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WOUNDING WORDS AND SPEECH ACTS: BETWEEN HABERMAS AND BUTLER

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“...the issuing of the utterance is the performing of the action—it is not normally thought of as just saying something” (Austin 6).

Feminist philosophy treats embodiment as a “situation” lived through the symbolic dimension of language, as well as the materiality of socio-economic institutions and practices. Language reflects women’s materiality paradoxically through masculine generic terms that exclude and includes them secondarily through wounding names such as ‘witch.’ Injurious names locate bodies in abjection; yet, since the body is a situation the latter is also a sign of hope. Embodiment is a contingent phenomenon linked to contingent practices such as language, in an equally contingent patriarchal society. Consequently, it opens prospects for dislocating symbolic and material injury.

According to J.L. Austin’s speech act theory, language is a form of action. As Judith Butler observes, speech acts are more closely connected with the body than written marks. Though the latter do require the body, there is an ambiguity about to whom writing belongs, unlike speech. The social life of the body is produced through linguistic interpellation, which recognizes and objects the body. Jürgen Habermas’s and Butler’s diverse appropriations of Austin reveal that the performative aspect of injurious language is either illocutionary or perlocutionary. Habermas evokes Austin’s illocutionary speech acts to develop language as communicative action, whereas Butler proposes a performative account that heeds the semantic excess in perlocutionary speech. Habermas’s critique of subject-centered language resonates with the feminist critique of patriarchal speech. However, Butler alleges that Habermas’s emphasis on argumentation and agreement neglects gender.

This article engages with Habermas/Butler debate on language with reference to the injurious term ‘witch.’ Since witch-hunting still

prevails in highly exploited tribal communities in India, Mahasweta Devi's short story '*Bayen*' frames the article, which is divided into three parts. The first explores the linguistic turn in feminist philosophy. The second section examines Habermas's views on language given feminist concerns of linguistic injury and Butler's critique. In its final part, the article explores the possibility of a counter-patriarchal linguistic project through Habermas's post-conventional identity.

I

Gendered Turn to Language: Masculine Thinker, Feminine Embodiment

If femininity is acquired rather than given, it shapes both mind and body through historical practices.¹ Further, the body is not a foundation for the cultural embodiment of gender.² When philosophy typically proclaims it as the prison of the soul, the body is already marked by language that deleteriously equates women with bodies. In a patriarchal society, women's relation to their bodies is mediated by names that acquire authority by drawing upon prior practices (Butler, *Bodies* 226-30). Thus, 'girl,' 'woman,' 'mother' or 'witch' initiate materialization of feminine practices, with a long complex history of regulation governed by a hierarchical opposition between the thinker and 'his' body (232-233).³ Words like 'mother' equate her with the reproduction of life, whereas those like 'witch' make her life-threatening. Indeed, the sign 'witch' projects the woman as an unruly force—a body that does not matter, an object that is outside the order of norms. "The mother has become a devouring monster ..." (Irigaray, *Reader* 40). As Irigaray points out, the imagery of myths and legends is not about patricide but "an even more archaic murder, that of the mother" (36). The repression of the female body shows a dread of returning to the womb;⁴ it simultaneously attempts to demonize the locus of procreation through hate speech.⁵ Thus,

¹ De Beauvoir maintains the coextensiveness of the body with consciousness, unlike Sartre (Butler, *Sex and Gender* 32-33).

² The body (or sex) does not determine gender (Butler, *Sex and Gender* 30-31). Being a woman is one cultural interpretation of female embodiment; the latter can be interpreted in other ways.

³ This is despite the body first relation with the mother (Irigaray, *This Sex* 34-46).

⁴ The Latin word *matrix* means 'womb' (Butler, *How Bodies*, 31).

⁵ In most languages expletives are directed against women as 'witch' represents.

according to Irigaray, “The womb, unthought in its place of the first sojourn in which we become bodies, is fantasized by many men to be a devouring mouth...” (41).

The woman is named as the reproductive mother to preserve property in a social order where men head families. Yet, besides the matter that reproduces within patriarchy, there is shapeless matter as its condition; “There is... a matter that exceeds matter” (Butler, *Sex and Gender* 47).⁶ The abject is produced in the materialization of the non-human or “the differential materialization of the human” (Butler, *How Bodies* 281). This unlivable dimension of abject also has a discursive life. The witch “lives within discourse as the radically un-interrogated and as the shadowy content-less figure for something that is not yet made real” (281).⁷

Mahasweta Devi’s short story ‘Bayen’ exemplifies linguistic injury and bodily exclusion in its protagonist Chandidasi’s tension and fusion between mother and witch. A woman from the marginalized Dom community in Bihar, India, her existence is mediated by the names of Chandidasi or ‘servant’ and Chandibayen ‘witch’ (Devi *Bayen*) The Doms, who are among the lowest in caste hierarchy, have as their occupation the traditional caste-ordained one of cremating the dead. Chandidasi, who took such labor for granted, experiences remorse after becoming a mother of a son. She is disheartened to continue with her caste-given occupation. Chandidasi’s community fears her empowerment and blames her for the fatal illness that befalls her niece. Labeled as ‘witch,’ she is banished to the world of the dead. Her existence repeats the activities of the reproductive mother who preserves the family and community. Her new name ‘Chandibayen’ contains her existence. ‘*Bayen*’ is a witch who is feared by the entire village for preying on children; she is a shadowy abject mother behind the socially accepted mother. Chandidasi, ‘*dasi*’ being servant, metamorphoses from ‘mother’ to ‘witch’ - a child-giver to child-hunter, an exiled mother separated from her son. Devi “...touches the larger space of the social forces that separate mother and son in a male-dominated system.”⁸

The name ‘*bayen*’ or ‘witch’ is particularly traumatic in Chandidasi’s case because it reflects the stark operation of patriarchy amongst the underprivileged Dom population, which projects its anxieties

⁶ Butler makes this remark with reference to Irigaray.

⁷ One should heed Butler’s warning in this respect that the abject is contentless, so that none of its examples can be taken as absolute (Butler, *How Bodies* 281).

⁸ Samik Bandhopadhyay, as quoted by Bose (134)

on its women.⁹ Like all disenfranchised communities, the abjection of women amongst the Doms is related to their exploitation by the mainstream. In the story Chandidasi is targeted when her niece succumbs to small pox. This shows the need to identify the cause of the frequent deaths and disease that befall communities with no access to nutrition, drinking water, basic medical care, sanitation and even literacy. The Doms and the tribals work on cremation grounds and mines, respectively, in the interest of Indian development.¹⁰ Their plight is further aggravated by the presence of ritual witch hunters who wield power great power over them. Witch hunters make their victims confess, pay whatever penalty is necessary and live on the margins. Those labeled witch often accept it stoically and fall prey to autosuggestion (Devi, *Witch-Hunting* 172). Vested interests force these communities to their lowest ebb so that they can be exploited and their unity destroyed (178). Hence, they encourage the superstitious practice of witch hunting. "Those branded witches ...are victims of feuds, political vendetta, clan-hatred..." (173).¹¹

In her segment on biology, de Beauvoir claims that natural facts gain significance only when they are filtered through non-natural systems of interpretation, or culture (35-69). The body is never a natural phenomenon: "it is not merely as a body, but rather as a body subject to taboos, to laws, that the subject is conscious of himself

⁹ These points are derived from Devi, *Witch-Hunting* 170-75.

¹⁰ Tribals are the indigenous population of India, who have been exploited by the Indian as well as British colonial elite. Following Mahasweta Devi, the term 'tribal' is more appropriate than indigenous or aboriginal in the Indian context (*Telling History* ix). Although they constitute approximately one-sixth of the Indian population (Devi, *Conversation* i), mainstream Indian identity tends to exclude and exploit them. This is testified by for instance the Santhals of West Bengal, the Warlis of Maharashtra, the Dangs of Gujarat. Tribals have a communal approach to land, but are often evicted by feudal and modern institutions; they eke out their impoverished livelihood through hunting and food-gathering in forest regions. But they are often driven out from forests due to government policy and development projects. Devi's oeuvre and activism reveal how disenfranchised the indigenous tribes remain even today. Most tribal groups in India do not have access to literacy, employment and health. Consequently, malnutrition is the primary threat to life amongst many tribal sections of Indian society. "The tribal world is like a continent handed over to us, and we never tried to explore it, know its mysteries, we only destroyed it" (Devi, *Telling History* x). Tribal cultures and histories are erased under a maze of material obstacles, so that they are not written about. Devi aptly observes that tribals are "...basically gentle, polite, highly civilized...A tribal lives in harmony with nature..."(xix). See Devi, *Conversation* for a detailed overview of tribals in India.

¹¹ The powers of a witch get converted to a powerlessness in a patriarchal society (Bose 136). There are three stages of pollution: menstruation, birth and death. Chandidasi is a polluter on all three counts (Bose 137).

(sic) and attains fulfillment...” (40). Thus, as a text the body is the homogeneous reproductive organism constructed by patriarchy, as well as, heterogeneous resistances to the same. It allows for taking up received meanings so that they are renewed, refused or reinterpreted (Butler, *Sex and Gender* 38). Thus, the body is a dialectical process of reinterpreting those interpretations that have taken a corporeal form (38).¹² The body is a situation—albeit a subordinate one.¹³ Citing Diana Fuss, Cavallaro aptly maintains the body to be a site of contradiction (120), which opens the space for change. As an active process of interpreting the body, names like ‘witch’ or ‘mother’ do not designate women’s lives in their entirety; they can be exposed, critiqued and reworked. As excess, the body cannot be completely symbolized. “We can never complete the circuit, explore out periphery...” (Irigaray, *This Sex* 213). Irigaray’s question, “But what if the object started to speak?” (*Speculum* 135) is crucial from Chandibayen’s position of exile.¹⁴ The following section argues that to disrupt hate speech women have to talk back, using the very language of patriarchy.

II

Perlocutions or Illocutions? Butler and Habermas

The relation between abusive language and abjection shows that the traditional representative account of language as a reflection of a naturally given order is problematic. As Austin maintains, one does things with words; language is an everyday activity that makes the world available through prevailing social hierarchies. Speech acts are performatives derived from ‘perform’ and ‘action’ (Austin 6). Austin treats speech as action, which one might add is inextricably connected with the body. In continuity, Habermas argues that organisms have to be invested with meaning ranging from social, cultural and symbolic structures of personality to matter (*Actions, Speech Acts* 252). Analogously, Butler observes that speech presents itself

¹² Thus, body is not owned by the subject. Moreover, if it is a situation, the dichotomy between sex and gender vanishes (Butler, *Sex and Gender* 38)

¹³ Also see Kruks for this point.

¹⁴ Butler affirms “There are abject bodies” as a performative contradiction in opposition to Habermas (*How Bodies* 280). However, it is only from the perspective of a patriarchal or specular logic where each word represents its object absolutely that one can term this as a performative contradiction. From the point of view of transcendental logic, abject bodies form the necessary condition for all other bodies to exist. But Habermas does not justify language through performative contradiction as Apel does. See note 33 below for a detailed discussion on performative contradiction.

through the body in ways that are quite different from that of writing (*Excitable* 152).¹⁵ Speech acts are more closely connected with the body than written marks. Though the latter does require the body, there is an ambivalence regarding whose body it is. But, “The speech act, however, is performed bodily, and though it does not instate the absolute or immediate presence of the body, the simultaneity of the production and the delivery of the expression communicates not merely what is said, but the bearing of the body as a rhetorical instrument of expression” (152). Since the social life of the body is produced through linguistic interpellation (5, 153), the body is sustained and threatened through language (5). Naming instills respect or fear by including or excluding the interpellated subject from social discourse. Oppressive language does not just represent violence—it is violence (6); language is both what is done (the performance) and what is effected (8).

Linguistic injury or hate speech is, thus, performative. Austin distinguishes between locutionary, illocutionary and perlocutionary speech acts. A locution is a proposition with meaning, where “to say X, is to do X” (Austin 94-5).¹⁶ Wounding words are hardly descriptive in this sense. The Austinian model opens up two conflicting performative paradigms for comprehending hate speech: illocutionary and perlocutionary speech acts. The former establishes dialogical relations “in saying something,” while perlocutions achieve effects “by saying something” (Austin 121). This distinction rests upon the significance of conventions and effects:

1. *The Role of Conventions:*

Illocutionary acts inform or proclaim bring about effects in saying something through backing by conventional force. Perlocutionary acts of threats and deterrence, on the other hand, are not supported by convention in their bid to bring about effects by saying something (Austin 109, 119-20). Thus, even if illocutionary acts do renounce language, they attain their effects through conventions, unlike perlocutionary speech acts.

2. *The Status of Effects:*

For most part, illocutionary acts produce consequences through linguistic means (Austin 116, 118, 120). “many illocutionary acts

¹⁵ Butler critiques Derrida for not acknowledging this difference between speech and writing (*Excitable*, 152-3).

¹⁶ Locutionary act is the traditional proposition with meaning, where ‘to say X, is to do X’ (Austin 94-5).

cannot be performed except by saying something. This is true of stating, informing (as distinct from showing), arguing, giving estimates, reckoning, and fining (in the legal sense); it is true of the great majority of verdictives and expositives as opposed to many exercitives and commissives" (120). Whereas perlocutionary speech acts can achieve their effects through nonlinguistic (or nonlocutionary) means (119). Linguistic acts differ from physical acts in that they do not have a mechanical relation with their consequences (113-114). Illocutionary acts are not just consequences of locutions, but of the forces of convention in specific situations (115). They too lead to consequences in the sense of securing an uptake, taking effect and inviting a response (116).

Butler believes that perlocutionary speech acts are performatives with feminist promise (*Excitable*). Threatening perlocutions structurally (rather than semantically) break with conventions so that they can be repeated (148, 149).¹⁷ They separate word from deed, so that *by* saying X, one produces effects. The lapse of time between saying and doing (17) allows for an emphasis on future consequence. Since some of the latter are unintentional, they can be tapped to counter the utterance. In contrast, illocutionary speech acts identify saying with doing and emphasize prior convention without any time lapse between saying and doing. For example the judge who says "I sentence you" executes the sentence in the course of uttering it. According to Butler, if hate speech is understood as illocutionary there is no room for resistance since it is tied to prior convention, whereas as a perlocutionary speech act, it creates room for resistance. Her concerns for linguistic resistance notwithstanding, Butler's arguments betray problems:

(A) On Austinian terms perlocutionary and illocutionary speech acts cannot be neatly segregated. Both are performatives bound to effects. Illocutionary speech acts lead to consequences in the sense of securing an uptake, taking effect and inviting a response (*Ibid.*, 116). Against such an interactive effect, perlocutionary speech acts *get* their listeners to do act in a certain way. However, as performatives, illocutions and perlocutions are susceptible to failures or "infelicities."¹⁸

¹⁷ This insight from Derrida's reading of Austin is employed by Butler to comprehend both hate speech and ways of resisting it.

¹⁸ Habermas does not separate the illocutionary and locutionary speech acts as force and meaning (*Toward a Critique* 70-71).

(B). In her focus on “I declare you man and wife...” as the prime example of illocutionary speech acts, Butler equates illocutionary speech acts with what Searle has termed as declaratives (Habermas, *John Searle's* 273).¹⁹ Declaratives are issued from an institutional standpoint to conclude contracts, close meetings, initiate relationships, etc. They have “two directions of fit” where in saying X, they produce X or “they both state a fact and produce it” (273). Declaratives are able to produce new social facts because they are backed by institutional and legal norms.²⁰ For instance, a declaration of marriage gets backing from the institution of marriage and family. Searle tends to reduce the illocutionary content of all speech acts to those of declaratives á la Butler. However, as Habermas remarks, if persons call things into existence by occupying positions in institutions, language itself becomes an institution (274). However, “Language, however, is an institution only in a metaphorical sense” (274). Words transcend institutional affiliations. Hence, all cases of illocutionary acts are not those of institutionalized declarations.²¹ Moreover, even proclamations with institutional backing can be challenged and revoked by language. A proclamation does not tie the person to a specific mode of existence. The husband who proclaims “I declare you to be a witch,” does not make an absolute claim. The wife can refuse it, critique it, accept it—all of which are illocutionary possibilities. As Austin observes in performatives, our saying something is doing it. Hence, we attend to the illocutionary force of an utterance and abstract away from its locutionary aspect of correspondence with facts (Austin 146).²² This applies to both illocutions and perlocutions.

(C) Moreover, perlocutionary effects can be attained without language as they impose the speaker’s subjective intentions upon the listener. In contrast, illocutionary speech acts require language (most of the time) to go beyond the subject’s intention and connect with the listener. Thus, against Butler, perlocutions are not unconnected with intentions, nor are illocutions inextricably bound to them. Rather perlocutions are unconventional in the sense of being subjective- they

¹⁹ These are also institutional facts.

²⁰ They are like directives in that like orders they rely on normative contexts. They are also like commissives such as promises they rely upon the speaker’s responsibility (Habermas, *John Searle's* 273)

²¹ Illocutionary speech acts are carried out by means of performative sentences.

²² Austin does contend that the separation between locutionary and illocutionary speech acts is an abstraction (Austin 147), since each speech act encompasses both.

get the listener to obey the speaker, instead of debating the issue. Perlocutionary speech acts do not exist independently of illocutionary ones as Butler assumes (Habermas, *Communicative Rationality* 201). It is when perlocutionary effects²³ are *hidden* through making public its transcendental, illocutionary assumptions that perlocutions work. Openly perlocutionary speech replaces the speaker's validity claims by power claims (200). It is analogous to strategic action, where speech can be replaced by overt violence. Despite this, such overt perlocutionary acts are "parasitical" on illocutionary acts.²⁴ Their comprehensibility is derived from the conditions that underlie illocutionary speech acts or an antecedently habitualized language oriented towards communication (201). Tacitly perlocutionary speech also has a derivative status (*Actions, Speech Acts* 224). In the deceptive usage of illocutionary speech acts (*Toward a Critique* 82-83),²⁵ perlocutionary goals have to be secret while illocutionary aims are made public (*Actions, Speech Acts*, 223). They can function "when at least one side assumes that language is being used with an orientation toward reaching an understanding. Whoever acts strategically in this way must violate the sincerity condition of communicative action *inconspicuously*" (*Toward a Critique* 82).²⁶ In Derridean terms, the conditions for the possibility of perlocutions are also conditions of its impossibility. Perlocutions depend upon the illocutionary successes of using a language (84);²⁷ since they conceal their goals, they are instances of injury. Whereas illocutionary speech acts, which are instances of public avowal, are conducive to tolerance. As Kant's transcendental principle of publicity maintains, a course of action that cannot be public acknowledged violates others (*Perpetual Peace* 135).

In a Habermasian vein, women are excluded from speech community through words like 'witch'; feminists can expose the exclusions in sexist language because language moves beyond the

²³ Perlocutionary effects are those that go beyond the communicative dimension of the speech act (Habermas, *Communicative Action Vol* , 202).

²⁴ Habermas claims that in his earlier position "My mistake was to treat this limit case of a pure imperative backed up by power as a class of speech acts in its own right." (*Communicative Rationality* 201).

²⁵ These are termed by Habermas as latently strategic aims (*Actions, Speech Acts* 203).

²⁶ Emphasis added.

²⁷ Actions oriented towards reaching a success can be done egocentrically, while those oriented towards agreement are done cooperatively (*Communicative Rationality* 204).

speaker so that any one can respond to language in principle. Thus, if 'witch' is used in a communicative way, the silenced could generate alternative meanings. As Habermas argues, instead of the intentions of a subject, meaning requires an interplay between subjects, society and the object under consideration in any given speech act. All those who are affected by a term can enter the speech situation to rework the term. Women have to struggle for recognition by speaking and resisting curse words directed against them. Even injurious names give them an opportunity to speak and disrupt the patriarchal order to attain a different relation to language (Irigaray, *This Sex* 191).²⁸

However, according to Butler, Habermas's linguistic communication is another instance of silencing hearers by appealing to the intentions of a speaker (*Bodies*, 192; *Excitable* 87).²⁹ Moreover, since hearers can respond to speakers with a yes or a no, the former can silence dissent (*Excitable* 86). Butler locates Habermas's stress on consent as an attempt to impose semantic uniformity (86-88). However, her critique neglects Habermas's distance from intentionalist, semantic and use theories of meaning. He upholds that meaning is not the property of the speaker's thoughts or grammar of utterance or a specific context, since the hearer is confined to passivity (*Toward a Critique*). For Habermas, non-subjective meaning emerges when each pole is transgressed through "a speaker coming to an understanding with another person about something" (58). The speaker's utterance provides the hearer with an opportunity to take a stance of accepting, rejecting, arguing, modifying and the like (*John Searle's* 269). This process of communication is never complete for any conclusion that is reached can be revised in principle. The interaction between the speaker and hearer can resist the institutionalized deformities of life and language (Habermas, *Actions, Speech Acts* 240).

Dialogue implies that hearers do not accept the utterances of speakers under conditions of duress, but through constant exchange of roles with speakers. Habermas's idealizations of freedom and equality are implicit in dialogue. They emphasize the conditions of symmetry under which discourse partners can accept, reject and modify terms. Further, though dialogue requires provisional agreement—it is structural. A specific meaning is attached to a term consistently only within a given situation—not in all situations. Moreover, it can be subsequently repudiated, as well. Habermas uses the term 'ideal'

²⁸ For an analogous defense of communicative speech acts see Hornsby (87-106).

²⁹ This is upheld by many poststructuralist critiques of Habermas, as well.

to indicate the communicative excess presupposed by all speech.³⁰ He comprehends universality, not as absolutism or uniformity, but as openness to the point of view of the other (*Neo-Aristotelianism*). Ideal communication demands that meanings of words have to meet with the approval of all affected by them. Thus, meaning is generated through a process of both critique of convention and dialogue. However, since words are assumed and yet violated in actual communication, there is a tension between the ideal and the actual. Moreover, rather than idealize consent, as social contract theorists, Habermas brings the circumstances of consent into relief with his focus of the relations between dialogue partners. Habermasian communication enables language users to contest injurious interpretations and pave new contexts through dialogue. It makes perlocutionary or injurious speech's resistance to dialogue public and taps its illocutionary excess in innovative directions. Like Butler, it transcends injurious language to first examine the sedimentations of history underlying it (Butler, *Excitable* 13). It breaks with the past context (though not absolutely) where the words are critiqued and resignified to usher in a new future (14). By untying words from past contexts and sovereign subjects, the receiver re-signifies them through a nonexclusive process of interaction. Habermas goes a step further than Butler in exploring the implications of disentangling words from both intention and context. Actors who employ perlocutionary speech acts confront each other as entities, rather than as dialogue partners (*Communicative Rationality* 204).³¹ Hence, perlocutions are hardly promising since hearers concede to speakers under duress. Mahasweta Devi observes that many of the tribal women accept the title of witch because of their urge for empowerment under conditions of subordination (*Witch-Hunting* 171).

Butler's preference for perlocutionary speech acts is also connected with her being suspicious of consent and universality as homogenizing. Following Lyotard's postmodernism, which famously maintains "To speak is to fight," she believes agonism to be the spirit of language. However, this presumes individuals to be atomic units who are under the Hobbesian state of permanent war. In contrast, Habermasian communication neither ignores difference nor inflicts uniformity. Habermas upholds that the most individual expressions in language contain the possibility of openness to another. There is an internal connection between understanding (*Verstehen*) and reaching

³⁰ As Benhabib observes the notion of excess is found in both Habermas and Derrida (*Sexual Difference*).

³¹ Purposive actors assume that they can intervene in the causal nexus of inner-worldly processes.

an understanding (*Verständigung*) (Habermas, *Communicative Rationality* 199). But this does not imply that there is an equation between linguistic understanding (*Verstehen*) and agreement (*Einverständnis*). To achieve understanding is to arrive at a communicatively reached agreement (*Toward a Critique*, 80). Thus, "More discourse means more contradiction and difference. The more abstract the agreements become, the more diverse the disagreements with which we can nonviolently live" (Habermas, *Unity of Reason* 140). According to Habermas, "the nonidentical" that escapes metaphysical concepts is available in everyday discourse (*Postmetaphysical* 48).

Habermas does not treat illocutions as declaratives backed by institutions, as Butler claims, but as interactions of the lifeworld that are reciprocally related to communicating individuals (*Actions, Speech Acts* 251). The lifeworld is not a system from which individuals should be secluded; nor is it a whole of which individuals are parts. It is neither an organization to which individuals belong as members, nor an association comprised of individuals joined together. Cultural reproduction, social integration and socialization in the life-world allow for everyday communicative practices and are in turn nurtured by them (252).

According to Habermas, speakers are communicative actors who foreground the horizon of the situation and the topic, which are in turn rooted in the background of the life-world (241-245). The life-world is immediate, certain and holistic. It comes into view only from the perspective of language users who want to reach an understanding. Habermas argues that the actor is no longer an "initiator but rather...the product of the traditions within which she is situated, of solidarity groups to which she belongs, of socialization and learning processes to which she is subjected" (246). The life-world comprised of culture, society and personality is thematized and reproduced through communicative action (248-250). Each of these, however, does not have circumscribed boundaries: Cultures have the widest boundary, whereas societies have narrower ones and personalities are the most narrow. However, there is an overarching relationship between them through everyday language, even as distinct systems culture, society and personality are not governed by money or power. Culture operates through school, society is reproduced through law and personality is reinvented through family, all of which are structures in the lifeworld of everyday communicative practices.³²

³² Habermas does not attempt to justify discourse ethics a priori as Apel does with the notion of performative contradiction (*Discourse Ethics* 80-83). Those who argue against discourse tacitly utilize the norms of discourse-this is basically what

Indeed, Butler and Habermas have much in common. Like Habermas she maintains that language is not controlled by sovereign subjects. Subjects are brought into existence through linguistic naming. However, interpellation exceeds the subject and vice versa (Butler, *Excitable* 34). The entry into language through a name that has never been chosen becomes the limit and basis of agency; hence, the subject is not condemned to permanent victimization (38, 41). The subject who addresses an other is also someone who has been addressed. Intersubjectivity consists in this process of mutual address rather than autonomy (30).³³ Although hate speech is out to silence the addressee, it can be appropriated to contest oppression when the addressee responds to it in unpredictable ways (160). The subject who repeats these very same names assumes responsibility for them—not as their originator but as someone who recites them (39). The subject can break with previous contexts and conventions to inaugurate new meanings—since her body exceeds the utterance. “The subject is called a name, but “who” the subject is depends as much on the names that he or she is never called” (41). Indeed, both Butler and Habermas eschew Austin’s notion of a happy performative as that which is invoked conventionally, appropriately, correctly, completely, intentionally and continuously (Austin 14-15). According to

Apel means by performative contradiction. Practical reasoning cannot rely upon deductive arguments nor inductive arguments. It relies upon discursive argumentation. Yet the latter cannot be understood as ultimate—it is only a fallible reconstruction of some of the assumptions of the social practice of language. Yet in reconstructing the terms of argumentation there is a hypothetical moment which Apel is not ready to accept (96-97). The terms of discourse can be viewed modestly as a rational reconstruction of moral consciousness at the socio-cultural and ontogenetic levels (98). Thus, both the skeptic and the foundationalist are looking for ultimate justifications.

Again the notion of performative contradiction does not take into account the fact that the skeptic can very well renounce argumentation following Nietzsche and Foucault (99). But the skeptic cannot deny having grown up in a socio-cultural web of which communicative action is a part. Thus, the skeptic who is a product of socialization also reproduces this form of life. Indeed, for Habermas the abstract choice between strategic and communicative action can only take place in extremely individual cases (102). The actor belongs to the lifeworld that is reproduced through three processes: cultural tradition, social integration and socialization. Each of these processes require the medium of an action oriented towards understanding. A long term absence from appropriating traditions, belonging to social groups or taking part in socializing interactions would result in the monadic isolation of strategic action. It would also entail schizophrenia or suicide or self-destruction in the long run (102).

³³ Butler remarks that Althusser’s interpellation reduces the one who addresses to a voice and the addressee to someone who consciously accepts the name. In contrast, Butler upholds that the interpellating agent and addressee internalize regulative norms in a subconscious way (Butler, *Excitable* 31-33).

them language works only if these conditions remain unfulfilled.³⁴

Thus, words are not intractable properties hoarded in subjects or contexts. Despite their history of oppression, words are what Butler terms as “vulnerable” or “excitable.” Wounding terms can be turned against the exclusions—not by accommodation but by blurring existing boundaries (Butler, *Excitable* 161-163). By questioning their exclusions, one can open up hate speech to a future filled with hope and risks. According to Butler, a name that hurts can also be a site of counter-mobilization. “The name one is called both subordinates and enables, producing a scene of agency from ambivalence, a set of effects that exceed the animating intentions of the call.” (163). For Butler, if the response to injurious language is a risk taken in response to being put at risk, it would have to be a repetition that forces change.³⁵ However, against Butler, words are not perlocutionary strategies but interactive. Language presupposes semantic, as well as, communicative excess.

To return to Devi’s ‘*Bayen*,’ Chandidasi foils an impending train-robbery planned by a group of bandits who were busy blocking the tracks by piling bamboo sticks on them. She threatened them and drove them away in her avatar as ‘witch.’ The train, however, ran over Chandidasi as she struggled communicate the danger of the blockade that lay ahead. Chandidasi reinterprets the ‘witch’ as someone who protects rather than harms the living. The brigands run away only because they feared her as a ‘witch.’ Chandidasi’s reappropriation of the witch forces the village community to recognize a loving figure-though it is too late. “the scapegoat has crafted her own final sacrifice, in her death, however, she is able to snatch back her identity even as she denies her community a chance for their own salvation” (Bose 135). Thus, it is not just the semantic excess in the word ‘witch’ that matters, such as Chandidasi singing lullabies when she is alone. It is also the relationship between the terms witch/mother

³⁴ Austin’s view is that speech acts fail when they do not abide by previous conventions. Derrida too believes that this failure is the very condition under which speech acts can perform (Butler, *Excitable* 151). However, Glendinning quotes Austin’s counsel that “old habits of *Gleichschaltung*, the deeply ingrained worship of tidy-looking dichotomies” be abandoned (13). *Gleichschaltung* was a term used by Hitler and it meant that one induces clarity, simplicity by violence (14). Glendinning cites Derrida as someone who resists *Gleichschaltung*, and one might add here that Habermas too resists it.

³⁵ Butler’s critiques Derrida for making rupture an autonomous feature of language in oblivion to its social code. For Derrida, the performative continuously breaks with the previous contexts. Thus, he does not distinguish between performatives that cause injury by repeating a trauma and those that don’t (Butler, *Excitable* 150).

and the rest of society. Chandidasi's reconstruction of these terms infuses a new relation to language that brings about a new kind of socialization. As Irigaray remarks, in nonpatriarchal language there is a constant movement of words from giving to receiving and vice versa (*This Sex* 213).

The speaker (writer) cannot predict the future of language (Butler, *Excitable*, 8). Thus, those who named Chandidasi as 'bayen' could not have imagined that she would have transformed the term in a constructive and nonpatriarchal way. Words can be received in innumerable ways they are violent, however, when they control or encapsulate (9). Butler herself acknowledges that damaging speech is a bodily act that prefigures another bodily act (11). The performative as interpellation brings the social/discursive body into existence (154). The body of the speaker exceeds the words that are spoken and thereby the addressed body is no longer in its control (10-13, 156).³⁶ "That the speech act is a bodily does not mean that the body is fully present in its speech" (155). The indeterminacy of language with no *telos* is intertwined with the heterogeneity of the body (Irigaray, *This Sex* 210). In Devi's 'Bayen' the mother turns into a witch who in turn becomes a mother and then a martyr because the performative's potential for contesting hurt relies upon post-conventional notion of identity.

III

Beyond Injurious Language: Postconventionality and Publicity

Habermas's communicative excess relies upon a post-conventional identity noteworthy from the feminist standpoint because it critiques conventional patriarchal concepts such as 'witch.' Further, by transcending existing understanding of gendered terms it allows for innovation and solidarity.

Postconventionality

When women who are silenced use language, they speak and write without territory (Irigaray, *Speculum* 27). Thus, they acquire a post-conventional reflective distance from rigid patriarchal meanings of their conventional roles. Habermas has developed a post-

³⁶ Butler regards hate speech as a threat to the body since only embodied speakers can threateningly comport themselves towards addressees (Butler, *Excitable* 12-13). The speaker's body does not necessarily act on the spoken threat and the hearer's body is also no longer under the threat's control (12-13). But, pace Butler, this applies to both perlocutionary threats and illocutionary proclamations.

conventional account of identity that could both strengthen feminist aspirations and also learn from it. It replaces the subject-object relation with a subject-subject paradigm of a plurality of participants. Instead of the object, there is the second person, a participant in communication. Thus, the I/it relation becomes I/you. At the conventional level this relation is mediated by “me” who forms the generalized other of group or institutional expectations or even a social “we” (Habermas, *Individuation* 179-180; Dean, 223). This mediation fixes the roles of participants who internalize them and employ strategic (as opposed to communicative) action to preserve socially sanctioned roles. At this level, role expectations empower sections of society at the expense of others.³⁷ Thus, women’s reproductive tasks enhance the quality of men’s lives. However, their reproductive experiences reveal many conflicts at the conventional level, which can be resolved communicatively only by moving to a post conventional stage (Habermas, *Individuation* 184). At this stage, identity permits “a decreasing degree of repressiveness and rigidity, increasing role distance and the flexible application of norms- socialization without repression” (*Communication and Evolution*). A post-conventional attitude enables the participants to treat their conventions as hypotheses to be justified by ideal role taking (Meehan, *Introduction* 5). The latter takes the perceptions of those who would potentially be affected by the convention into account. “For it is only when the force of the group and tradition loosens its grip, that individuals can reflectively ... move beyond merely conventionally justified beliefs and values” (3).

However, critics maintain that post-conventionality is severed from the specificities of culture and society. Feminists argue that universality is often a mask for uniformity. Its emphasis on agreement homogenizes differences between men and women (and even amongst women). As Braaten observes, feminist theorizing has to be sensitive to both difference and story telling. However, Habermas does make space for the different stories of human life. “what is at issue here is the reconstruction of the voice of reason, a voice that we have no choice but to allow to speak in everyday communicative practices—whether we want to or not.” (Habermas, *Communicative Rationality* 207). He upholds that “Criticizable validity claims are Janus faced” (206). Since they are claims, they transcend local agreements and can be disputed; yet such claims have to be raised within specific contexts (Habermas, *Communicative Rationality* 206). Thus, the

³⁷ Although Habermas does consider the observer to be neutral, one could follow Jodi Dean in gendering the observer to make the patriarchal color of social conventions explicit (*Different Voices*)

conventional “me” or generalized other is not abandoned in favor of a situation-free position. There is the theoretical “me” through which an agent becomes conscious of herself in the course of her interaction with her alter. The practical “me” is the agency that a subject establishes by the mediation of the alter’s expectations and behavior. This second person perspective is enlarged to include the generalized expectations that all members of society have towards her—or the generalized other. In this sense, the practical “me” is a conventional identity that is a necessary condition for a postconventional identity. The practical “I” opposes the conventional “me” in both pre-social drives and innovative fantasy (*Individuation* 179-192). The intersubjectivity of the practical self is reflected in the tension between the conventional “me” and the innovative “I.” Indeed, the conventional relation between “me” and “I” is reversed in post-conventional identity. The post-conventional “I” is both performative and communicative. In performing the speech act “I address you” a new intersubjective context and person is posited through language. An unlimited communication community is posited; it creates public space for those who are directly or potentially involved in the situation or affected by the topic under debate (Habermas, *Neo-Aristotelianism* 129). For Habermas universalism means the following:

That one relativizes one’s own way of life with regard to the legitimate claim of other forms of life, that one grants the strangers and the others, with all their idiosyncracies and incomprehensibilities, the same rights as oneself, that one does not insist on universalizing one’s own identity, that one does not simply exclude that which deviates from it, that the areas of tolerance must become infinitely broader than they are today. (Habermas, *Limits* 240)

In exchanging the perspectives of the speaker and hearer, one engages in ideal role taking that is distanced from conventional roles (Meehan *Introduction*). Indeed as Jodi Dean observes, the conventional generalized other does not have fixed expectations nor is it singular; there are several generalized others (223-224). It is this ambiguity, as well as conflict among multiple roles that provides the space for post-conventional generalized other. Such an open-endedness implies that “we can never completely assume the perspective of the generalized other. Instead, we take over an interpretation of it, an interpretation which arises out of our understanding of ourselves in the context of the relationships in which we are situated” (224). Thus, taking up “a hypothetical attitude toward the generalized other is an essential aspect of post-conventional morality” (225).

To return to Chandidasi in Devi’s ‘*Bayen*,’ her name indicates the conventional identity of grave-digger ascribed to her on the basis of her Dom caste. However, Chandidasi experiences a conflict of

duties when she becomes a mother. She renounces her traditional caste occupation given her inability to reconcile the roles of burying dead babies and being a mother, but her attempt to retain her role of mother is disrupted by the community, which exiles her as a witch. As Chandibayen or 'witch' and mother she protects total strangers from calamity. Chandidasi/Chandibayen's identity belies conventional notions of 'mother' and 'witch.'

Solidarity:

As Braaten observes, Habermas distinguishes between community and solidarity (144). The social ability to use language presupposes a community of communication, which in contrast to administrative and corporate systems does not assign any determinate roles to individuals. As an unrestricted and ever-expanding field, Habermas's community refers to all those who can participate in communicative action. Braaten likens Habermas's community to Kant's kingdom of ends (143). His notion of solidarity reproduces the lifeworld; it consists in the movement of culture, social order and personal identity from one generation to another. Solidarity is membership in "legitimately ordered interpersonal relationships" governed by modern rational norms of associations; 'rational' implies being less tailored to concrete forms of life.

Feminists such as Braaten and even Benhabib indict Habermas for neglecting feelings. They argue that his solidarity is grounded in a community "held together by shared techniques of justification" (Braaten 149) and has no place for feelings, which is uniquely feminine. According to Braaten, the whole domain of enculturation cannot be founded on such a sparse ground; community, solidarity and society concern relationships and require mimesis, sympathy and affection. She maintains that feminist reasoning proceeds from empathy, which is a part of solidarity and community. Hence, instead of justifying community and solidarity reasons are situated in community and solidarity. Braaten urges that one build on "the essential continuity of friendship or solidarity and the knowledge that is at the basis of the feminist movement." Benhabib analogously turns to the concrete other or the human individual rather than the generalized other or humanity as the basis of communication (Benhabib, *Other*).³⁸

³⁸ Truth and justice are values pertaining to science and philosophical ethics according to Braaten (149). Benhabib similarly argues that Kohlberg's ideal role taking takes the generalized (rational) other as its point of departure (*Other*). In this there is a neglect of the private sphere, an abstraction from situation and relationships of love and friendship characteristic of the concrete other (*Ibid*). Hence, for Kohlberg kinship, love, friendship implied in marriage and divorce are personal rather than moral issues.

However, sympathy or personal feeling is culled from the private domain and has the danger of confining women to the very same sphere. A patriarchal society inhibits women from interacting with each other or with men in public; women are isolated in personal relationships as care givers. Care is directed towards an individual or a small number of individuals with specific life histories with whom there is immediate contact such as family or tribe (Benhabib, *Other*). This is because it is confined to the well-being or welfare of one's own individuality or community. Against this, feminists have to confront the issue of making public what has hitherto been labeled as personal. Women would have to struggle, contest and reconstruct mainstream vocabularies to articulate their own experiences, all of which requires discourse (Fraser 1986). As socialized individuals, women are involved in linguistically mediated interactions (Habermas, *Justice and Solidarity* 48). The pragmatic features of language allow members of such groups to engage in reciprocal role taking to create social bonds of solidarity with strangers. Indeed, as Habermas observes, if one takes benevolence as primary one might not be able to endorse general well-being where even strangers matter (45-46).³⁹

Respect can transcend personal relations without postulating an abstract humanity. One could reframe the notion of unrestrained community as the unbounded dimension of both meaning and interaction in language. It is, thus, an excess that cannot be tamed through nation, gender or race. Hence, solidarity rather than sympathy or benevolence should serve as the social bond of communication (47). As Iris Marion Young observes, an emphasis on care leads to parochialism.⁴⁰ "one can love a city, love the fact of its diversity, contribute to the mutual support of its diverse populations, without sustaining affectionate and personally supportive relationships with all of the individual people whose paths one crosses" (Braaten, 153).⁴¹

Habermas develops this into a distinction between situation sensitive ethical questions and moral questions (*Neo-Aristotelianism*, 126-7). The former includes the personal and the ethnocentric dimension, but it requires a commitment to the larger communicative perspective. Benhabib suggests that the concrete other be the foundation of communication. Instead of humanity, focus is on human individuality and accompanying "moral categories ... of responsibility, bonding and sharing. The corresponding moral feelings are those of love, care, sympathy, and solidarity" (Benhabib *Other*)

³⁹ Habermas observes that Kohlberg introduces the concern for the welfare of the other or the principle of benevolence to supplement the moral point of view of ideal role taking (*Justice and Solidarity*, 45). However, he discerns a fundamental conflict in the status of the two principles.

⁴⁰ This is quoted in Braaten (153).

⁴¹ This is Braaten's summary of Young's position. Young cautions against rural bias in friendship and benevolence (Braaten, 153)

Fraser offers a via medium between abstract humanity and concrete individuality in the form of the “collective concrete other” that is established through relations of solidarity rather than care (*Discourse Ethic* 428).⁴²

However, eschewing the principle of care does not doom the postconventional self to asociality. As individuation develops it gets entangled in “dense” and “subtle” networks of interdependencies, in whose groups individuals are located (Habermas, *Justice and Solidarity* 46). These groups reproduce the lifeworld and have as their ideal an unlimited communication community: “the person forms an inner center only to the extent to which she simultaneously externalizes herself in communicatively produced interpersonal relationships” (46). Hence, individual identity is vulnerable, just like language because of exposure to others. To preserve the integrity of individuals, their symmetrical social relationships and the dignity of each individual to innovate would have to be nurtured. At the same time, the welfare of her consociates connected in a symmetrical intersubjective web of relations also needs safeguarding. For Habermas, solidarity is bonding with all other members of the group that posits an ideal unlimited communication community (48). It transcends the boundaries of family, tribe, city, or nation. “Even passing *strangers in foreign lands* will expect from one another a readiness to help each other in emergencies. Such weak normative contexts are still sufficient to authorize a speaker’s expectations for conduct, which the hearer can criticize if need be.” (Habermas, *Toward a Critique* 84, emphasis mine).

The postconventional ‘I’ refers to heterogeneous community at two levels. At the moral level the ‘I’ points to an expanding community to ascertain whether a specific norm is consensually binding or whether or not it has exclusions. At the ethical level, the identity of a specific individual depends upon recognition by the larger universal community (not as an instantiation of a given social type). Increasing social differentiation, instead of individuating, burdens the individual with conflicting demands and forces a critical attitude towards conventions. The subsequent breakdown of the latter allows for both the

⁴² Habermas views affective relationships as the foundation for communicative competence. He claims “to defend a thesis that does not sit well with the spirit of the times: that anyone who has grown up in a reasonably functional family, who has formed his identity in relations of mutual recognition, who maintains himself in the network of reciprocal expectations and perspectives built into the pragmatics of the speech situation and communicative action, cannot fail to have acquired moral intuitions ...” (*Neo-Aristotelianism* 114).

loss of the self and its emancipation. The loss of the conventional 'me' can be gained only when it leads to a postconventional 'I'; such a self is not isolated but integrated with a wider community that transcends the conventional community.

Devi's Chandidasi dies saving strangers who do not belong to her community. She evokes a sense of solidarity that goes beyond her community by reappropriating the witch and the mother in a postconventional vein. Moreover, Chandidasi imposes a sense of guilt on her existing community for treating her as property and ostracizing her. Further, she ushers in a boundlessness of words and community from her position of exile within a specific form of life, namely the Doms in Bihar. Chandidasi's location without a territory of her own enables her. Personal contact and feeling are on the wane in an increasingly globalized world, Moreover, even those who interact directly have to appeal to the intervention of language, culture, society... in short, distance. Butler would also endorse this point given her adherence to Derridian language. Derrida and Habermas oppose the ownership model of language where it is a property of given subjects or cultures. Indeed, language has no owner or origin; it "comes from everywhere, all at once" (Irigaray, *This Sex* 208). Despite patriarchy's attempt to ossify it through abuse, language remains semantically and communicatively unbound, so that feminists can oppose the (im)propriety of language. When the abjected woman begins to speak or breaks into the symbolic, there is "an upheaval of the old property crust" (Cixous, *Medusa* 258). The exiled woman anonymously innovates an ever expanding network of relations and meanings that cannot be circumscribed by boundaries (264).

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