

The Rectification of (Political) Names: Addressing Habermas's *Colonization* via "the Political" to Remake the World

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Abstract

This exercise in applied philosophy argues that if the philosophical ideas of Jürgen Habermas are to be implemented in order to achieve a liberated, emancipated society free of domination, and address other problems he identifies in the contemporary world, there must be active involvement of both politicians and political theorists in the project, as well as some theoretical and practical changes in Habermas's approach regarding the notion of "the political" in the realm of practical politics. This paper builds upon an earlier article titled "The Rectification of (Modern) Names" and develops the key Confucian idea of the rectification of names. Specifically, this paper attempts to extend to the political realm of an earlier argument that Habermas's analysis that system forces are colonizing the lifeworld is the best angle to attempt to realign contemporary political terms with the realities they should represent. As system is part of lifeworld, displacing lifeworld norms by system norms threatens the very existence of the lifeworld. Moreover, Habermas's thinking on philosophy, politics, and sociology could help rectify prevailing problems in Western constitutional democracies, especially if practical politics were carried out using Habermas's ideas on communicative action and discourse ethics. This paper attempts to put into practical terms of some problems Habermas left in philosophical ones, and such practical terms represent a modest solution, addressing a plethora of "irrationalities" pervading the lifeworld in its colonization by instrumental reason. The paper argues that in the unfolding of Eric Hobsbawm's "Dual Revolution," the Industrial Revolution continues to outstrip the Political Revolution.

Keywords

Confucius, "Rectification of Names" (zhèngmíng—正名), Jürgen Habermas, Lifeworld, System, Colonization, James Madison, Carl Schmitt, Thomas Paine, R. Buckminster Fuller, Communicative Action Theory, Discourse Ethics, *Federalist Papers*, *Shuo Wen Jiezi*, Rationality, Irrationality

1. Introduction

The lifework of Jürgen Habermas is devoted to a number of themes, including a deep commitment to democracy, the development of communicative action theory, and his advocacy of discourse ethics. His philosophy is complex and his written production is enormous, and often in the first paragraphs of so many works devoted to his thinking, it will be noted, as it is the online *Stanford Encyclopedia of Philosophy* that Jürgen Habermas currently ranks as one of the most influential philosophers in the world. Bridging continental and Anglo-American traditions of thought, he has engaged in debates with thinkers as diverse as [Hans-Georg] Gadamer and [Hilary] Putnam, [Michel] Foucault and [John] Rawls, [Jacques] Derrida and [Robert] Brandom (Bohman & Rehg, 2014).

Habermas's thinking turns on the notion that what he calls the "lifeworld" is being colonized in setting societal norms by the "system," which operates on goal-oriented instrumental thinking that became the rump notion of rationality in the two centuries after the Enlightenment and that led his Frankfurt School predecessors Max Horkheimer and Theodor Adorno to a dark and pessimistic view of the future for western constitutional democracies, as they spelled out in their book *Dialectic of the Enlightenment*. Habermas, a second-generation Frankfurt School thinker, has rejected their pessimism but retains the "emancipatory" leanings of the school. Arising from his commitment to what he refers to as "the Enlightenment as an unfinished project," Habermas has attempted to rehabilitate the concept of rationality, even arguing, in his so-called linguistic turn away from subject-centered philosophy of Descartes, Kant, Hegel, and their followers, that rationality is an *a priori* component of the very attempt to communicate. In fact, in his rethinking ("reconstruction") of rationality, Habermas argues that instrumental thinking represents only a limited notion of rationality, but one that is still very powerful and is dominant in scientific and other goal-oriented projects; it is the hallmark of what he calls "system" thinking—but it is inadequate for dealing with the normative issues of the lifeworld, as well as other kinds of discourse, such as in the realm of aesthetics.

In his book *Habermas: A Very Short Introduction*, University of York professor of philosophy James Gordon Finlayson makes the point that discourse ethics is "the normative heart of Habermas's philosophy" (Finlayson, 2005: p. 76) and would be central to any implementation of Habermas's ideas in an organized and practical political program, which is what interests us here. Interestingly, Finlayson points out that Habermas thinks of political parties and social movements, such as those advocated in a previous paper (Old & Ferrell, 104-116) and in this paper, as belonging to the realm of the system, and that makes politics part of the problem rather than part of the solution (Finlayson, 2005: p. 59). In general, the urge to so categorize political and social movements is not wrong. In fact, the truism that political parties exist primarily to win elections represents instrumental reason at its core. And in his recent forays into public policy issues, particularly the controversies over the European Union, Habermas's attitude with respect to political parties is consistent with this negative view.

In fact, in a 2011 interview with *Der Spiegel* correspondent Georg Diez following a public forum on the EU, Habermas, expressing anger, according to Diez, berated politicians and parties this way: "I condemn the political parties. Our politicians have long been incapable of aspiring to anything whatsoever other than being re-elected. They have no political substance whatsoever, no convictions" (Diez, 2011). Part of the problem Habermas sees, writes Diez, is politicians represent "the functional elite" instead of the people. Diez says, "Habermas says that power has slipped from the hands of the people and shifted to bodies of questionable democratic legitimacy, such as the European Council. Basically, he suggests, the technocrats have long since staged a quiet coup d'état" (Diez, 2011). Habermas characterized this development as "a dismantling of democracy", further saying that "only the people have rights", and that only they are the historical actors, not the states nor the governments. In this situation because of the action of the politicians, says Diez, summarizing Habermas's point, "It is the citizens who, in the current manner that politics are done, have been reduced to spectators" (Diez, 2011).

Habermas's quarrel in part, then, is with politics as practice. But there is more to it. In theory, the political has a central place in Habermas's thinking. This is evident particularly in his later work on law and democracy, *Between Facts and Norms*, which gives a central place to the political (Habermas, 1998). According to Hugh Baxter's analysis of that important work, Habermas uses "reconstructive analysis of the modern legal order to capture its unexhausted rational potential but from a perspective more or less immanent to the legal order, not a utopian perspective" (Baxter, 2011: pp. 61-62). Using the complementary notions of "human rights" and "popular sovereignty" ("the sole ideas that can justify modern law"—Baxter, 2011: p. 64), along with his discourse principle to analyze modern law, Habermas derives several categories of rights. According to Baxter:

- 1) Basic rights that result from the politically autonomous elaboration of the *right to the greatest possible*

measure of equal individual liberties.”

2) Basic rights that result from the politically autonomous elaboration of the *status of a member* in a voluntary association of consociates under law.

3) Basic rights that result immediately from the actionability of rights and from the politically autonomous elaboration of individual *legal protection*.

4) Basic rights to equal opportunities to participate in processes of opinion- and will-formation in which citizens exercise their *political autonomy* and through which they generate legitimate law (emphasis in the original) (Baxter, 2011: pp. 70-72).

In his analysis, Habermas is trying to resolve the tension between human rights and popular sovereignty, on the one hand, and private and public autonomy, on the other. His conclusion is that the concepts in each of the pairings are “co-original”: “each presupposes the other, and neither may be ranked above the other in analyzing the idea of legitimate law” (Baxter, 2011: p. 73). For our purposes, though, what is important is the centrality of political rights to the existing constitutional and legal order. In his analysis, Baxter points out that fourth category of rights marks a shift in perspective—away from the discourse principle to the “principle of democracy,” the notion that “only those laws may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted” (Baxter, 2011: p. 74). Habermas, through his reconstructive analysis of our legal system, seeks to establish that it is a system that is philosophically based on law, fair discourse, and democracy—and has an inherent rationality. What is important about the political aspects of his construct, however, is that political rights are “unsaturated placeholders,” not substantive rights, which are left in Habermas’s system to the participants, the citizens, to fill in through the “discursive exercise of their political autonomy” (Baxter, 2011: p. 71). It is here that practical political activity should enter the picture. First, the rights are laid out, and then they are deployed through the development and implementation of policy. In Habermas’s system, discourse is entered upon when there is conflict or difference of opinion regarding the norms of the society. Once these are worked out, however long it takes, regular societal activity resumes.

Two things can be done to improve the effectiveness of the polity’s political discourse: One is to embrace Habermas’s general approach but with enhanced attention to “the political” provided by the German philosopher Carl Schmitt in his 1932 book titled *The Concept of the Political*. The second is for political practitioners—politicians on the one hand and political theorists on the other—to recognize the failure of their politics in the face of the challenge of the Industrial Revolution (the implications of which continue to unfold). Specifically, the authors argue, such a revitalized politics is a necessary bridge between theory and practice, between the abstract and the concrete—and is the chief way to realize the philosophical and sociological approach Habermas has developed.

Definition of Terms

Generally, we use the terms “rationality” and “irrationality” in the way used by Habermas. He has developed what James Bohman and William Rehg describe as a “multi-dimensional conception of reason” in the various programs he proposes as he resumes the “unfinished project” of the Enlightenment (Bohman & Rehg, 2014). The restricted notion of rationality that followed the Enlightenment tended to be limited to validity of claims regarding empirical truth—appropriate for science and technology and for manipulating the physical world—but such rationality was not appropriate for issues related to communicating and to establishing, say, the norms for the lifeworld or for aesthetics. Rationality is inherent, Habermas says, in the very act of communication, and is implicit in the various “validity claims” members of society make to each other in terms, for example, of whether the claims are right, whether they are appropriate for society, and whether the speaker is sincere. This is the “formal pragmatics” through which he reconstructs reason people naturally employ in communicatively reaching intersubjective understanding with each other, what he calls the “inherent telos” of speech (Bohman & Rehg, 2014). He also does similar reconstructions in dealing with Marxism and with the role of law and democracy in constitutional democracies.

All discourse in Habermas’s thought proceeds on such validity claims, and different kinds of validity claims require different forms of argumentation, for example sincerity claims (about the truthfulness of an actor) or claims about the rightness or appropriateness of something for society. In his discourse theory, say Bohman and Rehg, Habermas “aligns different types of validity claim with different types of justificatory discourse”, particularly at the logical level, at the dialectical level (depending on the type of challenge to the claim) and at the rhetorical level (depending on the type of claim being made). All in all, Habermas prizes and privileges a much

richer array of rationality than that underlying the instrumental reason of the system. For purposes of this paper, “rationality”, “irrationality” (in its various forms), and “instrumental reason”, are used primarily from the perspective of their impact on the lifeworld. While Habermas identifies as a problem the colonization of lifeworld by instrumental reason, that latter term should not be the object of disparagement or the users the object of demonization, as it has its *powerful* and *legitimate* uses, but it should be restricted to its rightful place in human affairs, which is how Habermas treats it.

Habermas took the term “lifeworld” from Edmund Husserl (1859-1938). It is the term for the existential ground of our human existence. In the words of John Sitton, whose *Habermas and Contemporary Society* serves as an excellent introduction to the thought of this great German thinker, “The lifeworld is the inescapable context of knowing and acting; as an encompassing whole, it cannot be seen and therefore is beyond doubt” (Sitton, 2003: p. 63). We sometimes use the “livedworld” variant of the term, with its focus on the actual lives of people. In the relationship between lifeworld and system, lifeworld is predominant, and it includes, as one of its components, the system and all its forces. As James Gordon Finlayson has succinctly stated in *Habermas: A Very Short Introduction*, “The problem is that although the system is embedded in and depends on the lifeworld, the former tends to encroach upon, to displace and even destroy, the latter” (Finlayson, 2005: p. 56). Since the system is a part of lifeworld and since system forces are corroding and limiting the lifeworld, system forces, are, to the same extent, putting the lifeworld itself in danger, and if such forces destroy the lifeworld, they also blindly and ironically destroy the system—perhaps the ultimate irrationality of the overreliance on instrumental reason.

It is important to see clearly certain aspects of Habermas’s lifeworld and system and their relationship. System and lifeworld are driven by agents who have the ability to assert value in the world, to make choices, to structure the world—to remake the world—to establish norms for how society should operate. We do not argue for the collaring of system *in its internal processes*. Nor do we urge stepping back from the system’s (often incredibly) high standards of operation: the scientific and other refinements of system elements that enable the greatest scientific and technological achievements of our civilization should not be trumped by either politics or philosophy. The Soviet Union’s and the Catholic Church’s ventures into science are icons of disaster in this regard. Rather, what we do urge is a comparable increase in the quality of the analogous elements on the side of the lifeworld.

What “colonization” means in practical terms is that the decision makers among system forces end up substituting their short-term goals for what should be the normative goals for society, thus foreclosing on the options of lifeworld participants to set society’s norms. Because system decision-makers are goal oriented and operate on the instrumental reason of their particular aspect of the system, they end up constricting the scope and vision of the lifeworld and impoverishing society.

We argue that if the work Habermas envisions is ever going to get done, thinking must at some point move from the airy realms of philosophy to the gritty level where the denizens of the lifeworld breathe, work, and live, a place which the system negatively impacts in real terms on a daily basis. Such thinking must address the plethora of material and empirical problems instrumental thinking has left real people to deal with as it has run rampant over activities in the lifeworld and the livedworld. This means not only highlighting the deep and extensive irrationalities pervading the economic, political, and social realms of our society, but suggesting practical mechanisms for redressing them. We depart ever so slightly from Habermas’s thinking in that we advocate a prominent role for “the political” in achieving Habermas’s aims. And, on the other hand, we call on the political practitioners—the politicians and the theorists—to recognize their failed approach and to develop a politics adequate to the challenge they face. The “irrationalities” we identify constitute a danger to the human project as conceived in the normative aspects of the lifeworld.

2. The Arc of History: Politics and the Industrial Revolution

This paper argues, along with Habermas, that the nation (the world, even) is at a dangerous crossroads which, if we are not vigilant, could see permanent damage to the republic and its historic ideals. Corporate influence, one of the “Three Cases” of irrationalities we identify below threatening the lifeworld, is iconic in our political system for a trend that has been underway since the 18th century. It is necessary to take a historical detour, first, to explore the fate of *the political* in the unfolding of what Eric Hobsbawm called the “Dual Revolution” and then to look at attempts by various historical leaders and movements to address systemic problems that would, in Habermasian terms, enhance the lifeworld (though obviously such terminology was not in use then).

2.1. Eric Hobsbawm's "Dual Revolution" and the Failure of the Political Side

Eric Hobsbawm famously argued that the period between 1789 and 1848 brought to Europe a "dual revolution," the Industrial Revolution on the one hand and a Political Revolution on the other (Wikipedia, 2013a), the latter punctuated chiefly by the culmination of the American Revolution with the adoption of the Constitution in 1789 and the eruption of the French Revolution that same year. The Political Revolution rolled on throughout the 19th century and into the 20th century, with the significant developments of the Russian Revolution of 1917 and the victory of Chinese Revolution in 1949, the latter resulting in the founding of the People's Republic of China. Other revolutions, as well, have occurred, giving support to the Hobsbawm notion of a "dual revolution," both aspects of which represent a flowering of Enlightenment ideas. But a long-term look at the world-historical phenomenon Hobsbawm identified reveals that the so-called "dual revolution" has been "dual" in name only and that with 1) system assaults on the lifeworld, 2) the failure of the Soviet Union in 1991 and the morphing of the Chinese revolution from communism to state capitalism, particularly under the influence of Deng Xiaoping after 1979, and 3) the "capture" by corporate forces of the political and governmental systems of the constitutional democracies of the West, the Political Revolution has virtually sputtered to a halt. When the strongest constitutional democracy in history offers little more on the political side than the machinations of, say, Republican Majority Leader Mitch McConnell (R-KY), former U.S. House Speaker John Boehner (R-OH), and strategist and wordsmith Frank Luntz and tax opponent Grover Norquist, on the activist side, the political realm offers little indeed to show it is keeping up or even *can* keep up with the Industrial Revolution, which daily rolls out new evidence of its continuing vitality if not acceleration. Witness every season Apple's new technology releases, which constitute but a small representation of the fruitful continuation of the Industrial Revolution in fields including bio- engineering, computer technology, nanotechnology, communications technology, genetic research, and a host of other areas.

One big political idea from then Senate minority leader Mitch McConnell, (R-KY) was that for Republicans "the single most important thing we want to achieve is for President Obama to be a one-term president" (Memo- li, 2012). Yet, it is difficult to underestimate the political impact of activists like Frank Luntz and Grover Norquist. Luntz, whose consulting firm provides Republicans with their political euphemisms (such as "death tax" instead of "estate tax"), which are repeated *ad nauseum* in the "Big Lie" fashion of traditional propaganda, was the organizer of the Caucus Room gathering to strategize against President Barack Obama on inauguration night, launching an obstructionism intended to cripple the Obama administration (MacAskill, 2012). Luntz's work with Republican buzz words is also an example of the Confucian idea of manipulating names to political ends: His work is arguably a driving force in the Republican political effort to conceal their real agendas from naïve members of the population—and ends up doing what troubled Confucius the most: creating a situation in which "people will not know how to move hand nor foot" and chaos and confusion result in society. Norquist, on the other hand, has for years been leading the movement to shrink government. His widely quoted goal is to "to reduce [government] to the size where I can drag it into the bathroom and drown it in the bathtub" (Wikipedia, 2015c). Norquist's notorious pledge against raising taxes has committed the majority of Republicans in Congress *never* to raise taxes, thus contributing to the lock-step Republican resistance to addressing both the deficit and unemployment problems the nation has faced for more than the last decade.

But Ronald Reagan must in large measure bear the responsibility for the tone of today's obstructionist political rhetoric and for the uncritical acceptance of the right-wing dictate to "get the government off our backs," blindly shrinking it as if that were an end itself, independent of the positive role government plays in our society. The political atmosphere created by Reagan's statements is reinforced by the so-called Tea Party and its almost manic antigovernment stance. In his first inaugural speech, Jan 20, 1981, President Reagan said that "[i]n this present crisis, government is not the solution to our problem; government is the problem" (Reagan, 1981). This statement has poisoned political discourse.

Perhaps the most powerful material manifestation of this Reagan attitude, of course, was the deregulation mood that hit the government beginning with his administration, such deregulation ideology being the continuation of a trend away from the World War II and post-war years when government was seen up through the 1960s to have a proper role in solving the problems of society (Hacker & Pierson, 2010: pp. 90-91). A social component of that move to the right also developed, fueled by objections on the part of some conservatives to the excesses of the sex-drugs-and-rock'n-roll counterculture that peaked in the late 1960s. Thereafter followed a marriage between economic, social, and religious conservatives that often gave the Republican Party its power. This was aided by the Nixon strategy which won the white, Southern "Dixiecrats" over to the Republican Party,

where they have stayed. Conservative ascendancy in American politics, of course, protects the influence of the rich and powerful—and of corporations.

There are many names and influences that bear commenting on for their present impact on our society. In the 2012 presidential campaign, the Republican ticket was headed by venture capitalist Mitt Romney, but his then vice-presidential running mate, Paul Ryan, evinced a possibly even worse political and economic ideology than the one implied by Romney's venture capitalism. Ryan, who was recently elected as Speaker of the U.S. House of Representatives, is a follower of the economic ideas of the controversial fringe thinker Ayn Rand. Ryan once famously said at a meeting of an Ayn Rand group called the Atlas Society, "I grew up reading Ayn Rand, and it taught me quite a bit about who I am and what my value systems are and what my beliefs are. It's inspired me so much that it's required reading in my office for all my interns and my staff" (Kinsley, 2012). Ryan further stated at the Atlas Society meeting that "I always go back to... Francisco d'Anconia's speech [in *Atlas Shrugged*] on money when I think about monetary policy" (Paul Ryan & Ayn Rand's Ideas, 2012). Although he has downplayed such comments in recent years, this has not been done with the same force and power with which these statements were originally made.

Regarding Ryan's economic policies, Nobel Prize winning Princeton University economist Paul Krugman, columnist for the *New York Times*, in fact, took a close look and offered this commentary on Ryan's reference to the comments of Ayn Rand's fictional character Francisco d'Anconia:

Who? Never mind. That speech (which clocks in at a mere 23 paragraphs) is a case of hard-money obsession gone ballistic. Not only does the character in question, a [John] Galt sidekick, call for a return to the gold standard, he denounces the notion of paper money and demands a return to gold coins.

For the record, the U.S. currency supply has consisted overwhelmingly of paper money, not gold and silver coins, since the early 1800s. So if Mr. Ryan really thinks that Francisco d'Anconia had it right, he wants to turn the clock back not one but two centuries (Krugman, 2012).

If Ryan had been elected Vice President in 2008, he would have been, as the cliché goes, "one heartbeat away" from occupying the presidency in the most powerful constitutional democracy in history. Moreover, as the new speaker, he still has influence in budget matters that come before the Congress.

A perhaps even more troubling dimension of the influence of Ayn Rand concerns former Federal Reserve Chairman Alan Greenspan. Greenspan was the Federal Reserve chairman whose policies leading up to the 2007 crash arguably caused the crash, as he was in a position to implement Rand's thinking on economic issues. In a statement on the home page of the *Objectivism Research Center*, a website devoted to advocating and explaining Rand's ideas, Greenspan explains his devotion to her principles and to her ideas, participating in long discussions at her apartment in the 1950s and 1960s (Greenspan, 2010: pp. 51-53). Greenspan says that even though he disagreed with her on some issues, "I still found the broader philosophy of unfettered market competition compelling, as I do to this day..." Arguably it was such "unfettered market competition" that led to what Greenspan himself called in 1996 an "irrational exuberance" in the economy before the crash (Wikipedia, 2013b).

And in a hearing before the Oversight and Government Reform Committee chaired by U.S. Rep. Henry Waxman (D-CA), replying to a question by Waxman, Greenspan "confessed"—albeit in obscurantist language—to having discovered a flaw in his ideology that guided his thinking over 40 years: "And what I'm saying to you is, yes, I found a flaw. I don't know how significant or permanent it is, but I've been very distressed by that fact" (Graham, 2010). When Waxman sought clarification, asking if it were a flaw in the reality Greenspan was dealing with, Greenspan clarified: "Flaw in the model that I perceived is the critical functioning structure *that defines how the world works*, so to speak" (emphasis added). He went on to say that "that's precisely the reason I was shocked, because I had been going for 40 years or more with very considerable evidence that it was working exceptionally well".

The importance of Greenspan in the contemporary picture is the possible extent to which his—more or less below the radar commitments to the ideas and values of a thinker such as Ayn Rand—may have informed economic decisions that led to the 2008 recession, widely seen as the product of the governmental deregulation that informed Republican and even neo-liberal Democratic thinking between Reagan's election and the onset of the recent recession. The impact of that recession on the denizens of the lifeworld cannot be denied, and any objective look at the economic lot of the middle and lower socioeconomic classes since the recession began reveals stagnation of wages and income and, with the housing market in particular, sometimes devastating losses. While the possible influence of Ayn Rand's ideas on key political leaders seems only to have been of incidental inter-

est to the press, based on the paucity of stories discussing Rand's influence, it would seem to be a valid area of scholarly research.

When all of the above is combined with the historical phenomenon of the shrinking or vanishing nation-state, which many observers have commented on (Greider, 2001), that situation could further enhance corporate ascendancy along with its attendant instrumental reason. In their article "Rescaling and Reforming the State under NAFTA: Implications for Subnational Authority," Mildred Warner and Jennifer Gerbasi argue that "governmental authority is being eroded at the subnational level while the national level is being reformed to accommodate global economic interests" (Warner & Gerbasi, 2004: p. 858). The result, they contend, is that "[a] new governance nexus is forming—composed of international agreements, nation states and private corporations—which enhances the primacy of national over subnational governance scales." Warner and Gerbasi, however, also quote Neil Brenner's article "Globalization as Reterritorialization: The Re-scaling of Urban Governance in the European Union," when he cites one researcher's 1994 conclusion concerning the impact of globalization that "[t]he national state is now subject to various changes which result in its "hollowing out" (Brenner, 1998: p. 439). Whatever the case, the potential change in the status of the nation state would seem to lend even more urgency to need to address the problem of colonization that Habermas has identified.

2.2. The Industrial Revolution Finds a Home in Political Capitalism

It is no accident that the Industrial Revolution found its home in political capitalism, arguably one of the most important political advancements over the last two centuries, and that political capitalism found its home in the constitutional democracies in the form of corporate influence. One of the most prominent *exceptions* to the virtual dead end in the growth of contemporary political ideas has to be the work of Jürgen Habermas and his contemporaries in the Frankfurt school. Habermas has devoted his professional and philosophical life to the theorizing of political culture, particularly that of the constitutional democracies of the West. We will explore below his philosophical ideas as a viable way to "remake the world."

2.3. A Survey of Various Historical Attempts to "Remake the World"

The thesis of this paper is that one important way to revive contemporary political discourse, curb the dangerous trend toward corporatism, and advance political theory in the direction of democracy and public participation at the practical level is to embrace the philosophical and sociological political ideas of Jürgen Habermas, whose work has variously been termed and/or embraces communicative action theory, discourse ethics, and democracy theory, often dubbed "deliberative democracy", or "participatory democracy", which stresses public participation beyond mere occasional voting, which Habermas labels a "plebiscitary" distortion (Specter, 2010: pp. 61-65).

Before proceeding further, it is necessary to address the claim that we are indeed at a world-historical crossroads with respect to democratic ideas and political progressivism. In an earlier paper (Old & Ferrell, 2015) the authors elaborated on the efforts of the Greek thinker and leader Solon (Plutarch, 1952: p. 87) and of Thomas More in his visionary *Utopia*, particularly a passage cited explicitly by Habermas (Habermas, 1973: p. 53). These thinkers bemoaned the fact that all attempts to reorganize society to benefit those at the bottom were eventually undone by the rich and powerful, who bent the government and the law to their benefits. Others who envisioned major political and governmental reforms, and even revolution, include the following: Thomas Paine in his groundbreaking pamphlet *Common Sense*, James Madison in the U.S. Constitution and the *Federalist Papers*, Thaddeus Stephens in his role as leader of the Radical Republicans following the Civil War in the United States, and Karl Marx as the premier anti-capitalism thinker, followed by several Marxist (communist) revolutionaries. Each of these thinkers or historical actors envisioned a world-historical solution to contemporary political and economic problems, one that entailed a better life for the many as opposed to the few, and in each case, the chosen approach failed and powerful interests managed to curb any impulse to make ultimate changes to the status quo. In Habermasian terms, at each historical point, the instrumental reason of the few powerful interests dominating the political and economic *system* prevalent at the time trumped any consideration of what Habermas would call *lifeworld* issues. The current crisis in political discourse may be the last best chance to effect the changes humanity needs.

Two comments first: Thomas Paine's *Common Sense* gives us the iconic phrase that applies to the efforts of all of these individuals. Toward the end of his 1776 pamphlet, Paine inserted this electrifying passage: "*We have it in our power to begin the world over again*" (Paine, 1776; *emphasis added*). Moreover, Thaddeus Stevens,

leader of the Radical Republicans in the U.S. Congress after the Civil War, was so passionate about taking advantage of that “golden moment” to return to the unfinished business of the American Revolution that a young Frenchman working as a reporter, Georges Clemenceau (later to become premier of France during World War I) even saw Stevens “as the ‘Robespierre’ of ‘the second American Revolution’” (Foner, 1988: p. 229). All of these men made significant changes in the world, but none made all the changes they hoped for and none in effect remade the world.

3. The Ultimate Lifeworld/System Clash

As we have seen Finlayson suggest with respect to system and lifeworld: “the former tends to encroach upon, to displace and even destroy, the latter” (Finlayson, 2005: p. 56)—but the implications of that in both Finlayson and Habermas are left open. However, technology, particularly in the form of roboticization, provides grist for a tantalizing thought experiment. Robots, for example, are increasingly contributing to a phenomenon identified by economist John Maynard Keynes in 1930 called “technological unemployment,” a situation which he described this way: “unemployment due to our discovery of means of economizing the use of labor outrunning the pace at which we can find new uses for labor” (Wikipedia, 2015f). Keynes called that a “temporary phase of maladjustment,” but that was in 1930. In a review of Martin Ford’s *The Rise of the Robots: Technology and the Threat of a Jobless Future*, Barbara Ehrenreich, writes that “there should be no doubt that technology is advancing in the direction of full unemployment” (Ehrenreich, 2015: pp. 1, 26). She writes:

In the wake of the recession, Ford writes, many companies decided that “ever-advancing information technology” allows them to operate successfully without rehiring the people they had laid off. And there should be no doubt that technology is advancing in the direction of full unemployment. Ford quotes the co-founder of a start-up dedicated to the automation of gourmet hamburger production: “Our device isn’t meant to make employees more efficient. It’s meant to completely obviate them.”(Emphasis added.)

Interesting potential implications flow from such a situation, ranging from the desire for Luddite solutions, on the one hand, to a complete restructuring of the economy and society, on the other hand, such that support of all of those thrown out of work by automation is taken up by society as its responsibility.

The “jobless future” envisioned by Ford could thus become the *ultimate* challenge for capitalism, for instrumental reason, and ultimately for the lifeworld. All perspectives must deal with the same dilemma: What systemic solution is called for to support the real people who are thrown out of work because of “technological unemployment,” automation, technological increases in productivity? If there were ever a need for a genuine lifeworld response, this is it. Can we leave this to corporate instrumental reason? Can we let capitalism answer this question? Can we “let the marketplace” solve the problem?

4. The Issue of Discourse

Central to the Habermasian approach to establishing a society that can eliminate domination and ensure democratic control are the notions of communicative action and discourse ethics carried out intersubjectively whereby social agents engage each other to create norms by which the society can operate rationally and equitably. Habermas argues that rationality is implicit in communication and discourse.

4.1. The Contemporary Discourse Problem

In a phrase, the problem is “business as usual”—when it comes to discourse in contemporary society: the “usual” being instrumental rationality and “business” being the corporate and capitalist institutions behind that rationality. There is, in our society, abundant discourse now. We are (more than) ostensibly an “open” and “public” society. There is plenty of journalistic information on almost all sides of every issue, although Edward S. Herman and Noam Chomsky may be right in their book *Manufacturing Consent: The Political Economy of the Mass Media* that part of *real control* of the press in our ostensibly free and First Amendment-protected society is an array of filters built into the infrastructure of the mass media that results in a skewing of discourse so as to maximize what Habermas would call system forces at the expense of lifeworld forces. Although written in the days before the fall of the Soviet Union and the rise of the World Wide Web and the subsequent development of news-like channels such as Fox News, the Herman and Chomsky analysis seems generally valid in showing how

a variety of filters serve to structure media discourse, especially, so that it serves the instrumental ends of system forces. In their analysis, Herman and Chomsky identify the following such filters:

- 1) The size, concentrated ownership, owner wealth, and profit orientation of the dominant mass media firms;
- 2) Advertising as a primary income source for the mass media;
- 3) The reliance of the media on information provided by government, business, and “experts” funded and approved by these primary sources and agents of power;
- 4) “Flak” as a means of disciplining media;
- 5) And “anticommunism” as a national religion and control mechanism (Herman & Chomsky, 1988: p. 2).

Since these authors advanced their criticism in 1988, the number of big companies dominating the media has shrunk dramatically and the 24-hour news cable cycle has exacerbated the problem of reliance of government and business experts. Moreover, since the fall of the Soviet Union, anticommunism has ceased to be what Herman and Chomsky call the “national religion and control mechanism,” though radical Islam and terrorism have tended to fill the anticommunism gap. Nevertheless, the conclusion the authors reach still has a ring of validity to it:

The elite domination of the media and marginalization of dissent that results from the operation of these filters [mentioned above] occurs so naturally that media news people, frequently operating with complete integrity and goodwill, are able to convince themselves that they choose and interpret the news “objectively” and on the basis of professional news values. Within the limits of the filter constraints they often are objective; the constraints are so powerful, and are built into the system in such a fundamental way, that alternative bases of news choices are hardly imaginable (Herman & Chomsky, 1988: p. 2).

Even given the restraints cited by Herman and Chomsky and the others listed here, there is a huge amount of discourse in Western society already:

- *Discourse in the form of* superb journalism by world class news organizations, including the *New York Times*, the *Washington Post*, *Mother Jones*, and a host of others, each offering a growing array of digital services to its clients.
- *Discourse in the form of* books, reviews, and the conversations they engender across society.
- *Discourse in the form of* the give and take of legal adversaries in the court systems, where much of the “truth” and “reality” of our society’s and our economy’s activities and behaviors are clearly recorded in legal briefs, answers to them, judgments, and the verbal struggles of the state’s, the plaintiff’s, and the defendant’s representatives that make it into the verbatim transcripts of hearings and trials.
- *Discourse in the form of* the legislative process, with every aspect implied by that expression, including hearings, press conferences, actual bills and laws, and all the resulting news coverage and commentary.
- *Discourse in the form of* the burgeoning universe that used to be called the “Electronic Superhighway” but is now most commonly encompassed by terms such as the World Wide Web (CERN, 2015) and “social media,” an amazing and explosive new aspect of the digital universe that we have hardly come to terms with even experientially, much less analytically, and which appears to be growing geometrically. This digital universe includes much more than this partial list suggests: blogs; “home pages” of various watchdog and/or advocacy groups, as well as of countless individual experts and non-experts; online repositories of information and data such as Wikipedia and numerous comparable sites such as Lexis-Nexis, as well as the massive collections of information available through search engines.
- *Discourse in the form of* all the respected scholarly journals with their thousands of carefully argued and painstakingly documented articles posted on thousands of online databases and journals jammed with peer-reviewed journal articles.
- *Discourse in the form of* the hundreds of conferences that are held annually on specialized issues, an enormous number of them dealing with important contemporary issues.

The real problem is not lack of discourse in most western societies where it is less formally restricted and is more abundant than other areas. Even so, the explosion of discourse through the World Wide Web and the Internet still does not occur on the basis of the discourse principles advocated by Habermas and often does not result in the open kind of discourse that could reach the lifeworld and impact norm establishment there and policy enactment in the lived world in a meaningful way. Communicative exchange along the lines of discourse ethics by significant players in society is necessary to impact the lifeworld and leave it relatively free of domination by system forces.

4.2. Habermasian Discourse as Part of the Solution

A distinctive quality in the society and politics in our contemporary constitutional democracy is the glaring absence of a meaningful forum in which to deal substantively with lifeworld issues, either normatively or in practical politics, “meaningful” in the sense of being able to compete with system forces. Congress *should* serve that function, but in practice that legislative body appears to have been “captured” by corporate forces and by those with seemingly unlimited amounts of money to influence political outcomes. Under colonization, we are left with business-as-usual discourse dominated by system forces, with what was traditionally lifeworld discourse structurally fractured, on the one hand, and even, displaced on the other hand by system discourse operating on instrumental reason. In *The Rise of the Robots: Technology and the Threat of a Jobless Future*, Martin Ford makes a powerful point about “capture,” but deals with it only as a possible “risk”:

There is also the obvious risk of political capture by the financial elite. In the United States, to a greater degree than in any other advanced democracy, politics is driven almost entirely by money. Wealthy individuals and the organizations they control can mold government policy through political contributions and lobbying, often producing outcomes that are clearly at odds with what the public actually wants. As those at the apex of the income distribution become increasingly detached—living in a kind of bubble that insulates them almost entirely from the realities faced by typical Americans—there is a real risk that they will be unwilling to support investment in the public goods and infrastructure upon which everyone else depends (Ford, 2015: p. 48).

The issue of money in politics is dealt with below as one of the deep irrationalities pervading our political and social system. Under business-as-usual discourse now, there is very little likelihood that the issue Ford mentions will be taken seriously as a problem.

But Ford mentions other major issues from which practical policies might flow. For example, in discussing the role of government funding—read “taxpayer funding”—in the development of information technology, he observes, “At some point we may need to ask a fundamental moral question: Should the population at large have some sort of claim on that accumulated technological account balance? The public does, of course, benefit greatly from accelerating digital technology in terms of lower costs, convenience, and free access to information and entertainment”(Ford, 2015: p. 80).

If this is not a lifeworld issue, it’s hard to imagine one that is. As a *moral* question, this is exactly the kind of issue to be taken up by Habermas’s discourse ethics. But suppose under business-as-usual discourse, some congressional representative or senator were to make a concrete policy proposal or even begin drafting a bill to address the issues Ford identifies. Under a Congress captured by powerful moneyed and corporate interests, any practical policy or draft bill would certainly be locked up in committee or never be brought to the floor until it was “safe” to deal with it. Besides, Ford observes, “If, as seems likely, advancing technology continues to drive the United States and political influence wielded by the financial elite can only increase. That may make it even more difficult to enact policies that might serve to counteract the structural shifts occurring in the economy” (Ford, 2015: p. 59).

Our thesis is that contemporary *political* discourse could be improved by geometric proportions if the so-called “discourse principle” and “discourse ethics” advocated by Habermas for normative situations were also to become norms at the practical level—and if there were institutional forums which could deal with lifeworld issues in the interests of “the will of society independent of the majority.”

4.3. Discourse Ethics and the Discourse Principle

The premise to such a discourse as that proposed by Habermas, however, is that the values and principles of discourse ethics should be lodged in the *demos*, in the citizenry, as norms—and it’s obvious that today they are clearly not. A commitment to democracy has long been a hallmark of Habermas’s approach to philosophy and to sociology. It is embedded in the “principle of discourse”—which Habermas labels (D)—that bolsters his theory of communicative action. (D) holds that the

normative validity [in communicative action] is dependent upon agreement of all as participants in a practical (in other words moral) discourse, which is to say that only agreement that is based on truly open and rational debate counts. To spell out the nature of discourse a little more precisely, this entails that all competent speakers and actors are allowed to take part; everyone can question anything that is said, and may

introduce new assertions (including assertions of their attitudes, desires, and needs) as they see fit, and no speaker may be coerced into withholding or withdrawing their participation” (Edgar, 2006: pp. 45-46).

The notion also applies to the role of law in a just society, where democracy is also at work in the formulation of laws: “A law can only be considered to be legitimate if the sovereign who debates and offers justification for the law is at one and the same time the citizen who will be subject to that law. This entails that any just society must secure certain rights for its citizens that guarantee their participation in the discursive process that leads to good law” (Edgar, 2006: p. 84). For our purposes, however, the crucial issue is that the core values of discourse ethics as stated above do not now reside in what our society boasts as the *sovereign*, implicit in the first three words of the preamble to the Constitution: “We the people, ...” (Preamble, U.S. Constitution). The solution is to put those values there. The problem, of course, is how, and that is the subject to which this paper is devoted. The measure of success of Habermasian discourse would be the extent to which it is able to redress the imbalance of system influence over the lifeworld. Inherent in discourse ethics is the notion that no force should be applied to anyone participating in normative discourse other than the force of the “better argument” (Habermas, 1984: p. 26).

5. Carl Schmitt: The Sovereign, the Political and the Bridge to Habermas

In *The Concept of the Political*, Carl Schmitt makes what many see as a powerful existential argument for the notion of “the sovereign,” the entity capable of making a life or death decisions regarding the existence of the state in situations which he calls “the exception,” arguing that only an authoritarian entity unfettered and free of the strictures (in his analysis) of liberal values can make such decisions. The wellspring of Schmitt’s authoritarian bias seems to be his contempt for liberalism, and his authoritarian biases led him to positions compatible with fascism and Nazism. Nevertheless, his emphasis on the importance of “the political” in public life—as distinct from moral, aesthetic, religious, scientific, and economic realms of activity—is important given the role of public policy decision-making in contemporary constitutional democracies (Schmitt, 1932, 2007: p. xiv, 26). According to Tracy B. Strong’s “Foreword” to the 2007 edition of Schmitt’s seminal book from 1932, the controversial Schmitt, who later joined the Nazi party—along with Martin Heidegger, two of the three most prominent intellectuals to do so—has become an important political thinker in the eyes of analysts from both the right and the left, particularly with respect to issues such as politics and democracy, politics and ethics, and the issue of the “enemies” of the state (Strong, 2007: p. xiii).

5.1. The Sovereign

Much of Schmitt’s thought seems to have been conditioned by his experiences in the ill-fated Weimar Republic in Germany in the 1920s. In his classic essay “The Struggle Against Liberalism in the Totalitarian View of the State” from his 1968 book *Negations*, Herbert Marcuse says Schmitt used “political existentialism” to justify his theory of “the emergency” (Marcuse, 1968: p. 21), now often referred to as “the exception,” giving the sovereign unrestricted power to act to save the state. Tracy Strong, in her “Foreword” to a 2007 edition of Schmitt’s *Concept of the Political*, discusses this as Schmitt’s “deeper claim,” that “the political defines what it is to be a human being in the modern world and that those who would diminish the political [would also] diminish humanity” (Strong, 2007: p. xv). The “friend-enemy” distinction is a concept that is central to his ideas of both the sovereign and the political. Says Strong, “Politics thus involved, famously, friends and enemies, which means at least the centrality of those who are with you and those against whom you struggle. Fighting and the possibility of death are necessary for there to be the political” (Strong, 2007: pp. xiv - xv). According to Strong, Schmitt’s concept of the sovereign results in ultimate political authority being lodged in an entity that is not bound by any strictures and is thus free to decide appropriate action in the face of a life or death situation for the polity, which means the ability to act beyond law in ways that are, in Strong’s words, “singular, absolute, and final” (Strong, 2007: p. xiv). Even though we reject Schmitt’s notion of the sovereign, sovereignty is an issue in the practical implementation of Habermas’s ideas, as will become evident in our critique of it below under the heading of “Romancing the Sovereign.”

5.2. The Political as the Bridge to Habermas

And even though Habermas’s notion of the political—“empty” of content as it is conceptually—appears to be-

deeply and systematically grounded, it is in fact suspended there theoretically in his system waiting to be filled with the political activity of the participants of society. In his handling of the more practical aspects of the political, though, Habermas seems to focus on those elements of society that deal with the *steering media* of power and its role in constitutional democracies as having softened the harsher aspects of capitalism. However, in the practice of politics *as* politics pursuant to public policy decision-making, he seems to avoid it or even consider it part of the problem—being a system element and thus a goal-oriented activity—or rant at it, as he did with Georg Diez, as seen above. And here is where Schmitt’s urge to privilege the political over other realms of human activity becomes important. We see it as a lacuna in Habermas’s philosophical approach not to specify that at the practical, livedworld level, politics and politicians should also be called on to operate on something very close to discourse ethics. This is especially true of those who would locate political rights in Rousseau’s concept of “popular sovereignty.”

To be successful, politics must at a minimum be able to adequately handle the issues put forth by the system’s side of human activities, the side dominated by instrumental reason, and in our contemporary situation, the side energized and driven by the continued unfolding of the forces of the Industrial Revolution but under the control of corporate capitalism.

Below we argue that the problem with “the sovereign” in our contemporary constitutional democracy is two-fold: not only is it weak, but it has been displaced, even while being held rhetorically in a place of primacy, given its iconic presentation in the “We the people” clause of the preamble to the Constitution. But in our world today, it is a sovereignty in name only or one which truly functions only at certain times in the operation of our political system—Election Day—and thus primarily has a quality Habermas derides as a “plebiscitary distortion.” But the “putative sovereign” is something which the application of Habermas’s ideas about discourse could “rectify,” not only by naming it correctly (as the “putative sovereign”) but also by identifying the “real sovereign” and then seeking to bolster the “putative sovereign” through education, both generally and in communicative action and ethical discourse. At the same time, adopting Schmitt’s approach of an expanded role for “the political” serves as a corrective to Habermas’s approach in that it gives him a way to import real politics into his philosophical and sociological system—in other than just the abstract ways such as saying the equivalent of “discourse will occur.” This new politics, we argue, should have as its constituency, not those with narrow system interests, as is the case today, but society itself and its interests (expressed as “the will of society independent of the majority”). We would go even further, however, and argue that this notion of the political is the *only* systematic way to bring Habermas’s philosophy and sociology to fruition at the practical level—within the existing state. “The political,” then, can become the bridge between Habermas’s philosophy, where political concepts are theorized, and the livedworld, where they are practiced.

Moreover, we believe that the robustness of communication and discourse in a polity operating on Habermasian principles would produce sufficient weight on the “friend” side of Schmitt’s “friend-enemy” criteria that it would structure the situation such that the sovereign would be both sufficiently knowledgeable and sufficiently supported institutionally to be able to survive any “exceptional” action which, according to Schmitt would threaten the polity—thus, if not avoiding, at least dealing with the “the exception” without resorting to Schmitt’s authoritarianism. It is only through such a revitalized politics that society is going to be able to forcefully deal with the problem Habermas sets out to solve: The colonization of the lifeworld by system.

6. Irrationalities Threatening Lifeworld: Three Cases

Before proceeding further, we need to lay out as forcefully as possible the problems that need solving. That means a critique of the society contemporary politics has given us, specifically looking at how instrumental reason (*rationality* from the point of view of the system, but *irrationality* from the perspective of lifeworld) has shaped the world we live in. Given Habermas’s rehabilitation of rationality and of the concern over incursions into the lifeworld, which on a daily basis inevitably impact the denizens of the lifeworld at the gritty places where they breathe, work, and live, it makes sense to survey those irrationalities in some detail. We will examine three cases: corporate intrusions into the lifeworld; the problem of a weakened sovereign; and numerous political irrationalities that work to degrade the lifeworld and the livedworld.

6.1. Case #1: The Irrationality in Overweening Corporate Power

Corporate influence in the political system has been evident since the 1830s, when corporations were viewed

with suspicion. And even Thomas Jefferson voiced contempt for their influence earlier than that. The period following the Civil War saw the unrivaled growth of corporations in the economic and political systems of the United States, particularly, but also in the world. The period also saw the impact of the *Santa Clara County v. Southern Pacific Railroad Co.*, which, facilitated by the U.S. Supreme Court, helped cement corporate advantage in place, it being the first time equal protection was guaranteed to corporations as well as to “natural persons.” Few people have made as powerful a critique of the role of corporations in our political, social, and governmental system as former Associate Supreme Court Justice John Paul Stevens. That critique is laid out in stunning detail in his dissent in the *Citizens United* case. Early in the opinion, he says of corporations, for example, that

Although they make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office. Because they may be managed and controlled by nonresidents, their interests may conflict in fundamental respects with the interests of eligible voters. The financial resources, legal structure, and instrumental orientation of corporations raise legitimate concerns about their role in the electoral process. Our lawmakers have a compelling constitutional basis, if not also a democratic duty, to take measures designed to guard against the potentially deleterious effects of corporate spending in local and national races (Stevens, Justice J.P., 2010).

The key problem with unlimited corporate participation in the election process, of course, is corruption coming from private interests interfering with and even coopting the government for their own ends. This is a concern going back to the framers of the Constitution. “Thomas Jefferson famously fretted that corporations would subvert the Republic,” Stevens wrote, footnoting the statement with a quote from a letter Jefferson wrote in 1816: “I hope we shall... crush in [its] birth the aristocracy of our monied [sic] corporations which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country” (Stevens, Justice J.P., 2010).

Toward the end of his dissent, in a section titled “Antidistortion” (meaning the court’s and the government’s previous position that it wanted to prevent corporations from distorting our governmental system), Stevens pulls out all the stops and lays out explicitly and at length the dangers corporations pose to the republic, taking a swipe at the majority in the process: “The fact that corporations are different from human beings might seem to need no elaboration, except that the majority opinion almost completely elides it.” He goes on thus:

Unlike natural persons, corporations have “limited liability” for their owners and managers, “perpetual life,” separation of ownership and control, “and favorable treatment of the accumulation and distribution of assets... that enhance their ability to attract capital and to deploy their resources in ways that maximize the return on their shareholders’ investments.” [...] Unlike voters in U.S. elections, corporations may be foreign controlled. Unlike other interest groups, business corporations have been “effectively delegated responsibility for ensuring society’s economic welfare”; they inescapably structure the life of every citizen. “[T]he resources in the treasury of a business corporation” furthermore, “are not an indication of popular support for the corporation’s political ideas.” [...] “They reflect instead the economically motivated decisions of investors and customers. The availability of these resources may make a corporation a formidable political presence, even though the power of the corporation may be no reflection of the power of its ideas.” (Footnotes and case-law citations omitted.)

The following two paragraphs contain other powerful points:

- It might also be added that corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their “personhood” often serves as a useful legal fiction. But they are not themselves members of “We the People” by whom and for whom our Constitution was established.
- These basic points help explain why corporate electioneering is not only more likely to impair compelling governmental interests, but also why restrictions on that electioneering are less likely to encroach upon First Amendment freedoms.

Stevens elaborates the consequences of overweening corporate influence in our society in addition to the general corrosiveness of corruption (“It is fair to say,” Stevens writes, quoting professor Zephyr Teachout’s article “The Anti-Corruption Principle” from the 1994 *Cornell Law Review*, that “[t]he Framers were obsessed with corruption”), mentioning or elaborating on the following points in his dissent:

- *Bribery*, which “may be the paradigm case. But the difference between selling a vote and selling access is a matter of degree, not kind. And selling access is not qualitatively different from giving special preference to those who spend money on one’s behalf. Corruption operates along a spectrum...”
- “*Special considerations*” to corporations and other organizations that air so-called “issue advertisements” “when matters arise that affect these corporations and organizations.”
- *Impact on democracy*: “Take away Congress’s authority to regulate the appearance of undue influence [by corporations and other large donors] and ‘the cynical assumptions that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance.’” And a few paragraphs later: “A democracy cannot function effectively when its constituent members believe laws are being bought and sold.”
- *The role of money*: Not only are corporations “more attuned to the complexities of the legislative process and more directly affected by tax and appropriations measures that receive little public scrutiny,” Stevens says, “they also have vastly more money with which to try to buy access and votes.” He noted in passing that “during the last election cycle,” the Fortune 100 companies earned revenues of \$13.1 trillion...” He noted that corporations “must engage in the political process in *instrumental* terms if they are to maximize shareholder value.” (Emphasis added.)
- *Corruption*: Quoting an earlier court case decided on by U.S. District Judge Coleen Kollar-Kotelly, Stevens wrote: “In sum, Kollar-Kotelly found ‘[t]he record powerfully demonstrated that electioneering communications paid for with the general treasury funds of labor unions and corporations endears those entities to elected officials in a way that could be perceived by the public as corrupting.’”
- *Campaign contributions and expenditures*: “...some expenditures may be functionally equivalent to contributions in the way they influence the outcome of a race, the way they are interpreted by the candidates and the public, and the way they taint the decisions that the officeholder thereafter takes.”
- *Weakening the democracy*: “In addition to [the] immediate drowning out of non-corporate voices, there may be deleterious effects that follow soon thereafter. Corporate ‘domination’ of electioneering... can generate the impression that corporations dominate our democracy. When citizens turn on their televisions and radios before an election and hear only corporate electioneering, they may lose faith in their capacity, as citizens, to influence public policy. A government captured by corporate interests, they may come to believe, will be neither responsive to their needs nor willing to give their views a fair hearing. The predictable result is cynicism and disenchantment: an increased perception that large spenders ‘call the tune’ and a reduced ‘willingness of voters to take part in democratic governance.’”
- *Damage to the democratic process*: “In the real world, we have seen, corporate domination of the airwaves prior to an election may decrease the average listener’s exposure to relevant viewpoints, and it may diminish citizens’ willingness and capacity to participate in the democratic process.”

We might also note that many corporate interests attempt to manifest their influence in overtly political ways not discussed by Stevens. One obvious example is the American Legislative Exchange Council (ALEC). Founded in the 1970s, the council produces “business friendly ‘model’ legislation,” according to a study by ProPublica (Beckett, 2011). The article notes that “ALEC and its members favor ‘federalism and conservative public policy solutions’” and quotes a spokesperson who says that “Legislators should hear from those the government intends to regulate”. The article links to a website at The Center for Media and Democracy titled “ALEC Exposed”, which has numerous resources showing how ALEC operates. The website states: “Through the corporate-funded American Legislative Exchange Council, global corporations and state politicians vote behind closed doors to try to rewrite state laws that govern your rights. These so-called ‘model bills’ reach into almost every area of American life and often directly benefit huge corporations” (ALEC Exposed, n.d.). One obvious advantage in working through states is that the differential in power—economic and political—between corporation and state legislatures is much more to a corporation’s advantage at the state level than at the federal level.

6.2. Case #2: The Irrationality in Romancing the Sovereign

Carl Schmitt used the concept of the sovereign as that entity able to make the final decision about “the exception” in the political system, *i.e.*, the problem in which the urgency—because the political regime faces a matter of life and death—is so pressing that there is no possibility of the employment of logical, parliamentary, or moral rules.

While he is too quick to jump to his authoritarian solution and strengthen the sovereign by allowing it to take unrestrained actions in the face of such exceptions, we would strengthen the sovereign in ways consistent with the values that have evolved in constitutional democracies—and that means, in one important way, through education, which we deal with more extensively below. But first we must examine the existing problem of the sovereign in its empirical existence and practical functioning. This section of the paper sheds light on some telling aspects of the sovereign in constitutional democratic contexts, aspects that may be contrary to our conventional thinking on the issue, with specific examples primarily coming from U.S. politics and political discourse:

- *The putative sovereign of the preamble to the U.S. Constitution:* The preamble to the Constitution opens with these three words, “We the people...” We might think of this as “the putative sovereign” of our constitutional democracy, to be contrasted with whatever entity actually exercises the “real” power in the polity (dealt with below). Initially, the “people” born with “inalienable rights,” as mentioned in the Declaration of Independence, did not initially include slaves, Indians, women, and those who did not own property. While the composition of the putative sovereign has expanded historically, it is still limited in expression and vulnerable to political attempts to restrict it, for example through recent voter suppression efforts.
- *The sovereign of ideology:* “The House of Representatives is,” says Boehner, but it has been captured by an extremely right-wing Tea Party minority and helped cripple government—even as it intended to cripple the Obama administration. Also, every politician is quick to equate his or her beliefs and programs with what “the people” want or what “the people” believe. Recently in the national controversy created by the Indiana state legislature’s having passed the Religious Freedom Restoration Act, Indiana Gov. Mike Pence, who has a long voting record on anti-gay measures, invoked “the people of Indiana” to give cover to his own actions, in spite of a firestorm of public protest against the law. When asked on ABC network’s *This Week* whether the LGBT community should be made a “protective class” under Indiana law, Pence made this statement: “I will not push for that, that’s not on my agenda and that’s not been an agenda of *the people of Indiana*,” Pence said (emphasis added) (Strauss, 2015). Pence’s use of the phrase “the people” as cover for his own political beliefs and actions is iconic among politicians, often making a mockery of the claim.
- *The sovereign as consumer:* We are a consumer society. This must be factored into any fair and accurate profile of “the sovereign,” and that entity is also the object of advertising manipulation, on which enormous amounts of funding are spent, and it can be very aggressive and intrusive into the lifeworld, both with respect to selling consumer products but “packaged” politicians and political ideas as well. If one asks the ordinary consumer the purpose of television programming, the answer will most likely be “entertainment.” But advertisers and television executives know better: Their goal is primarily to line up eyeballs to sell to advertisers. University of Miami Professor Richard Campbell and his colleagues have written insightfully and critically about the role of media in our lives. Their textbook *Media and Culture* lays out the reality of television and advertising clearly: “In practice, television is an industry in which *networks, producers, and distributors target, guarantee, and ‘sell’ viewers in blocks to advertisers*” (emphasis added) (Campbell, Martin, & Fabos, 2012: p. 177). Interestingly, in his work on behalf of the Republican Party, pollster, political consultant, activist, and language expert Frank Luntz has spent much of his recent professional life doing the very opposite of what Confucius sought in his doctrine of the rectification of names. Rather than using language that matches reality, Luntz advises Republicans to use language to achieve their political ends, never mind the truth. Consider, for example, the Republican drumbeat on the emotion laden expression “death tax,” mentioned above, which is what Luntz prescribes for the neutral terms “inheritance tax” or “estate tax” (Wikipedia, 2015a). He also tried to soften the expression “global warming” by substituting the “less severe” term “climate change” (Wikipedia, 2015a). And when the administration of George W. Bush, a memo attributed to Luntz showed the Republicans how to talk about a war of “preemption” but without ever saying the term: “The overwhelming amount of language in this document is intended to create a lexicon for explaining the policy of ‘preemption’ and the ‘War in Iraq.’ However, you will not find any instance in which we suggest that you use the actual word ‘preemption,’ or the phrase ‘The War in Iraq’ to communicate your policies to the American public. To do so is to undermine your message from the start. Preemption may be the right policy, and Iraq the right place to start. But those are not the right words to use” (Luntz, 2010). Luntz also wrote a memo advising Republicans to refer to the Obamacare proposal as a

“Washington takeover of the system,” something which CNN called him on and accused him of contributing to the communication problem by using charged language and stoking American anger rather than merely participating in discourse to help solve the health care problem facing the nation (Republican Pollster, 2009).

- *The sovereign as uninformed about current events.* Numerous articles have covered this phenomenon, enough to show that it’s substantive. And it sheds further light on the “putative sovereign” in the American political system. One source is titled “Mixing Ignorance and Democracy,” which appeared in the *Chicago Tribune* in 2012. A subhead to the article asked this question: “Can our system work with uninformed voters?” (Chapman, 2012). And the abstract to an article appearing in the journal *Electoral Studies* contains this statement: “Americans fail to meet the democratic ideal of an informed electorate, and the consequences of this political ignorance are a topic of significant scholarly debate” (Fowler & Margolis, 2014: pp. 100-110).
- *The real sovereign as the one making substantive decisions:* This is not Carl Schmitt’s sovereign of the exception, but it may be said to moving toward that. It is the location where substantive decisions that shape our life and world are actually made. It is commonplace to acknowledge the role of money in our political system (see also below the “Confessions of a Congressman”). The iconic statement of this is “Deep Throat’s” injunction to the *Washington Post* reporters following the 1972 break-in of Democratic headquarters at the Watergate Hotel: “Follow the money.” This points to a major issue of our time subsumed under headings including money in the political system, campaign finance reform, *Citizens United* and other examples of corporate influence in politics (in particular the Koch Brothers, who have vowed to spend nearly a billion dollars in anticipation of the 2016 election) (Gold, 2015).

In the contemporary mythology of America, we almost romantically think of “the People” as being sovereign, but we overlook that over the centuries this “putative sovereign” has been turned primarily from citizen to consumer, and we have listed other defects of the traditional view of the sovereign. With these considerations, we can begin to get an image of the sovereign of ideology and the sovereign of reality in our system. The bottom line: in Habermasian democracy marked by discourse ethics, the sovereign must be educated enough to avoid being manipulated and to be able itself to manipulate the subtleties of the system and the problems that are brought before it.

6.3. Case #3: The Irrationalities which Degrade the Quality of Lifeworld

Degradation of the lifeworld is certainly not new. Throughout history, the lifeworld can clearly be seen as skewed in the interests of elites, with the quality of life for society as a whole often sharply curbed by inequities caused by sexism, the general brutality of life, and severe maldistribution of wealth, not to mention other “irrationalities” of existence. In some areas of our contemporary world, life is arguably better, though across the planet, the quality of life for the average inhabitant is uneven. And the failed promises of the political revolution over the last two centuries make us even more sensitive to the irrationalities that pervade our contemporary world. In the present analysis, these are system intrusions which are the result of instrumental reason in the process Habermas terms the “colonization” of the lifeworld. Below we offer what may appear to be an extensive list of activities, policies, practices, or ideas that, having material force in the world, contribute substantially to the degradation of the lifeworld. But the list below is suggestive rather than exhaustive. The problem, of course, is that many of these irrationalities identified here are structural and that powerful interests exploit them to their own advantage and to the degradation of the lifeworld. The very term “vested interests” calls up the difficulty of overcoming them. When it comes to contemporary society, economics, and politics, the list of irrationalities impinging on the livedworld seems interminable, but their destructive impact on the lifeworld is clear:

1) *Racism:* The history of the civil rights movements is sufficient documentation of this claim, and it needs to be emphasized that there have been significant advances since the Civil Rights and Voting Rights Acts of 1964 and 1965, respectively. Moreover, the contemporary and blatant attempts at voter suppression are so significant that they deserve an independent entry. This hardly needs to be explained, though two comments are in order: 1) there is still a real problem with “structural racism” in our society, as many observers have noted, and 2) the recent release of a U.S. Department of Justice report finding that the Ferguson, Missouri, police department routinely engaged in racially biased policing methods (Edwards, 2015). The recent spate of reports of the deaths of African Americans at the hand of police officers—often supported with video evidence—provides more than

anecdotal support to longstanding claims by black citizens of routine mistreatment by law enforcement authorities.

2) *The “weapons of mass destruction” distortion leading up to the Iraq war:* In the face of contrary evidence, the argument was made with fear mongering, and both President George W. Bush and National Security Adviser Dr. Condoleezza Rice made wildly exaggerated statements about the urgency of dealing with Saddam Hussein’s nuclear capabilities. CNN’s Wolf Blitzer reported in January 2003 that the previous September Rice had told him, “The problem here is that there will always be some uncertainty about how quickly he can acquire nuclear weapons. But we don’t want the smoking gun to be a mushroom cloud” (Blitzer, 2003). A month later, the president repeated the statement in almost exactly the same words (Bush: Don’t Wait for Mushroom Cloud, 2002). The particularly heinous consequences of this irrationality—combined with the putative sovereign’s ignorance or inability to discern truth from fiction in the face of Bush-Cheney-Neoconservative claims in their obfuscation and willful distortion—are, according to Brown University’s “Costs of War” Project, the number dead between 2003 and 2013: military service members, 4488; contractors, 3400; and civilians, 134,000 (Iraq War, 2013). There are also thousands with life-altering injuries, and the authors of the project predict that by 2053, the cost of treating injured veterans will reach an estimated \$2.2 billion. When the period examined reaches back to 2001, the numbers are even more staggering as the title of another report, covering the period between 2001 and 2011, suggests: “Over 350,000 Killed by Violence, \$4.4 Trillion Spent and Obligated” (Over 350,000 Killed by Violence, 2014).

3) *US incarceration rates are inordinately high—and show a racial imbalance.* For a country whose national mythology centers on words such as “freedom” and “liberty,” it goes beyond irony to discover that while the U.S. has a mere 5 percent of the world’s population, it incarcerates more than 25 percent of the world’s prisoners, according to the NAACP (Criminal Justice Fact Sheet, n.d.). Moreover, according to the NAACP fact sheet, “African Americans are incarcerated at nearly six times the rate of whites.” When Hispanics are included in the statistics, while the two groups make up only a quarter of the U.S. population, together they account for 58 percent of those incarcerated.

4) *The degradation of the world’s oceans:* There are so many parameters by which the destruction of the ocean environment has occurred, but it’s important to suggest the outlines: chemical pollution; oil pollution, both massive from oil wells and tanker accidents and smaller but numerous occurrences of incidental pollution; plastic pollution—and in particular the existence of the Great Pacific Garbage Patch practically screams the irrationality of a world that would let such a massive amount of plastic accumulate to the detriment of ocean life and the environment generally (Wikipedia, 2015b); ocean acidification; ocean warming, with the concomitant destruction of important marine habitats; over fishing, resulting in declining fish populations and the decrease in biodiversity, with one prediction being that by 2048 if nothing is done, there may be no fish available in consumer markets (Roach, 2006).

5) *Hundreds of thousands of un-processed rape kits:* In recent years, there has been much news of the failures of cities all over the United States to process thousands of rape kits, for a variety of reasons, though *Slate* magazine says these are “casualties of underfunded police departments and a culture that still struggles to take sexual assault seriously” (Waldman, 2014). While the total number cannot be known for sure, *Slate* estimates it as about 400,000. This is a structural problem with real degradation of the lifeworld and the livedworld. Among cities with large backlogs of unprocessed rape kits are these: Houston, 6600; New York, 17,000; Detroit, 11,000; Memphis, 12,000; and Cleveland, “thousands,” says the *International Business Times* in a recent article (Ross, 2015).

6) *Contemporary voter repression efforts:* Such efforts are obviously politically motivated by Republican-controlled state legislatures and are blatantly aimed at those voters who historically vote Democratic: blacks, Hispanics and other minorities, and students. In Texas, lawmakers allowed people to use gun permits as valid identification for voting purposes, but disallowed college identifications (Rosenthal, M.J., 2011). *Frontline* reported that within 24 hours of the U.S. Supreme Court’s decision to strike down key provisions of the 1965 Voting Rights Act on June 25, 2013, several states moved to restrict access to the voting booth through restrictive laws (Childress, 2013). The article, published in June of 2013, further states: “Since last year, 41 states have introduced some form of restrictive voting legislation, and of those 18 passed laws. Among the most popular are those that require voters to show a photo ID in order to vote, which proponents say helps to counter fraud — a phenomenon that almost never happens..., analysts say.” The Brennan Center for Justice at the New York University School of Law in 2007 issued a 50-page report titled “The Truth About Voter Fraud,” which examined

the issue thoroughly. The report concluded among other things that “claims of voter fraud are frequently used to justify policies that do not solve the alleged wrongs, but that could well disenfranchise legitimate voters. Overly restrictive identification requirements for voters at the polls—which address a sort of voter fraud more rare than death by lightning—is only the most prominent example” (Levitt, 2007: p. 3). The voter fraud claim, often made by those backing the restrictive laws, ignore the evidence that the “fixes” they advocate don’t address the problem they state. The only legitimate conclusion is that such claims are mere pretexts for other agendas.

7) *Sexism*: Continued sexism has left it so that there is obvious pernicious prejudice against women operating in our system. The fact that generally women are represented in positions of power in our society in proportions much lower than they exist in the general population is a general statement of the problem. It is evident on judicial benches, in elected offices, in bank and university presidencies, to suggest but a few disparities, and in the 114th Congress, which serves between 2015 and 2017, only 20 of 100 senators are women and 84 of 435 representatives are women (Current Numbers, 2015).

8) *The absurdities of the losses from the 2008 financial collapse*: In 2012, the *Wall Street Journal* estimated that “total global losses” stemming from the September 2008 financial collapse could approach \$15 trillion (Yoon, 2012). Yet, the amazing fact is that while there have been some civil actions to reclaim some losses from the banks which profited from what we now know were faulty and even fraudulent banking practices, there have been relatively few prosecutions (Eaglesham, 2012).

9) *Anti-science proclivities in those with political power threatens the democracy*: So warns a 2012 article in *Scientific American* magazine titled “Antiscience Beliefs Jeopardize U.S. Democracy” (Otto, 2012). The article notes that much of this attitude resides in the Republican Party, and makes the following cogent point, particularly with respect to what the author calls “denialism” related to our best scientific understanding of evolution: “[The] marriage of industrial money with fundamentalist values gave fundamentalism renewed power in the public debate, and efforts to oppose the teaching of evolution in public schools have returned in several states. Tennessee, South Dakota and Louisiana have all recently passed legislation that encourages unwarranted criticisms of evolution to be taught in the states’ public schools.” Examples of questionable leadership abound, but two are U.S. Sen. James Inhofe, R-OK, who mocks climate change and the scientists who warn against it (Leber, 2014) and chairs the committee on the environment, and U.S. Rep Paul Broun, R-GA, who has served on the House Committee on Science, Space, and Technology and has had his credentials publically challenged. According to Wikipedia, “Science educator Bill Nye questioned Broun’s ability to serve on the House Committee on Science, Space and Technology, stating, ‘Since the economic future of the United States depends on our tradition of technological innovation, Representative Broun’s views are not in the national interest’ and that ‘He is, by any measure, unqualified to make decisions about science, space, and technology’” (Wikipedia, 2015d). The Wikipedia article further stated: “On September 27, 2012, in a speech at the Liberty Baptist Church Sportsman’s Banquet, Broun stated that the sciences of embryology, evolution, and the Big Bang are ‘lies straight from the Pit of Hell... lies to try to keep me and all the folks who are taught that from understanding that they need a savior.’ This position is in support of his stance supporting Young Earth creationism. In the speech he also said that, ‘Earth is about 9000 years old,’ that ‘it was created in six days as we know them,’ and that mainline Christian denominations are ‘going to send their people to hell’” (Wikipedia, 2015d).

10) *Perverting the operation of government bodies to partisan political ends*: This, of course, entails failing to function as the bodies were intended and co-opting them to other ends. The list of such occurrences is virtually interminable, but more than a few almost scream for attention over what appears to be a conflict of interest: appointing industry representatives, often lobbyists, to head the regulatory agencies they once lobbied for is broadly known, with the George W. Bush administration’s controversy over the tampering with a climate change report. According to the Union of Concerned Scientists, “the Bush administration blatantly tampered with the integrity of scientific analysis at a federal agency when, in June 2003, the White House tried to make a series of changes to the EPA’s draft Report on the Environment” (Climate Change Research, 2004, 2005).

11) *Excess money in the system*: It’s commonplace knowledge that money is a crucial element of politics. Proof pops up here and there but it’s always written off as being incongruent with what our ideology and our deepest beliefs tell us about our system. Occasionally, though, something a bit stronger comes along, as it did recently in an anonymous article allegedly written under the by-line “A Member of Congress” and dated July 12, 2015. The article was titled “Confessions of Congressman: 9 Secrets from the Inside.” One of the nine secrets read under the heading of “Congress listens best to money,” contained the following:

It is more lucrative to pander to big donors than to regular citizens. Campaigns are so expensive that the av-

erage member needs a million-dollar war chest every two years and spends 50 percent to 75 percent of their term in office raising money. Think about that. You're paying us to do a job, and we're spending that time you're paying us asking rich people and corporations to give us money so we can run ads convincing you to keep paying us to do this job. Now that the Supreme Court has ruled that money is speech and corporations are people, the mega-rich have been handed free loudspeakers. Their voices, even out-of-state voices, are drowning out the desperate whispers of ordinary Americans ([A Member of Congress, 2015](#)).

The U.S. Supreme Court's January 2010 decision in the case of *Citizens United v. The Federal Election Commission* opened the floodgates for virtually unlimited amounts of "dark" money to enter the political system—and the unlimited influence of corporations on politics.

12) *The problem of independent—or low-information, low-interest—voters*: The electorate is not nearly as wise as political observers and pundits would have it. The focus of attention in each election cycle almost always centers on those who disavow attachment to either political party: those who style themselves independents. These voters have been studied closely, and it is surprising that those who are targeted by campaigns in both parties are low-information, low-interest voters who waffle back and forth between the Democratic and Republican poles. In other words, our campaign system has turned over control of our politics, and ultimately the fate of our government, to participants who know little about issues and who care little, another count in the indictment of the sovereign in our system. That makes such voters susceptible to specious political advertising, and that is where unlimited campaign donations come into play. This is a recipe for a watered down, lowest-common-denominator political system, with the least knowledgeable players ending up with the biggest voices. In January 2014, the Gallup organization reported that the number of people identifying themselves as "independents" had reached a record high of 42 percent, the peak in the last 25 years it has been measuring the phenomenon ([Jones, 2014](#)). Moreover, Specter's intellectual biography of Habermas notes that he calls independents "unpolitical" voters and discussed how mass marketing techniques were being used to manipulate them ([Specter, 2010: p. 62](#)).

13) *The absurdities of political theater*. An extreme example is the dozens of votes (54 by March 2014) under Republican Speaker John Boehner's stewardship of the U.S. House of Representatives to "repeal Obamacare," the landmark Affordable Care Act, which brought health care to millions who had previously been denied it ([O'Keefe, 2014](#)). Instead of doing meaningful work, Republicans returned over and over to this issue, even in the face of a threat by the president to veto it. Meanwhile, the number of positive actions the House took was at a low. Even so, one of the most extreme examples of the kind of political theater referred to here is the brinksmanship that led to a government shutdown in 2013 over negotiations of the ceiling for the U.S. federal debt, but it was not without cost. The two-week shutdown was provoked by intransigent Republicans in the U.S. House of Representatives—by a party that historically abhors "government spending" and continuously berates the Democratic Party for its "tax and spend" approach to governance. Yet, the financial services company Standard and Poor estimated at the time that "the shutdown will [ultimately] cut about 0.6 percent off inflation-adjusted gross domestic product, equivalent to \$24 billion" in terms of economic output, unemployment, and other real world measures ([Lowrey, Popper, & Schwartz, 2013](#)). By anyone's reckoning, that is expensive political theater, and it should contradict the core values of the Republican Party. Nevertheless, the above is not an isolated instance of the practice.

14) *National Rifle Association's political grip on legislative action*: The NRA's grip on the political and governmental apparatus of the nation is powerful and irrational, and to the extent that it impedes *any* meaningful gun safety laws, it represents a major and often painful incursion on the lifeworld. Particularly egregious is the clause written into legislation that prevents the National Institutes of Health, by law, from even studying gun violence research from a public health perspective ([Gun Violence Research, 2013](#)). This is obviously legislation of special pleading that is designed to preemptively protect the powerful gun industry from legislative interference. However, there are studies showing that the majority of both gun owners and non-gun owners support restrictions on firearms, particularly military assault type weapons ([Cline, 2013](#)). The National Institute of Justice reports that in 2011 some 467,321 people were "victims of a crime committed with a firearm" and that "[m]ost homicides in the United States are committed with firearms, especially handguns" ([Gun Violence, 2014](#)).

15) *Anti-intellectualism in high places*: There are powerful forces of anti-intellectualism at work in society today, particularly in religion, but in education and politics as well. Often these three realms are combined and/or interact with each other. One prominent example is the movement against the teaching of evolution,

which has a religious underpinning and often manifests itself in political efforts in education to block teaching it in schools. In his book *The Greatest Show on Earth: The Evidence for Evolution*, scientist Richard Dawkins, includes an appendix titled “The History Deniers.” Here he discusses the widespread belief, among other similar notions, that “God created human beings pretty much in their present form at one time within the last 10,000 years,” later noting with respect to this belief “the deplorable fact that [the United States] comes out only just ahead of Turkey in such matters...” (Dawkins, 2009: p. 432). On two charts showing the relative state of enlightenment among various European countries, Turkey came out at the very bottom. Dawkins quoted the Gallup polling organization’s U.S. data.

16) *Historically high levels of income disparities in the U.S.*: On February 9, 2012, Jared Bernstein, a senior fellow at the Center on Budget and Policy Priorities, testified before the U.S. Senate Budget Committee, saying, “even with recent improvements in the job market, the American economy still faces significant challenges, particularly the historically high levels of income and wealth inequality, the squeeze on middle-class incomes, and elevated rates of poverty,” according to the Center’s “Off the Charts” blog (Bernstein on Income Inequality, 2012). The blog contained a graphic from the Congressional Budget Office titled “Income Gains at the Top Dwarf Those of Low- and Middle-Income Households.” The graphic shows that over the last several decades, the nation has experienced income disparities in which those in the top 1 percent of income earners have seen their incomes grow by 277 percent over 1979 levels, while the bottom 20 percent, the middle 60 percent, and the remaining 19 percent have grown at only 18 percent, 38 percent, and 65 percent respectively. Another CBPP document notes that “[t]aken together with prior research, the new data suggest greater income concentration at the top of the income scale than at any time since 1928” (Sherman & Stone, 2010).

It is contended here that the above elaborated list of irrationalities could be avoided by mature political discourse on the part of an educated electorate and that such irrationalities are, at least, more likely to be avoided if discourse participants are operating on the principles Habermas advocates in his discourse ethics. The massive consequences of such irrationalities are crippling to society. One need only to look at the deteriorated state of our nation’s infrastructure, a reality that is almost universally acknowledged, and the virtual lack of political will to redress it. If the problem is viewed in anything nearly like its genuine proportions, the magnitude is staggering.

The above list does not exhaust the list of irrationalities from the point of view of the lifeworld. Numerous other issues could be explored, ranging from the militarization of local police forces to the use of gerrymandering the electorate to ensure safe seats for those in power and to restrict opponents to confined geographic areas.

7. The *Shuowen Jiezi* Analog: A Social Media Community Based on a Madisonian Vision

If a new and vigorous politics is to be engendered, it might well take advantage of a social media to create a contemporary, but digital, analog to the *Shuowen Jiezi*—the Han dynasty’s *Shuowen Dictionary* compiled by the Confucian scholar Xu Shen (c. 58 - c. 147 CE) that was supposed to serve as the cultural infrastructure for the Confucian “rectification of names” sought by Han administrators, *i.e.*, the Confucian scholars (Wikipedia, 2011). The Wikipedia entry reads in part:

According to [William G.] Boltz, Xu’s compilation of the *Shuowen* “cannot be held to have arisen from a purely linguistic or lexicographical drive.” His motives were more pragmatic and political. During the Han era, the prevalent theory of language was Confucianist Rectification of Names, the belief that using the correct names for things was essential for proper government.

A digital analog in social media or the World Wide Web could function in the same way as a place to record the terms of contemporary political discourse, vigorously processing them through Habermasian discourse ethics and communicative action. Even now, such social media could function as the infrastructure of a community that could develop and project substantial political power, even if it stopped short of actually establishing norms. It could, however, be the vehicle for stating social norms in such a form that society could adopt them because they represent, in Habermas’s terms, the force of the better argument.

Below is but a preliminary sketch of what the structure and content of such a media platform might look like as it is intersubjectively generated and driven by the community envisioned here, each topic an open, free, and unfettered discussion on the basis of Habermasian discourse ethics. And in each list, topics could be “weighted” by the participants themselves as to priority in terms of urgency for society to deal with it, either in terms of ge-

nerating a norm or a practical solution to the problem. The digital platform could have sections or interactive web pages that:

- 1) List of the most egregious irrationalities in *our political system* today, with links and images as appropriate.
- 2) Identify the most egregious irrationalities in the *world* today, with links and images as appropriate.
- 3) Identify and offer concrete evidence about public officials and the interests they carry water for (as suggested by campaign contributions, voting records, etc.).
- 4) Identify and discuss problems in our system that Habermasian discourse would / could be seen to address and possibly solve.
- 5) Highlight and discuss activities and policies that would be lifeworld *enhancing*.
- 6) Identify and discuss activities and policies that are lifeworld *degrading*.
- 7) Allow discussions of general issues.
- 8) Contain a set of pages that:
 - a) List books and articles with seminal readings related to issues making a significant impact on the lifeworld.
 - b) Spell out, at various levels of complexity, the Habermasian program of discourse ethics, communicative action theory, and his ideas about law and participatory democracy.
 - c) Contain discussion forums for key Habermasian ideas, especially lifeworld, system, “colonization,” universal pragmatics, “reconstructive analysis,” and all the rest. (Links to the online glossary of Andrew Edgar, *Habermas: The Key Concepts*, and other comparable resources.)
 - d) Give a platform to the critics of Habermas, and their arguments about the weaknesses and limitations of his ideas.
- 9) State the website’s “Community Policing” system, where the policing of conversation and conduct is handled in terms consistent with Habermas’s values—through proper discourse.
- 10) List the “democratic” organizations already working in the direction of lifeworld advocacy.
- 11) List an exhaustive bibliography of works by Habermas, with links to online resources where available.
- 12) And other pages deemed necessary by the participants that would enhance the discussion and the possibility of increasing democratic participation and communication in our society.

All of the pages and issues, seemingly, could have a feedback mechanism on them so that the issues deemed highest in priority for society to deal with would rise to the top of the list based on intersubjective consensus. The concept behind such a website could become the basis for establishing what we called for in our first paper “a will in the community independent of the majority, that is, [a will] of the society itself...” based on our admitted misprision of James Madison’s *Federalist* No. 51.

8. The Implications of Habermas’s Theories: The Magnitude of the Problem

As philosophy aims at a global and universal understanding of the world, the ideas of Jürgen Habermas are ideas with world-historical importance. Confucius’s notion of the rectification of names is no less significant. In our assessment, Habermas’s thinking is so robust and so potentially powerful, that it can at the practical and empirical level successfully take on the colonization problem.

With system forces having captured the key economic, political, social, and governmental institutions of our society, the contemporary system is vested in protecting its advantaged position. Since politics, the political, is already structured to engage in battles over public policy decision-making, Habermas’s approach, with the slight modifications, can lead to a new, revitalized politics. In fact, the *best* way—if not the only way—to inscribe Habermas’s approach in our practical political system is through enhancing “the political” as spelled out here. Moreover, if *practicing politicians themselves* don’t recognize the deficiencies of their existing approach, pick up the mantle of genuine change and reform equal to the problem that is besting them now (that has captured and corrupted many of them), and adopt a politics that is democratic and effective in dealing with the colonization posed by the instrumental reason of system forces, just who is going to do it?

Having dealt systematically with the premises of Habermas’s approach and their implications, what remains is to note the sheer magnitude of what in our society, economy, and politics needs to be changed, modified, reformed—rectified—in order to bring colonization of lifeworld under control of interests representing society and not narrower system interests. That picture has multiple components ranging from institutions at the federal/national level down through the state level and ultimately to the local level. While daunting, it is not impossible to envision success, echoing Thomas Paine’s terms, in “remaking the world.”

9. Education Underlies All in a Re-Imagined Lifeworld

Perhaps the most important preliminary comment to be made, arising from the above analysis of the status of the sovereign, is the need to raise the general level of education across the citizenry. In fact, it is a truism that for a constitutional democracy to work at all, an educated citizenry is required. In the face of this reality, recent trends in the funding of education are puzzling in the best case scenario and sinister in the worst case. One recent example is the proposed education budget of Wisconsin Gov. Scott Walker, erstwhile Republican candidate for the Republican presidential nomination in 2016. According to the *New York Times*,

Mr. Walker's budget, which must be approved by the Republican-controlled Legislature, calls for a 13 percent cut in state aid across the university system, with its 13 four-year universities and 180,000 students, for a total decrease of \$300 million over the next two years (Bosman, 2015).

Walker's proposal caused a firestorm of protest across the state, including from among his supporters. Critics say that in the cuts which are aimed at universities, according to the *New York Times* article, Walker "is trying to capitalize on a view that is popular among many conservatives: that state universities have become elite bastions of liberal academics that do not prepare students for work and are a burden on taxpayers."

Similarly, in 2011, Texas Gov. Rick Perry proposed deep cuts to education across the state: 9 percent "across the board" cuts to higher education in 2012, as well as cuts to grade-schools education and medical schools (Khimmm, 2011). Such cuts obviously reflect Republican partisan thinking on education and government spending, but they come at a time when higher education costs continue to increase (Lorin, 2014).

In a world of ever-growing complexity, it seems wrongheaded to cut back on education, particularly along obviously partisan lines and with aims of curbing the influence of one's political opponents. Buckminster Fuller's instincts in *Utopia or Oblivion* were the opposite to those of Perry and Walker in their attempts to curb education budgets. In fact, Fuller proposed "to invest escalatingly in the successful potential of all human beings" (Fuller, 1969: p. 260).

How? According to Fuller,

We will start that investing by sending almost everybody back to school. We will accomplish this by giving everybody fellowships to go back into the educational system... As we noted before, it is possible that, for every 100,000 we send back to school free, one in that 100,000 will make a technological breakthrough that will produce the forwardly organized capability wealth for the other 99,000 (Fuller, 1969: p. 261).

This is a far cry from the myopic approach to education funding that begrudges investments that don't have an obvious instrumental, bottom-line end. Such a narrow approach might mean that the system doesn't really value education, at least education in the sense that would produce critical thinkers. In the end, if the members of a society are unable to understand the working of their society, the complexity of its technology and of its ideas, they will be unable to participate in the various discourses that make that society work—discourses over the democratic procedures that result in effective governance and the discourses that result in policies and set the norms of the society. Education *must* be a priority in such a society.

10. Conclusions

The issue is who is going to set the goals and norms for the functioning of our society? And then, in whose interests is society going to operate?

In the early years of the third millennium, under pressures that reach across the world and have global and planetary implications, we are in a crisis pitting narrow private and corporate interests against broader public interests in how our society and other societies operate. And narrow private and corporate forces are in the ascendant, determining the norms of our society, structuring it, dominating it in their interests. We believe that Jürgen Habermas, a philosopher and sociologist from the Frankfurt School, brings a workable set of ideas to the table and frames the problem as clearly as possible, especially through his lifeworld/system dichotomy and the idea that the former is being colonized by the latter. We believe that his ideas could be the basis for animating and energizing the political system and rectifying the problem.

This paper is above all about the failure of the political in its role in society, and in a real sense is an indictment of how we have practiced politics. In our analysis, the problem confronting us has two aspects, one philosophical and theoretical, the other practical and political. The theoretical problem is really the minor one and

seems to stem from compromises Habermas has made with welfare state modifications to his larger theory; it is easily solved with a few philosophical adjustments intended to bolster the practical side of politics which Habermas sleights in his philosophy and sociology, even if there is some theoretical basis for the sleight, as he sees political and social movements as system forces, and therefore part of the problem from the perspective of colonization of lifeworld. Even so, this problem, we argue, is solvable philosophically without doing violence to Habermas's overall system by increasing the theoretical importance of the political along the lines of Carl Schmitt, though without Schmitt's authoritarian bias.

The second source is in the practical implementation of politics. In the recent centuries of world history, the Political Revolution has utterly failed to keep up with the challenges posed by the Industrial Revolution, which shows no signs of abating, especially after having found a home in industrial and corporate capitalism. Interestingly, the corrective for this second failure lies squarely on the shoulders of what we have called the political practitioners, representing both ends of the theory-practice continuum: on the one hand, politicians, and on the other, political theorists. It is, therefore, incumbent on those involved in practical politics themselves to recognize 1) that their politics has failed to deal with the challenge they are facing posed by the thriving industrial-technological-capitalist-and-corporatist revolution, and 2) that Habermas's system of communicative rationality, discourse ethics, and participatory democracy, coupled with practical implementation of "the political" as presented here, *constitutes* "the better argument" and is therefore a means of reviving the political so it can indeed compete with the instrumental rationality of system forces which have captured, fragmented, dominated, and overwritten the interests of lifeworld.

We believe this is the *only* way to bridge the gap between the practical world and the theoretical world of philosophy, sociology, and social criticism where Habermasian ideas are chiefly operating today. Moreover, we offer here what we think are plausible means of bridging the gap between the philosophical realm of Habermas and the practical realm of politics, especially our misprision of Madison's recommendation in *Federalist Paper* #51. But whether our recommendations work is really beside the point: Something must be done, and the challenges presented here must be engaged. If Habermas is correct in his analysis that system forces are colonizing lifeworld, there is an implicit point at which system's complete success spells doom for the lifeworld and for system forces, too, as they are part of the lifeworld.

More specifically, we believe a community should develop—perhaps in the progressive wing of the Democratic party, perhaps on some social media platform—that operates on Habermasian discourse principles and can reach such a critical mass so as to represent that "will of the community independent of the majority, a will of society itself" such that its judgment cuts through the business-as-usual discourse as it now stands and becomes a positive political voice in the operation of the polity and one that sets and implements the norms of society.

In part, this analysis has been presented in terms of the powerful Confucian notion of "the rectification of names", or *zhèngmíng* (正名), the Chinese philosopher's own attempt to remake the world. Via this concept, Habermas's various philosophical programs and his philosophy, if its goals are achieved, could accomplish what Confucius intended by his doctrine which addressed then—and still does—the largest problem in viewing the world: the realities in front of us are often hidden by obscurant names that allow exploitation of the situation and broad domination of society by narrow interests.

Regarding the catalog of massive irrationalities that pervade our body politic and negatively impact the real lives of people: if a knowledgeable, educated, engaged, and *enlightened* sovereign were to assess the damage these irrationalities do to society as a whole, it is difficult to believe such irrationalities would be allowed to stand. That is the reason for the extended focus on the absurdities highlighted in this paper: Nero may not actually have fiddled while Rome burned, but we have had politicians in the most important legislative body in the most established constitutional democracy in history engage in dangerous political theater in a play of brinksmanship that risked destroying the nation's economy—in fact, did seriously damage part of it—and even risked plummeting the world into yet another depression. One such example of political theater by Republican lawmakers is estimated to have cost \$24 billion, this on the part of a political party that berates the Democrats for their "government spending".

If Habermas's work in philosophy and sociology can result in an alteration of power relationships so that the sovereign can be bolstered and sovereignty can be restored to the democratic hands capable of shaping and maintaining the lifeworld in these constitutional democracies, then the goal of slowing, or even stopping the colonization of the lifeworld by the system *can* be achieved, and these societies can survive, thrive, and even become models for the rest of the world. At least in the narrower project undertaken here, even across twenty-six

centuries, the ideas of Confucius and Habermas can work together in a natural fit, and Habermas can provide the mechanism for the realization of the Confucian doctrine of the rectification of names—and do so on a historical scale that Confucius could not have imagined. (It is curious, incidentally, that given the numerous opportunities for analysis of all contemporary societies, those thinkers interested in the key Confucian doctrine of *zhèngmíng* (正名) seem to have contented themselves with rehashing the meaning of the concept in terms of its original use rather than employing it in helping to clarify situations in the world today.)

Considering the enormous magnitude of the problem Habermas's philosophy is embracing, can such a proposal as being made here realistically be seen as potentially contributing to the solution of the problem? We have two responses? First, since the problem needs to be addressed, if we don't adequately accomplish that, someone else must come up with the ideas that will do it. Second, the proposals here necessarily begin modestly, but there is no reason to think the situation must remain that way. We recall that the Tea Party, while certainly not a model we admire or seek to emulate, has achieved a powerful (though obstructionist) voice in the business-as-usual discourse of contemporary American politics, yet it grew to its current position of power and influence, wrongheaded, misguided, and misused as it is, from the humblest of starts: a rant by CNBC commentator Rick Santelli on the floor of the Chicago Board of Trade in 2009 (Rosenthal, P., 2009; Wikipedia, 2015e). Modest beginnings should not, therefore, be seen as a necessary impediment to success.

Habermas believes—and we believe—discourse along the lines of Habermasian principles is the most viable option before us. And there is an urgency to the need to develop it—if the lifeworld and the livedworld are to survive the current onslaught from instrumental reason. What is at stake? The collapse of the lifeworld—and history is littered with the artifacts of many great civilizations that failed to solve their internal problems. We would like to see such problems solved through Habermasian discourse ethics and communicative action—and that the solutions arrived at are developed only through *the force of the better argument*.

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