Latin American Political Thought as a Response to Discourse Ethics

Felipe Curcó Cobos

LATIN AMERICAN POLITICAL THOUGHT AS A RESPONSE TO DISCOURSE ETHICS

Felipe Curcó Cobos
Instituto Tecnológico Autónomo de México

Abstract: This article offers an articulation of liberation philosophy, a Latin American form of political and philosophical thought that is largely not followed in European and Anglo-American political circles. Liberation philosophy has posed serious challenges to Jürgen Habermas's and Karl-Otto Apel's discourse ethics. Here I explain what these challenges consist of and argue that Apel's response to Latin American political thought shows that discourse ethics can maintain internal consistency only if it is subsumed under the program of liberation philosophy.

THE SOCIOLOGY OF DISCOURSE ETHICS

Gayatri Spivak believes that it is impossible to criticize the relationships of asymmetry and power between poor and rich nations without taking into account certain coordinates of hegemonic reflection. These coordinates are imposed uncritically on theorists from a certain academic bureaucracy. Spivak (1990) argues, in other words, that no social diagnostic discourse can break entirely from certain reflective parameters or limits that are set within the academic departments of our universities. This means that no sociological theory can "represent" objects that are outside the network of signs that make up the institutionality of knowledge in modern societies. All critical knowledge is coded a priori within a network of signs that regulate the production of "meaning."

Beverley (1996, 275) has alluded to the same phenomenon in very similar terms: critical theoretical analyses operate as discourses inscribed in an academic-bureaucratic rationality where certain models and prejudices are taken for granted, and from which it is difficult to distance oneself. Knowledge is therefore hopelessly bureaucratized. And every bureaucracy, by definition, imposes a disciplining logic that forces one to act according to certain protocols that inhibit critical spontaneity. Accordingly, Spivak (1994, 71) refers to two ways of representing the political theorist: *Vertreten* and *Darstellen.* In the first instance, intellectuals speak from the standpoint of universal knowledge, authorizing them to speak for others, without having to account for their own position and the place from which they speak. In the second instance, in contrast, scholars know that their own discourse is inscribed within a bureaucratic rationality of selective character that prevents them from accessing any pure form of "objectivity." Thus, instead of assuming a role authorized by a particular discipline, the academic assumes a political attitude within the machinery of knowledge. Far from wanting to represent the voice of the Other, they endeavor to transform the academic policies of representation.

Jürgen Habermas has described this same phenomenon through two categories: *Lebenswelt* (or lifeworld) and *system.* For a communicative action to take place, it is necessary for participants in a dialogic process to share a common background of pre-reflective life experiences. This is the lifeworld: a horizon of common understanding and unproblematic presuppositions that constitute a background of shared practices and tacit agreements. As is well known, Habermas nevertheless pits against this category that of the system, a term that comes from metabiology and cybernetics and that has been developed by Niklas Luhmann (1984) in the field of sociology. The system is a social environment constituted by a series of anonymous mechanisms equipped with their own logic through a series of self-regulating coordinating mechanisms: "As historical and social beings we find ourselves always already within a linguistically structured lifeworld" (Habermas 2001, 22). All systems, in turn, specialize in subsystems. Examples include the administrative-state subsystem and the economic subsystem, both of which demonstrate the manner through which each system develops its own logic through internal operative standards that endow it with local autonomy. An important outcome of the social evolution that was unleashed with the advent of modernity is the increasing intrusion of systems and subsystems into the lifeworld. In complex societies the system becomes ever more expansive, to the point that the system engages in a constant and intrusive dynamic with the particular environment of the lifeworld. Habermas referred to this phenomenon as the colonization of the lifeworld by systemic imperatives. At the level of the academic system, we could talk (in Habermasian terms) about an intrusion of the bureaucratized system of academic knowledge into the lifeworld (and its unproblematic assumptions). In this case, the system colonizes critical activity, imposing an agenda regulating what can and cannot be argued about while determining what is relevant and pertinent for discussion. A narrative that sets a formal language of authorization for academic practice represents, doubtlessly, a bureaucratization of critical thought. This forces theorists to develop their own thinking using concepts and categories that are permitted by the academic bureaucracy while avoiding the categories that this bureaucracy discredits (we will later see why this is so relevant to Latin American philosophy).

Thus Habermas constructs a sociology (which will be very relevant to Latin American liberation philosophy) on two levels: on the one hand, the lifeworld (*Lebenswelt*), which corresponds to the communicative actions that enable the production and reproduction of meanings and values; on the other hand, the techno-functional systems. In other words, the lifeworld is the realm of intentionality, dialogue, and communicative freedom. The system, in contrast, is the realm of science, technology, the market, capital, bureaucracy, and the rules that automate the various social environments. The "colonization of the lifeworld" therefore refers to the mechanism whereby communicative processes of the lifeworld are undermined by the intervention of science, technology, the market, capital, law, and bureaucracy. When decisions are bureaucratized, and when they obey an impersonal logic that is imposed from without, there reigns an instrumental rationality that only takes into account the necessary means to achieve ends that have not been rationally justified. From this standpoint, Habermasian theory is an attempt

to strengthen the weakened lifeworld through communicative action against the intrusion of systemic imperatives (Habermas 1981, 2:189, 700–712).

This means that preferences, values, and needs are determined by culture and the market, when in principle these should be chosen by critical theorists through critical means. Key elements of political *Lebenswelt* (such as the construction of public opinion and the making of fundamental choices) are resolved through largely automated bureaucratic techniques. From a Habermasian perspective, therefore, the mechanisms whereby specialized knowledge defines patterns and analytical criteria of reflection should be analyzed. Against the automation of reflection that comes, for example, from the bureaucratization of the academic system, Habermas seeks to pit the strengthening of communicative action. This is because the primary form of social interaction is one in which the action is coordinated by the employment of a language that aims to be understood. The individual uses the language to participate in the social sphere, to leave behind his "egocentric logic" and to develop his critical faculties and his rational autonomy. In other words, communicative action is the realm of autonomy, given that for Habermas rationality is always dialogical. Thought and reason always consist (although perhaps not exclusively) of speaking. It is from this standpoint that Habermas discovers in the use of communicative language a specific rationality that allows him to fulfill two key tasks: to overcome the concept of rationality as mere technical rationality, automated and instrumental, and to develop a theory of rationality that constitutes the basis of a critical social theory that aims to explore the conditions of possibility for a discourse ethics that is autonomous and universal. In short, the aim is to explore the possibilities of an autonomous discourse that is not at risk of being colonized by any system. It is here where liberation philosophy engages in a dialogue with the project of discourse ethics, taking the argument by Habermas and Karl-Otto Apel to its logical extreme.

In what follows I briefly summarize the theory of the language and principles that lie at the core of discourse ethics and that must be borne in mind when assessing the criticisms that emerge from Latin American thought.[1] Later, I consider Apel's response to this critique. Finally, I argue that Apel's response demonstrates that discourse ethics needs to be subsumed within the program of liberation philosophy in order to maintain its internal consistency.

DISCOURSE ETHICS

To try to untangle or at least understand the complex mediating relationships that systems exert on the lifeworld it is necessary to begin by understanding the role that language itself plays in structuring social relationships. This leads to the necessity of allocating an increasingly central function to language in areas and systems (or subsystems) that are varied and ever broader.

---

1. I would like to clarify that I do not intend to use the terms *Latin American philosophy* (or *Latin American thought*) and *Latin American liberation philosophy* as synonymous or interchangeable. It is clear that liberation philosophy is but one among multiple currents in Latin American philosophy. I thank a *LARR* reviewer for this clarification.

One of the main and most radical critiques that Latin American philosophy levies against European thought is centered precisely on this point, that is, on the model of language from which Apel and Habermas seek to rationally derive the universal principle of ethics (with important differences I mention later). Specifically, liberation philosophy starts by questioning the model of an ideal community of communication described by discourse ethics in the philosophy of Apel and Habermas. (In particular, Latin American philosophy casts doubt on the sort of theoretical enemy that this model aims to refute.) But let us first recall in broad strokes the line of reasoning on which we will later see Latin American political thought focus its critique.

In very broad terms, the reasoning of discourse ethics may be summarized as follows: after Austin (1962), Habermas (1981, 36) identifies within the structure of all utterances a propositional component (which has a referent), and a second component called "illocutionary" or performative. The illocutionary act is the action we undertake when we say something. It is the action a speaker performs upon uttering a statement (e.g., ordering, passing judgment, doubting, affirming, promising, asking). In other words, the illocutionary act consists of "doing something" with the propositional content of a sentence, such as denying, ordering, expressing surprise, and so on. What is relevant, according to Habermas, is that if we observe the internal structure of linguistic practice, we will notice how all speakers, when they wish to communicate, perform (whether realizing it or not) various actions associated with the very content of their utterances. Of particular significance is that when speaking, subjects always presuppose three validity claims (although usually only implicitly): (1) accuracy, or the claim that what is being expressed corresponds to the interior world of subjective experience, so that the manifest intention of the speaker is transmitted in the way it is being expressed; (2) propositional truth, or the claim that what is being said corresponds to the way things really are; and (3) correctness or normative rightness, or the claim that the content of what is being said reflects what is socially accepted as valid. Habermas also mentions intelligibility, although intelligibility is the basic presupposition of communication rather than a validity claim.[2]

Along with Habermas, Apel believes that such validity claims are indeed entrenched in the very structure of speech. They are claims that the speaker cannot refrain from making for him- or herself. Thus, discourse ethics nears a moral dimension in terms of intersubjective communication. This means that moral conflicts constitute a clash between different validity claims. In any event, it falls upon the receiver (or receivers) of the utterances to question them. It is the transmitter who has to justify them if the receiver challenges them. Therefore, any time any of these validity claims is challenged, it is necessary to move to discourse, that is, to argument and rational discussion. Given this set of expectations, it is the philosopher's task to reconstruct the conditions under which a validity claim may be considered universally valid. These conditions are also already anticipated (or presupposed) in the act through which a speaker agrees to participate in a process of argumentation. Discourse ethics refers to this condition counterfactually an-

---

2. I thank a *LARR* reviewer for this clarification.

ticipated through all these precepts as an ideal speech situation (Habermas 1981, 42). This ideal situation involves the assumption that in an argument there should not be a greater standard than the weight of the best argument. It also involves the impossibility that agreements may be programmed or anticipated, given that, by definition, the result of a discussion can never be determined in advance. Since the first and principal function of language is the search for understanding, all strategic or manipulative use thereof that does not obey this purpose is regarded by Habermas as being "parasitic" upon the originating purpose of communication. Reaching an agreement between the parties involved in a discursive process (or in a dynamic of reasoned discourse) is the inherent purpose of human language. Even the strategic use of language (using language to negotiate or manipulate) necessarily relies on understanding.

To set the conditions that define this hypothetical ideal situation that every speaker cannot help but assume, discourse ethics follows a path very similar to the abductive process in Peirce or to transcendental reasoning in Kant: it starts from the fact of linguistic practice and leads to the inherent presuppositions in speech and argument that every speaker must necessarily assume (even if only implicitly) in order to express a meaningful proposition.[3] These presuppositions establish formal conditions and procedures that must be adhered to by moral judgments claiming rational justification (i.e., which are not based on violence or seek to exceed the local context while assuming a common world and recognizing the interlocutor as a moral subject with validity claims similar to one's own). Hence the basic thesis of discourse ethics is this: "Anyone who seriously undertakes to participate in argumentation, by that very undertaking, implicitly accepts general pragmatic presuppositions which have a normative content. The moral principle can then be derived from the content of these presuppositions of argumentation" (Habermas 1983, 180). Thus the principle of discourse ethics is transcendentally based while avoiding falling into the Münchhausen trilemma (infinite regression, circular logic, and arbitrary break in reasoning).

Kant's ideas of reason reappear here, therefore, as pragmatic presuppositions of communication. Discourse ethics follows Kant as regards the purpose of moral theory, that is, as regards the establishment of a fundamental principle of deliberation that may be used to decide the validity of moral norms. At the same time, however, it differs from Kant (from the categorical imperative) because the fundamental principle of discourse ethics cannot take the form of a principle erected upon a platform of private deliberation. Private deliberation is reduced to a solipsistic discourse that bases claims of truth and rightness of knowledge (or action) on premises established by the Cartesian philosophy of consciousness.

The difficulty that discourse ethics encounters in this Cartesian conception of the categorical imperative is that the categorical imperative cannot account for intersubjectivity. It cannot account for how the relationship with others and the

---

3. See Anderson (1986). Abduction is a mode of inference which can be understood as a kind of *modus ponens* that is the inverse of what Peirce calls the "counterfactual conditional": a form of reasoning that somehow emulates Kantian transcendental reasoning since it leads from the manifestation of a surprising phenomenon up to the conditions of possibility that allow it and explain it.

practical relationships with them succeed in conditioning the very validity of the method of construction of the moral viewpoint. This is because the Kantian principle of the universalization of maxims of action, focused exclusively on the consciousness of the moral subject, could validate maxims that only ethnocentrically generalize particular moral intuitions. It could even validate norms that would fail to consider the reasons of those possibly affected by the application of the norm. Apel (1991, 52) in fact criticizes Kant for ignoring this intersubjective focus: "The other selves, which would have to be presupposed as adjunct subjects of objective knowledge mediated communicatively, do not appear at all in a transcendental sense. According to Kant they have to be 'constituted' . . . as objects of the transcendental subject in the sense of being objects of the world of experience."

In contrast to Kant, discourse ethics seeks to provide a more complete theming of intersubjectivity, showing how the relationship with the other is constitutive of the validity of the moral viewpoint. To achieve this, it starts by displacing the core of justification of validity of moral norms from "I think" to "we argue." It thereby inverts the forms of pure subjectivity for the sources of validation implied in a social activity that is linguistically structured. The isolated individual is then portrayed as being incapable of elaborating a moral judgment on his or her own. The meanings of ethical terms and categories depend on the rational processes of consensus building. The adjective *rational* that defines this process is relevant. It means that the construction of agreement is not something that may be identified without going beyond the current consensus. Factual consensus may, after all, be based on irrational elements or be impeded by the presence of strategic pressures or motives unrelated to the ideal conditions involved in the original purpose of language. Through this specification, Habermas (1992, 172) comes to establish the discourse principle of universalization: only those norms of action are valid which could meet with the consent of all the possibly affected parties as participants in rational discourses. It is on precisely this point that Latin American liberation theorists begin their engagement with discourse ethics. This is what I shall explain below.

LIBERATION PHILOSOPHY AS A RESPONSE TO DISCOURSE ETHICS

Liberation philosophy arises precisely as an attempt to think of the revelation of the Other as something that has been expelled from the totality of the world (defined discursively in hegemonic and exclusionary terms). From this standpoint of the marginalized Other, liberation philosophy seeks to rethink the totality of the world. In what follows I explain what this means. In the words of one of liberation philosophy's greatest proponents, Enrique Dussel (2004, 83), liberation philosophy stems from the growing misery of Latin America, and, in particular, from the perspective of its three great revolutions (Mexican, Cuban, and Sandinista). It stems from the limitations of populism and from the fallacy of theories of development (Cerutti 2006, 117–136).[4]

4. See Cerutti (2006, 117–136). Development theories and models arose primarily in the United States around the 1960s. The development model is characterized by proposing a process of development for

Dussel has invited discourse ethics to start becoming aware of the Other, who is always presupposed on an ideal level in the realm of counterfactual communication but at the same time is always excluded and marginalized in the empirical realm. Here *marginalized* refers to the individual excluded by virtue of being a member of an indigenous ethnic group, a people, or a nation on the periphery. Such an individual is silenced within the real community of dialogue because "he does not speak nor argue 'factually' in the exterior sphere of the community of real life because those who are marginalized do not know how nor are capable of doing so as a result of their own subordinate condition" (Dussel 2001, 117). From Latin American philosophy we turn to the need to address the mechanisms of the real exclusion of the marginalized Other. This Other is excluded before becoming involved with the community of dialogue. That is why it is necessary to remedy the dangerous ambiguity within discourse ethics. Not only describing the conditions of possibility of all argumentation, but also the conditions of possibility of being able to effectively participate, in other words, of being able to take part in the community of real communication (Dussel 2004, 101).

For the Other to participate in the community of communication it is necessary to first reinterpret his or her "nonbeing" in the "world" of idealized communication. It is necessary, therefore, to think of his essence as a reality excluded from the exterior realm. All this prior to the presupposition of the community of communication (and to the agreement that may be reached within it), as being in such a community implies already being a part of the hegemonic group. To be able to argue is, in a relevant sense, to be free from oppression above all. That is why this condition (the real possibility of arguing) is not something that can simply be taken for granted.

It cannot be taken for granted because Latin American philosophy finds itself in a more concrete spot than that of discourse ethics. Prior to thinking about the ideal assumptions of communication, we must ask about the machinery of the "philosophical community of communication" (what Dussel has referred to as the transcendental conditions for the application of discourse ethics). The problem we must consider consists above all in determining whether in fact this community is not already a hegemonic philosophical group. Let me put it like this: Does not the dialogic discourse principle that envisions an ideal setting for dialogue imply in practice the exclusion of those who do not know how to argue? Does it not assume the corresponding dominance of those who are endowed with a greater discursive and rhetorical ability? Of course Habermas (and particularly

---

countries of the Third World that in the long run could transform this part of the world into "prosperous and modern societies." From the Latin American perspective, however, these theories are denounced as false ideological constructs, as the Latin American region has, for nearly five centuries, played a real, integral, and necessary role in global development. The feudal relationships, backwardness, and underdevelopment of the region are in fact the results and conditions of the economic development of systemic capitalism itself. In that sense, dependence is defined as "the political expression at the periphery of the capitalist world" (Cerutti 2006, 128). Antidevelopment theories therefore arise from the following two premises: (1) dependency is generated when the decisions of the underdeveloped country are made in accordance with the interests of developed economies and (2) dependency conditions the internal economic and sociopolitical structure of those countries that are not similarly dependent. So it is that the roles that underdeveloped economies play in the global market are denounced.

Apel) have an answer for all of this (as we will see). But for now, I want to emphasize something obvious here that yet often goes unnoticed. Latin American thought tries to emphasize the (nontrivial) fact that there are groups that control and monopolize the machinery of philosophical dominance. By this I mean categories and languages that have dominated philosophical thought, educational institutions (e.g., faculties, institutes) with unlimited financial resources, professors with generous salaries, students who do not need a job to pay for their education and libraries with inexhaustible archives. Dussel (2004, 84) has expressed it thus: "Such a philosophical community, with its institutionalized 'material' apparatus, exercises domination over other philosophical communities. And it does so in fact if not in law, and often without any awareness of the agents." That domination is exercised precisely in terms we considered earlier, when quoting Spivak, Beverley, and what Habermas technically defines as "the process of colonization of the lifeworld by the system"; it is exercised through an academic bureaucracy that hoards conceptual tools and categories (setting the limits of what is and is not pertinent). This bureaucracy imposes an agenda for discussion that revolves around problems that are relevant for countries of the first world, but not necessarily within the context of underdeveloped and marginalized democracies. According to Habermas, the academic system imposes on the lifeworld (*Lebenswelt*) of reflection not only philosophical themes and categories but also languages of philosophical reflection. This is the situation Latin American professors face when they are pressured by their own universities to think and reflect exclusively with languages that are not theirs about themes that are not their own and to publish exclusively in foreign journals.

In this case, the transformation of philosophy should include in its project the liberation of philosophy as a rational exercise that should encourage one to think about "other realities that differ from the reality of the hegemonic community" (Dussel 2004, 84). This translates into, among other tasks, the need for European and Anglo-Saxon communities to allow themselves to consider alternative themes and to address certain issues from the alternate viewpoint of different perspectives.

This is the reason why, genealogically, liberation philosophy begins drawing on the thought of Emmanuel Levinas (Dussel 1974). From there it goes on to clearly define the position of exteriority (as philosophy, as popular culture, as peripheral capitalism relative to central capitalism) with respect to the hegemonic totality (Dussel 1973). It is in human relationships vis-à-vis alterity and strangeness where we need to place, therefore, Levinas's contribution to Latin American thought (Guillot 1975, 50). This contribution starts by denouncing what Levinas terms the "ontology of identity." By "ontology of identity" Levinas means a metaphysics that has ordered thought following the logic of the Same, through the primacy of substance and identity. It is impossible for this tradition to think authentically about the Other, since the despotism of the Same assimilates all alterity within standardizing and reductive parameters. "The dialectic of the Same and the Other," explains Alain Badiou (2004, 44), "conceived ontologically under the dominance of self-identity, ensures the absence of the Other in effective thought, suppresses all genuine experience of the Other, and bars the way to an ethical

opening to alterity." Liberation philosophy, therefore, places the encounter with the other at its core. This encounter can only ever occur on the basis of being able to see the other as an actual other.[5]

A reflection by Dussel (2004, 119–125) follows. Take, for example, the statement: "I'm hungry, so I demand justice!" This is a statement that "breaks" from outside of the community of real communication. This statement made by a poor man does not primarily, nor directly, seek a possible agreement (*Verständigung*). It seeks something prior and earlier: it demands what Dussel (1977, 118) refers to as the "absolute transcendental condition of possibility" of all argument. It seeks to be recognized in the alterity of being a person. The act of speech: "I am hungry, so I demand justice!" is, then, a type of linguistic act that reproduces the first condition of possibility, the absolute presupposition of argument as such: the ability to viably participate in the community. "Austin would have classified it within the statements where the illocutionary force of an expression is made explicit, that is, it makes manifest what illocutionary act it is that we are engaging in upon stating it" (Dussel 1977, 119). The first condition of possibility in argument is given, therefore, in the "ethical conscience," in the practical capacity to interpret or to accept the interpellation of the Other. Faced with the statement "I am hungry," someone could answer, "He is hungry because he does not want to work." And in that case, these reasons of the community of real communication would preclude the possible acceptance of the Other as an other: "He who, in accordance to his ethical conscience, accepts the interpellative word of the Other as an other stands before him under the requirement of responsibility, that is, the obligation to respond" (Dussel 2004, 121). This is what it means to analyze the expression of the "reason" of one who places himself beyond hegemonic "Reason."

The discourse of liberation is based on the Levinasian idea that the Other (*Autrui*) is the originating source of any discourse that claims to be fundamentally ethical and to be constituted on the basis of exteriority. This is always the moral context from which all "interpellation" is derived. Interpellation consists of a performative statement that is sui generis. Its essence consists of being an utterance by subject (S) who in reference to a listener (L) finds him- or herself "outside" or beyond the normative horizon or institutional framework articulated by a hegemonic system. This consideration implies already a source of problems that discourse ethics does not seem to take sufficiently into account. Let us see why.

In summarizing the argument made by Apel and Habermas, we saw that the presuppositions of the communicative act (intelligibility, accuracy, propositional truth, and correctness) require one to move to the discourse (or the need for argument) when these assumptions are problematized or challenged by the receiver. This forces the speaker to enter into the field of argument to prove that his or her statements are intelligible, accurate, true, and correct. Let us note, then, that the

---

5. See Dussel (1977) for an explanation that classical ontology and metaphysics have always thought of the world in terms of totality. Faced with this totality, alterity is doomed to be surrounded or integrated by it. For example, for Hegel and classical thought, the totality of the world is being, rationality. As such, alterity is sentenced to one of two options: assimilate or disappear. Any difference that cannot be described in terms of rationality is relegated to being described in terms of nonbeing.

interpellation of the excluded always has a propositional content and that almost by definition this content will be flawed. This will entail that the marginalized or "subordinate" individual will never be able to satisfy the assumptions of argument (which will therefore inevitably exclude him or her from it). This is because it can plausibly be assumed that the individual will hardly be able to meet any of the conditions of the communicative act. The individual will scarcely be able to correctly formulate his validity claims since he will suffer from linguistic incompetence from the standpoint of the listener (L). Such linguistic incompetence may be defined as being attributable to several reasons: phonetically defective pronunciation, the lack of understanding of the language of L by S, or other factors of discursive disability attributable to a subordinate condition. As for the second validity claim (accuracy), we must realize that the only genuine chance that the subject S has to communicate with the listener L depends on the good faith of the latter. Rational belief or lack thereof on the sincerity of the interpellation of the marginalized subject S will depend exclusively on the good faith of L. As for the third and fourth validity claims (correctness and veracity), it is equally important to note that in these cases, the individual who interpellates from a position of exteriority will also not be able to comply with current norms (from which correctness criteria of local validity are stipulated). The individual with not be able to do so because the causes of his misery are precisely those norms, the dominant institutionality and the discursive articulation through which social practices are defined and constituted (in Habermasian terms, the exclusionary global system through which the lifeworld, or *Lebenswelt,* of the marginalized is colonized). In fact, the interpellation arises as a complaint drawn from outside of the totality, a complaint whose illocutionary and perlocutionary effect entails precisely the questioning of that same totality. The interpellation that arises from the exterior, therefore, is advanced by someone who does not share in the same rules of language of the community, by someone who is beyond the community of dialogue. To put it briefly, the reasons for the communicative incompetence of the marginalized are the reasons for the inability of the marginalized to defend or protest his or her communicative incompetence on a discursive level (that of argument).

The task of Latin American thought, then, consists of trying to explicitly problematize the nonagreement that divorces the marginalized Other from hegemonic Reason. To get the hegemonic totality to address and listen to the other reason interpellated by the marginalized Other. In other words, to prevent one *Lebenswelt* from colonizing another by imposing upon it its consensus, agreements, and assumptions.

DISCOURSE ETHICS RESPONDS TO LIBERATION PHILOSOPHY

Apel and Habermas develop their discourse ethics from two different ways of interpreting transcendental reflection. As we have seen, they both understand transcendental reflection to mean the rational exercise that leads from an empirical phenomenon or practice up to the discovery of the conditions that make it possible. In the case of discourse ethics, transcendental reflection is applied to the search for the conditions of possibility of moral discourse in the dual level of eth-

ics: justification and application. As regards justification, Apel follows a transcendental reflection that maintains the commitment to provide an ultimate rational justification to ethics (*Letzbegründung*). Habermas, in contrast, moves ever nearer to a weak transcendental method similar to the reconstructive sciences. In other words, and very briefly, each one attributes a different epistemic status to the assumptions counterfactually anticipated in communication and argument that each speaker necessarily takes for granted when speaking or arguing. While for Apel they constitute an a priori condition of possibility of linguistic experience, for Habermas they form a quasi-transcendental structure that is purely universal. Habermas therefore avoids seeing necessary conditions in the universal assumptions of communication and argument. Where Apel sees necessity (the impossibility of exceeding the ideal assumptions of discourse), Habermas finds only universality (assumptions that are universally accepted and that, nevertheless, time or evolution may gradually modify).[6]

For the purposes of the discussion with liberation philosophy, however, the most significant difference between Apel and Habermas is observed at another level: application. In contrast to Habermas, Apel (1988, 534; 1984, 19–37) insists on the need to divide his ethics into two parts. Part A attempts to provide a rational justification of the ethical principle, while part B tries to outline the necessary formal framework required to implement this principle into action. Habermas believes that ethics has no purpose beyond substantiating, so he relegates issues of application and motivation to a theory of society, education, and the legal framework.

This has allowed Apel to repeatedly assert—unlike Habermas—that his approach has clear conceptual tools that may be deployed to reply to liberation philosophy (Apel 1992, 16–54; 1993, 1995). Specifically, Apel argues that the approach of liberation philosophy leaves part A of his ethics intact. It falls upon part B to deal with the issues and conflicts that cannot be resolved through discourse or through scrutiny of the ideal conditions anticipated by argument. This includes issues such as those raised by Dussel; for instance, the creation of adequate institutions that allow the implementation of equal rights and democratic rules to prevent the exclusion of the poor and marginalized in public discourse and to allow the establishment of a socially just economy. Whenever the establishment of consensus through argumentative discourse is not possible, Apel (2004, 155) will make the following distinction: the transcendental part A of his ethics corresponds to a derivative of the ideal situation of speech, that is, to communication free of domination that all speakers assume when arguing. This ideal community must be distinguished from the mere community of real or empirical communication (part B of his ethics), where, indeed, cases of irrationality and injustice tend to appear. Thus, Apel thinks, his ethics clearly addresses the concerns raised by critical Latin American thought. Part A of his ethics deals with the agreement between those who are part of the community and, therefore, share the same

6. This is not the place to pause to explain this in detail. However, for a broader and more in-depth exegesis of the differences and similarities between Apel and Habermas, see the excellent work by Norberto Smilg (2004), *Apel versus Habermas.*

assumptions and language games. Part B is concerned with explicitly problematizing the "nonagreement" of all subordinate subjects who lack the possibility of making statements with debatable truth claims, just as liberation philosophy suggests. These subordinate subjects are unable to challenge existing agreements since the agreements marginalize them a priori. Hence, part B of his ethics arises precisely "because of the need to recognize the fact that the conditions for applying the procedural rules of part A of Discourse Ethics are not yet established" (Apel 1996, 309). Thus, Apel concludes, "What Mr Dussel says is unfortunately true, but it does not represent any objection to Discourse Ethics, but rather an illustration regarding the need to differentiate part A from part B of Discourse Ethics" (Apel 1996, 309). The ethics focuses on, Apel would say, differentiating a normative idea for the gradual and asymptotic establishment of a "community of ideal communication" (part A), from a part B that corresponds to the institutional and social conditions of possibility that must be created so that the discourse principle may be applied. In this part B, however, "it will always be necessary to proceed rationally from the basic norms presupposed in argumentative discourse" in order to gradually phase out the empirical conditions of marginalization (Apel 1996, 310).

CYNICAL REASON

Given the foregoing, Apel believes that liberation philosophy may be seen as a complementary level in the empirical order (level B of discourse ethics). I am convinced, however, that Apel reaches this conclusion because he loses sight of the profound philosophical element present in Dussel's critical observations. This is because these observations do not, in fact, affect level B of his ethics, but rather level A: the level that corresponds to the ultimate justification of his ethics. Let us see why.

It is important to point out that discourse ethics (in Apel as in Habermas) offers an ultimate justification of the ethics that is aimed at a clear opponent. For the lack of a better term I shall call this opponent the academic skeptic.

Allow me to explain. Discourse ethics aims to refute those who offer arguments to deny the possibility of arguing in favor of an ultimate justification for ethics. There are many cases of theorists who have focused on this task in the history of philosophy. Hans Albert (1968) and his famous formulation of the Münchhausen trilemma and the decisionism of Popper or Weber are just some examples. But perhaps the most famous contemporary case of a skeptic that discourse ethics seeks to refute is that of Richard Rorty. The problem in Rorty (and the problem with all kinds of academic skeptics who invoke contingent, fallible, or historicist principles) is that his claims cannot endure the application of their own clauses upon themselves. All skeptical premises argue that no claim may be proposed as being certain. The skeptic argues that all statements should be proposed as being contingent, fallible or indeterminate. The argument advanced by Apel and Habermas consists of showing, therefore, that that which we should assume in order to makes sense of what the skeptic says (i.e., that the skeptic is saying something

that he claims to be fundamentally correct) contradicts what the skeptic explicitly asserts (i.e., that the skeptic is not asserting anything with any claim to being fundamentally correct). Habermas and Apel refer to this contradiction about the way in which a communicative act is performed as a performative self-contradiction. A performative self-contradiction occurs when there is a contradiction between what we say and what we do when saying it, between the locutionary and illocutionary levels of the act of speech. It is what happens, for instance, when someone asserts (as a definitive truth) that there can be no definitive truths. In other words, the skeptic engages in a performative self-contradiction when agreeing to participate and argue in a community of communication in order to argue against any possible argument. It is what happens (Habermas says) with Rorty: "We are always required to maintain in a discussion precisely the distinctions from which Rorty wishes to distance himself, between valid ideas and ideas that are socially accepted, between arguments that are correct and those that are not" (Bernstein 1985, 320).

But then something happens that is very important. According to liberation philosophy, the opponent that must be refuted is not the skeptic. For when the skeptic engages in argument denying the validity of any of the rational moments that he already assumes, he never fails to pragmatically recognize his encounter with the Other. The skeptic acknowledges the Other the moment the Other enters the argument (and were he not to enter the argument he would no longer be a skeptic as he would simply cease to be an arguer). On the contrary, the opponent whom liberation philosophy has in mind is the person who refuses to argue. A person who decides not to participate in an argument is someone who simply refuses to assume any of the ideal assumptions implied in discourse. Under such circumstances we could say that such a person is a cynic or a scoundrel, but we could not accuse him of incurring any contradiction whatsoever (neither logical nor performative). With that I do not mean to say that ultimate Apelian substantiation thereby loses its logical effectiveness, but it does relinquish its social and historical function. Frankly, it is very difficult to imagine a Nazi or the political class of "mafiocratic" regimes (as the Mexican political system) ever having taken the charge of engaging in a performative self-contradiction seriously.

What happens with those who ab initio refuse to argue in favor of their own position of strength, power, or privilege is that they assume a cynical attitude—and so there is no other response beyond power or strength. The cynic is one who denies the Other ab initio. By denying the Other the cynic denies any priority to discursive reason and to the dialogic nature involved in rational thought. The Other, to the cynic, is in fact a mere agent in his project (a mere instrument of his political or economic interest). The cynic only recognizes the monological and instrumental dimension of reason. Before the cynic, discourse ethics cannot argue anything at all with its claim of ultimate justification because, even as he avoids all self-contradiction, the cynic would never participate in any ethical argument whatsoever. Cynical reason is the logic of power, a logic inspired by a self-referential and self-contained rationality.

Liberation philosophy therefore needs to begin by affirmatively describing

that which cynical reason denies from the start: the Other as an a priori condition of all subsequent philosophical reflection. In his *Filosofía de la liberación,* Dussel (1977, 238) defines this as the analectic moment of critical thought: "The real human fact that explains why every man, every group or people, is always found 'beyond' the horizon of totality." This exteriority is the first element that all ethical reflection must start by affirming. Because without the acceptance of the ethical interpellation of the oppressed, the affirmation of the exteriority that cynical totality pretends to deny cannot take place. What Apel fails to notice is that the discourse of ultimate justification before the skeptic should come later than this. Because when the transcendental pragmatist philosopher effectively begins to argue against the skeptic, the philosopher finds himself, empirically and in fact, in a system where cynical reason reigns. With that I want to emphasize what I began to point out at the beginning of this article. Cynical reason dominates or controls what Habermas calls the system as totality. It imposes a bureaucratic and administrative logic that is purely instrumental and through which relationships of exclusion and domination are established. That is why the process of liberation assumes an a priori ethical responsibility that precedes all discursive argument and any possible *Anwendung* (or level B of Apelian ethics).

THE ETHICS OF LIBERATION

Thus liberation philosophy leads to an ethics of liberation. It is important to demonstrate more clearly to what extent the critical observations of liberation philosophy directly affect level A of the justification for discourse ethics. Following the publication of his *Ética de la liberación* in 1988, Dussel shows that the so-called justification of ethics must be found on at least three levels. First there is the material moment of ethics, that is, the specific content and values that an ethical program seeks to promote. All material content is always defined in a particular manner: it involves projects and ends governed by particular motivations and/or values that arise on a culture's horizon. The ethics of liberation needs a material ethics because its critical starting point is the victims of its materiality, that is, the pain of their specific unhappiness and corporality. The standards of truth at this level are suffering, life, and death. Second, there is the formal moment of morality, that is, the intersubjective validity of the agreement of all those who will be affected by (or suffer the consequences of) what is decided. Its standard of validity is symmetrical intersubjectivity. The ethics of liberation subsumes this formal principle of consensuality but adopts it as the moral procedure to apply the content of the already mentioned moment of material ethics. The third moment, finally, is the feasibility of ethics. This means that the ethics must be crystalized in a micro- or macroinstitutional synthesis around an ethical way of life (*Sittlichkeit*). To do so, all types of natural, scientific, and historical circumstances must be kept firmly in mind when effecting any future action. That which was validly agreed upon regarding the content that permits life must now be feasible—with technical, economic, and political feasibility. The feasibility, both in means and ends, of instrumental-strategic reason must be subject to ethical-material (mediations in

the life of the human subject) and formal-moral (consensus between those sym-metrically affected) principles. Its standard of feasibility is efficiency but based on ethical requirements. Only in this case may a rule, action, institution, or system be construed as good: as a feasible mediation in the life freely agreed upon by those affected. The good, therefore, is the ethical-institutional way of life that synthe-sizes formal validity, material truth, and instrumental feasibility.

In an important article published in 1997 ("Principles, Mediations, and 'Good' as Synthesis: From 'Discourse Ethics' to 'Ethics of Liberation'"), Dussel then de-rives another important sense in which the ethics of liberation surpass discourse ethics. Validity ceases to be regarded as the principal or only dimension through which to justify ethics. While validity is a condition of possibility for the good, the good depends on at least three fundamental conditions: "universal conditions (principles), particularities (mediations), and concretenesses (feasibility)" (Dussel 1997, 66). Thus, Dussel indicates, "The goodness claim is a concrete synthesis that should not be confused with either the universality of principles, or with the par-ticularity of their mediation" (59)—without forgetting, however, that all ethical ways of life (*Sittlichkeit*) are contingent. The analectic moment is always present. The ethical way of life that initially appears to be defensible "becomes indefen-sible from the perspective of a victim who judges it as the 'cause' of her suffering, negativity or injustice. The 'affected' victim, in addition, discovers that she is ex-cluded from the deliberations that concern the causes of the negativity of her suf-fering. . . . [W]e have here thus passed over to a 'critical ethics' or, more properly, to an ethics of liberation" (Dussel 1997, 63).

To the extent that, as we saw earlier, the uncritical affirmation of totality is ef-fected on the basis of a cynical rationality, it is here where an originating process of deconstruction may begin, one which only an ethics of liberation may undertake.[7]

By way of a provisional conclusion, then, I want to point out the following. I think the argument I have been following so far shows two fundamental things. First, liberation philosophy understands that confrontation against cynical reason does not begin with arguments. For, by definition, the cynic is not interested in argu-ing. The cynic has power and exercises it only for strategic reasons to which the theoretical critique of discursive reasoning does not apply. Hence, in contrast to discourse ethics, liberation philosophy begins by articulating its tenets in terms of action, praxis, and resisting power.

Nevertheless, and second, it is absolutely necessary for liberation philosophy to prove that the praxis of the liberation of the oppressed against cynicism is legitimate on the basis of the norms of discourse ethics. This is what, follow-ing Dussel, leads to my disagreement with Apel. Rather than looking at libera-tion philosophy as a complementary moment to level B of discourse ethics, I believe that the exact opposite happens. Contrary to Apel, I have argued that the

---

7. Since the 1998 *Ethics of Liberation*, Dussel has undertaken the task of writing the three-volume *Poli-tics of Liberation*, which incorporates the basic insights of his ethics into politics. As a summary of these three volumes, Dussel published "20 Theses on Politics." I thank a *LARR* reviewer for this comment.

moment of substantiation starts by exhibiting and questioning the mechanisms through which cynical reasoning operates. This descriptive moment shows that the attack that discourse ethics launches against the skeptic is very important, but only secondary.

Let me explain that what I mean by "secondary" is "a priori." To dismantle and show the performative self-contradictions incurred by the skeptic is certainly a relevant theoretical task, but one that is philosophically a posteriori to the refutation of the cynic. It is an important task to the extent—and only to the extent—that (consciously or unconsciously) the skeptic allows cynical reason to dominate unscrupulously. Because the fact is that by claiming to destroy the foundation of ethics, the skeptic may be operating as an accomplice or agent of a totality dominated by the logic of cynical reason. Perhaps he will do so without being aware of it. Perhaps the same discussion against the skeptic may advance the argument discrediting critical reasoning. What is more, in his absentmindedness he may possibly permit the hiding or justification of a power that allows no room for nor admits any importance to critical theoretical action. In that case, discourse ethics makes a decisive contribution by attacking and dismantling a secondary moment as it focuses on the skeptic and not on the cynic. Liberation philosophy, in contrast, addresses the principal opponent (the cynical reason at the core of power). It does so through the development of another kind of philosophy, a philosophy aimed at the effective production of a countervailing power that may serve as a component in the praxis of the marginalized. Both fronts are necessary. Both the cynic and the skeptic must be refuted in turn but cannot be so refuted on the same plane. Liberation philosophy shows that the cynic cannot be refuted on a theoretical plane. By asserting that the role of discourse ethics is secondary, I therefore refer to the comprehensive order of both theories. Liberation philosophy is more comprehensive than discourse ethics because discourse ethics (the refutation of the skeptic) necessarily assumes the a priori refutation of the cynic and not the reverse. And such a refutation, as has long been noted, is intended to take place in the field of praxis and action (Miró-Quesada 1974). Because of this, liberation philosophy cannot be considered as a stage corresponding to the application phase B of discourse ethics. On the contrary, it is discourse ethics that should represent one of the moments of liberation philosophy.

Apel himself has in some regard come to recognize this priority. Thus, he says that he is willing to accept "granting a priori moral privilege to those who are legally forsaken on this planet, prioritizing strategically (even revolutionarily if necessary) their vital interests" (Apel and Dussel 2004, 310). But Apel immediately clarifies that this moral privilege of the forsaken would be, nevertheless, normatively conditioned by the consensual capability of the members of an ideal community of dialogue.

With this Apel has taken an almost definitive position: on the one hand, he believes that the Dusselian arguments regarding the need to subsume transcendental pragmatism under economic material conditions, as well as the refutation of cynicism, pose a challenge for discourse ethics. On the other hand, he believes that both these challenges fail to undermine part B of his ethics. At the same

time, Dussel insists on the inapplicability of fundamental norms by virtue of their purely formal character, reiterating the need to argue in favor of a universal ethics capable of taking as its starting point the materiality of human life. By the same token, he emphasizes the need to overcome the asymmetry of the participants in any discursive dialogue, modifying and establishing institutional, social, and economic relationships that generate the circumstances allowing for such a result.

What is important in this discussion does not consist of seeing which of them is right. What is truly relevant is that this discussion allows us to establish the fundamental themes that have been raised. There is no doubt that Apel and Dussel recognize the need to address them, even if they differ as to which is the best way to do it and the order of their theoretical priority. At the same time, I do not think it is possible to reach any definitive conclusion. If anything, we can reach maybe one conclusion that allows us to end a controversy started in 1968, when the Peruvian Augusto Salazar Bondy published his text *Is There a Philosophy of Our America?*

The text, as its title suggests, led to a fundamental controversy that doubtlessly came to set the course for Latin American philosophy. Bondy came to introduce the essential question of whether there is such a thing as an original and authentic Latin American philosophy. Leopoldo Zea (1975) would respond to Bondy the following year with *Philosophy as Philosophy and Nothing More,*[8] in which he argued that Latin American thinkers were inevitably (to the extent that they thought about what was properly theirs even if they came to be inspired by European authorities or themes) original and authentic philosophers. Bondy, however, stood upon the economic and political border of the region, arguing that as long as Latin Americans continued to depend on the European world from a cultural, economic, and political standpoint, they would also depend on the European world from an epistemological perspective.

There is an original and authentic Latin American philosophy. The material that has been discussed here makes that clear. The exposure of Latin America to a prolonged and pronounced process of cultural, political, and social deterritorialization is also unquestionably true. The academy is not exempt from this. The general tendency in Latin American countries to unload the responsibility of imparting secondary and higher education onto private universities has led to various modes of alienation. These universities tend to be run by bureaucracies that impose Eurocentric and Anglo-Saxon modes of thought, where professors are explicitly required to distance themselves from native languages of reflection and to abandon the analyses of local and national themes in order to focus on the so-called main currents of global thought. Liberation philosophy is therefore also a call to liberate philosophical thought from these imposed reductionist conventions. That being said, we have seen here that there is indeed such a thing as original and individual Latin American thought. And what is most important: there is a fruitful philosophical dialogue between north and south as there is between philosophers from both regions.

8. I have translated all titles herein into English.

REFERENCES

Albert, Hans
    1968   *Traktat über kritische Vernunft.* Tübingen: Auflage.
Anderson, Douglas R.
    1986   "The Evolution of Peirce's Concept of Abduction." *Transactions of the Charles S. Peirce Society* 22 (2): 145–164.
Apel, Karl-Otto
    1984   "El problema de la fundamentación de una ética de la responsabilidad en la era de las ciencias". In *Actas de las primeras jornadas nacionales de ética.* Buenos Aires: Universidad de Buenos Aires (UBA).
    1988   *Diskurs und Verantwortung.* Frankfurt: Suhrkamp.
    1991   "Diskursethik als Verantwortungsethik: Eine Poetmetaphysische Tranformation der Ethik Kants". In *Teoría de la verdad y ética del discurso,* translated by Norberto Smilg, 147–184. Barcelona: Paidós.
    1992   *Diskursethik oder Befreiungsethik?* Aachen: Augustinus.
    1993   *Die Diskursethik und ihre lateinamerikanische Kritik.* Aachen: Augustinus.
    1995   "La ética del discurso ante el desafío de la filosofía latinoamericana de liberación." *Isegoria* 11:108–125.
    1996   "Kann das Anliegen der Befreiungsethik als ein Anliegen des Teils B der Diskursethik aufgefaβt werden?" In *Armut, Ethik, Befreiung,* edited by Raúl Fornet-Betancour, 13–43. Aachen: Augustinus.
Apel, Karl-Otto, and Enrique Dussel
    2004   *Ética del discurso y ética de la liberación.* Madrid: Editorial Trotta.
Austin, John L.
    1962   *How to Do Things with Words.* Cambridge, MA: Harvard University Press.
Badiou, Alain
    2004   *La ética: Ensayo sobre la conciencia del mal.* Mexico City: Herder.
Bernstein, Richard J., ed.
    1985   *Habermas and Modernity.* London: Basil Blackwell.
Beverley, John
    1996   "Writing in Reverse: On the Project of the Latin American Subaltern Studies Group." *Dispositio/n* 19 (46): 271–288.
Cerutti, Horacio
    2006   *Filosofía de la liberación latinoamericana.* Mexico City: Fondo de Cultura Económica.
Dussel, Enrique
    1973   *Para una ética de la liberación latinoamericana.* Mexico City: Siglo XXI.
    1974   *Emmanuel Levinas y la filosofía de la liberación.* Buenos Aires: Bonum.
    1977   *Filosofía de la liberación.* Mexico City: Edicol.
    1997   "Principles, Mediations and the 'Good' as Synthesis: From 'Discourse Ethics' to 'Ethics of Liberation.'" *Philosophy Today* 41 (supplement): 55–66.
    1998   *Ética de la liberación en la edad de la globalización y la exclusión.* Madrid: Editorial Trotta.
    2001   *Hacia una filosofía política crítica.* Bilbao, Spain: Desclée de Brouwer.
    2004   *Ética del discurso y ética de la liberación.* Madrid: Editorial Trotta.
Guillot, D. E.
    1975   *Liberación latinoamericana y Emmanuel Lévinas.* Buenos Aires: Bonum.
Habermas, Jürgen
    1981   *Theorie des kommunikativen Handelns I-II.* Frankfurt: Suhrkamp.
    1983   *Moralbewusstsein und Kommunikatives Handeln.* Frankfurt: Suhrkamp.
    1992   *Faktizität und Geltung.* Frankfurt: Suhrkamp.
    2001   *Die Zukunft der menschlichen Natur: Auf dem Weg zu einer liberalen Eugenik?* Frankfurt: Suhrkamp.
Luhmann, Niklas
    1984   *Soziale Systeme: Grundriss einer allgemeinen Theorie.* Frankfurt: Suhrkamp.
Miró-Quesada, Francisco
    1974   *Despertar y proyecto del filosofar latinoamericano.* Mexico City: Fondo de Cultura Económica.

Salazar Bondy, Augusto
   1968   *¿Existe una filosofía de nuestra América?* Mexico City: Siglo XXI.
Smilg, Norberto
   2004   *Apel versus Habermas.* Granada, Spain: Comares.
Spivak, Gayatri Chakravorty
   1990   "Post-Structuralism, Marginality, Post-Coloniality and Value." In *Literary Theory Today,* edited by Peter Collier and Helga Geyer-Ryan. New York: Columbia University Press.
   1994   "Can the Subaltern Speak?" In *Colonial Discourse and Postcolonial Theory: A Reader,* edited by Patrick Williams and Laura Chrisman, 66–111. New York: Columbia University Press.
Zea, Leopoldo
   1975   *La filosofía latinoamericana como filosofía sin más.* Mexico City: Siglo XXI.