BETWEEN PLURALISM AND CONSENSUS
A Habermasian Project of Dialogue in Public Sphere

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Abstract: Consensus, however necessary to ward off the danger of relativism, can endanger political otherness. Political space is constitutively marked by a kind of irreducible heterogeneity. Hence democratic society needs to be situated in the ambiguous gap between the procedural rules of communication leading to consensus and the ever-possible dissent that cannot be strangled. Democracy is constantly confronted by uncertainty and the heterogeneity of individual interests and ends. There is, in the heart of all true democracy, rebellion to one unified system. This irreducible otherness is the foundation of democratic pluralism, source of social conflicts and political crises. This article, through an analysis of the political philosophy of Habermas—particularly of his idea of dialogue in public sphere, seeks to show that this "agonistic dynamic of politics"[1] should be situated between consensus and pluralism.

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[1]By this expression we mean recurring political conflicts. The use of the adjective "agonistic" is inspired by one of the recent political theories called Agonism or Agonistic Pluralism proposed by Chantal Mouffe who underscores positive dimensions of certain forms of political conflicts. Political theorist Chambers describes Antagonism as implying "a deep respect and concern for the other." Samuel A. Chambers, "Dialogue, Deliberation, and Discourse: The Far-Reaching Politics of the West Wing," in *The West Wing: The American Presidency as Television Drama*, ed. Peter C. Rollins and John E. O'Connor, Syracuse: Syracuse University Press, 2003, 96.

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1. Introduction

The question of pluralism is so fundamental that Walzer considers it the essence of democracy.[2] The analysis and interpretation of democracy is a work of writing, which Claude Lefort explains in his work *Writing: The Political Test*.[3] Writing, especially political writing, means passing through "the unbearable ordeal of the collapse of certainty."[4] Pluralism is therefore a political reality and a fact of political literature as well. Mouffe contends that "envisaging the aim of democratic politics in terms of consensus and reconciliation is not only conceptually mistaken, it is also fraught with political dangers."[5] If we concede to this view, then democratic approach to modern society would lie solely in the agonistic process, that is, in the demonstration of the factor of conflict and struggle in the society. Consensus in a democracy would become obsolete from this point of view. This leads to the question if and how a viable democracy can allow consensus through dialogue?

It is to elucidate this problematic that we resort to the political philosophy of Jürgen Habermas. Heir to the Age of Enlightenment and the "Critical Theory" (Frankfurt School), Habermas proposes an ambitious project to defend modernity. He then seeks to reconsider the emancipatory potentialities of democracy through a theory of consensus emerging from a free discussion in public sphere. It is by taking inspiration mainly from the theory of speech acts presented as a universal pragmatic that Habermas formulates

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[2]See Michal Walzer, *Spheres of Justice, A Defense of Pluralism and Equality*, New York: Basic Books, 1984.

[3]See Claude Lefort, *Writing: The Political Test*, trans. David Ames Curtis, Durham: Duke University Press, 2000.

[4]Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, trans. and ed. John B. Thompson, Cambridge: MIT Press, 1986, 214.

[5]Chantal Mouffe, *On the Political*, London: Routledge, 2005, 3.

a conception of democracy as communication and discussion in public sphere. The communicative rationality of democracy seeks consensus between subjects capable of acting and speaking in view of a common venture. In this article, we intend to address the following: Does Habermas' theory of consensus, intended to be a reinvention of modernity, addresses the concerns of pluralism?

This paper is developed in three uneven parts. The first part is meant to introduce the project of Habermas to reinvent modernity through communicative action. In the second part, attempts are made to present the linguistic turn in his approach to universalisation by comparing his ideas with those of Immanuel Kant, Karl-Otto Apel and John Rawls. The last part elucidates the political philosophy of Habermas situating it between rupture and reconciliation, between pluralism and consensus.

2. The Project of Habermas

In a text on the Philosophy of History, Kant asks the question "What is the Enlightenment?" and answers: "Enlightenment is man's emergence from his self-imposed nonage. Nonage is the inability to use one's own understanding without another's guidance."[6] Thanks to Enlightenment, the human person frees herself from all guardianships, no longer submits to a law foreign to her own consciousness, "'Have the courage to use your own understanding,' is therefore the motto of the Enlightenment."[7]

This project of "Enlightenment" seems to be a failure. According to Alasdair MacIntyre, this project, which had the ambition of founding a secular morality, independent of the hypotheses of metaphysics and religion, has failed.[8] Horkheimer, a theorist of the "Frankfurt School," made similar observation: "If by enlightenment and intellectual progress we mean the freeing of man from superstitious belief in evil forces, in demons and fairies, in blind fate—in short, emancipation of fear—then denunciation of

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[6]Immanuel Kant, *Practical Philosophy*, trans. and ed. Mary J. Gregor, Cambridge: Cambridge University Press, 1996, 21.

[7]Kant, *Practical Philosophy*, 21.

[8]Alasdair MacIntyre, *After Virtue*, South Bend: Notre Dame University Press, 1981, 52.

what is currently called reason is the greatest service reason can render."[9]

Habermas believes that modernity is more of an "unfinished project" than a definitive failure. It is therefore necessary to rethink it by criticizing the absolutism of reason and by reinventing the concept of freedom (which would no longer be defined negatively but defined positively) and truth. Habermas is concerned with constructing a critical theory of society that is based on a Communicative Reason and establishes dialogue with social sciences making a demand for rational argument. In other words, Habermas' philosophical intent is to provide the conditions for the possibility of a social existence free from coercion. By reinventing modernity, we must rethink the subject and its possibility of re-politicising in public sphere. To carry out this project, Habermas critically reviews the "philosophies of consciousness" and redefines the concept of "emancipation."[10]

Reinventing modernity for Habermas consists in "getting out of the philosophy of the subject."[11] He contests the self-referentiality of the self-conscious subject claiming to be the ultimate source of legitimation of everything, including itself. Such a subject is a solipsist who poses itself as a self-sufficient master with disdainful consideration of the other, whether it is an object or another subject. Consequently, the subject thinks of itself as absolute and solitary. It posits itself as autotelic (it is its own finality). It is not dependent on anything or anyone. This hypostatisation of the Ego is at the foundation of a progressive vision of history, where Reason is presented emphatically. As a result, history becomes the "manifestation" of rationality. Against such a conception, Habermas reactivates the Nietzschean critique of the subject by

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[9]Max Horkheimer, *Eclipse of Reason*, London: Oxford University Press, 1947, 4.

[10]Jürgen Habermas, "Modernity: An Unfinished Project," in *Habermas and the Unfinished Project of Modernity: Critical Essays on the Philosophical Discourse of Modernity*, ed. Maurizio Passerin d'Entrèves and Seyla Benhabib, Cambridge: Polity Press, 1996, 38-55.

[11]Jürgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, trans. Frederick G. Lawrence, Cambridge: MIT Press, 1990.

subjecting it to Freudian psychoanalysis. This leads him to think of the world as a place of deforming and pathological realization of rationality.

The theory of communicative reason is a therapeutic reconstruction of modernity sick of itself and a decentring of the self-contained subject. Habermas speaks of decolonization of the life-world.[12] Such an undertaking requires a redefinition of the subject freed from its narcissistic identity and strategic manipulation. The subject must be freed from its solipsist prison. Hence the concept of emancipation!

The concept of emancipation in Habermas is polemic. Emancipation is anti-elitist because it is the possibility for everyone to live as a free subject and able to participate in dialogue. Emancipation implies an exit from solitude and a reciprocal recognition of the protagonists of social interaction. There is, through this conception, a problematic of social dialectic, the relations between subject and society, private and public spheres in society. The concept of emancipation has an important political stake. The public and the private have relations of negation and reciprocal constitution. To rethink the subject is to articulate it in the public space against the *arcana imperii* or the princely manipulations.[13]

Habermas' emancipation can be understood only when juxtaposed with "communicative action," the aim of which is to establish mutual understanding in the context of non-writhed communication. This means that the subject must be understood as a dialogical subject under the paradigm of intersubjectivity mediated by language. This paradigm contradicts the teleological model of the self-sufficient subject whose only relations are established in the dominant dialectic Subject/Object. With the problematic of communicative interaction, the subject emerges from its arrogance by opening itself to otherness. Thus, the dialectic

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[12]Jürgen Habermas, *The Theory of Communicative Action* Vol. 1, trans. Thomas McCarthy, Boston: Beacon Press, 1985, xxxiii.

[13]Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger, Cambridge: MIT Press, 1989, 52.

Subject is established. Every subject is a self, vis-à-vis the other and the moral question arises only in a consciousness questioned by the presence of the other, whether friend or foe, strange or familiar person.

As such, emancipation is a process of intersubjective rationalization. Habermas believes that the relationship between rationality and modernity was self-evident up to Max Weber: life was thought to be modern because it was subjected to rational norms. Since Nietzsche, the modern project is questioned not only within the limits of its implementation but also in its very conception. It is thought that the real must be denounced because it claims to be rational. For Habermas, emancipation is an enterprise of rationalization. Therefore, he believes that we must return to Hegel if we want to enter modernity and emancipate human person.

3. Dialogical Approach in the Principle of Universalization

"What should I do?" is the question with which Kant approaches morality. The moral question is no longer, as in Aristotle, the existential preoccupation of knowing how to lead a good life, but the requirement to know under what conditions a norm can be said to be valid. Kant is convinced that practical questions are likely to be truthful. Habermas situates himself in this philosophical lineage, which defends the priority of the just over the good. One might think that the Habermasian ethics is fully Kantian, but this is not the case. In fact, Habermas differentiates himself from Kant on three essential points:

i. Habermas abandons the Kantian doctrine of the two kingdoms, the reign of the intelligible, and the reign of the phenomenal. He therefore refuses the empirical-transcendental dualism that reflects the positivist dialectic Subject/Object.

ii. Habermas rejects the purely internal or monological approach of Kant, according to which the moral law must be experienced in *foro interno* (in the solitude of the life of the soul); in Husserl's words and "the moral law within me" in the words of Kant.[14] On

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[14]For Kant, ethical principles must satisfy the universalizability condition specified in the categorical imperative, a condition that can

the contrary, Habermasian ethics argues that mutual understanding of the universalization of interests is the result of intersubjective dialogue carried out in public sphere.[15]

iii. Habermas claims to have solved the problem of founding moral theory that Kant finally shunned by resorting to the "fact of reason," the experience of the constraint of duty. Habermas takes up the critique of Hegel against Kant, according to which the assertion of a fact—even if it is made of reason—cannot serve as normative validation or justification. One does not logically pass on from fact to norm. The indicative cannot be the foundation of the imperative.[16]

Habermas claims to have established the foundations of a truly universal ethics through the validation of the principle of universalization through the moral intuitions acquired in society and the universal presuppositions of dialogue. The fundamental question of moral theory is how the principle of universalization, which alone can make possible mutual understanding, can be founded on reason. It is around this foundational problem that the debate between Habermas and Apel began.

Both are heirs of the "linguistic turn" (hermeneutic linguistic pragmatic turn). Therefore, they share the same preoccupation with escaping from a philosophy of the subject or of consciousness because such philosophy would be incapable of recognizing

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be met without a genuine consensus. For this reason, Habermas describes Kant's theory of normative validity as monological. See Jürgen Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhart and Shierry Weber Nicholsen, Cambridge: MIT Press, 1990, 65-68.

[15]Habermas claims that this intersubjective approach to ethics was first developed by the young Hegel, but abandoned by him around the time of *Phenomenology of Spirit*. See Habermas, *Knowledge and Human Interests*, trans. Jeremy J. Shapiro, Boston: Beacon Press, 1971, *56-8*. Habermas thought of his own project as a development and reformulation of Hegel's philosophy of intersubjectivity with conceptual tools borrowed from the positivist and pragmatist traditions of the social sciences.

[16]Habermas, *Moral Consciousness*, 201.

communicative action as constituting humanity. Based on this common heritage the debate between Apel and Habermas would develop.[17]

Apel proposes a pragmatically transcendental foundation based on the universal pragmatic presuppositions of argumentation in general. This means that as soon as I present an argument in a dialogue, I am forced to consider and treat the other as an equal partner. The content of the principle of universalization is thus found in the presuppositions of the dialogue. Whether one argues for or against, it does not change anything. By the very fact of participating in an argument, the principle of universalization is implicitly recognized.[18]

Habermas agrees to build the principle of universalization on the assumptions of argument. However, he refuses to make this the ultimate foundation. For him, it is neither necessary nor efficacious to make such a strong demand, which, in his opinion, is too weak to break the resistance which the sceptic will consistently oppose to any form of rational morality. He thinks that the principle of universalization cannot be grounded in alleging the mere fact that there is no other argumentative rule. This factual recognition cannot take the place of ethical justification. Moreover, presuppositions are only valid in the space of argumentation. There is no obligation to accept them when we move from discussion to action. Apel forgets that the discourse ethics is an assumption of the "linguistic turn" (which implies that language

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[17]Although their respective versions of Discourse Ethics differ on significant points, especially on the epistemic status of communication, they share the same basic conception. I cannot here go into their differences in detail, but, briefly speaking, for Apel communication is a fundamental norm, one has a moral duty to enter a discourse, one of the dimensions of which is moral argumentation; for Habermas communicative action is a "social fact" of modern life.

[18]Karl-Otto Apel, "Transcendental Semiotics and Truth: The Relevance of a Peircean Consensus Theory of Truth in the Present Debate about Truth Theories," in *Form a Transcendental-Semiotic Point of View*, ed. Marianna Papastephanou, Manchester: Manchester University Press, 1998, 64-80.

commands the emergence of the relation with another) and therefore a critique of the metaphysical foundation. Since knowledge is mediated by language, norms are not justified by themselves, apart from the dialoguing community. This is the turning point of the pragmatic language. It condemns all attempts for the ultimate foundation of argumentative rules, since the ultimate foundation gives primacy to the speculative justification over dialogue or activities of the talking subjects. There is therefore no harm in thinking the pragmatic without an ultimate foundation.

Apel reproaches Habermas for falling back on intellectual laziness and taking refuge in a comfortable historicism while confronted by the arduous demand of the moral foundation.[19] But for Habermas the "deductive-nomological" approach is neither the most appropriate nor necessary. Ethics, for him, cannot be a deductive science, but the reconstruction of knowledge already given in a "lived world." According to him, intuitions are acquired in the processes of socialization through which individuals can recognize their common humanity and come to an understanding. Therefore, he makes a detour from philosophy of ordinary language in order to lay foundations upon which ethics of the "argued universal discourse" will be built, the aim of which is to guarantee, within mutual understanding, an undistorted communication, free from violence and ideology. On the on hand, Habermas adopts Searle's theory of speech acts, for which truth and the falsity are related to the assertions or speech acts, but on the other, he deviates from this thesis by emphasizing that assertions are circumstantial, episodic utterances, while truth has a status of invariance.[20]

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[19]Karl-Otto Apel, "Normatively Grounding 'Critical Theory' through Recourse to the Lifeworld? A Transcendental-Pragmatic Attempt to Think with Habermas against Habermas," in *Philosophical Interventions in the Unfinished Project of Enlightenment*, ed. Axel Honneth, Thomas McCarthy, Claus Offe and Albrecht Wellmer, Cambridge: MIT Press, 1992, 125-170.

[20]Jürgen Habermas, "What is Universal Pragmatics?" in *Communication and the Evolution of Society*, trans. Thomas McCarthy, Boston: Beacon Press, 1979, I-68.

What is truth in Habermas? A statement is true when the claim to validity is justified through argument. Truth emerges through dialogue and shows both theoretical and practical interests. For Habermas an acceptable speech act is considered to be one which induces three validity claims: (i) that the statement made is true or that the existential presuppositions of the propositional content mentioned are in fact satisfied; (ii) that the speech act is right with respect to existing normative context or that the normative context that it is supposed to satisfy is itself legitimate (rightness); and (iii) that the manifest intention of the speaker is meant as it is expressed (sincerity). It is clear, with this conception of argumentative validity, that practical questions are concerned with the demand for truth, since at least two validity claims are practical: rightness and sincerity.[21]

This conception rests on a vision according to which a subject is a meaning maker insofar as it is endowed with communicative competence. This expertise goes beyond the ability to manipulate a set of abstract normative signs and rules specific to a language, as held by Chomsky.[22] Habermas goes further by considering communicative competence as a faculty of dialogue, that is, an exchange of arguments. The communicative ordeal (in the sense of the Latin *probare*) is both a linguistic experience and a work of justification. It is not some journalistic gymnastics or a literary show. In the words of Paul Ricœur, it is an "asceticism of the argument."[23] Everyone is invited to this task that is not reserved only to the elite. What concerns all must be the subject of universal consent. We recall the classic principle of law: "*Quod omnes tangit ab omnibus approbari debet.*" It is basically this idea that is behind the Habermasian thesis of mutual understanding. It is the purpose of the dialogue. Interlocutors aim in the communicative interaction is to reach a "rationally motivated agreement," that is, an agreement whose validity is recognized by all.

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[21]Habermas, *The Theory of Communicative Action* Vol. 1, 99.

[22]Noam Chomsky, *Language and Mind*, Cambridge: Cambridge University Press, 2006, 58.

[23]Paul Ricœur, *Oneself as Another*, trans. Kathleen Blamey, Chicago: University of Chicago Press, 1995, 24.

At least, consensus must be based on a minimum level of shared interpretation. This makes possible the reciprocal recognition of subjects beyond their legitimate diversities. Argued consensus assumes this, otherwise it would be an undifferentiated fusion. Nevertheless, consensus is based on the possibility of reconciling points of view. He values the idea that the players in the argumentative dialogue can get along because they speak the same language and share a common humanity. Moreover, mutual understanding is rational only if the interlocutors have a requirement of impartiality in the enunciation of their discourses. It is not by ignoring the context of interactions mediated by language as well as the perspective of participants in general that we acquire an impartial point of view but by the universalization of the individual perspectives of the participants. It is important to note that the principle of universalization gets deepened in the principle of dialogue. The principle of universalization is as follows: "A norm is valid when the foreseeable consequences and side effects of its general observance for the interests and value-orientations of *each individual* could be *jointly* accepted by *all* concerned without coercion."[24]

Let us reformulate this principle in negative form: a norm that I think of, which some people would not accept is not valid or standards that are not shared by all are invalid. This is a procedural principle, which is linked to the Kantian intuition of the categorical imperative and thus considers "the impersonal or general character of valid moral commands"[25] or the "general will." The only difference with Kant is that it is not an abstract and monological universal.[26] It is not enough that an individual, in the intimacy of

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[24]Jürgen Habermas, *Inclusion of the Other: Studies in Political Theory*, ed. Ciaran P. Cronin and Pablo De Greiff, Cambridge: MIT Press, 1998, 42.

[25]Habermas, *Moral Consciousness*, 63.

[26]Kant's morality is both monological and universal. It is monological because it begins from a rational individual who converses with herself if her action can be made a maxim. It is universal because the rational individual wills it to be a universal maxim.

her conscience, asks how to transform her maxim of action into a universal law valid for all reasonable beings. Therefore, Habermas considers it necessary to modify the formulation of the Kantian categorical imperative. "Rather than ascribing as valid to all others any maxim that I can will to be a universal law, I must submit my maxim to all others for purposes of discursively testing its claim to universality. The emphasis shifts from what each can will without contradiction to be a general law, to what all can will in agreement to be a universal norm."[27]

The principle of universalization in Habermas is not deduced from "practical reason." Rather, it is a point of view of the "we," a concrete and pragmatic universal, built from the perspective of the partners of dialogue. The principle of universalization is a bridge between the specificity of the position of each individual and the ideal of mutual understanding. In practical discourse, it functions as an inductive principle. In the order of theoretical knowledge, primarily that of experimental sciences, induction appears to compensate for the difference between the collection of singular observations and the universal hypothesis. Similarly, an agreement on a practical statement is based on a moral principle playing an equivalent role as an argumentative rule. Habermas, therefore, rightly holds that the principle of universalization is a "bridging principle, which makes consensus possible, ensures that only those norms are accepted valid that express a general will."[28]

Habermas extends the principle of universalization to the principle of discourse or dialogue. These two principles are distinct, but not separate. Ethical discourse can be said to constitute the field of empirical justification or pragmatic verification of the universalization process. Without the principle of Discourse ethics (D), the principle of universalization (U) is abstract and unjustified. Conversely, without the U principle, the D principle is a sterile myth. What is dialogue if the interlocutors cannot arrive at a universal discourse, but remain barricaded behind their subjective positions? If principle U, then principle D. In the words of

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[27]Habermas, *Moral Consciousness*, 67.

[28]Habermas, *Moral Consciousness*, 63

Habermas, "only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity *as participants in a practical discourse*. This principle of discourse ethics (D) … already *presupposes* that we *can* justify our choice of a norm."[29]

We cannot move from the principle of universalization to the discourse principle unless we exclude any monological use of procedural rationality. This is the point of divergence between Habermas and Rawls. We can establish many theoretical and methodological bridges between these two thinkers. Both place the notion of "consensual discourse" at the heart of political action. They renounce a transcendental philosophy of the Kantian type, yet reclaim from the Kantian Philosophy rationally founded ethics and politics; for Habermas it is discourse ethics while for Rawls it is his theory of justice. They also agree on the critique of utilitarianism and reject ethical irrationalism. They agree on the interest of a rational and procedural reconstruction of our intuitions or moral intellections to gain a further reflexivity on practical reason. However, the two authors do not have the same conception of this procedural reconstruction.

Rawls, just as Kant, founded the ethical understanding of duty on a theory of contract.[30] From this perspective, citizens can only be rational and autonomous if they are the authors of the law to which they are subjects. The contracting parties are considered, by means of the artifice of the "state of nature" as free, independent and equal actors. Habermas inherits the tradition of the "linguistic turn" and replaces the Kantian model of contract with a theory of dialogue and deliberation. This difference in perspective has very precise consequences: the philosophy of Rawls turns out to be more ideal, universal and normative as it honours the tradition of rational law. In contrast, the Habermasian theory, while giving importance to the foundation of norms, is more attentive to dialogue.

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[29]Habermas, *Moral Consciousness*, 66

[30]John Rawls, *A Theory of Justice as Fairness*, Cambridge: Harvard University Press, 1971, 3. See also Marshall Cohen, "The Social Contract Explained and Defended," *New York Times*, 16 July 1972, 1.

Rawls founds the principle of "justice as fairness" on a well-ordered society, that is, a system of equitable cooperation which requires rationally agreed consent of all partners. To do this, Rawls uses a contractual procedure that makes it possible to consider the questions of political justice impartially from a moral and formal point of view. Reasonable persons in Rawls' sense "are not moved by the general good as such but desire for its own sake a world in which they, as free and equal, can cooperate with others on terms all can accept."[31] Subsequently, Rawls attenuated the claim to a universal foundation of his theory and corrected his strong idealist tendency. In this sense, he articulates more rigorously than before the fact of pluralism and the requirement of consensus and above all he shows that his theory is political and not metaphysical.[32] Despite this reversal, Habermas believes that the theoretical construction of Rawls is not sufficiently attentive to the problems of the institutionalization of law, the ambiguity of norms and the impossibility of ideal consciousness. Rawls does not sufficiently think of the problematic relation between positive law and political justice, notably the gap between the ideal demands of the theory of justice and social facticity.

> Rawls concentrates on questions of the legitimacy of law without an explicit concern for the legal form as such and hence for the *institutional dimension* of a law backed by sanctions. What is specific to legal validity, the tension between factuality and validity inhabiting law itself, does not come into view. This also foreshortens our perception of the external tension between the claim to the legitimacy of law and social facticity."[33]

Habermas criticizes Rawls for not having paid sufficient attention to the argumentative aspect of political justice and the principle of universalization attached to it. For Habermas, moral impartiality

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[31]John Rawls, *Political Liberalism*, New York: Columbia University Press, 1993, 50.

[32]Rawls, *Political Liberalism*, 4ff. See also John Rawls, 1985. "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs* 14, no. 3 (July 1985): 223 – 51.

[33]Jürgen Habermas, *Between Facts and Norms*, trans. William Rehg, Cambridge: Polity Press, 1990, 64.

cannot be the result of a solitary moral subject.[34] However, in Rawls, the metaphor of the veil of ignorance in the original position is the symbol of an unhistorical individual practical reason. It means that by neutralizing differences, individuals will choose the same principle of justice. According to Habermas, "Rawls wants to ensure impartial consideration of all affected by putting the moral judge into a fictitious 'original position,' where differences of power are eliminated, equal freedoms for all are guaranteed, and the individual is left in a condition of ignorance with regard to the position he might occupy in a future social order."[35]

Moreover, for Rawls, any individual can justify the basic norms only for herself. Habermas rejects this view, for it is impossible to solve moral problems in this way. What justifies the establishment of norms and the need for social cooperation is the "ethical transgression" of the social bond, that is, the fact that consensus has been disturbed.

> By entering into a process of moral argumentation, the participants continue their communicative action in a reflexive attitude with the aim of restoring a consensus that has been disrupted. Moral argumentation thus serves to settle conflicts of action by consensual means. Conflicts in the domain of norm-guided interactions can be traced directly to some disruption of a normative consensus.[36]

According to Habermas, the procedure that Rawls imagines showing how his principles could be rationally chosen by everyone is not only fictitious but fundamentally monological. Thus, Rawls is still dependent on a philosophy of consciousness, riveted to the model of a predominantly solitary subject. Habermas denies that the Rawlsian artifice of "veil of ignorance" has a real argumentative value but it is an "argument in thought" caught up in a philosophy of the monological subject.[37]

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[34]Jürgen Habermas, "Reconciliation through the Public Use of Reason: Remarks on John Rawls's Political Liberalism," *The Journal of Philosophy* 92, no. 3 (March 1995): 109-131.

[35]Habermas, *Moral Consciousness*, 66.

[36]Habermas, *Moral Consciousness*, 67.

[37]Habermas, *Moral Consciousness*, 67-68.

This criticism of Habermas is questionable as I think that for the Frankfurt philosopher has not grasped the significance of the veil of ignorance in Rawls. Far from being a solipsistic argument of a subject enclosed in its individuality, it represents symbolically what argumentative discussion allows, that is, the requirement for each partner in dialogue to go beyond her individuality and to think from the point of view of a universal practical subject to impartially choose the principles of political justice. Moreover, it is not appropriate to stop unilaterally at this imaginary representation if we want to understand the argumentative structure of the Rawlsian theory. The "veil of ignorance" must be correlated to what Rawls calls "reflective equilibrium."[38] This allows Rawls to go beyond monological reasoning by basing his principles of justice from the moral point of view.

4. Dialogue between Rupture and Reconciliation

Because of the finitude of the human condition, the experience of subjectivity passes through the ambiguity of history. This ambiguity is the mark of contingency. It places the subject who thinks of itself in a situation of existential contradiction by making it feel the incompleteness of its being and the unending quest for its becoming. The historicized subject experiences that it is often at a distance from itself. The notion of the communicative subject in Habermas does not address this problematic of fragmented identity.[39] It neglects the ambiguity of human history, which Kant translated by his thesis of unsociable sociability.[40] This Kantian

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[38]Richard J. Arneson, "Rawls versus Utilitarianism in the Light of Political Liberalism," in *The Idea of a Political Liberalism: Essays on Rawls*, ed. Victoria Davion and Clark Wolff, Lanham: Rowman and Littlefield, 1999, 231-252.

[39]Martin Rhonheimer, *The Common Good of Constitutional Democracy: Essays in Political Philosophy and on Catholic Social Teaching*, Washington: The Catholic University of America Press, 2013, 326.

[40]Kant defines "unsociable sociability" as the "propensity [of human beings] to enter into society, which, however is combined with a thoroughgoing resistance that constantly threatens to break up this society." Immanuel Kant, "Idea for a Universal History with a Cosmopolitan Aim," trans. Allen W. Wood, in *Anthropology, History,*

thought finds, mutatis mutandis, its equivalence in Schmitt's idea that "the concept of the political decides for itself the friend-enemy distinction."[41] Ignoring this and privileging consensual understanding makes us to wonder if Habermas places too much confidence in the capacities of rationality to reconstruct the "lived world." Habermas seems to yield to a myth of dialogue and a transcendental illusion of consensus.

If the subject is not open to itself and a fortiori to others, it becomes impossible for the communicative action to be the locus of consensual truth. The term "consensus" becomes an abusive term and there is also a risk of ignoring the provisional, transitory and nomadic nature of reality in the making Truth cannot be limited to the idol of a rational consensus. Moreover, in a democratic public space, we cannot reach consensus or mutual understanding. Dialogue stops at the invincible opacity of communication. There are always several levels of language and interpretation that resist pragmatic reduction. Habermas does not take sufficient account of this difficulty inherent in what Paul Ricœur calls the "conflict of interpretations," as interpretation is "the work of thought that involves deciphering the hidden meaning in the apparent meaning, developing the levels of signification implied by the literal signification."[42]

Habermas' theory of rational consensus, however, partly meets the hermeneutics of Gadamer insofar as the former believed that the theory of understanding of the latter "can be used both to counter positivism and to clarify the grounds and methods of the 'historical-social sciences,' including those of critical theories like Marxism and psychoanalysis."[43] His hermeneutically-informed

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and Education: The Cambridge Edition of the Works of Immanuel Kant, ed. Paul Guyer and Allen W. Wood, Cambridge: Cambridge University Press, 2011, 111.

[41]Carl Schmitt, *The Concept of the Political*, trans. George Schwab, Chicago: University of Chicago Press, 2007, 30.

[42]Paul Ricœur, *The Conflict of Interpretations*, trans. Don Ihde, London: Continuum International Publishing Group, 2005, 12.

[43]Jack Mendelson, "The Habermas-Gadamer Debate," *New German Critique*, no. 18 (1979): 46.

theory of knowledge helps him to build categories of intersubjectivity into critical theory.[44] Habermas' thought is not as metaphysical as it might seem; it is rather post-metaphysical. There is, in fact, a contrast between Habermas' theoretical writings on consensus and communication, and his polemic texts against Heidegger and German idealism, notably on the 'Historians' Quarrel' (*Historkerskeit*) of 1980s.[45] There is in Habermas a sense of non-reconciliation and rupture. This can be seen in his reflection on the German political and cultural identity, marked by Auschwitz, tapped by the memory of the Nazi crimes, the memory of the Jewish Shoah. Edouard Delruelle holds that one of the contradictions in Habermas' thought is to try to become faithful to the view of the exiles without getting detracted from the presupposition of understanding and reconciliation that dominate his scheme of consensus.[46]

The discourse ethics of Habermas lends itself to the social and communicative ability as a resource to build consensus. Yet consensus is difficult! We may wonder if Habermas falls into the illusion of consensus due to his aim of communication without constraint and preserved from violence. He knows, however, that consensus is not arrived at as an immediate data of consciousness. For Habermas, consensus is an asymptotic approach to the regulatory idea of a communicative and productive reason, through argumentative, dialectical and plural search for truth. In Habermas, a taste for the reconciling consensus and the sense of non-reconciliation and rupture exist inseparably. All the same, this theory of consensual truth tends to obstruct the antagonism of class interests and obscures the negligible part of violence in social and political interaction.

At first glance it seems difficult to unearth a theory of pluralism in Habermas. Search for consensus is so much a strong demand that it almost makes diversity of opinions and beliefs insignificant.

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[44]Mendelson, "The Habermas-Gadamer Debate," 47.

[45]Jürgen Habermas, *Philosophical-Political Profiles*, trans. Frederick G. Lawrence, Cambridge: MIT Press, 1985.

[46]See Edouard Delruelle, *Le consensus impossible*, Bruxelles: Ousia, 1993, 13-14.

At the same time, we cannot ignore that otherness and the plurality of social positions are springboard for communication. Habermas, however, does not conceive the moral point of view outside of interactions mediated by language, passing through conflicts and distortions that make communication to others very little transparent. Habermas is therefore not duped by his consensual demand, for according to him communication is born precisely from the initial absence of agreement. And the aimed universal is not a point of view of God, but a point of view of human persons, which presupposes the plural existence of perspectives of life and the argumentative resources to reconstruct a communication without conflict in the ideal speech situation.

We may wonder if this communication without conflict involves absorption of pluralism in the quasi-transcendental objective of a "universal discourse." The concept of the universal remains quite problematic as it is based on a conception of rationality and discourse as elaborated in the West. Vincent Descombes criticizes Habermas for neglecting multiculturalism and cultural relativity. He thinks that the universality of Habermas is largely western and does not consider the diversity involved in human cultures about the problems of multicultural communication.[47] Yet, in a certain sense, Habermas is right in insisting on the consensual ideal. No political society can be maintained without certain communication procedures and public spheres of consensus. To live together, human persons cannot do otherwise than adhere to common values and normative rules that are the foundation of legitimacy. Social and political institutions hold in so far as they mobilize real participation in social practices that weave together the fabric of the state and civil society. Political life presupposes that there is agreement on the foundations of social coexistence, despite the conflicts of perspectives. But the demand of consensus does not exclude the reality of pluralism. To maintain dialogue and not to leave citizens to the caprice of arbitrariness, democratic political life must be based on the tension between consensus and pluralism. To think of political pluralism is to think of the transformation of the

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[47]Vincent Descombes, *Philosophie par gros temps*, Paris: Minuit, 1989, 53.

unknown enemy into known adversary, it is wishing to move from the "decisionist antagonism"[48] to a procedural agony. After all, politics is an attempt to defuse the power of violence and hostility that always accompanies the construction of collective identities? In this endeavour it is not a question of domesticating conflict by throwing all its weight on the generous grace of friendship and mutual understanding, but by creating institutions and procedures capable of ensuring a "modus Vivendi" thanks to rules of game favouring respect for plural identities. It is in this sense, for example, that Elias Canetti, a Nobel laureate novelist and playwright in German language, analyses the institution of voting in a democracy as a renunciation to kill in order to rely on the opinion of the greatest number.[49]

5. Conclusion
No political society can be maintained without certain communication procedures leading to public spheres of consensus. Consensus is necessary to avert the danger of relativism of values, which may lead to anarchic dissolution. That is why Habermas endeavours to elucidate moral principles around which inter-subjective communication is articulated. To live together, human persons cannot do otherwise than adhere to shared values and pragmatic norms to govern their behaviour.

However, political life, especially in a democracy, cannot be reduced to the demand of consensus. There are rebellious moments and spaces against universal consensus. The surplus of consensus obliterates political difference and does violence to heterogeneity. It is necessary to protest regulatory and conciliatory "bulimia" since political space is constitutively marked by a kind of irreducible

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[48]Decisionism is a political theory according to which the validity of the law depends on whether the law is promulgated by the proper authority. This is advocated by the German law scholar Carl Schmitt who supported Hitler based on this principle. But this creates hostility when two proper authorities promulgate laws that are diametrically opposed to each other. Hence the expression "decisionist antagonism."

[49]See Elias Canetti, *Crowds and Power*, New York: Farrar, Straus and Giroux, 1962.

heterogeneity, recalcitrant inconsistency, in which resides freedom and spontaneity. Democratic pluralism is situated in this ambiguous space between the rule and the indomitable. As such, it is neither the unbridled expression of self and anarchy nor the systematic rejection of political unity. This means that pluralism and monism, one and the many, far from being incompatible notions, should be thought of as two correlative requirements, two dialectical poles. Without one of these two elements, there is no real situation of democracy, but either a regime of totalitarian domination based on the homogeneity of a single thought or a libertarian and relativistic politics devoid of social life. On the one hand, it leads to the enfranchisement of freedom and on the other, to the anarchistic dissolution of social bond. Democracy therefore does not end conflict to lead irreversibly to consensus. It can, at most, mitigate and contain conflicts within reasonable compromise limits. It is precisely conflict that feeds pluralism and makes democracy a fragile, uncertain, temporary and imperfect experience. Conflict is an intractable phenomenon in society. Its existence is the sign of the recognition of the "other" and of freedom.

Democracy resides in the open space if it is "dissolution of the markers of certainty"[50] as claimed by Claude Lefort. It is constantly confronted by heterogeneity of individual interests and ends. There is, at the heart of every true democracy, dialectics between the poles of uncertainty and sure knowledge within Hegelian system. Jean-François Lyotard calls this "differend," and argues that the term denotes "the unstable state and instant of language wherein something which must be able to be put into phrases cannot yet be."[51] This irreducible thing is an "otherness," the foundation of

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[50]This expression of Claude Lefort is accessed from the article of Boucher. See Geoff Boucher, "Psychoanalysis and Tragicomedy: Measure for Measure after Žižek's Lacanian Dialectics," in *Lacan, Psychoanalysis, and Comedy*, ed. Patricia Gherovici and Manya Stein Koler, New York: Cambridge University Press, 162

[51]Jean-François Lyotard, *The Differend: Phrases in Dispute*, trans. George Van Den Abbeele, Minneapolis: University of Minnesota Press, 1988, 13.

democratic pluralism, the source of social conflicts and political crises. Philosophy, because it is based on this fact, is fundamentally a test of permanent crisis of a certain kind of theologico-political scheme of certainty.

This, however, does not necessarily mean a tribute to conflict, uncertainty and instability. A disarmed society in the face of conflict, hostility and violence risk ceasing to be liveable. There is no question of supporting conflict for the sake of conflict. This would not serve to develop freedom and responsible pluralism, let alone consensus. Caution should be exercised in considering that political pluralism implies a multiplicity of legacies and historical trajectories, but also a duty of responsible sociability. Pluralism is a possibility of agreement by disagreements, writes Julien Freund.[52] Is the Habermasian search for consensus a work of transforming dissensus or bringing to oblivion the social and political heterogeneity? Consensus cannot remain indifferent to the fact of pluralism, because "politics aims at the creation of unity in a context of conflict and diversity; it is always concerned with the creation of an 'us' by the determination of a 'them.' The novelty of democratic politics is not the overcoming of this us/them distinction—which is what a consensus without exclusion pretends to achieve—but the different way in which it is established. What is at stake is how to establish the us/them discrimination in a way that is compatible with pluralist democracy."[53] For Habermas, dialogue in public sphere finds place in the space that articulates the distance between consensus and pluralism. The demand of consensus cannot be indifferent to differences, spaces of heterogeneity or "dissensus." To think correctly, we must situate the agonistic dynamics of politics between consensus and pluralism.

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[52]The French expression used by Freund is "possibilitéd' accord par les désaccords." See Julien Freund, *L'Essence du politique*, Paris: Sirey, 1986, 210.

[53]Chantal Mouffe "Deliberative Democracy or Agonistic Pluralism?" *Social Research* (1999): 754-755.