# Framework

#### Resolved is to reduce through mental analysis

Random House Unabridged Dictionary 2006

(http://dictionary.reference.com/browse/resolved)

Resolve: 1.To come to a definite or earnest decision about; determine (to do something): I have resolved that I shall live to the full. 2.to separate into constituent or elementary parts; break up; cause or disintegrate (usually fol. by into). 3.to reduce or convert by, or as by, breaking up or disintegration (usually fol. by to or into). 4.to convert or transform by any process (often used reflexively). 5.to reduce by mental analysis(often fol. by into).

And the colon means to focus on what follows

Peck 96 -Frances, Professor at the University of Ottawa- ["The Colon." Le Centre D'écriture - The Writing Centre B. Web. 30 Oct. 2011. <http://www.writingcentre.uottawa.ca/hypergrammar/colon.html>.]

The Colon

 Writers often confuse the colon with the [semicolon](http://www.uottawa.ca/academic/arts/writcent/hypergrammar/semicoln.html#semicolon), but their uses are entirely different. The colon focuses the reader's attention on what is to follow.

1. W/M, we make a reductionist claim about the nature of the 1ac
2. Counter Standards
	1. Limits- We limit the topic to only specific forms of psychoanalysis. This uniquely limits 1ac ground to one of a few methods of psychoanalysis.
	2. Bi directional Ground- The neg just has to impact turn psychoanalysis, or win defense that psychoanalysis doesn’t lead to political or space policy change.
	3. Fairness- We have to win so many more internal links to the topic, policy action, this round’s ability to solve, means that any neg burden is outweighed by the aff. This checks their predictable ground args.
	4. Education- our framework access critical education, their framework limits all forms of critical education. Education outweighs fairness we’re here to learn.

## A2: Education

### Turn—Psychotechnics

#### The idea of traditional education is a deployable psychotechnic control apparatuses used to destroy genuine intellectual growth. Vote against their extension of the ideologies we critique.

Macready 08

doctoral student of Philosophy at the [University of Dallas](http://www.udallas.edu/).

[Douglas J. "The New Revolution: Stiegler and Arendt on Psychopower, Education, and the Life of the Mind." Weblog post. *THE RELATIVE ABSOLUTE*. 10 Dec. 2008. Web. 28 Nov. 2011.]

Bernard Stiegler has rightly observed that “we are now in the midst of a revolution in cultural and cognitive technologies, and in the very foundations of knowledge.”[[1]](http://therelativeabsolute.wordpress.com/2010/12/28/the-new-revolution-stiegler-and-arendt-on-psychopower-education-and-the-life-of-the-mind/#_ftn1) It is a revolution in which “intelligence must wage a battle for intelligence”[[2]](http://therelativeabsolute.wordpress.com/2010/12/28/the-new-revolution-stiegler-and-arendt-on-psychopower-education-and-the-life-of-the-mind/#_ftn2) against psychotechnological systems of psychopower which function as “attention control apparatuses” which destroy attention, and responsibility with it.[[3]](http://therelativeabsolute.wordpress.com/2010/12/28/the-new-revolution-stiegler-and-arendt-on-psychopower-education-and-the-life-of-the-mind/#_ftn3) One might reformulate Stiegler’s description of the revolution in contemporary cultural and cognitive technologies in Arendtian terms as “a battle for the life of the mind,” which would constitute a resistance against all forms of technological hegemony that seek to eliminate human spontaneity, as it is exhibited in the human capacities to think, will, and judge. Stiegler has noted the similarity between psychopower and education. Education, according to Stiegler, is attention formation. As he explains, to “capture attention is to form it… and to form it is to capture it.”[[4]](http://therelativeabsolute.wordpress.com/2010/12/28/the-new-revolution-stiegler-and-arendt-on-psychopower-education-and-the-life-of-the-mind/#_ftn4) Attention formation has historically taken place through psychotechniques such as reading or writing. These psychotechniques form attention through “the play of retentions and protentions individually and collectively.”[[5]](http://therelativeabsolute.wordpress.com/2010/12/28/the-new-revolution-stiegler-and-arendt-on-psychopower-education-and-the-life-of-the-mind/#_ftn5) Here it is possible to map Arendt’s activities of the life of the mind onto Stiegler’s model of intelligence. Retention can be understood as judging, which is concerned with the past and relies on the retentive (hypomnesis) and productive (anamnesis) capacities of the imagination. Protention can be understood as willing, with its concern for future projects. Attention can be understood as thinking, the inner dialogue which interacts with the other activities. Stiegler explains how these capacities develop through the use of psychotechnics: The formation of at-tention always consists of the psychotechnical accumulation of re-tentions and pro-tentions. Attention is the flow of consciousness, which is temporal and, as such, is created initially by what Husserl analyszes as “primary” retentions – “primary” because they consist of apparent (present) objects whose shapes I retain as though they were themselves present. This retention, called “primary” precisely because it occurs in perception, is then “conditioned” by “secondary” retentions, as the past of the attentive consciousness – as its “experience.” Linking certain primary retentions with secondary retentions, consciousness projects protentions, as anticipation. The  constitution of attention results from the accumulation of both primary and secondary retentions, and the projection of protentions as anticipation.[[6]](http://therelativeabsolute.wordpress.com/2010/12/28/the-new-revolution-stiegler-and-arendt-on-psychopower-education-and-the-life-of-the-mind/#_ftn6) Without the formation of attention (education), maturity from childhood to adulthood cannot take place. This is a central concern for Stiegler because he recognizes that this maturation process is a prerequisite for becoming responsible.[[7]](http://therelativeabsolute.wordpress.com/2010/12/28/the-new-revolution-stiegler-and-arendt-on-psychopower-education-and-the-life-of-the-mind/#_ftn7) However, this maturation process is under siege by attention control apparatuses, which are linked with an capitalist economy, that seek to create consumers rather than citizens. One of the primary indicators of this shift from citizens to consumers is the transition from psychotechniques that facilitate knowledge and understanding to psychotechnologies that produce information. Stiegler seeks to maintain a crucial distinction between knowledge and information that is similar to Arendt’s distinction between reason and intellect: Knowledge and understanding must be psychically assimilated and made one’s own (one’s own self), while information is merchandise made to be consumed – and is therefore disposable… Knowledge individuates and transforms the learner, interiorizing the history of individual and collective transformations; this history is knowledge. The information diffused by the programming industries disindividuates its consumer.[[8]](http://therelativeabsolute.wordpress.com/2010/12/28/the-new-revolution-stiegler-and-arendt-on-psychopower-education-and-the-life-of-the-mind/#_ftn8) What is ultimately at stake in the disindividuation of consumers is the destruction of attention,which for Stiegler is the ability to care – to be responsible. Stiegler incessantly pleads for a “new responsibility”: …in the face of the care-less-ness of generalized irresponsibility, a new responsibility of public power arises, first and foremost instilling and protecting attention in children and adolescents, but inscribed within the broader challenge of reconstituting systems of care in civil and civilized societies in which political systems can potentially save democracy by reinventing it through organological evolutions and psychotechnologies themselves. Such a struggle could be based only on our having no further doubts about the program’s first priority: the battle for intelligence.[[9]](http://therelativeabsolute.wordpress.com/2010/12/28/the-new-revolution-stiegler-and-arendt-on-psychopower-education-and-the-life-of-the-mind/#_ftn9) The battle for intelligence is a struggle to preserve the life of the mind against psychotechnological systems of power that seek to capture and control attention, and eventually eliminate it completely. These psychotechnologies create care-less consumers (Arendt’s thoughtless individual) that know how to purchase products, but not care-full citizens (Arendt’s Selbstdenken) who know how to live responsibly. New epochs demand new ethics to ensure the preservation of human being; that is, an ethics of resistance that safeguards against human superfluity. Hans Jonas, who emphasized the ethical imperative of responsibility for future generations of human beings, once reformulated Kant’s categorical imperative to address the threat of the coming technological age. His formulation is worth reconsidering: “Act so that the effects of your action are compatible with the permanence of genuine human life; or  expressed negatively: Act so that the effects of your action are not destructive for the future possibility of such life.”[[10]](http://therelativeabsolute.wordpress.com/2010/12/28/the-new-revolution-stiegler-and-arendt-on-psychopower-education-and-the-life-of-the-mind/#_ftn1) This imperative could be reformulated in Arendtian terms as “Act so that the effects of your action are compatible with the permanence of the life of the mind; or expressed negatively: Act so that the effects of your action are not destructive to the human capacity for thinking, willing, and judging.”

## Fw turn

#### The quest for pure political consensus forecloses the possibility of challenging the System and brings the violent weight of the sovereign upon deivants who create dissent; the Death Camp becomes the signifier of consensus.

Swyngedouw 2008 (Erik, Dept. Geography and Development at Manchester, “Where is the political?”) CJQ

The post-political relies on either including all in a consensual pluralist order and on excluding radically those who posit themselves outside the consensus. For the latter, as Agamben (Agamben 2005) argues, the law is suspended; they are literally put outside the law and treated as extremists and terrorists: those who are not with us are irremediably against us, they constitute the enemy. Invoking the Whole/the One of the people, while denying the constitutive antagonisms and splits within the people and that cut through the social order, post-political governance is necessarily exclusive, partial, and predicated upon outlawing those that do not subscribe to the consensual arrangement. That is exactly why for Agamben ‘the Camp’ has become the core figure to identify the condition of our time. In other words, a Schmittian ultrapolitics that lurks behind and underneath the post-political consensual order and does not tolerate an outside, that sutures the entire social space by the tyranny of the police (state) and squeezes out the political, pits those who ‘participate’ in the instituted configurations of the consensual post-political order radically against those who are placed outside, like the sans-papiers, political islam, radical environmentalists, communists and alterglobalists, or the otherwise marginalized. The riots in the suburbs of France’s big cities in the fall of 2005 and the police responses to this event were classic violent examples of such urban ultra-politics (see Dikec, 2007). This post-political consensus, therefore, is radically reactionary as it forestalls the articulation of divergent, conflicting, and alternative trajectories of future socio-environmental and socio-spatial possibilities and assemblages. There is no contestation over the givens of the situation, over the partition of the sensible, there is only debate over the technologies of management, the arrangements of policing, the configuration of those who already have a stake, whose voice is already recognized as legitimate. Consider, for example, how current climate change policy aims to retro-fit the climate with technological-managerial interventions in order to continue as before, in order to make sure nothing changes fundamentally (see (Swyngedouw 2007a), so that things go on as before! (Dean 2006).

#### The labeling of a group as the sole cause of a problem is the product of attempts to achieve a vision of social harmony and eliminate the negative in human life, just like the fantasmal project of framework. This drive can only be understood in the context of psychoanalysis

Stavrakakis, 1999, department of government at the University of Essex, director of ideology and discourse analysis program [Yannis, Lacan and the Political, p.99-105]

In order to answer these questions it is crucial to enumerate the conditions of possibility and the basic characteristics of utopian thinking. First of all it seems that **the need for utopian meaning arises** in periods of increased uncertainty, social instability and conflict, **when the element of the political subverts the fantasmatic stability of** our **political reality.** Utopias are generated by the surfacing of grave antagonisms and dislocations in the social field. As Tillich has put it ‘**all utopias strive to negate the negative, in human existence; it is the negative in that existence which makes the idea of utopia necessary.** (Tillich in Levitas, 1990:103). Utopia then is one of the possible responses to the ever present negativity, to the real antagonism which is constitutive of human experience. Furthermore, from the time of More.s *Utopia* (1516) it is conceived as an answer to the negativity inherent in concrete political antagonism. What is, however, the exact nature of this response? **Utopias are images of future human communities in which these antagonisms** and the dislocations fuelling them (the element of the political) **will be forever resolved,** leading to a reconciled and harmonious world. It is not a coincidence that, among others, Fourier names his utopian community “Harmony” and that the name of the Owenite utopian community in the New World was “New Harmony”. As Marin has put it, utopia sets in view an imaginary resolution to social contradiction; it is a simulacrum of synthesis which dissimulates social antagonism by projecting it onto a screen representing a harmonious and immobile equilibrium (Marin, 1984:61). **This final resolution is the essence of the utopian promise**.

What I will try to do in this chapter is, first of all, to demonstrate the deeply problematic nature of utopian politics. Simply put, my argument will be that **every utopian fantasy construction needs a ‘scapegoat’ in order to constitute itself**—the Nazi utopian fantasy and the production of the ‘Jew’ is a good example, especially as pointed out in .Zizek’s analysis. **Every utopian fantasy produces its reverse and calls for its eliminatio**n. Put another way, the beatific side of **fantasy is coupled in utopian constructions with a horrific side, a paranoid need for a stigmatised scapegoat**. The naivety—and also the **danger**—of utopian structures is revealed when the realisation of this fantasy is attempted. It is then that we are brought close to the frightening kernel of the real: **stigmatisation is followed by extermination**. This is not an accident. It is inscribed in the structure of utopian constructions; it seems to be the way all fantasy constructions work. If in almost all utopian visions, violence and antagonism are eliminated, if utopia is based on the expulsion and repression of violence (this is its beatific side) **this is only because it owes its own creation to violence; it is sustained and fed by violence** (this is its horrific side). **This repressed moment of violence resurfaces**, as Marin points out, **in the difference inscribed in the name utopia itself** (Marin, 1984:110). What we shall argue is that it also resurfaces in the production of **the figure of an enemy**. To use a phrase enunciated by the utopianist Fourier, **what is ‘driven out through the door comes back through the window**’ (is not this a ‘precursor’ of Lacan’s *dictum* that ‘**what is foreclosed in the symbolic reappears in the real**’**?.**VII:131). The work of Norman Cohn and other historians permits the articulation of a genealogy of this manichean, equivalential way of understanding the world, from the great witch-hunt up to modern anti-Semitism, and Lacanian theory can provide valuable insights into any attempt to understand the logic behind this utopian operation.here the approach to fantasy developed in Chapter 2 will further demonstrate its potential in analysing our political experience. In fact, from the time of his unpublished seminar on *The Formations of the Unconscious,* Lacan identified the utopian dream of a perfectly functioning society as a highly problematic area (seminar of 18 June 1958).

In order to realise the problematic character of the utopian operation it is necessary to articulate a genealogy of this way of representing and making sense of the world. The work of Norman Cohn seems especially designed to serve this purpose. What is most important is that in Cohn.s schema we can encounter the three basic characteristics of utopian fantasies that we have already singled out: first, their link to instances of disorder, to the element of negativity. Since human experience is a continuous battle with the unexpected there is always a need to **represent** and **master** this unexpected, to transform disorder to order. **Second, this representation is usually articulated as a total and universal representation, a promise of absolute mastery of the totality of the real, a vision of the end of history. A future utopian state is envisaged in which disorder will be totally eliminated. Third, this symbolisation produces its own remainder; there is always a certain particularity remaining outside the universal schema. It is to the existence of this evil agent, which can be easily localised, that all persisting disorder is attributed. The elimination of disorder depends then on the elimination of this group. The result is always horrible: persecution, massacres, holocausts. Needless to say, no utopian fantasy is ever realised** as a result of all these ‘crimes’—as mentioned in Chapter 2, the purpose of fantasy is **not** to satisfy an (impossible) desire but **to constitute it as such**. What is of great interest for our approach is the way in which Cohn himself articulates a genealogy of the pair utopia/demonisation in his books *The Pursuit of the Millennium* and *Europe.s Inner Demons* (Cohn, 1993b, 1993c). The same applies to his book *Warrant for Genocide* (Cohn, 1996) which will also be implicated at a certain stage in our analysis. These books are concerned with the same social phenomenon, the idea of purifying humanity through the extermination of some category of human beings which are conceived as agents of corruption, disorder and evil. The contexts are, of course, different, but the urge remains the same (Cohn, 1993b:xi). All these works then, at least according to my reading, are concerned with the production of an archenemy which goes together with the utopian mentality. ¶ It could be argued that the roots of both demonisation and utopian thinking can be traced back to the shift from a cyclical to a unilinear representation of history (Cohn, 1993a:227). 6 However, we will start our reading of Cohnís work by going back to Roman civilisation. As Cohn claims, a profound demonising tendency is discernible in Ancient Rome: within the imperium, the Romans accused the Christians of cannibalism and the Jews were accused by Greeks of ritual murder and cannibalism. Yet in the ancient Roman world, although Judaism was regarded as a bizarre religion, it was nevertheless a religio licita, a religion that was officially recognised. Things were different with the newly formed Christian sect. In fact the Christian Eucharist could easily be interpreted as cannibalistic (Cohn, 1993b:8). In almost all their ways Christians ignored or even negated the fundamental convictions by which the pagan Graeco-Roman world lived. It is not at all surprising then that to the Romans they looked like a bunch of conspirators plotting to destroy society. Towards the end of the second century, according to Tertullian, it was taken as a given that ¶ the Christians are the cause of every public catastrophe, every disaster that hits the populace. If the Tiber floods or the Nile fails to, if there is a drought or an earthquake, a famine or a plague, the cry goes up at once: ‘Throw the Christians to the Lions!’. (Tertullian in Cohn, 1993b:14) ¶ This defamation of Christians that led to their exclusion from the boundaries of humanity and to their relentless persecution is a pattern that was repeated many times in later centuries, when both the persecutors and the persecuted were Christians (Cohn, 1993b:15). Bogomiles, Waldensians, the Fraticelli movement and the Cathars—all the groups appearing in Umberto Eco’s fascinating books, especially in *The Name of the Rose—*were later on persecuted within a similar discursive context. The same happened with the demonisation of Christians, the fantasy that led to the great witch-hunt. Again, the conditions of possibility for this demonisation can be accurately defined. First, some kind of misfortune or catastrophe had to occur, and second, there had to be someone who could be singled out as the cause of this misfortune (Cohn, 1993b:226). ¶ In Cohn’s view then, social dislocation and unrest, on the one hand, and millenarian exaltation, on the other, do overlap. When segments of the poor population were mesmerised by a prophet, their understandable desire to improve their living conditions became transfused with fantasies of a future community reborn into innocence through ¶ a final, apocalyptic massacre. The evil ones—variously identified with the Jews, the clergy or the rich—were to be exterminated; after which the Saints—i.e. the poor in question—would set up their kingdom, a realm without suffering or sin. (Cohn, 1993c:14-15) ¶ It was at times of acute dislocation and disorientation that this demonising tendency was more present. When people were faced with a situation totally alien to their experience of normality, when they were faced with unfamiliar hazards dislocating their constructions of reality—when they encountered the real—the collective flight into the world of demonology could occur more easily (ibid.: 87). The same applies to the emergence ofmillenarian fantasies. The vast majority of revolutionary millenarian outbreaks takes place against a background of disaster. Cohn refers to the plagues that generated the first Crusade and the flagellant movements of 1260, 1348-9, 1391 and 1400, the famines that preluded the first and second Crusade, the pseudo-Baldwin movement and other millenarian outbreaks and, of course, the Black Death that precipitated a whole wave of millenarian excitement (ibid.: 282). ¶ It is perhaps striking that all the characteristics we have encountered up to now are also marking modern phenomena such as Nazi anti-Semitic utopianism. In fact, in the modern anti-Semitic fantasy the remnants of past demonological terrors are blended with anxieties and resentments emerging for the first time with modernity (Cohn, 1996:27). In structural terms the situation remains pretty much the same. The first condition of possibility for its emergence is the dislocation of traditional forms of organising and making sense of society, a dislocation inflicted by the increased hegemony of secularism, liberalism, socialism, industrialisation, etc. Faced with such disorientating developments, people can very easily resort to a promise for the re-establishment of a lost harmony. Within such a context Hitler proved successful in persuading the Germans that he was their only hope. Heartfield’s genius collages **exposing the dark kernel of National Socialism didn’t prove very effective against Nazi propaganda**. It was mass unemployment, misery and anxiety (especially of the middle classes) that led to Hitler’s hegemony, to the hegemony of the Nazi utopian promise. At the **very time** when German society was turning into one of the great industrial powers of Europe, a land of factories and cities, technology and bureaucracy, many Germans were dreaming of an archaic world of Germanic peasants, organically linked by bonds of blood in a ‘natural’ community. Yet, as Cohn very successfully points out, .such a view of the world requires an **anti-figure**, and this was supplied partly by the liberal West but also, and more effectively, by the **Jews**. (Cohn, 1996:188). The emergence of the Jew as a **modern antichrist** follows directly from this **structural necessity for an anti-figure.** Rosenberg, Goebbels and other (virtually all) Nazi ideologues¶ used the phantom of the Jewish race as a lynch-pin binding the fears of the past and prospective victims of modernisation, which they articulated, and the ideal volkish society of the future which they proposed to create in order to forestall further advances of modernity. (Bauman, 1989:61) ¶ No doubt the idea of a Jewish world conspiracy is a revival, in a secularised form, of certain **apocalyptic beliefs**. There is clearly a connection between the famous forgery known as *The Protocols of the Elders of Zion* and the antichrist prophecy (Cohn, 1996:48). The *Protocols* were first published by Nilus as part of his book *The Great in the Small: Antichrist Considered as an Imminent Political Possibility* and were published in 1917 with the title *He is Near, At the Door.Here comes Antichrist and the Reign of the Devil on Earth.* As the famous Nazi propagandist Rosenberg points out .One of the advance signs of the coming struggle for the new organisation of the world is this understanding of the very nature of the demon which has caused our present downfall. Then the way will be open for a new age. (Rosenberg in Cohn, 1996:217). Within this schema the elimination of the antichrist, that is the Jews, is considered as the **remedy for all dislocations, the key to a new harmonious world**. Jews ¶ were seen as **deserving death** (and resented for that reason) because they stood between this one **imperfect and tension-ridden reality** and the hoped-for world of tranquil happiness—the disappearance of the Jews was **instrumental** in bringing about **the world of perfection.** (Bauman, 1989:76) ¶ As Sartre claims, for the anti-Semite **the Good itself is reduced to the destruction of Evil**. Underneath the bitterness of the anti-Semite one can only reveal the optimistic belief that harmony will be reconstituted of itself, once Evil is destroyed. When the mission of the anti-Semite as holy destroyer is fulfilled, the lost paradise will be re-established (Sartre, 1995:43-5). In Adorno.s words, .charging the Jews with all existing evils seems to penetrate the darkness of reality like a searchlight and to allow for quick and all comprising orientation.. It is the great Panacea.the *key* to everything. (Adorno, 1993:311, my emphasis). ¶ Simply put, the elimination of the Jew is posited as the only thing that can transform the Nazi dream to reality, the only thing that can realise utopia. As it is pointed out by an American Nazi propagandist, .our problem is very simple. Get rid of the Jews and we.d be on the way to *Utopia* tomorrow. **The Jews** are the root of all our trouble. (True in Cohn, 1996:264, my emphasis). The same is, of course, true of Stalinism. Zygmunt Bauman brings the two cases together: Hitler’s and Stalin’s victims ¶ were **not** killed in order to capture and colonise the territory they occupied.. They **were killed because they did not fit,** for one reason or another, **the scheme of a perfect society. Their killing was not the work of destruction but** creation**. They were eliminated, so that an objectively better human world—more efficient, more moral, more beautiful—could be established**. A Communist world. Or a racially pure, Aryan world. In both cases, a harmonious world, conflict free, docile in the hands of their rulers, orderly, controlled. (Bauman, 1989:93)¶ In any case, one should not forget that the fact that the anti-figure in Nazi ideology came to be the Jew is not an essential but a contingent development. **In principle, it could have been anyone**. Any of us can be a substitute for the Jew. And this is not a mere theoretical possibility. In their classical study of the authoritarian personality Theodor Adorno and his colleagues point out that .subjects in our sample find numerous other substitutes for the Jew, such as the Mexicans and the Greeks. (Adorno, 1993:303). Although the need for the structural position of the anti-figure remains constant the identity of the .subject. occupying that position is never given a priori. This does not mean that within a certain historical configuration with a particular social sedimentation and hegemonic structure all the possibilities are open to the same extent; it means though that in principle nobody is excluded from being stigmatised. Of course, the decision on who will eventually be stigmatised depends largely on the availability within a particular social configuration of groups that can perform this role in social fantasy, and this availability is socially constructed out of the existing materials. As Lacan points out in Anxiety, although a lack or a void can be filled in several ways (in principle), experience.and, in fact, analytic experience.shows that it is never actually filled in 99 different ways (seminar of 21 November 1962).

Framework isn’t a voter

# Case

The ballot should represent an act of ethical empowerment. This round’s engagement to ethics and politics is key to engage the Political and reshape the current hegemonic ideologies. The team that engages ethics best should win the round because Edkins in 3 says any new injections into the day-to- day social structures allow us to alter the Political.

#### Our enframing is uniquely key because the role of the cultural analyst is not to provide new meanings, but to expose the pathological nature of the status quo’s investments—this is a necessary prerequisite for any type of public deliberation

Mootz**,** Visiting Professor of Law at Pennsylvania State University, 2000 [Francis J., II, “Psychotherapeutic Practice as a Model for Postmodern Legal Theory,” Yale Journal of Law & the Humanities, Summer, 12 Yale J.L. & Human. 299]

Habermas does not pretend that his theoretical reconstruction of the idealizations subtending communicative reason can spell out in advance what the content of rational communication will be. Nevertheless, he does make the strong claim that rationality is defined by universal stages of development, closely tracking Lawrence Kohlberg's claim that there is an invariant pattern in the development of the capacity for moral judgment. 70 Kohlberg underwrites Habermas's insistence that we must distinguish the claim that there is a universal capacity for rational moral judgment from the admission that moral philosophy "does not have privileged [\*323] access to particular moral truths." 71 In light of this distinction, **critical theory cannot dictate the elements of the "good life**" that pertain within a particular social setting but can only describe the conditions under which the social actors may together agree on these elements in a rational manner. 72 In this respect, Habermas follows Freud's insight that **a theoretical reconstruction points the way not to resolutions of particular problems facing the patient, but rather to an understanding of the conditions under which an individual obtains the autonomy to handle life's demands in a rational manner. The** **theoretically-guided role of the analyst (critical theorist) is not to tell the patient (society) how to live her life (organize itself), but instead to work from universal idealizations to identify and eradicate distortions that prevent the patient (society) from exercising her autonomy to make rational, rather than pathological, life choices.** Although **Habermas** does not expressly invoke his psychoanalytic model of critical theory in support of his philosophy of communicative reason, he **returns to the model to explain** the crucial difference between the simple manipulation of dialogue by one communication partner and **the unconscious, mutual deception that occurs in systematically distorted communication.** 73 Similarly, Habermas reiterates his critique of Gadamer's philosophical hermeneutics for its inability to underwrite a critical perspective on received traditions, arguing that a hermeneutical exegesis cannot be rational under conditions of systematically distorted communication. 74 It seems clear that the theory of communicative [\*324] rationality plays the role in Habermas's critical theory that Freud's theories of ego development and neuroses played in his psychoanalytic practice. The theory of communicative rationality invests the seemingly artful and individual practice of social critique with the authority of theoretical knowledge, even if Habermas's proceduralist approach remains quite subdued when compared with Freud's claims. Admittedly, Habermas's revised approach implicitly concedes much to the force of Gadamer's critique. Even after his sharp criticism of Freud's theoretical overreaching, Habermas's psychoanalytic model accorded a unique role to critical theory in unmasking the distorting effects of social organization. In contrast, Habermas's theory of communicative action looks within the practical experience of dialogue to locate the quasi-transcendental, regulative ideal that grounds the critical enterprise. The critical impulse becomes one of clarification and extension in Habermas's recent writings, since the critical standards upon which he draws are always already instantiated in intersubjective practices and, in fact, have served as the foundation of the modernist expansion of rationality. 75 Critical theory works from within rationality, one might say, to identify social deformations against the internal standards of rationality itself. 76 Despite Habermas's reversion to the priority of practice, Paul Fairfield has correctly argued that Habermas remains enmeshed in precisely the problems that he diagnosed in Freud's metapsychology. By adopting Kohlberg's developmental stages of moral reasoning, Habermas participates in the "myth of the expert, the social critic "in the know' whose standpoint within the "conversation that we are' is to be awarded a position of privilege." 77 Fairfield persuasively [\*325] demonstrates that Habermas's initial attention to the dialogic encounter of psychoanalytic practice remains overshadowed by his desire to establish a properly theoretical role for the social analyst, "whose self-appointed task is not to persuade but to "diagnose,' not to submit interpretations to one's interlocutors but to "enlighten' and "explain,' not to listen to the claims of others but to "score' their judgments" on a developmental scale. 78 The critic does not seek mutual understanding, but instead first discovers universal criteria in the very use of language. The critic lays claim to expert knowledge about the existence of systematically distorted communication that must be eradicated before ordinary conversation among citizens may proceed in a rationally justified manner. Habermas recently has extended the discourse principle of his moral philosophy to the pragmatic arena of law and politics, thereby providing a striking contextual example of his approach to critical theory that clearly reveals the continuing tensions in his psychoanalytic model. Habermas argues that the conflict between the empirical features of legal institutions and the normative requirement that lawmaking processes be legitimate imposes a heavy burden on legal systems. He regards the historical development of the modern constitutional state as a series of attempts to bear this burden successfully. 79 Criticizing a wide range of philosophers who have suppressed either the factual or normative aspects of legality, Habermas insists that the task of political theory is to synthesize the sociology of legal power and the philosophy of legal legitimacy. By grounding legal rationality in the universal discourse principle that is presupposed by communicative action, Habermas argues that he is uncovering universal critical standards, albeit standards that regulate only the procedures of employing social reason. Unlike the classical form of practical reason, communicative reason is not an immediate source of prescriptions. It has a normative content only insofar as the communicatively acting individuals must commit themselves to pragmatic presuppositions of a counterfactual sort. That is, they must undertake certain idealizations... [and] are thus subject to the "must" of a weak transcendental necessity, but this does not mean they already encounter the prescriptive "must" of a rule of action... ... Communicative reason thus makes an orientation to validity [\*326] claims possible, but it does not itself supply any substantive orientation for managing practical tasks - it is neither informative nor immediately practical. ... [Nevertheless] the concept of communicative reason... offers a guide for reconstructing the network of discourses that, aimed at forming opinions and preparing decisions, provides the matrix from which democratic authority emerges. [This reconstruction would provide] a critical standard, against which actual practices - the opaque and perplexing reality of the constitutional state - could be evaluated. 80 Habermas's conception of critique clearly accords with the psychoanalytic model that he developed thirty years earlier. He begins with theoretical insights into the universal characteristics of reason and works toward concrete claims about the shape of reason in modern constitutional democracies as a standard for judging current practices. Yet he does not presume that his theory can deliver the correct answers to specific political questions. He is content to leave the substance of social policy-making to democratic resolution, but only after the procedural requirements of rationality that the philosopher identifies have been institutionally realized. 81 The irony in Habermas's approach is clear. The philosopher delivers theoretical knowledge about the general features of the democratic constitutional state without need for conferences with his fellow citizens. Recognizing the tension between facts and norms in modern society is a matter of historical reconstruction and the elucidation of the principles of communicative rationality. The philosopher's power is limited, however, to a rather thin conception of rationality, with the "good life" to be defined and pursued only in the actual coordination of life plans by the members of society. Nevertheless, these actual communicative exchanges are adjudged rational only by virtue of a philosophical inquiry into procedural prerequisites by the expert critic who stands outside these exchanges in his role as critic. While far more subtle and less hubristic than Freud's metapsychology, Habermas's philosophy of communicative rationality plays the same role as a regulative theoretical truth. In his [\*327] recent work, then, Habermas has attempted to make good on his earlier intuition that the "structural model which Freud introduced as the categorical framework of metapsychology is... reducible to a theory of deviations in communicative competence." 82 I have argued that Habermas's most recent work continues to reflect his thesis that psychoanalytic critique is an appropriate model of critical social theory. Far from embracing a crude conception of psychoanalytic theory, Habermas's criticism of Freud's self-misunderstanding is persuasive and devastating. Nevertheless, he connects the legitimacy of critical theory to a strong, even if thin, conception of the power of theory. The social theorist is never engaged in conversation with others in his role as social theorist, but rather is engaged in a theoretical project of reconstruction. Only after clearing the ground for rational discourse does the philosopher resume his place in social dialogue with others. **Like a good psychoanalyst, the social critic cannot take seriously (at face value) the communicative exchanges within society until he has assured himself that the theoretically-ascertained prerequisites of rational communication are satisfied.**