that in doing so they should recognise the existence of multiple and contested interpretations of this. They should then decide which of these to ‘appropriate’ for the future, and which to reject.

But when the citizens of Europe follow this advice, what they will presumably discover is the existence of just those competing traditions of ethical-political thought that have been noted above, along with their rival interpretations of ‘European’ identity.²¹ How, then, are they to make their decision about which of these to continue – and then ‘apply’ in their response to neoliberalism – and which to reject? Apart from insisting that they must decide ‘authentically’, Habermas has nothing to say about this; his theory provides no indication of the grounds on which such a decision could or should be made.²²

Faced with this situation, the only thing these European citizens can do, I suggest, is to ‘join in’ the continuing ethical debates between these rival political ideologies. That is, there is no way of ‘deciding between them’ other than by engaging directly in the kinds of argument that these have traditionally involved, which essentially concern the nature of the human good and its implications for the organisation of human society.

In doing so, however, these citizens will no longer be engaged in the kind of reasoning that Habermas’s theory prescribes, since instead of asking themselves ‘who are we?’, and somehow choosing between the different answers that have been given to this, they will be asking ‘how would it be best for us to live?’, and evaluating the different answers provided by these – and other – political ideologies.²³ But there is no reason for them to regret this shift, since Habermas’s theory provided no guidance at precisely the point where distinctively ethical questions had to be faced. And although the kinds of debate they will now be engaged in are notoriously difficult to resolve, his theory does not show how they can be avoided, since it fails to provide any plausible alternative.

²¹One could think here of the different ‘histories’ of Europe that might be told from the standpoints of these ethically competing ideologies; or more simply, of there in fact having been socialist *and* liberal *and* conservative traditions: it is not clear whether Habermas thinks that ‘pluralism’ applies to interpretations or to what is there to be interpreted. Notice, however, that the passage I have quoted is perhaps best understood as saying - in line with his view of ‘the European achievement’ as finding ways to ‘live peaceably’ with conflicts – that what is shared is the acceptance of ideological disagreement; or even, that everyone recognises that each of these ideologies has some merit, since the ethical issues are complex and involve the weighing of competing values. However, judgments still have to be made about which ‘weighing’ is to be adopted.

²² Indeed, what seems to be implied is that no such grounds *could* be provided. That is, the problem here is not that Habermas fails to provide any specific, substantive criteria for making these ethical judgments (about the respective merits of neoliberal and other conceptions of the good life for humans), but that he implies that *no* such criteria could be stated or justified.

²³ So if they eventually decided to reject neoliberalism, they would be doing so not because they wished to *defend their way of life* but because they believed this kind of life can be ‘defended’ in the sense of being shown to be *ethically justified*.

Indeed, as if recognising this theoretical weakness, it is notable that although Habermas draws attention to the ethical dimension of neoliberalism, his own discussion of possible responses to it makes no mention of any critical engagement with this in ethical terms. In particular, there is no attempt to articulate the specifically *ethical* character of the ‘way of life’ that is said to be threatened, which is described, as we saw earlier, in exclusively ‘moral’ terms (see p. 6 above).²⁴ Instead, Habermas proposes what he calls a different ‘variant’ of the Third Way, one that, unlike its New Labour counterpart, “...pins its hopes on the transformative power of a supranational politics that will gradually *catch up* with runaway markets”; this, he says, “... turns on the notion that politics should take precedence over the logic of the market.” (Habermas 1999, pp 52 and 54).²⁵

But it seems that Habermas is running together two distinct ideas here. The first is that supranational political institutions such as those of his favoured European *political* union need to be established if it is to be possible to resist the pressures of neoliberal globalisation which individual nation-states cannot resist by themselves. However, by itself this leaves open the question, to be settled by debate within this political union, whether neoliberalism should be resisted or not. As if to foreclose the latter possibility, Habermas appeals to a second idea, that neoliberalism is a threat to democratic politics itself, since what it represents is the displacement of politics by the market.

But this is unpersuasive. It may be true that neoliberalism implies a lesser role for the state and a greater one for the market than the alternative that Habermas clearly prefers.²⁶ But there is no reason why a fully deliberative politics should not decide in favour of the former rather than the latter.²⁷ One cannot show what is undesirable about neoliberalism simply by appealing to the value of politics over that of the market. Rather, one must show within a substantive ethical-political debate why the ethics of neoliberalism and its economic policies are inferior to those of some specified alternative. In other words, one has to engage in precisely the kinds of ethical debates that Habermas’s theory of ethical-political reasoning fails to analyse, and that his own discussion of neoliberalism avoids.

²⁴ In effect, this is the morality of what is often referred to as ‘the European social model’ (see e.g. Offe 2003). I think this ‘missing ethical dimension’ could in principle be provided. One way would be to examine the ‘ideology’ of the European social model, to see what its ethical assumptions are, just as Habermas does for neoliberalism. A different approach would be to examine the organisation of *production* in the so-called ‘coordinated market economies’ (Hall and Soskice 2001) that are typically associated with this preferred form of welfare provision, and to identify the kind of ‘self’ that is favoured by this, in contrast to the ‘neo-liberal self’ of ‘liberal market economies’. See Keat 2006 for an attempt to do this..

²⁵ This he terms an ‘offensive strategy’, by contrast with the ‘defensive’ nature of the Blairite strategy, which “... sets out from the premise that, if the forces of global capitalism, now that they have been unleashed, can no longer be domesticated, their impact can be *cushioned* at the national level.” (Habermas 1999, p. 52).

²⁶ Notice here the relevance of another item in Habermas’s ‘list’ of elements constituting European identity, namely (2), ‘trust in the organizational and steering capacities of the state; scepticism towards the achievements of market’ (see p. 7 above). I suggest this belongs to the category of *pragmatic*, rather than ethical or moral, reasoning.

²⁷ Apparently to indicate support for his position, Habermas quotes P. Ulrich as saying that the question of the extent to which the market should rule “should be left to deliberative politics to decide”. But this, which I agree with, is different from what Habermas is claiming. In effect Habermas treats this as an issue about colonisation and market boundaries, with neoliberalism being criticised for supporting the ‘invasion’ of the public political sphere by the market. I would argue instead that it is about different kinds of market system and their respective ethics.

6. Liberalism, perfectionism and neutrality

In this final section I will put aside the various criticisms I have made of Habermas's theoretical account of the nature of ethical-political reasoning, and consider instead where his view of the role of ethics in political deliberation 'places' him in the debates about neutrality and perfectionism that have been central to much recent liberal political theory. I shall also consider how these debates are affected by the specific institutional context of the EU and its member-states: in particular, whether different principles should apply at different 'political levels', as argued recently by Dobson (2006).

According to the principle of neutrality defended by liberal theorists such as Rawls and Dworkin, the powers of the state should not be used to favour the realisation of particular conceptions of the good. There is hence no place for judgments or reasoning about 'the good' in making political decisions, which should instead be based only on judgments about 'the right'. Legitimate state action is thereby restricted to aims such as the just distribution of resources and opportunities, the securing of civil and political rights, and so on.²⁸ Translating this into Habermas's terms, the neutralist principle rejects the legitimacy of *ethical* reasoning in politics, which should be confined to *moral* (and pragmatic) reasoning alone.

Thus Habermas's view that ethical considerations have a significant role in political reasoning, which may thus legitimately be concerned with "the cooperative pursuit of collective goals and the safeguarding of collective goods" (*BFN* p. 154), clearly puts him at odds with neutralist liberalism. Admittedly, as we saw in section 4, a good deal of his discussion of European political culture, which one would have expected to involve distinctively ethical issues, turns out not to do so, since three of its elements, namely (4) - (6), are moral rather than ethical in character, and hence unproblematic from a neutralist standpoint. Nor would neutralists have any problem in accommodating another element identified by Habermas, namely (1), the separation of religion from politics (see p. 7 above): since religion typically endorses specific conceptions of the good, its influence on politics would pose a serious threat to the neutrality of the state. Nonetheless, as I argued in the preceding section, there is one element in Habermas's depiction of this political culture (namely (3)) that clearly points towards distinctively ethical debates in politics, including – though by no means confined to – those concerning the ethics of neoliberalism, and hence the specific conceptions of the good by reference to which economic institutions are to be judged.²⁹

However, it also seems clear that Habermas does not regard this rejection of neutrality as implying the rejection of *liberalism*, to the basic principles of which he is strongly committed. In this he is not alone, since by no means all liberal theorists support the principle of neutrality. Others have argued instead that liberalism is compatible with, or even requires, some form of *perfectionism*, according to which ethical reasons (as well as moral ones) can have a legitimate role in political deliberation. There are two main ways in which liberalism

²⁸ For discussion of the neutrality principle and its various proponents and critics, see Mulhall and Swift 1996; for a powerful defence of non-neutrality, see Sher 1997.

²⁹ Further, as noted in section 2, issues relating to political culture are only one of several kinds that Habermas presents as examples of ethical-political reasoning, which he defines in general terms as concerned with.

and perfectionism have been combined. I shall call these *perfectionist liberalism* and *liberal perfectionism*, and I shall now argue that it is the latter that best represents Habermas's position.³⁰

Perfectionist liberals regard liberalism as itself based on certain distinctively liberal ethical values, and accept in principle the legitimacy of state action aimed at securing these. The most common form of perfectionist liberalism accords primacy to the ideal of individual *autonomy* – the ability to determine, and the possibility of pursuing, one's own conception of the good – and permits state action where this is needed to ensure the conditions required for the acquisition and exercise of this human good. This departure from neutrality is nonetheless strictly limited: it is only ethical reasons of a specifically liberal kind that are accorded a legitimate role in political deliberation. In particular, the (liberal) good of autonomy must be distinguished from the 'substantive' good or value of the specific kinds of life that autonomous agents may choose to live, and the use of state powers to favour some of these over others remains prohibited, as it is by the neutralist liberal.³¹

Habermas agrees with perfectionist liberals in regarding the ideal of individual autonomy as a defining feature of liberalism. This *ethical* ideal, he says, is combined in liberalism with a *moral* principle of equality. Thus:

“Liberalism recommends itself through the elegant interrelation of two powerful normative intuitions. On the one hand, the idea of equal individual liberties for all satisfies the *moral* standard of egalitarian universalism, which demands equal respect for and consideration of everyone. On the other hand, it meets the *ethical* standard of individualism, according to which each person must have the right to conduct her life according to her own preferences and convictions. The equality of all citizens is expressed in the generality of laws, while actionable rights, derived in each case from laws, guarantee to every citizen a well-defined latitude in pursuing her own way of life.” (Habermas 2005, p. 1).³²

However, Habermas's conception of ethical-politics implies a more radical departure from neutrality than is permitted by perfectionist liberalism. This is because the political decisions he has in mind are concerned with collective goods and purposes of a substantive nature, so that the kinds of ethical considerations involved are by no means restricted to those based on the liberal good of autonomy, or what he often calls *ethical* autonomy.³³ We have seen this in Habermas's discussion of neoliberalism, the ethical component of which goes well beyond a liberal ideal of ethical autonomy, since it specifies the particular ways in which individuals should exercise this autonomy in conducting their lives as economic agents. (Similar points could be made about the ethical dimensions of the political ideologies, competition between which he regards as an important

³⁰ This distinction, and the terminology used here to mark it, is not standard in the literature, where the two names/phrases are used interchangeably.

³¹ See Sher 1997, pp 13-14; also Mulhall and Swift 1996, pp 254-5. As both also point out, we should distinguish between the issue of neutrality v non-neutrality with respect to state action, and that of non-ethical v ethical foundations for liberalism (and hence of 'political' v 'comprehensive' liberalism). But the differences between these issues this need not concern us here.

³² Notice that this passage in effect elaborates the 'short formulas' in the passages quoted on p.6 above from Habermas 2001 (pp. 10 and 20). Elsewhere, in a similar vein, he says that legal freedom is important not only in guaranteeing rights but because "... it *enables* an autonomous conduct of life in the ethical sense of pursuing one's own conception of the good, which is the sense associated with 'independence', 'self-responsibility', and the 'free development' of one's personality." (BFN p. 399).

³³ Habermas distinguishes this ethical form of autonomy from *moral* autonomy: see Cooke 1999.

feature of European political culture). Admittedly, as I argued in the previous section, Habermas's own understanding of what is involved in engaging politically with the ethics of neoliberalism falls well short of what is required, but this is due to defects in his theoretical analysis of ethical reasoning, which are not relevant to the issue being addressed here.

So Habermas's view of the kinds of ethical considerations that have a legitimate place in political reasoning is incompatible both with neutralist liberalism and with perfectionist liberalism. It is best understood, I will now suggest, in terms of the second of the two non-neutralist forms of liberalism I identified earlier, namely *liberal perfectionism*. Crucially, in place of the perfectionist liberal insistence that ethical autonomy is the only legitimate ground for non-neutrality on the part of the state, Habermas can be seen as endorsing the less restrictive principle that whatever political decisions are made for 'substantive' ethical reasons must nonetheless be subject to the requirement of consistency with ethical autonomy. As he puts it:

"Ethical-political discourses have as their goal the clarification of a collective identity that must leave room for the pursuit of diverse individual life projects." (Habermas 1993a, p 16).

So in Habermas's view, the state must not act in ways that prevent individuals being able to determine and pursue their own, individual projects. One might put this by saying that ethical deliberation at the collective, political level should not lead to decisions that displace or undermine its operation at the individual level. The liberal ideal of ethical autonomy thus operates as a constraint on the kinds of laws and policies that are acceptable outcomes of ethical-political reflection concerning substantive goods.³⁴

This position is best described as *liberally-constrained perfectionism*, or 'liberal perfectionism' for short.³⁵ For the liberal perfectionist, the grounds upon which ethical-political judgments may be made will often be *non-liberal*, in the sense that they are not derivable from the value of ethical autonomy, and are concerned in effect with the substantive goods that will be available as possible objects of individual choice by the members of the political community engaged in making these collective decisions. However, the ways in which the state acts to secure these goods, and hence the possibilities open to individuals in living their lives, must be consistent with the requirements of individual autonomy: they must not be *il-liberal*. Just what is implied by this 'liberal constraint' I shall not try to indicate here.³⁶ Instead I will conclude by commenting on a different set of issues about liberalism and perfectionism that are especially relevant to Habermas's concerns with political union in Europe and its response to globalisation.

³⁴ This constraint also applies to the outcomes of *moral* reasoning in politics: see especially Habermas's concerns about the threats to ethical autonomy posed by certain employment protection measures adopted in social democratic welfare systems (*BFN* pp. 392-427; see Cooke 1999 on this).

³⁵ It should be emphasised that Habermas himself nowhere indicates that this is the position he supports; I am simply arguing that this is the most plausible interpretation of what is implied by various claims he makes. This 'liberal perfectionism' is broadly similar (at least in its implications) to the position taken by Joseph Raz (Raz 1994), though (a) unlike his, it is not arrived at through an analysis of the requirements for autonomy itself, and (b) it is not committed to his view that the *value* of autonomy depends on that of the substantive options that individuals pursue.

³⁶ I take it that, as well as requiring effective recognition of standard liberal rights such as freedom of religion, these liberal constraints also rule out the direct legal enforcement or prohibition of specific actions on *ethical* (as distinct from *moral*) grounds: roughly, the exclusion of 'paternalistic' legislation.

Debates about neutrality have, for obvious reasons, typically assumed that what is at issue are the permissible grounds for state action within individual nation-states. But the existence of supranational bodies such as the European Union raises important questions about the ‘level of governance’ at which such principles should operate. Amongst these questions is whether the *same* principles should be applied at both EU and member-state levels, as my discussion has so far tacitly assumed.

In *Supranational Citizenship*, Dobson proposes that different principles should operate at these two levels (Dobson 2006, pp. 153-169). Laws and policies decided at the EU level should conform to what she calls *impartial perfectionism*. Roughly speaking, this is a form of what I have termed ‘perfectionist liberalism’, in which the requirements of ethical autonomy are elaborated and linked to a recognisably liberal set of civil, political and social rights. What is therefore not permitted for the EU is the promotion of any substantive conceptions of the good. But for member-states, she argues, this should be regarded as permissible, provided that they do so consistently with what is guaranteed to all citizens of the EU, in accordance with its principle of impartial perfectionism.³⁷

Translating this into the terms I have been using, Dobson’s proposal is, in effect, that member-states should be permitted to operate on the basis of *liberal perfectionism*, with the perfectionist liberalism of the EU acting as a guarantee that their perfectionist pursuit of non-liberal goods will be liberally-constrained. One of the desirable consequences of this ‘two-level’ position, in Dobson’s view, is that (combined with EU citizens’ mobility rights) it encourages diversity in the kinds of ‘good lives’ that are made available for European citizens. On the one hand, member-states are able to promote specific conceptions of the good; on the other, if individuals wish to pursue a kind of life their own member-state does not foster, but another does, they are free to move from one to the other.

Dobson’s proposal has many attractions, and demonstrates the need to re-think debates about neutrality in this new institutional context. However, returning now to my earlier discussion of Habermas and the ethics of neoliberalism, I will conclude by arguing that her restriction of liberal perfectionism to the level of member-states is problematic when applied to political decisions about the design and regulation of *economic* institutions.

As we have seen, Habermas believes that European nation-states cannot resist the pressures of globalisation by themselves: that without the collective power and resources of the EU as a supranational body, they will be forced to adopt the economic policies of neoliberalism. Let us suppose that he is right about this, and also that neoliberalism has a significant ethical dimension, so that the adoption of these neoliberal policies serves to promote a substantive conception of the good. It follows that neoliberal ethics will ‘triumph’ across the EU member-states *unless* it is possible for economic decisions to be made at *the EU* level on *substantive* ethical grounds.

³⁷ Dobson envisages that the EU’s ‘principles of impartial perfectionism’ would be *constitutionally* guaranteed. Note that there is disagreement amongst neutralists (and their critics) about whether a principle of neutrality should apply to *any* use of state power, e.g. in enforcing specific policies, or only to constitutional provisions (or somewhere in between these two extremes): for discussion, see Sher 1997, pp 31-34.

That is: if it is only the EU member-states that are permitted to operate on a liberal perfectionist basis, and the EU is not, being restricted to perfectionist liberalism, then whether or not member-states endorse the ethics of neoliberalism, this will win by default. The citizens of all member-states will find themselves adopting economic policies that in fact, whether they like it or not, serve to encourage that particular way of living. They can avoid this only if the EU is freed from the restrictions imposed by perfectionist liberalism, and is permitted to operate instead on a liberal perfectionist basis. Thus to restrict the EU to perfectionist liberalism would prevent effective political resistance to neoliberalism on ethical grounds, even if citizens of the EU and its member-states actually judged it inferior to alternative conceptions of the good.

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