

## Fellows



**Matthew Specter**

Duke/IFK\_Junior Fellow

Duration of fellowship

01. October 2003 bis 30. June 2004

**Matthew Specter**

## **PROJECT TITLE**

Legality and Legitimacy: Jürgen Habermas' Reconstruction of German Political Thought

## **PROJECT DESCRIPTION**

A study in modern intellectual history, this project contextualizes the political thought of contemporary German philosopher Jürgen Habermas. The mature Habermas argues that democracy and the rule of law ("Rechtsstaat") are meaningless without each other. In the contemporary trans-Atlantic context this position represents a way of balancing our expectations that democracies shall be self-governing against the anxiety that only constitutionally guaranteed rights can protect us from ourselves.

But his conviction also has deep roots in the German political experience: in the authoritarianism of the Imperial "Rechtsstaat", the failure of constitutional democracy in the "Weimarer Republik", and the thorough politicization of law in the "Dritten Reich". The significance of these contexts explains why liberal constitutionalism has been a central focal point of his reconstructive critique since the late 1950s.

Influenced by Bourdieu's concept of "intellectual field", and the histories of political theory authored by the Cambridge School, Matthew Specter reads Habermas' theoretical work as a series of creative "moves" within the constraints of discursive fields. Most important for understanding Habermas' reconstructive project is the intellectual field of "Staatsrechtslehre", a hybrid of political science and constitutional law unique to Germany. This tradition, and not just the critical theory of the "Frankfurter Schule", is central to the intellectual field in which Habermas came of age. Matthew Specter reconstructs the political meaning of complex academic and theoretical debates without which Habermas cannot be understood.

Habermas' work navigates the antinomies of the German public law tradition. Postwar jurists sought to prevent future injustices by enshrining basic rights in the constitution, but in doing so gave the Supreme Court unprecedented power. The court advocated basic rights but relied on transcendental arguments about natural law. Ex-Nazi law professors became champions of classical liberalism's "Rechtsstaat", in order to argue that postwar welfare state was unconstitutional. Out of the antinomies of these postwar debates over the ethics, politics, and hermeneutics of constitutional law, emerged the Habermas we recognize today.

## **CV**

M.A., Studied Modern European Intellectual History and Social Theory at Brown University and History at Duke University

## **Publications**

U. a. Reinventing Allgemeine Staatslehre? Habermas and the Identity of German Political Science. Conference on "The Rise and Impact of the Social Sciences", Center for European Studies (Harvard University 2002); The Origins of Habermas' Political Thought in the Discourse on the Social Question in West German Constitutional Debate (National Humanities Center, North Carolina 2003)

