
The topic of this article is the moral grammar of cultural conflicts, and the question it addresses is: What does it mean to be morally thoughtful and considerate in education? The aim of the article is twofold. On the one hand I critically examine the response of the Swedish National Agency for Education to the controversy about burqa. On the other hand the specific cultural controversy about burqa is used to examine whether the Habermas concept of discourse ethics could learn something from the post-modern challenge to this ethical question and its consequences for educational theory. Three different ways of understanding moral consideration are outlined in the article: an extended form of equal treatment, an increased ethical sensitivity and an asymmetrical obligation between human beings.

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Moral consideration

When (not) to speak about tolerance in education

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Conflicts are increasingly defined from a cultural standpoint. They are viewed as conflicts of peoples and cultures whose self-understanding has been shaped in traditions with opposing world-views. The emergence of culture as an arena of intense political controversy also involves education. The theme of this article is the moral grammar of cultural conflicts, and the question it addresses is: What are the conditions for being morally thoughtful and considerate in education?

My discussion derives from the debate that has been so intense in many European countries over what has become known as the “headscarf affair”. This refers to a long and protracted public confrontation in France that began in 1989, with the expulsion of scarf-wearing Muslim girls from their schools.1 In October 2003 the Swedish National Agency for Education stated in an official letter that, on educational grounds, it was not acceptable to dress in a burqa in public education.

The acts of veiling and wearing the burqa have given rise to an ensuing debate that has gone beyond the original question. This debate touches on several delicate questions, such as the political-ethical self-understanding of people as members of a nation; the collective understanding of democracy and its basic conditions; the meaning of social and sexual equality; the foundational values of education, the normative purpose of education and so forth. It forces us to re-examine the relationship
between private and public, self and other, as well as the ethical and moral dimensions of public institutions such as education. It challenges our moral intuitions as to what it means to be thoughtful and considerate, and what is to be done in public education.

The overall aim of this article is two-fold. On the one hand I critically discuss how the Swedish National Agency for Education responds to the controversy over burqa. On the other hand I use this specific cultural controversy to probe whether Habermas concept of discourse ethic have something to learn from the post modern challenge to the ethical question and its consequences for educational theory. Three different ways of understanding moral consideration are outlined in the article: an extended form of equal treatment, an increased ethical sensitivity, and an asymmetrical obligation between human beings.

Both educational theory and political theory consider the difficulty of human social interaction and how we can respond to the existence of plurality, but political theory elaborates on this issue more explicitly than educational theory, albeit not from an educational point of view. Since both the Swedish Ministry of Education and the National Agency for Education (Skolverket, 2000, p. 9) have declared deliberative communication to be the advocated interpretation of what a democratic foundation means in education, I take my point of departure in what I see as one of Jürgen Habermas’s most recent contributions to the ethical question in contemporary societies: the concept of tolerance. To begin with, I will outline the problematic situation that is the point of departure for this article; I will outline how the Swedish National Agency for Education has come to its conclusions and how the question of whether the burqa can or should be accepted in public education is dealt with.

**The burqa in public education**

The number of students with an immigrant background is relatively large at our local school, but this year, for the first time, we have girls wearing a closed black dress with a veil, a so-called burqa or niqab, which means that it is barely possible to recognize their eyes. Teachers and other staff are used to immigrant students, but have reacted with unease to the use of the burqa, feeling uncomfortable about teaching students who are impossible to identify or have eye contact with. Of course there are practical problems in connection with exams, identity checks and when students are on work experience. On behalf of the school I request that they do not wear a veil during lessons. Am I entitled to do so? Are there, to your knowledge, any similar cases, and how have they been dealt with? (Skolverket, 2003, p. 1).

This question was submitted by the head teacher of Burgården Educational Centre in Gothenburg to Sweden’s National Agency for Education. The Agency replied that schools do have the right to prohibit their students from wearing the burqa. According to its official report, with reference to the basic democratic values of education it is not possible to prevent girls from wearing the burqa in public education; rather, that act should be respected (Skolverket, 2003, p. 9). But the Agency also argues that it is highly questionable whether schools can carry out their educational task if students wear a burqa and cover their faces:

In the classroom, learning proceeds as an interaction between teacher and students and between students. Communication between human beings is a central aspect of education. We communicate both with our voice and with our body language and facial expressions. It can be difficult for a teacher who cannot see a student’s facial expression to know whether the student has understood a question or statement, and similarly inter-
action between students becomes difficult. It is thus questionable whether it is at all possible to perform the school’s educational task if students wear the burqa and veil. Consequently, a school can, on educational grounds, prohibit the use of the burqa and veil (Skolverket, 2003, p. 11).

The main argument is that communication is a basic element of education and that the burqa blocks open and free, face-to-face discussion between teachers and students and among students. Besides this basic argument, the National Agency for Education emphasizes that a public school is a neutral place when it comes to cultural values and religion (Skolverket, 2003, p. 3). The Agency’s report problematizes the use of the burqa as a religious and cultural act and centres the discussion on where the line between negative freedom of religion and positive freedom of religion should be drawn.

The argument for prohibition is built on (face-to-face) communication as the normative condition for the task of education, on a secularized reason, and on the priority of negative freedom of religion. In short, the Agency’s response is based on a conceptual link between the universalistic justification of religious tolerance, on the one hand, and on the other, democracy as the basis for legitimating a secular state. I want to begin here by discussing how Habermas responds to the existence of different cultural life forms.

To Habermas, the fact of ethical and cultural pluralism in modern societies raises ‘the ethical question’, which he understands as a question of ‘how the inclusion of the other’ is possible in societies that are culturally and ethically divided. Thus, to begin with, I have chosen to read the head teacher’s plea for advice as a question of ‘What should we do?’ and the Agency’s response as a consideration of how it is possible to include the other in society.

**Tolerance**

Habermas’s concept of deliberative democracy strongly emphasizes the coexistence of different cultural life forms, rather than the preservation of certain cultural life worlds. The accelerated pace of change in modern societies is exploding all stationary forms of life. And in the sense that modern societies can be described as post-traditional, we are compelled to realize ourselves who we want to be, under conditions of pluralism and reflexivity. Although societies are divided for instance along religious lines, Habermas argues, they can be integrated through a shared political culture. Tolerance plays an important part in this; it has the role of a ‘pacemaker for cultural rights’ (Habermas, 2006).

However, in the first place, in Habermas’s perspective, it is not cultures that meet, but human beings who interact. This means that so-called cultural rights are ‘subjective rights’ introduced as individual rights. In Habermas’s view:

Cultural heritages and the forms of life articulated in them normally reproduce themselves by convincing those whose personality structures they shape, that is, by motivating them to appropriate productively and continue the traditions. (Habermas, 1994, p. 130)

The state can make the hermeneutic achievement of cultural reproduction possible, but not guarantee it. «For to guarantee survival would necessarily rob the members of the very freedom to say yes or no that is necessary if they are to appropriate and preserve cultural heritage.» (Habermas 1994, p. 130) The coexistence of different forms of life means ensuring every citizen the opportunity to grow up within the world of a cultural heritage and to have his or her children grow up in it without suffering discrimination because of it. It means the op-
portunity to confront this and every other culture and to perpetuate it in its conventional form or transform it, as well as the opportunity to turn away from its commands with indifference or break with it self-critically and then live spurred on by having made a conscious break with tradition, or even with a divided identity. (Habermas, 1994, p. 131 f.)

The only forms of life that can survive are:

cultural rights serve the purpose of guaranteeing all citizens equal access to those associations, communication patterns, traditions and practices, which they respectively deem important in order to develop and maintain their personal identities. (Habermas, 2006, p. 204).

If we follow Habermas, this means that:

If the philosophical justifications given for religious tolerance point the absolutist state in a direction away from unilaterally declared religious toleration, the limits of which are defined by the authorities, and towards a conception of tolerance based on the mutual recognition of everybody’s religious freedom. (Habermas, 2006, p. 196)

One problem with traditional accounts of tolerance is that, according to Habermas, they conceive of tolerance as an asymmetrical relationship, where being tolerated depends on the tolerating bestowing tolerance upon one’s person, as an act of grace. Thus tolerance becomes paternalistic, and risk being insulting and patronizing, without equal respect for individuals. To Habermas it is necessary to conceive of the legal act of toleration as mutual, and that mutual toleration melds with the virtuous self-obligation to behave tolerantly (Habermas, 2006, p. 197).

The National Agency for Education never uses the word toleration in its official letter, talking instead about respect. The concept of respect accords with our understanding of religious freedom as a civil right:

The school must respect these girls and their decision to wear the burqa, but the girls must also learn to respect the way their action is understood in a Swedish society. (Skolverket, 2003, p. 9)

The performative act of the Agency’s statement – that the girls’ decision to dress in the burqa is to be respected and, in turn, that they are obliged to respect the way their actions are understood in a Swedish society – is based on the constitutive link between toleration and tolerance. The apparent paradox is that the act of respect (tolerance) circumscribes the range of behaviour that everybody has to accept: «the girls must also learn to respect
the way their action is understood in a Swedish society» (Skolverket, 2003, p. 9). The Agency thereby draws a line as to what cannot be respected (tolerated).

As long as this line is drawn in an authoritarian manner, the stigma of arbitrary exclusion (disrespect or intolerance) becomes inscribed in respect (toleration). Tolerance involves the assertion of the sovereignty of the tolerating person without which the exercise of tolerance is impossible. To Habermas (2006) the solution to this apparent paradox is that only if all involved reciprocally take the perspective of the others, only with a universally convincing delineation of the borderline, can toleration blunt the thorn of intolerance. In his view there is a call for an open and free discussion about what range of behaviour everybody must accept. Tolerance becomes a matter of moral or political negotiation.

In its official letter the National Agency for Education emphasizes that it is not enough to prohibit girls from wearing the burqa without a discussion of the foundational values of education and society, and underlines the importance of deliberatively discussing: «Why do these girls want to dress in the burqa, and how is this act perceived by others?» (Skolverket, 2003, p. 3) It is striking, however, how the Agency blocks the way to free and unconstrained deliberation about what the burqa means in Swedish society, and public education today, by addressing a tradition in which the act of using the burqa already has a specific meaning in that society. It is also striking how the Agency (Skolverket, 2003, p. 3), in stating that «schools are cultural meeting places», neglects the contingency of «our own» culture.

There is no attempt to deliberately re-examine «our own» systems of communality and universality, sameness and otherness, and what they mean to ourselves and to other people. Nothing is said about how «Swedish culture» will develop and be transformed in the light of multiculturalism. How that which differs from «our traditions» will shape our own understanding of culture, tradition and history, and be constitutive of our personal and collective identity, is never an issue. Thus, from the very outset, the practical discourse on the burqa controversy is limited and constrained by particular values, interests, opinions etc., and cannot be convincing to all, and consequently remains unjust or intolerant.

While the Agency considers the difficult problem of belonging, and insists that the ‘others’ who are the products of democratic political boundaries need to be heard and attain some measure of participation, it fails to radicalize this idea. Here, education is conceptualized in terms of socialization and inclusion, in which the educational problem concerns how the other is brought into a society’s existing cultural and socio-political settings. The inevitable question is then whether it is possible to be included and still remain other. This raises questions concerning the relationship between inclusion and exclusion, sameness and otherness, belonging and self-determination.

The normative foundation of religious tolerance is, as far as I understand it, tied to the discourse model of ethics. In the following I will return to the head teacher’s urgent plea for advice, the question: «What should we do?», and try to radicalize the difficult problem of moral consideration of the particular, singular, other etc. I will go on to critically discuss how it is possible to respond in discourse ethical terms to the problematic situation outlined in the introduction to this article. I examining whether discourse ethics has something to learn from what I find to be a post-modern challenge to the ethical question, and discuss three ways of understanding moral consideration: as an extended form of equal treat-
ment, as increased ethical sensitivity, and as an asymmetrical obligation between human beings.

**Justice and Solidarity – An Extended Form of Equal Treatment**

With his discourse ethics, Habermas tries to clarify the question «What I, or we, should do» from a pragmatic, ethical and moral point of view. Here pragmatic, ethical and moral reasoning is oriented towards the same question: «What should I/we do?» But *should* has a different sense, depending on whether we are asking about practical (pragmatic) problems such as what we need to decide when we have to choose a career, are planning for a vacation, or are afflicted with illness; or more complex (ethical) matters such as what kind of life we would like to lead; or (moral) duties that everyone ascribes to one another from an inclusive we-perspective.

In each case it is a matter of justifying choices from among alternative courses of action, and each kind of problem calls for a different kind of action and a different kind of answer. Answers to pragmatic discourse function as recommendations concerning a suitable and realizable programme of action. Ethical discourses serve as advice concerning the correct conduct of one’s life and the realization of a personal life-project. Moral judgments, on the other hand, serve to clarify legitimate behavioural expectations in response to interpersonal conflicts – what we ought to do. In discourse ethics, Habermas distinguishes between weak pragmatic evaluations and strong ethical evaluations, and between ethical values and moral norms. The *should* of an ethical question must never be confused with the *ought* of a moral question. In other words, Habermas’s claim of universalism is not a full claim of universalism; it applies to everybody, but not to all practical aspects of life.

When it comes to the burqa controversy, we do indeed lack a situated understanding of what kind of a problem it involves. Whether we understand a custom as a religious, aesthetic or cultural act, whether it is a moral or ethical problem, is of importance for the way we treat it (cf. Benhabib, 2002). What if, as Benhabib (2002, p. 13) asks, «is it all or none? What if its meaning shifts and changes?» Since the National Agency for Education is seeking to clarify legitimate behavioral expectations, what behaviour we must all accept, I will treat this here as a question of what we ought to do.

The kind of considerateness which, in Habermas’s view, is supposed to protect the opportunity of all subjects to articulate their interests and claims is a matter of justice and solidarity. The individual constitutes itself only on a detour via externalization in other things and other humans, and the explanation for why the human spirit is condemned to an odyssey comes from George Herbert Mead (Habermas 1989). The reason why Habermas’s moral theory gives priority to justice and solidarity as two basic aspects of practical discourse is obvious:

> Unless the subject externalizes himself by participating in interpersonal relations through language, he is unable to form that inner centre that is his personal identity. This explains the almost constitutional insecurity and chronic fragility of personal identity. (Habermas, 1999, p. 199)

The insecurity of the individual who individualizes her-/himself through socialization is the reason for morality to protect the well-being of the communal relations of the individual, as well as his or her rights (Habermas, 1999, p. 195 ff.).

Habermas (1999, p. 200; italics in original) has a reason to advocate a weak founda-
tional attitude; his perspective requires that participants in discourse share some habitualized attitudes:

Since moralities are tailored to suit the fragility of human beings individuated through socialization, they must always solve two tasks at once. They must emphasize the inviolability of the individual by postulating equal respect for the dignity of each individual. But they must also protect the web of intersubjective relations of mutual recognition by which these individuals survive as members of a community. These two complementary aspects correspond to the principles of justice and solidarity respectively. The first postulates equal respect and equal rights for the individual, whereas the second postulates empathy and concern for the well-being of one’s neighbour. Justice in the modern sense of the term refers to the subjective freedom of inalienable individuality. Solidarity refers to the well-being of associated members of a community who intersubjectively share the same life world.

Morality can never protect the one without the other; neither can it protect the rights of the individual without the well-being of the community to which he/she belongs (Habermas 1999, p. 200). This means that every morality must revolve around equal respect, solidarity and some notion of a common good. In a deliberative perspective, all human beings capable of sentience, speech and action are potential partners in moral conversation (Benhabib, 2002, p. 14).

Justice and solidarity in moral consideration are based in a formal pragmatics of communication, which stems from a certain understanding of the symmetrical structure of intersubjectivity. They are moral orientations towards the other, and solidarity is the other of justice, in that ‘solidarity refers to the well-being of associated members of a community who intersubjectively share the same life world’ (Habermas, 1999, p. 200).

The concept of morality is based on equality, reciprocity and a symmetrical description of intersubjectivity. Solidarity as the other of justice is an extended form of equal treatment.

Certainly, moral questions arise in concrete contexts of the life world, where beliefs and decisions are shaped by values, habits and prejudices. This is very much the case when it comes to the controversy over the use of the burqa, which is interwoven with the individual self-descriptions of persons and groups. But Habermas’s distinction between moral norms and ethical values suggests «that moral-practical discourse, in contrast to ethical-existential discourse, breaks with all of the unquestioned truths of an established, concrete ethical life» (Habermas, 1994, p. 12).

Discourse ethics presupposes that participants in practical discourse know what it means to discuss hypothetically whether norms should be adopted, and that participants have an ability to go beyond the contingency of their own perspective, their own values, needs and interests, and empathize with the values, needs and interests of others. Universally acceptable reasons must be impartial; neutral to personal interests, but expected to satisfy everyone’s interests (Habermas, 1999, p. 198).

It is obvious that the burqa controversy is interwoven with very different interests. Since there is no situated understanding of what it means, those who are affected have different reasons to want. So far, this means that the debate about the burqa should, in the first place, be concerned with addressing the problem and formulating a situated understanding of what the problem at hand actually is. Now, the National Agency for Education’s official letter has given us cause to treat the problematic situation as a question of ‘what we ought to do, and this brings me
to ask what justice and solidarity imply for our moral consideration of the other?

Habermas reckons with the ability of individuals to understand linguistically articulated validity claims, and understands constraints on communication in society as an injustice, in so as far as it is possible to show that they are a violation of individuals’ legitimate validity claims. Without the universal principle that everyone has the same right to articulate their interests, stances, values and opinions, it would not be possible to understand the singularity or uniqueness of oppressed language games that need to be protected. But think of Nora in Henrik Ibsen’s A Doll’s House: it is not what she expresses that is excluded; she is denied a voice in the conversation from the very outset. The question is what would enable her to articulate her claims? In discourse ethics, the responsibility for being competent lies with the speaker (Habermas, 1995, p. 143 ff.).

Faced with the controversy over the burqa, headscarf and veiling, I am struck by my own unfamiliarity and ignorance, and I would argue that the responsibility for being competent to recognize individual difference is a crucial element in moral-practical discourses. Habermas (1994, p. 174 f.) has increasingly acknowledged the importance of empathy, and speaks of a «generalized compassion, sublimated into the capacity to empathize with others ... and opens your eyes to ‘difference’, to the uniqueness and inalienable otherness of the other.» The need for such consideration can be explored with the work of Stephen White (1991), for whom ignorance, unawareness and unacquaintedness with the individuality of the other provide the very impulse for his ethical writing. This brings me to what can be called an increased ethical sensitivity (Honneth, 1995): here, moral consideration has a different status than that recognized by Habermas in discourse ethics.

**Increased ethical sensitivity**

White (1991) argues that behind traditional moral philosophy lies a responsibility to act, which in turns decreases the ability to recognize the plurality of the world and the singularity of individuals. He shows that an intersubjective openness towards another person’s singularity requires certain communicative virtues that are aspects of our affective behaviour, and which increase our ability to perceive the other. With reference to Heidegger’s term Gelassenheit, White calls for a serene or peaceful attitude, and outlines a couple of virtues that increase moral sensibility, such as the capacity to listen, a readiness to give emotional support, openness towards difference, and an ability to encourage distinctive personal character (White, 1991, p. 99).

He does not first and foremost offer moral protection of unique qualities that have until now been ignored; a serene attitude towards the other is a way to better recognize the singular person’s individual particularity, which the formal character of traditional moral theory neglects. In a normative sense, we could say that the enabling conditions for a mutual search for the better argument require more than the cognitive capacities of the subjects involved. A successful moral discourse requires that participants, on a personal level, share what White describes as virtues. White argues that the virtues outlined can contribute to an exploration of the way the universal idea of mutual respect can be put into social practice.

Here, a prohibition of veiling for the sake of emancipating the woman-in-a-veil would also always be an act of stigmatizing the woman-in-a-veil as oppressed (unjust) or ignorant (non-rational) and in an important sense a misrecognition of her self-determination – being her own way – and of her voice in the practical discourse; that is, of her as an autonomous person. White’s point is
that we can only try to ascertain injustice, the inequality someone is caused, by a greater sensitivity and an intimate knowledge of the other. According to Axel Honneth (1995), White’s ethical defence of the heterogeneous and particular against the common refers to the universal principal of equal treatment in discourse ethics, that each individual must have the same opportunity to articulate her/his claims in practical discourse.

So far I have discussed the tense relationship between moral form and its content; the moral form and ethical life; or if you wish, the ideal (presuppositions) and the real (what should we do?); and I have touched upon two forms of moral consideration of the other. The problem I have tried to raise towards discourse ethics in this passage is how transcendental presuppositions that constitute formal restrictions to rational action block the road to a situated argumentation or examination. The point is that it is possible to use White’s (1991) ethical writing to discuss the conditions for an immanent extension of the Kantian moral tradition.

From Habermas’s perspective, the controversy over the burqa in public education could be a moral matter, but still not a moral question that can be answered from a moral point of view. The descriptions of this controversy are inextricably interwoven with individual self-descriptions of persons and groups, with their identities and life projects. To Habermas, the moral question only arises at a more general level. Referring to the controversy over abortion, he (Habermas, 1994, p. 59 f.) argues: «Where an internal connection of this sort exists, the question must be formulated differently, specifically, in ethical terms»

The moral aspect of discourse only effects agreement on matters of equal rights, such as the right to the free exercise of religion and to freedom of conscience. Since Habermas moves from ethical to moral aspects of discourse, the consequences are either that norms on which pluralistic societies will be able to agree will be increasingly general and abstract; or that the very consensus and abstractness of such norms will allow for consensus at the level of principles, while permitting variety and disagreement with regard to ethical conceptions of the good. An urgent question is, if communities within a multicultural society disagree in their identities and life projects, why assume that these disagreements would not carry over into more general questions concerning the legitimate order of coexisting life forms?

If there is disagreement over the use of the burqa, I assume it is possible that there could be disagreement over a number of issues that are meant to reside in the moral dimension of a moral discourse, for example in descriptions of what counts as religious freedom, in what the free exercise of religion involves, in what counts as religion or in what constitutes tolerant behaviour convincing to all. What I am trying to address here is that disagreements at the level of conceptions of the good life could undermine agreement on norms and law.

The rigid separation of universal and particular content, interests, reasons and will, and the distinction between agent-neutral and relative reasons, serves as a razor-sharp distinction between norms and values as the boundary of moral standpoints. The boundary between Moralität and Sittlichkeit seems hidden: there appears to be a blind spot here regarding the complex dialectic in which agent-relative concerns support and feed into that neutral content of norms that we more readily recognize as moral. If we ask the question, by virtue of what are universalizable interests at all worthy of recognition from a moral standpoint, then either Habermas must say that participants in moral communication already have a moral interest in recognizing universalizable interests and giv-
ing reasons from a moral standpoint or, otherwise, discourse is forced to «say something relevant about substance as well and, more importantly, the hidden link between justice and the common good» (Habermas, 1999, p. 202). 7

This is an ambiguous point in discourse ethics. To Habermas, a moral consensus will operate at the level of general and abstract norms, rather than at that of concrete ethical concepts of the good life. But if we are to take disagreements seriously, such consensus is threatened by what seems to be a mutual entanglement of ethical and moral dimensions of discourse, in which disagreement at the level of conceptions of the good can undermine agreement on norms.8

The endeavour to uncover the interrelationship between morality and ethics, justice and the common good, the finite and the infinite, the ideal and the real, is nothing less than a Hegelian insight. Habermas (1999) himself has discussed whether Hegel’s critique of the formalism and abstract universalism of Kant’s concept of the will (or ought) applies to discourse ethics, and has answered that it does not. Hegel’s philosophy emphasizes the continuity between moral content and moral form, between particular and universalizable interests. It does this in a narrative form, in which rational human beings reflectively refine, revise and realign particular desires, interests and ends which they pursue in concert with others within the framework of their social and political practices and institutions. Hegel’s arguments against Kant’s concept of the will (or ought) demonstrate that Kant has no convincing account of how content is given to the categorical imperative.

Habermas does not fully recognize those arguments, but they can be used, as I have tried to outline here, to critically discuss the implications of the principles of discourse ethics. Not only does a discourse ethic leave few survivors and, consequently, hardly grasp the moral intuitions that it sets out to clarify; it remains unclear what the implications of ethical dissensus are for the possibility of moral and political consensus.

In Hegelian philosophical terms, the reflective pursuit of particular interests can advance and sustain universal interests in such a way that formal considerations of solidarity, fairness, recognition, respect, tolerance etc. come to acquire enduring recognition. In a similar way, the concepts of infinite care, recognition, fairness or solidarity are, in Hegel’s philosophy, what reflects back onto the finite, everyday life – the infinite and the finite are dialectically entwined. What we need to shed light on, from a Hegelian point of view, is how the relationship between the moral form and its content is in itself real, in a way that has an impact on moral decisions. I will return to this urgent problem in the concluding section of this article.

In the following I want to take this critical examination a step further and draw attention to some of the limits of reciprocity and equal treatment. My overall aim is to raise the question whether asymmetrical obligations towards the other should be granted a place in moral discourse (cf. Honneth, 1995).

**Limits to the universal idea of equal treatment**

There is a crucial question that has made me aware of the limits of reciprocity and the symmetrical understanding of intersubjectivity, and that is, what it means to exist in a language that is not your own, locating something of that heterogeneity in public, in that other language that is both yours and unfamiliar to you (cf. Derrida, 1998). In particular, the text with the impossible title *Monolingualism of the Other; Or The Prosthesis of Origin* (Derrida, 1998) stunned me with the agony of not being able to reach the ear
of the other, of not being able to communicate.

That agony made me realize the need to realign the idea of equal treatment as the normative horizon that determines our moral consideration of the other. It is obvious that our moral conceptions are hardly exhausted by the terms equal treatment and mutual respect, recognition and responsibility. The realm of education inevitably includes asymmetrical responsibilities, with care, friendship and love constituting ideal sources of moral orientation. Solidarity might be a productive counterpoint to justice, in that the mutual engagement in the well-being of the other is introduced into moral discourse.

Nevertheless, the educational debate about the burqa has faced me with questions such as: What are the conditions that will allow the woman-in-a-burqa to introduce her life-world dilemmas and conflicts, thrown into absolute translation, without any point of reference; what are her conditions for acting and spelling out her narratives in the classroom? Derrida’s text reminds me of the instability, indeterminacy, multivocity and fragmentation of language and at the heart of all claims to identity. Honneth (1995) has argued that the symmetrical structure of intersubjectivity within Habermasian discourse ethics requires an additional moment of asymmetry. His point is that the experience of asymmetry must be granted a place in moral discourse if the goal of solidarity is not to remain abstract and empty.

A double source of moral orientation

I have read the ethical writings of Jacques Derrida as an attempt to identify a place where moral philosophy devotes increasing attention to the singularity of the other. Unlike Habermas or White, Derrida (1998, 2006) finds this critical point only within a moral perspective that stands in a productive opposition to the idea of equal treatment, between two colliding principles of moral orientation: equal treatment and care. The concept of friendship is a case in point that can serve to outline Derrida’s ethical writings.

The relationship that characterizes friendship is a well-studied form of experience that has met with particular attention in the history of philosophy. With friendship one has the opportunity to examine how two different moral orientations are found and united in a single social relationship. What has attracted classical philosophers’ interest in friendship is that affection and respect merge together without erasing the distinctiveness of each. It is within this tradition that Derrida (1997) discusses morality as a phenomenon. What interests Derrida is the question in what way two forms of intersubjectivity that relate to different forms of human responsibility are included in a synthesis.

Within the relationship of friendship, I always meet the other in a dual role: on the one hand, at the level of sympathy and affection, he or she can appeal to my asymmetrical commitments; on the other hand, he or she will simultaneously want to be respected as a moral person among all others. It is this insoluble tension that establishes the moral bonds that constitute friendship. As far as I am able to grasp the work of Derrida, it puts forward an elucidative argument that morality always comprises a productive conflict between two moral points of view – between equal treatment and care of the other. It is conflicting and insoluble insofar as the idea of equal treatment forces me to limit the moral perspective from within which the other is the addressee of my care.

Likewise: to offer the other my endless care would tend to neglect the moral duties of mutual recognition. Someone who acts
justly in the former situation acts unjustly in the latter, and vice versa. What makes friendship possible also limits it. It is productive in that the irresolvable tension evokes a notion of the moral point of view. Honneth’s (1995) argument is that care is an illuminating opposite to justice, as it complements the principle of justice with interest-less one-sided care or assistance, through which the idea of equal treatment may be put into practice. Some of Derrida’s work is broadly concerned with inclusion or hospitality. But Derrida’s ethical writing is marked by undecidability. Hospitality is the combination of a welcoming of the other and the host of the household. Since the host is as much the one who receives, welcomes, offers hospitality in his house, as he is, the master of his house there is no unconditional passage through the door of the host. Hospitality is self-contradictory, which Derrida express in *Hospitality*.

Derrida’s work is grounded on a certain understanding of intersubjectivity or the relationship to the other that is quite different from Habermas’s understanding of intersubjectivity. If we follow Derrida’s (1996, p. 82) remarks on deconstruction and pragmatism, there is a (messianic) a priori structure that belongs to all language, and that is the performative or illocutionary dimension to our speech acts. This no doubt has Habermasian echoes. In Simon Critchley’s (2006, p. 98 ff.) remarks on Habermas and Derrida, we find that both Habermas’s and Derrida’s approaches to the question of justice agree on the question of formal universality and context-transcendent unconditionality. Critchley also notice that they disagree on the correct picture of intersubjectivity. What they differ on is the question of the symmetrical or asymmetrical nature of what is revealed in linguistic practice. In a passage in which Derrida (1996, p 86) discusses the need for infinite responsibility, his position becomes clear:

I believe that we cannot give up on the concept of infinite responsibility /.../ if you give up the infinitude of responsibility, there is no responsibility. It is because we act and we live in infinitude that the responsibility with regard to the other (autrui) is irreducible. If responsibility were not infinite, if every time that I have to take an ethical or political decision with regard to the other (autrui) this were not infinite, then I would not be able to engage my self in an infinite debt with regard to each singularity. I owe myself infinitely to each singularity. If responsibility were not infinite, you could not have moral and political problems. There are only moral and political problems /.../ As a consequence, whatever choice I might make, I cannot say I with good conscience that I have made a good choice or that I have assumed my responsibilities. /.../ If I conduct my self particularly well with regard to someone, I know it is to the detriment of an other; of one nation to the detriment of another nation, of one family to the detriment of another family, of my friends to the detriment of other friends or non-friends, etc. This is the infinitude that inscribes itself within responsibility; otherwise there would be no ethical problems or decisions.

What takes place in the concrete linguistic event of the promise is a relationship to another, which to Derrida is an experience of infinite indebtedness – an asymmetrical obligation, infinite responsibility. Infinite responsibility is characterized as undeconstructible, unconditional and even universal, but it arises only within the context of a singular experience, within the performative dimension of the promise. As I understand it, it is possible to ask whether both the symmetrical and the asymmetrical dimensions of intersubjectivity are required in order to provide orientation in our moral and political lives (in education and elsewhere). I have gone some way towards demonstrating the enduring relevance of Hegel’s ethical insight to the criticism of the moral standpoint. In
The final section of this article, however, I will put forward some reasons as to why Honneth’s suggestion might be too easy or too hasty.

The passage above can be read as something like an ethical moment in deconstruction. The insight that I have not done enough is what makes morality, politics and history continue. However, in Habermas’s view this infinite responsibility would turn into ethical overload. To Derrida (2006, p. 113), this overload is not simply a moment to be overcome; there is no point in eliminating it by norms within discourse. Consequently, I find Honneth’s conclusion misleading. I will turn once again to Hegel and try to make my point a little clearer.

There is, as Lars Løvlie (2007) notes, a crucial point in the Hegelian dialectic perspective of ought and obligation, or the promise that lies in ought. To Hegel, the promise of ‘ought’ indicates an ideal in the future, which as such draws a line between the ‘is’ and the ‘ought’, between the present and the future, between the expressed obligation and its fulfilment or lack of fulfilment. However, instead of making ‘ought’ into a regulative Kantian idea, an idea of what should be fulfilled in the future – separated from the present – Hegel makes it into a dilemma existing in the present situation. He places ought in the present, ongoing situation, in which the honesty obligation and the fact that honesty might not be fulfilled exist as oppositions (Løvlie, 2007).

Hegel’s philosophy structures the transcendentality of ideal speech acts to the extent that discourse ethics assumes that, when we enter into argumentation, we make the presuppositions for ought-claims matters of fact – despite their having an ideal content to which we can only approximate in reality. The simple question ‘What should we do?’ is realized in practice, whilst the procedure is ideal. This dialectical relationship between the ‘is’ and the ‘ought’, between (in Kantian terms) the intelligible realm and the phenomenal realm, is a pragmatic premise which, so to speak, makes argumentation going. Discourse ethics thus bridges the gap between the intelligible and the empirical in the Kantian philosophy, the factual force of counter-factual presuppositions manifesting itself as a mere tension in everyday communication (cf. Habermas, 1999, p. 203).

The unforced force of the better argument belongs to language; it supports the relationship between the ideal and the real in the specific case; its force is due to the dialectic relationship between what I say and the expectations that are actualized. Nevertheless, discourse ethics relies on a final agreement – consensus – and a hypothetical attitude: that participants in discourse more or less formally follow the procedure and have a will to reach consensus. This is a specific formalism, a specific ‘technicism’ (cf. Dunne, 1993, pp. 218, 225), a procedure for testing validity claims where the situation is received in a specific rational way that excludes aspects beyond rational discourse in concrete modern societies.

**Deconstruction**

If we relate Hegel’s perspective to that of deconstruction, we find that justice, fairness, respect, care and so forth are not regulative ideas on how ought is fulfilled in the future, but rather the infinite ethical impulse to ask the finite question what we, in the present situation, ought to do. The ethical moment we are caught up in is a never-ending oscillation between the finite and the infinite. The ought has, in Hegel’s words, its «place and its validity in the sphere of finitude» (Hegel, 1976, p. 135 f.). Thus the fulfilment of ought is never realized; it is, rather, postponed indefinitely (Løvlie, 2007). How is it then that concepts of infinite justice, friend-
ship, care, love or responsibility still play a part in our everyday lives? 

The relationship between the finite and the infinite appears in practice as reflections on present lives, as expectations of renewed relations. Remember how Derrida believed «that we cannot give up on the concept of infinite responsibility» (Derrida, 1996, p. 86); in his view, we can talk about transactions that realize ethical responsibilities. We are not able to act towards the other without implying infinite responsibility; even when we are unfortunate, when responsibility collapses, the finite–infinite relationship appears in practice. On the basis of infinite responsibility we are propelled into moral problems, into the realm of decision. But the notion of infinite responsibility does not function as the basis for a decision procedure in ethics.

The overall aim of this article was to critically discuss how the Swedish National Agency responds to the controversy over the burqa and to examine whether Habermas concept of discourse ethics has something to learn from the post modern challenged to the ethical question. In summary I have discussed three different ways of understanding moral consideration: (i) an extended form of equal treatment, as (ii) increased ethical sensitivity, and as (iii) an asymmetrical obligation between human beings. I have argued that both an extended form of equal treatment and increased ethical sensitivity are related to the normative horizon of thought whose boundary line is more or less clearly indicated by the universal idea of equal treatment: the moral theoretical framework that goes back to Kant.

In this respect White’s (1991) contribution to an increased ethical sensitivity can be seen as an immanent expansion of discourse ethics. In other words discourse ethics has something to learn from the so called post modern challenge. The third moral point of reference addressed in this article is outlined with reference to the limits in the universal idea of equal treatment. To my understanding it is not reasonable to argue that discourse ethics has something to learn from Derridas position in the sense that it adds something to the discourse ethical framework, it rather moves beyond this moral theoretical framework.

In a similar vain as Habermas, Derrida is engaged in the moral philosophical tradition that goes back to Kant and he is, like Habermas, critical of the one-sided exercise of tolerance and inclusion. From Derridas point of view tolerance involves the assertion of the sovereignty of the tolerating party. It is actually this sovereignty that makes tolerance possible, without which tolerance is impossible. Just because tolerance is made conditional on this assertion, tolerance becomes a matter of political negotiation. In the case that this article centrals around – the controversy over the burqa – tolerance is limited to the sovereignty of the tolerating party.

In the negotiation by National Agency for Education the other is included on our own terms: the girls need to learn to respect the way their action is already understood in a Swedish society. To Habermas this paradox can be solved on discourse ethical terms. Unlike Habermas Derrida does not aim at retrieving a rational kernel in his concern for tolerance, hospitality, friendship, etc.. Instead he shows how tolerance, hospitality, friendship are marked by aprioras – an undecidability – that makes them possible and impossible at the same time. In Derridas ethical writings the apparent paradox turns into double descriptions of the world.

Undoubtedly, by forcing what the National Agency for Education wants to see as a private symbol into the shared public sphere, the girls who came to their schools in the burqa juxtaposed an aspect of their private identity with that public sphere. They refused to treat the public sphere of educa-
tion as a neutral place, refused to be assimilated to a specific Swedish national identity, and openly manifested cultural, ethical and religious difference. On the one hand their act created the sentiment of identity with the society of origin, on the other its meaning is inscribed within the variety of relations with the receiving society (cf. Benhabib, 2002, p. 96 f.). Through their actions they exposed the boundaries between the public school and the private home, between the moral and social world. The ethical question, then, concerns the relationship to an other (the woman-in-a-veil) who ultimately escapes inclusion because she cannot be included and other at the same time; it forces us to think of her as both related and different and to review our prejudices.

Derrida’s ethical writing on friendship and hospitality is perhaps closer to the educational concept than is Habermas’s concern for tolerance. Friendship does not yield either to formal preconditions or to personal virtues; it exhorts us to reflection rather than decision; and in this way it is a contribution to my answer regarding what I owe myself and others. The discourse ethical procedure for testing validity claims where the situation is received in a specific rational way, a specific ‘technicism’, makes education into a technique where we tend to foresee the otherness of the other in concluding what is convincingly just or unjust, tolerant or intolerant.

Thus we foreclose the possibilities for the other (student) to come into the world as a singular being. In Derrida’s (2006) writings on hospitality it seems obvious that we are obliged to keep the unforeseeable in-coming of the other open. The traditional distinction between reason and virtue, what we do as autonomous subjects and as persons embedded in customs, faces us with a whole range of ethical topics which in Derrida’s writings have been opened up into a dialogue on the human condition – topics such as justice, friendship, responsibility.

What I find troublesome in discourse ethics, and the concept of tolerance, is that I am unable to think of the other as other in this double description, in which the woman-in-a-veil is neither like me nor unlike me, and therefore related to me. When the relationship to the other loses its symbolic power, we risk making the other into a stranger. From the point of view of Derrida’s ethical writings the head teacher’s question ‘What should we do?’ becomes aporetic: I know simply that I cannot assume the responsibility that overwhelms me. As a finite being I am infinitely overwhelmed by a responsibility that cannot be but infinite (cf. Derrida, 2006, p. 113 f.). The response to the question is suspend, a suspension of established norms and understandings, affirming the incom-ing, allowing the unforeseeable and in-calculable to enter the educational scene rather than controlling it with the familiar. It is an educative moment that recasts the subjectivity of both the teacher and the student.

Notes

1. In France the cabinet office has decided that burqa, niqab, Christian cross and other religious signs are prohibited in public schools. The grounds for this decision are that secularization is part of the French constitution, and to wear a burqa or veil is contrary to the fundamental principles of equality and equal rights. These principles derive from the formal theory of justice, built on equal treatment and impartiality.

2. An underlying assumption in proposing the deliberative concept of communication as an educational ideal is that education always has moral implications, and that different ways of teaching in classrooms shape different conditions for students’ reasoning (Englund, 2000). Another underlying assumption is...
that deliberative communication links education to a deliberative concept of democracy, that deliberation is conceptualized as a way to develop students’ capacity to make moral judgements and thereby contribute to their capacity to make use of political rights. In this discussion, Jürgen Habermas and John Dewey are the most important theoretical points of reference (cf. Englund, 2000; Skolverket, 2000).

3 The quoted text is translated from Swedish, the translation is mine.

4 In Swedish, as in German, the predicate tolerance refers both to a legal order and to a political virtue (cf. Habermas, 2006, p. 5).

5 According to Habermas, legitimacy in complex democratic societies results from free and unconstrained public deliberation by all about matters of common concern. A public sphere of deliberation on matters that concern people is essential to the legitimacy of democratic institutions and society. In one sense this is what was happening regarding the controversy over the burqa. Given its extent, and its coverage in the media, it is possible to interpret the burqa debate as a complex cultural dialogue on the interpretation of traditions.

6 The normative content of the presuppositions of argumentation is borrowed from the theory of communicative action, onto which discourses are superimposed. And this is why all moralities coincide in one respect: linguistically mediated interaction is both the reason for the vulnerability of socialized individuals and the resource they possess to compensate for that vulnerability.

7 This is a key aspect of the normative horizon of thought, going back to Kant, whose boundary line is more or less clearly indicated by the universal idea of equal treatment. The point in this Kantian premise, which Habermas reformulated via a theory of linguistic intersubjectivity, is that each and every subject must have the same opportunity to articulate his or her interests and claims. Habermas formulates universality in no less than three different ways, as the satisfaction «of everyone’s interest», «of the interest of each individual», and «of each person’s particular interest» (Habermas, 1999, pp. 65, 93, 197; respectively). Thus, in his perspective, everyone asents to norms on the basis of interests. To have interests is a reason to want. I have elsewhere discussed what constitutes universal interests (see Boman, 2006).

8 Many commentators have argued that only a negligible number of justifiable norms could meet such stringent conditions that discourse ethics formulates (McCarthy, 1991, p. 198; Cook, 1999).

9 It is Lars Løvlie (2007) who has shown me how the relationship between the finite and the infinite in Hegel’s philosophy ‘still’ structures the current philosophical discussion on transcendentality; either we turn to Habermas’s ideal speech situations, or to Derrida’s difference. Løvlie argues that the formal procedure for moral argumentation that is based on rationality remains caught in a Kantian formalism.

10 Habermas defines the terminus ad quem of a moral-practical discourse in terms of an agreement on the just resolution of a conflict in the realm of norm-regulated action (cf. Habermas, 1994, p. 8 f.).

11 This is what I believe that Hegel insists we need to shed light on: how the relationship between the moral form and its content is in itself real, in a way that has an impact on moral decisions.

**Literature**


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