Review of International Studies (2005), 31, 141–154 *Copyright © British International Studies Association*
DOI: 10.1017/S0260210505006340

Dialogic politics and the civilising process

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Recent debates about Habermas's conception of dialogic politics have focused on whether its commitment to ethical universalism has an emancipatory potential or threatens the assimilation of non-liberal forms of life within exclusionary Western cultural frameworks. One way of contributing to this unfinished debate is to ask whether discourse ethics contributes to the modern 'civilising process', as Norbert Elias defined that term. All societies, according to Elias, have civilising processes or ways of trying to solve the problem of how persons can satisfy basic needs without 'destroying, frustrating, demeaning or in other ways harming each other time and time again in their search for this satisfaction'.[1] This formulation invites the question of whether or not the discourse theory of morality is the best available means of extending the civilising process in global politics.

The question of how dialogue contributes to a civilising process is not new. Peter Burke has argued that the 'courtesy books' which appeared in France and England in the seventeenth and eighteenth centuries sought to connect 'civility' and conversation.[2] They emphasised the importance of the equality of 'speaker rights' in conversation; they highlighted the importance of speaking only insofar as one listened; they stressed the need for shifting registers until one was found that was fair to all speakers; finally, many sought to replace 'adversarial' exchange with 'cooperative' conversation which assumed the equality of participants (but excluded social inferiors). The stress on 'civil conversation' was part of the civilising or disciplining process which Elias, Foucault and others have analysed in accounts of self-control with respect to, *inter alia*, violence, speech, posture and gesture.[3]

Guides to civil conversation were a response to new circumstances in which 'more people were compelled to meet more often and more regularly, and to control more strictly all sorts of primary impulses'.[4] The social value of emotional control was also evident in reflections on diplomacy. Supporting 'more regulated contacts between states', Francois de Callieres argued that participants in diplomatic dialogue had to 'avoid arrogant behaviour, to show no contempt, to not take recourse to

* I am grateful to Andy Dobson, Toni Erskine, Jonathan Joseph, Richard Shapcott and members of the Birmingham University workshop on *Habermas and International Relations Theory: A Useful Dialogue?* for comments on an earlier draft of this article.

[1] Norbert Elias, *The Germans* (Oxford: Basil Blackwell,1996), p. 31.
[2] Peter Burke, *The Art of Conversation* (Cambridge: Polity 1993), ch. 4.
[3] Burke, *Art of Conversation*, p. 113 and p. 140.
[4] W. Van Vrees, *Meetings, Manners and Civilization: The Development of Modern Meeting Behaviour* (London: Leicester University Press, 1999), p. 154.

https://doi.org/10.1017/S0260210505006340 Published online by Cambridge University Press

threats immediately, to allow no animosity to show, not to submit to foul moods, and not to brag or show off'.[5] Such developments within and between states illustrate Elias's notion of a civilising process involving a 'relatively high level of violence control'.[6]

Elias maintained that all societies have civilising processes, but he did not use the term to arrange societies hierarchically according to their level of advancement. He argued that the members of Western European societies enjoy higher levels of personal security than people five centuries ago when the modern civilising process began; he added that all efforts to prevent human beings from harming one another have their dangerous side. The rise of state monopoly powers in early modern Europe promoted internal pacification, but it permitted gross violations of human rights in totalitarian states and the abuse of civil liberties in many democratic societies. There is no expectation in Elias's writings that the civilising process could ever be completed or be free from reversal or collapse, and no assumption that the civilising process could ever eradicate the 'decivilising processes' which always attend it. This observation leads to the question of whether the discourse theory of morality can extend the modern civilising process or contains dangers which can frustrate the aspirations underlying it.

Dialogue and 'the civilising process'

How are notions of dialogue and the civilising process connected? To begin to answer this question it is necessary to return to the point that the civilising process refers to the development of social arrangements in which actors can satisfy their needs without 'destroying, frustrating, demeaning or in other ways harming each other'. This brings to mind Habermas's claim that the discourse theory of morality defends the right of individuals to be consulted about decisions that may affect them adversely. The discourse approach suggests that societies can hope to solve the problem of how members can satisfy their needs without harming each other if they grant each person the right of equal access to all decision-making procedures that impinge on them. If this political vision were to be realised, societies would reduce surplus constraints that thwart the aspirations of their members. Progress would be made in eliminating those constraints that are not essential for the survival of a decent society.

Habermas has argued that individuals who take part in open dialogue should follow basic procedures. First, they should enter dialogue convinced that no-one can know who will learn from whom. Second, they should strive to reach agreements which rely on the force of the better argument and which try to reduce overt and subtle forms of power. Third, they should think from the standpoint of others and aim to agree on universalisable principles which bind all together as moral equals. No assumptions are made that this condition of ideal speech will ever be realised. Habermas's claim about the critical-theoretical goal of enlarging human freedom is

[5] Van Vrees, *Meetings, Manners and Civilization*, p. 193.
[6] Ibid., p. 303.

https://doi.org/10.1017/S0260210505006340 Published online by Cambridge University Press

worth noting in this context. Human beings, he argued, have identified constraints on freedom whose existence or importance was not widely understood in earlier times. However, there is no reason to suppose that this process will end or that human beings could ever assume they enjoyed total freedom. Additional constraints on freedom might remain hidden from view.

The same argument applies to notions of ideal speech, and Habermas suggests as much when he claims the discourse approach 'demands the progressive expansion of horizons' and 'an ever broader decentring of . . . different perspectives' as envisaged by Mead's notion of an 'appeal to an ever wider community'.[7] To be sure to 'prejudge nothing' and to treat no one as an inferior', intellectuals must endorse the principle that 'all those affected (should) have an effective opportunity to voice their demands for rights on the basis of concrete experiences of violated integrity, discrimination, and oppression. The concrete relations of recognition . . . always emerge from "a struggle for recognition": this struggle is motivated by the suffering incurred by, and the passionate indignation against, concrete cases of denigration and disrespect.'[8] A permanent openness to dialogue is necessary to deal with new and unexpected denials of recognition which may arise as old social structures wither away. This openness to dialogue might seem central to the advance of the civilising process, as defined earlier and, interestingly, Habermas maintains public deliberation can promote 'a civilized disputing of convictions' although he does not link the theme with Elias's account of European social and political change over five centuries.[9]

Unpacking the nature of true dialogue is one challenge facing those that wish to defend some version of discourse ethics. A more specific and largely neglected task is to analyse more closely the principle that individuals have the right to be consulted about decisions that may affect them. Who are the individuals referred to in this statement? What does 'being affected by' the actions of others actually mean? One answer to the first question maintains that the discourse approach is a mirror in which liberal democratic societies can see a more perfect image of themselves. The point is that the perspective describes ideal social possibilities available to the members of liberal-democratic orders who are committed to enlarging personal autonomy. The key point is that the discourse theory of morality does not have universal validity.[10] Efforts to globalise the perspective may withhold recognition from ethical points of view found in non-liberal societies.

The claim that all individuals have the right to be consulted about decisions that affect them makes an appeal to universality in one of two ways. Here, it is necessary

[7] J. Habermas, 'Reply to the Symposium Participants', in M. Rosenfeld and A.Arato (eds.), *Habermas on Law and Democracy: Critical Exchanges* (London: University of California Press, 1998), p. 388.

[8] J. Habermas, 'Paradigms of Law', in M. Rosenfeld and A.Arato (eds.), *Habermas on Law and Democracy: Critical Exchanges* (London: University of California Press, 1998), p. 25.

[9] J. Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge: Polity, 1996), pp. 143–4.

[10] See the discussion in C. Rustin, 'Habermas, Discourse Ethics and International Justice', *Alternatives*, 24 (1999), pp. 167–92. Rustin (p. 185) argues that Habermas 'has formulated a discourse ethic that is clearly situated within the liberal-democratic and state-centered experience'. Although 'his work arguably represents an ideal philosophical development as to the way in which individuals in liberal democracies might conduct their affairs, Habermas's discourse ethics may be quite simply incomprehensible to those unaccustomed to liberal-democratic ideas' (Rustin, p. 186). Discourse ethics is only meaningful 'when societies have made the transition from a "mythical" conception of politics to rational liberal democracy' (Rustin, p. 186).

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to distinguish a thick from a thin version of the discourse position. The thick version maintains that all individuals are equally entitled to live in societies which recognise an equal right to representation, a right which implies that all societies should evolve in a liberal-democratic direction. The thin version is that all individuals have a right to be consulted about decisions made outside their society which disadvantage them. According to the thin version the members of society (x) have a responsibility to consult other peoples about decisions which may affect them, but this does not mean that (x) has the right to press others to accept liberal-democratic principles of government. The members of (x) should be less concerned with passing normative judgment on domestic practices elsewhere than with investigating the ways in which their own actions destroy, frustrate, demean or in other ways harm other peoples. The weak version would seem preferable if it is the case that the ethics of discourse are liberal through and through. This is a matter to return to in the conclusion.

Liberal political thought is interesting on the complexities surrounding the conviction that individuals have the right to be consulted about decisions that affect them. From Mill to Feinberg, liberals have argued that individuals have the right to expect governments to protect them from harm to such vital interests as security from violence. Liberals reject the idea that individuals have the right to expect governments to criminalise behaviour which they find offensive.[11] No doubt, individuals are affected by practices which they find distasteful but liberals deny that core interests are harmed. The principle that actors have the right to be consulted about decisions that affect them has to be defined with care, otherwise governments and society may claim rights to prevent certain life-style choices which many find offensive. Loose notions of 'affected by' may legitimate encroachments on personal liberties.

Loose definitions of 'affected by' may also authorise interference to eradicate 'offensive' domestic practices in other societies. Notions of disgust shaped colonial projects of punishing supposed sins against nature committed by the peoples of Central and South America. The discourse perspective is designed to protect individuals from unwarranted interference in their personal or collective lives unless their actions clash with other's rights to be free from harm to vital interests. It opposes totalising projects that ride roughshod over cultural differences and expose individuals and groups to forms of subjection and humiliation which the modern civilising process has tried to avoid. This is how a discourse approach with a delimited notion of 'affected by' can promote the civilising process.

Dialogic politics have been defended then as a means of protecting individuals from intended or unintended forms of harm. Public deliberation is crucial as Kant argued in his defence of the principle of publicity and as Risse explains in a recent discussion of communicative ethics (which refers in passing to its ideal 'civilising' effect).[12] The argument is that dialogic communities can frustrate the efforts of actors who are purely self-interested; ideally, participants will recognise egotistical motives and detect the lack of 'normative impartiality'.[13] Faced with public scrutiny,

[11] C. L. Ten, *Mill on Liberty* (Oxford: Clarendon Press, 1980), p. 17.
[12] See also N. Dietelhoff and H. Muller, *Theoretical Paradise – Empirically Lost?,* this issue.
[13] J. Elster, *Alchemies of the Mind: Rationality and the Emotions* (Cambridge: Cambridge University Press, 1999), p. 337ff.

https://doi.org/10.1017/S0260210505006340 Published online by Cambridge University Press

Risse argues, participants will have incentives to advance their claims by showing that they conform with 'common goods or shared values'.[14] The argument is that dialogic politics can expose deliberate attempts to disadvantage or harm others. The point can be extended by noting that public deliberation provides actors with opportunities to protest against actual or potential forms of unintended harm.

Dialogic frameworks can acquire their own logic since those who have been excluded from the public sphere may demand rights of representation in decision-making processes and attempt to alter dominant understandings about what constitutes serious harm. We have witnessed this development in the way in which 'small states and non-state actors such as NGOs' have struggled for representation in world politics.[15] The same point can be made with respect to indigenous peoples who were required as part of the colonial project to make way for the 'juggernaut of civilisation'. The fact that indigenous groups have been able to claim a place in the global dialogue reveals how the principles governing inclusion in, and exclusion from, discourse are contested and may change so that subordinated voices can express their 'concrete experiences of violated integrity, discrimination, and oppression'. Conceptions of public discourse have been crucial for the struggle against the barriers to effective participation which face subordinate groups; they have underpinned challenges to hierarchical representations of human differences which have legitimated exclusion and domination; and they have argued for widening emotional identification to include groups traditionally denied rights in world politics. For many critics, however, this support for extending rights to participate in dialogue is defective because it comes with the caveat that excluded groups should conform with social and political principles which prevail in the liberal West.

Dialogue and the decivilising process

Various interpretations of the discourse standpoint doubt or deny its ability to promote the civilising process discussed earlier; they argue that decivilising processes are the likely product. Mouffe captures the essential point when she claims that Habermas cannot defend the claim that the discourse theory of morality is only concerned with the procedures which agents should follow and not with advocating any substantive way of life. Her argument is that those procedures already privilege a particular vision of the good society.[16] Others argue that discourse ethics supports liberal self-images which the members of other cultures may find incomprehensible and which require their assimilation within Western forms of existence.

These criticisms can be found in recent literature on international relations and in several works of social and political theory. Rustin argues that discourse ethics 'provides sensitivity to otherness only upon the provision that those "others" happen to live in liberal-democratic societies where there is "freedom of opinion"'.[17] Shapcott

[14] T. Risse, 'Let's Argue! Communicative Action in World Politics', *International Organisation*, 54 (2000), p. 22.
[15] Risse, 'Let's Argue!', p. 33.
[16] See I. Kapoor, 'Deliberative Democracy or Agonistic Pluralism? The Relevance of the Habermas-Mouffe Debate for Third World Politics', *Alternatives*, 27 (2002), pp. 459–87.
[17] Rustin, 'Habermas'.

https://doi.org/10.1017/S0260210505006340 Published online by Cambridge University Press

maintains that Habermas defends a post-conventional ethical position in which advanced rational and autonomous moral agents search for an agreement about universalisable principles.[18] This outlook is lined with cultural arrogance since its 'account of agency denies the possibility that those on "lower" levels of development, who might inhabit a pre-modern or conventional consciousness and hold to traditional social practices and conceptions of the good life, may be able to engage in reasoned discussion'.[19] Worse still, the 'practice of critical theory as emancipation would seem to imply that the appropriate orientation towards the other is one concerned with enlightening and emancipating them from their pre-conventional and conventional moralities so that they can partake in conversation'.[20] The concern with universalisability can breed exclusion by barring 'from conversation all statements, or all topics of conversation that are not oriented towards achieving universal redemption'.[21] Hopgood adds that discourse ethics 'presumes persons are at least minimally liberal (other-regarding, egalitarian) in the first place',[22] and fails to recognise that 'the very act of establishing a universal communication community of equals . . . clashes with any number of existing social cultural norms'.[23] It assumes as its 'starting point something which is already well over half the way down the road to the cosmopolitan society of individuals beloved by liberals'. The discourse approach is, in consequence, 'not a project without a "totalising" dimension'.[24] To return to an earlier theme, it is said to contain decivilising potentials and properties.

It is therefore necessary to ask if discourse ethics cannot realise its objective of providing vulnerable groups with the opportunity to protest against actual or potential, deliberate or unintended, forms of harm. It is also important to ask if the critics of the discourse approach have misunderstood core elements of the position and the nature of its opposition to unjustified exclusion. It is essential to consider whether critics have identified problems which require not the abandonment of the standpoint but the reworking of some core commitments. Here the question is whether a process of immanent critique can lead to a conception of dialogic politics with significantly reduced decivilising tendencies.

Non-totalising discourse?

One starting-point for attempting to answer these questions is that discourse and dialogue have existed in many international states-systems and predate Western liberal-democratic conceptions of public deliberation. As a broad generalisation, commitments to diplomatic communities have often existed because no state had the capability to dominate others. Where a balance of power frustrates hegemonic

[18] R. Shapcott, 'Cosmopolitan Conversations: Justice, Dialogue and the Cosmopolitan Community', *Global Society*, 16 (2002), pp. 221–43.
[19] Shapcott, 'Cosmopolitan Conversations', p. 230.
[20] Ibid., p. 231.
[21] Ibid., p. 228.
[22] S. Hopgood, 'Reading the Small Print in Global Civil Society: The Inexorable Hegemony of the Liberal Self', *Millennium*, 29 (2000), p. 10.
[23] Hopgood, 'Reading the Small Print', p. 11.
[24] Ibid., p. 23.

https://doi.org/10.1017/S0260210505006340 Published online by Cambridge University Press

ambitions, the diplomatic dialogue may be a response to practical necessities rather than the expression of widespread moral commitments to ideal speech. For such reasons, support for dialogue rarely had much impact on international political life in earlier epochs. Rarely did it extend beyond elite interaction whereas contemporary notions of the 'global speech community' have clear egalitarian and universalistic aspirations. A central question is whether the discourse approach can be said to free earlier forms of global dialogue from constraints on their more universalistic and egalitarian functioning – whether modern ideas about dialogue release potentialities for universal communication communities which were dormant in earlier historical epochs. Put differently, the issue is whether the discourse approach radically extends 'the moral point of view' which makes international societies possible. This is the viewpoint that requires 'participants to *transcend* the social and historical context of their particular form of life and particular community and adopt the standpoint of *all* those possibly affected' (italics in original).[25] This is to question the belief that discourse ethics is basically the liberal era comprehended in thought.

Lynch's recent work on public spheres and inter-civilisational relations is relevant to these issues.[26] Lynch maintains there are parallels between Habermasian conceptions of discourse and notions of inter-civilisational dialogue defended by President Khatami of Iran. This does not mean that actors on all sides are committed, even implicitly, to accepting the superiority of Western liberal democracy. Islamist notions of discourse, Lynch argues, neither 'imitate' nor 'reject' Western forms of politics.[27] Rather, they suggest, 'in true dialogic style', the possibility of accommodation which unites the best from different standpoints. Lynch's analysis of inter-civilisational possibilities for unconstrained communication casts doubt on the belief that discourse ethics is only possible when societies have undergone the transition from mythical to liberal conceptions of politics, or when actors have come round to post-conventional moral standpoints;[28] his analysis also raises the question of whether modern liberal approaches to 'non-violent communication' have appreciated the *prima facie* legitimacy of non-Western approaches to dialogue.

The core commitments of discourse ethics – that all human beings have an equal right to belong to communication communities where they can protest against actions which may harm them, that all participants in ideal speech should enter dialogue with the conviction that no-one knows who will learn from whom, and that all should strive to reach agreements which rely as far as possible on the force of the better argument – may have been advanced in other places and in other times. We lack the evidence to say so without fear of contradiction that they did not. But there

[25] J. Habermas, *Justification and Application* (Cambridge: Polity Press, 1993), p. 24. See his related point that '. . . in moral discussions the circle of those possibly affected is not even limited to members of one's own collectivity . . . (but) . . . transcends the boundaries of every concrete legal community, giving one some distance from the ethnocentrism of one's immediate surroundings', as quoted in T. McCarthy, 'Legitimacy and Diversity: Dialectical Reflections on Analytic Distinctions', in M. Rosenfeld and A.Arato (eds.), *Habermas on Law and Democracy: Critical Exchanges* (London: University of California Press, 1998), p. 134–5.

[26] M. Lynch, 'The Dialogue of Civilisations and International Public Spheres', *Millennium*, 29 (2000), pp. 307–30.

[27] Lynch, 'The Dialogue of Civilisations', p. 330.

[28] For this critique, see R. Shapcott, *Justice, Community and Dialogue in International Relations* (Cambridge: Cambridge University Press, 2001), ch. 3.

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is abundant evidence that the modern West is unusual in developing ethical traditions which are committed to the idea of 'non-repressive deliberation' however much political practice repeatedly clashes with that ethical ideal. This is only to suppose that the modern West may provide political actors with unusual resources for imagining and creating universal communication communities in which human beings can satisfy their needs without harming or humiliating each other.

It does not follow that the West must have the last word in deciding what form this communication community should take – that is why the point was made earlier that Habermas's ideas about the development of freedom also apply to the idea of non-coercive communication. As with freedom, constraints on open dialogue may become more evident to actors over time, and they may congratulate themselves on progress made in dismantling barriers to ideal speech. But as with the idea of freedom, constraints on open dialogue can always be hidden from view and finality can never be claimed for any account of discourse. All statements regarding non-coercive dialogue should be regarded as provisional and as likely to need refinement or amendment. Because of their stress on historicity – because of their belief that no conceptual system is likely to be true for all time – critical approaches to dialogue must support the notion of permanently unfinished business. The upshot is that neutral ethical procedures must be wrestled from an unending dialogue between different forms of life. Habermas's observation that there is 'no such thing as absolute ethical neutrality' commits him to this standpoint.[29]

Openness to non-liberal world-views is precisely what discourse ethics requires. Support for this position can be derived from Habermas's defence of the procedures of unconstrained communication and rejection of the attempt to justify any particular substantive ethical position. However, many critics are unconvinced by this combination of claims about ideal dialogical procedures which are deemed to be universally valid and agnosticism about the value of concrete ethical commitments and specific forms of life. As noted earlier, the general suspicion is that discourse ethics privileges liberal images of the self, regards liberal democracy as a superior form of government and looks down on those who are tied to conventional and pre-conventional moral standpoints.

To respond to such concerns it is necessary to recall an earlier point that all notions of discourse emerge in particular places and reflect the circumstances in which they were born. As with the idea of reason in philosophical history, notions of dialogue have developed over time in an unfinished and unfinishable journey. But that is not to concede that Western conceptions of discourse are only relevant to ready-made liberals. On the basis of the best available arguments, *prima facie* universal validity can be claimed for the central claims of discourse ethics. It seems reasonable to expect these principles to appear in any sophisticated notion of dialogue which is designed to regulate relations between separate communities but to resist the temptation to think that discourse ethics completes the search for a global communicative ethics which all reasonable societies must accept. The idea of an unfinished and unfinishable journey points to the need for constant attention to the danger that a particular world-view will be preferred and others marginalised by efforts to characterise ideal discourse. This is essential given the postmodern claim

[29] McCarthy, 'Legitimacy and Diversity', p. 148.

https://doi.org/10.1017/S0260210505006340 Published online by Cambridge University Press

that no form of non-coercive deliberation may ever succeed in entirely removing all traces of power.[30]

One example may help clarify the point – an unusual example undoubtedly but one that addresses concerns about the liberal character of discourse ethics. The example is drawn from recent Australian history but reflects a general theme in the anthropological literature which is how official discourses in many settler societies have frustrated the efforts of first peoples to be heard in the public sphere.

The particular case highlights the lack of responsiveness to the Yolngu peoples' attempts to advance land claims in national courts.[31] In common with many first peoples, the Yolngu do not regard land as a commodity which can be bought and sold in property markets; they believe their land was created, and is inhabited, by ancestral beings. The community may be said to own the land but is also owned by it, and its members are responsible for caring for sacred sites. The Australian legal system was unresponsive to aboriginal beliefs that land is the inalienable possession of communities rather than the alienable possession of separate individuals bound by contractual relations. This is an instructive example of how dialogue took place in a register decided by the dominant culture, of how only liberal-individualist modes of argumentation were deemed admissible in the public sphere, and of how a dialogic framework can produce outcomes which reflect asymmetries of power rather than the unforced force of the better argument. The Yolngu's experience raises the question of whether it is possible to construct a dialogic ideal which is fair to different cultures.

Doubts that the Habermasian version can ensure justice for diverse cultures run through the critical literature; however, it is not always clear if the main criticism is that the project of creating a universal communication community is destined to fail or that its imperfections can be corrected through a process of immanent critique. Certainly some critiques aim to produce an improved version of dialogue which is not shot through with liberal understandings of society and the self. This is true of Shapcott's argument for 'cosmopolitan conversations' which draws heavily on Gadamer's writings in the attempt to avoid the exclusionary tendencies which Shapcott identifies in discourse ethics, and specifically in its post-conventional orientation to an ethic of universalisable principles.

Shapcott's cosmopolitanism is committed to Gadamer's argument about a 'fusion of horizons' in which different world-views achieve mutual intelligibility. Applied to such cases as the Yolngu's relations with the Australian legal system, this hermeneutic approach maintains that it is possible for different communities to enter into each other world-views and to transform their respective assumptions through open conversation. The argument is that philosophical hermeneutics can develop a communicative framework which ensures justice for marginal voices and subordinated cultures.

Habermas's claim that participants in ideal speech assume that no one knows who will learn from whom shares this general orientation. However, Shapcott argues that

[30] J.-F. Lyotard, *The Postmodern Condition: A Report on Knowledge* (Manchester: Manchester University Press, 1984).

[31] See N. M. Williams, *The Yolngu and their Land: A System of Land Tenure and the Fight for its Recognition* (Stanford, CA: Stanford University Press, 1986).

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discourse ethics privileges character traits which leave some participants disadvantaged in dialogue.[32] The discourse approach needs to show greater sensitivity to the occupants of marginal social positions including those who do not subscribe to a post-conventionalist ethic. Only in this way can genuine universality result.

Shapcott shifts the argument – prematurely some may think – to the question of how to characterise universality,[33] a question addressed by Judith Butler in ways which are immensely important for future work on the discourse approach. Butler argues that although various conventions define universal rights, we cannot be certain that their 'scope has been decided once and for all. In fact, it may be that the universal is only partially articulated, and that we do not yet know what forms it may take'.[34] Moreover, if 'standards of universality are historically articulated, then it would seem that exposing the parochial and exclusionary character of a given historical articulation of universality is part of the project of extending and rendering substantive the notion of universality itself'.[35] A key point is that 'the universal begins to become articulated precisely through challenges to its existing formulation, and this challenge emerges from those who are not covered by it, who have no entitlement to occupy the place of the "who", but who nevertheless demand that the universal as such ought to be inclusive of them'. Furthermore, 'the future articulation of the universal' requires an analysis of 'which versions of the universal are proposed, on what exclusions they are based, and how the entry of the excluded into the domain of the universal requires a radical transformation in our thinking of universality' – one that can only develop through the 'contestation of universality at its already imagined borders'.[36] It is possible that this complex 'labour of translation' may 'never be fully or finally' realised.[37] This 'labour of translation', it might be argued, is essential if the discourse standpoint is to promote the civilising process while minimising the danger of assimilationist or exclusionary politics.

Thick and thin versions of discourse ethics

What do these last few comments mean for the thick and thin conceptions of discourse ethics? What kind of universality should the latter embrace? One answer is that the most powerful liberal democracies have a special responsibility to engage

[32] Kapoor, 'Deliberative Democracy', p. 469 raises the question of whether the very demand that claims should be tested in public debate will disadvantage persons who lack assertiveness in public discussion, a question addressed by Nancy Fraser's notion of 'subaltern' conversations to which Kapoor refers.

[33] Shapcott, *Justice, Community and Dialogue* maintains that discourse ethics and philosophical hermeneutics are not 'necessarily conflicting approaches' since both are committed to universalism. But Shapcott is critical of what he see as the 'assimilatory potential' in discourse ethics (ibid., p. 105). This potential arises from its gendered character which privileges 'the generalised over the concrete other' (ibid., p. 111) and which excludes 'the interests, and concerns of particular concrete others' (ibid., p. 167). I come back to this later.

[34] J. Butler, 'Universality in Culture', in M. Nussbaum, *For Love of Country?,* edited by J. Cohen for the Boston Review (Boston, MA: Beacon Press, 2002), p. 46.

[35] Butler, 'Universality', p. 47.

[36] Ibid., p. 51 and p. 49.

[37] Ibid., p. 52.

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those who are harmed by their actions or disadvantaged by their practices in unconstrained dialogue: they need to show particular sensitivity to competing conceptions of dialogue and to be aware of the hegemonic tendencies which may reside within every construction of the universal speech community. A second answer is that these obligations are no less binding on non-liberal societies whose actions and practices cause harm to outsiders. Here, too, a *prima facie* obligation exists to engage outsiders in dialogue when harm is caused or is possible. Such accountability to others is an essential part of the civilising process as defined earlier.

Two objections must be considered at this point. The first is Shapcott's argument that the universalism of discourse ethics runs the risk of excluding conventional and pre-conventional moral voices; the second is the related feminist claim that dominant forms of universality revolve around the generalisable other and devalue the 'ethic of care and responsibility' for concrete others.

Shapcott maintains that the search for ethical universals threatens to override cultural differences in the stampede for agreement or consensus. The question is whether this and other critiques of universalism pay sufficient attention to the egalitarianism which lies at the heart of Kant's idea of ethical universalisation. Lichtenberg summarises this perspective by arguing that universalisability 'does not mean . . . that what is good for one is good for all; it just means that what is good for one is good for all those in the same situation (more precisely in the relevantly similar situation). Universalisability says just that equals ought to be treated equally.'[38] This summary is relevant to discourse ethics which does not aim to subsume all individuals under some conception of what is good for everyone but supports the principle that relevantly similar persons in relevantly similar circumstances should be treated in the same way. Moral agents are invited to think from the standpoint of others, to place themselves in other's shoes and to test their preferred ethical principles by asking if they would accept them if roles were reversed. Shapcott refers to 'relinquishing' the principle of universalisation from discourse ethics because it will then 'be arguably more inclusive of difference'.[39] This would sacrifice a crucial element of the 'moral point of view' described earlier and lose sight of one main ingredient of a global moral standpoint that strives to transcend particular forms of life.

Shapcott's concerns are echoed in Hutchings' argument that 'discourse ethics presupposes the priority of the generalized over the concrete other',[40] and is too quick to identify interests that agents can share and to ignore major points of difference. This raises questions about the possibility for an 'interactive universalism' which does not efface individual and cultural differences in this alleged way.[41] Benhabib has argued that discourse ethics can take an interactive form which foregrounds care for concrete others.[42] Her claim is that agents have to decide whether

[38] J. Lichtenberg, 'National Boundaries and Moral Boundaries: A Cosmopolitan View', in P. G. Brown and H. Shue (eds.), *Boundaries: National Autonomy and its Limits* (Toyota: Rowman and Littlefield, 1981), p. 94. See also J. Habermas, 'Reply to the Symposium Participants', p. 393.

[39] Shapcott, *Justice, Community and Dialogue,* p. 128.

[40] K. Hutchings, 'Moral Deliberation and Political Judgment: Reflections on Benhabib's Interactive Universalism', *Theory, Culture and Society*, 14 (1997), p. 141.

[41] Hutchings, 'Moral Deliberation', p. 137.

[42] S. Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (Cambridge: Polity, 1993).

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they exist in similar circumstances before they can decide whether any universalisable principles should guide their interaction.[43] Shapcott's hermeneutic standpoint rightly stresses the need for caution when trying to decide whether actors and their social contexts are relevantly similar.

Despite the claim that regard for the concrete other 'is apparently not available to discourse ethics',[44] the hermeneutic engagement with the specific circumstances of concrete others is no less central to the position. Benhabib defends this point in her argument for 'post-conventional contextualism'.[45] This approach questions the validity of the argument that the discourse approach privileges an abstract (and perhaps predominantly male) ethic of 'rights, equality and fairness' over Gilligan's ethic of care and responsibility for concrete others.[46] Some earlier comments about the extent to which abstract principles can transcend different concrete circumstances are worth recalling here. It must be stressed that the process of ethical abstraction does not assume that individuals can transcend particular contexts to the point where they are 'transported into the beyond of an ideal realm of noumenal beings'.[47] Moral principles must enable social actors to respond to problems which arise in and between 'concrete societies that are situated in space and time' including the harm that human beings do to each other. Discourse ethics requires solidarity with the victims of harm and creates obligations to develop a 'shared life context' between those who suffer harm and those who are responsible for their predicament.[48] The discussion of the Yolngu's land claims reveals the difficulties in creating a 'shared life context' but it does not justify the view that the discourse approach believes that only those who are already immersed in liberal, universalistic worldviews can participate meaningfully in dialogue; nor does it demonstrate the importance of relinquishing the search for universalisable principles. The Gadamerian emphasis on 'agreement'[49] – where each discussant comes to understand the others' point of view – is incomplete without a discussion of public principles which have been subjected to a strict universalisation test. Universal principles which grow out of imaginative role reversal play a vital role in protecting vulnerable groups from harm to core interests. The tendency to associate universalism with assimilation or exclusion obscures this crucial point.

The argument has been that the discourse approach is not limited to relations between committed liberals but can be applied globally to all human collectivities which can affect each other. The thin version of the approach can stop there; a thicker version would argue that all societies should organise public affairs in accordance with dialogic principles. To defend the thick version may only confirm what many critics see in discourse ethics – a totalising project committed to assimilating

[43] See also Habermas, 'Paradigms of Law', p. 21.
[44] Shapcott, *Justice, Community and Dialogue,* p. 114.
[45] Benhabib, *Situating the Self*.
[46] See, however, M. Rosenfeld, 'Can Rights, Democracy and Justice be Reconciled through Discourse Theory? Reflections on Habermas's Proceduralist Paradigm of Law', in M. Rosenfeld and A. Arato (eds.), *Habermas on Law and Democracy: Critical Exchanges* (London: University of California Press, 1998), p. 107.
[47] Habermas, *Between Facts and Norms*, p. 323.
[48] For a related discussion which focuses on 'the overlap of lifeworlds', see Dietelhoff and Muller, *Theoretical Paradise.*
[49] See Shapcott, *Justice, Community and Dialogue,* p. 171.

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non-Western others within Western forms of life; but drawing back from the thick version invites the question of how proponents of the discourse standpoint can justify withholding support for those that lack voice in their societies or suffer abuses of human rights. Because most societies subscribe to the human rights culture there is often no either/or choice here. This is not to underestimate the complexity of ethical disputes about such practices as 'female genital mutilation'. Disputes about whether such practices should be regarded as harmful or as appropriate rites of passage raise awkward questions for discourse ethics. Those who may be described as their victims may not be able to influence decisions that obviously affect them, but outsiders who find such conduct offensive are not affected in the sense of being harmed. Should the exponent of the discourse approach argue that 'victims' should not be subjected to such rituals without their express consent? Or should the exponent of discourse ethics draw back from a conclusion which suggests a totalising project in which Western forms of universalism are imposed on allegedly less advanced forms of life?

Discourse ethics is not alone in lacking solutions to such hard cases but that does not condemn it to silence about harmful practices in other societies. An argument against say the persecution of witches applies wherever this practice has occurred –in Western and non-Western societies. There is no obvious reason to confine the critique to any particular place. As Douglas has argued, the persecution of witches has often relied on unfalsifiable claims that they cause 'insidious damage' to others which form part of the 'strategies of rejection' that dominant groups use against outcasts who are usually women.[50] There are no obvious barriers to universalising the critique of such practices. Perhaps the urge to globalise the critique should be stronger where social practices are obviously designed to humiliate others; perhaps that urge should be resisted when what outsiders regard as unnecessary suffering is part of a rite of passage which incorporates persons within communities (unequal though they may be).[51] Debates about such issues point to serious problems in defending a thick version of the discourse principle, but we should not lose sight of simpler cases where powerful liberal-democratic societies can be shown to be responsible for causing unnecessary harm to the members of vulnerable societies and are guilty of failing to recognise their right of involvement in decisions which so obviously affect them.

Conclusion

This article began with the question of whether the discourse theory of morality can advance the civilising process in which actors have become less tolerant of acts of cruelty and violent harm to others. Criticisms of the discourse principle which stress its exclusionary and assimilationist potentials have been considered; the need for

[50] M. Douglas, *Risk and Blame: Essays in Cultural Theory* (London: Routledge, 1992), ch.5. For a discussion of feminist debates about 'normative universalism', see K. Hutchings, *Speaking and Hearing: Habermasian Discourse Ethics, Feminism and IR.*, this issue.

[51] See D. Archard, *Children: Rights and Childhood* (London: Routledge, 1993), p. 151.

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constant awareness of the difficulties involved in deriving abstract moral principles from concrete ways of life has been stressed. The case has been made for a thin version of the discourse perspective which aims to protect vulnerable societies first and foremost from the actions of powerful liberal societies and from structures which cater for their interests. The inability to settle profound value-conflicts rules out the thick version with its totalising potentials. Notwithstanding this limitation – indeed because of it – the discourse approach remains one of the best means of advancing the civilising process in international relations.

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