

Communicative Action's Democratic Deficit: A Critique of Habermas's Contribution to Democratic Theory

MARTIN PLOT

California Institute of the Arts

This article develops a critique of Habermas's concept of communicative action based on the concept's inability to grasp the complexities of democratic politics and of democratic political action. First, it suggests that the central seed of this inability is to be found in his early masterpiece, *The Structural Transformation of the Public Sphere*. This genealogical beginning is followed by a more conceptual critique of communicative action's dichotomist foundations, its moralization of speech act's theory, and its incorporation of the dyad's dialogue as the elementary form of human communication. In this conceptual critique, I offer a different notion of how the strategic and communicative dimensions of action intertwine in political action proper, as exemplified in Hannah Arendt's notion of action.

Exasperation with the threefold frustration of action — the unpredictability of its outcome, the irreversibility of the process, and the anonymity of its authors — is almost as old as recorded history. It has always been a great temptation, for men of action no less than for men of thought, to find a substitute for action in the hope that the realm of human affairs may escape the haphazardness and moral irresponsibility inherent in a plurality of agents.

~ Hannah Arendt

Introduction

As we know from Reinhart Koselleck (1998) and Jürgen Habermas (1994), during the historical mutation that brought about modern democracy, it is possible to identify the emergence of a seemingly radical feature of the new regime: the rational-critical capacity of a civil society claiming to possess the key to the ultimate source of democratic legitimacy — the consent of the governed.¹ Of course, how to

Martin Plot: mplot@calarts.edu

Date submitted: 2008-12-27

¹ Koselleck's argument follows, of course, the previous analyses of Carl Schmitt (2000). In *Popular Sovereignty as Procedure*, for example, Habermas summarizes the transformations introduced by modernity in this way:

interpret the meaning of this new feature's emergence has been at the center of democratic theory since Koselleck and Habermas first analyzed it. On the one hand, Koselleck's thesis was that the emergence of a critical public during the Enlightenment did not achieve the goal of generating a new type of legitimacy; on the contrary, it actually undermined the political authority of absolutism without putting anything in its place, thus giving birth to the chronic instability that democratic regimes have suffered since then. On the other hand, according to Habermas, the experience of the emergence of a critical public sphere during the Enlightenment did achieve the goal of outlining an emancipatory type of political legitimacy that, at least in theory, if not in actual practice, contained the seeds of a political order free from domination. Paradoxically enough, however, there was indeed a fundamental double agreement between Koselleck and Habermas's interpretations: They both saw the negative destruction of the absolutist regime as the successful part of the historical advent of the bourgeois public sphere, and both agreed that the positive instauration of a political order inspired in a rational-critical legitimacy had historically failed. It is true that, according to Koselleck, this failure was unavoidable, because there is nothing "political" in the rational-critical principle. For Habermas, though, that historical failure said nothing about the validity of the rational-critical emancipatory project. Here, I suggest that this paradoxical agreement might actually signify a more basic intellectual position: Koselleck and Habermas's insistence in the search of a *Deus Mortalis* as the only way to replace the lack of external instituting reference characteristic of modern, plural, and secular societies. *Deus Mortalis* is the term by which Thomas Hobbes famously referred to his Leviathan as the secular, rational, and newly "discovered" absolute that would guarantee social peace and political stability in post-theological orders. This absolute would later find its democratic version in Rousseau's general will. My reference to the *Deus Mortalis* in this context is thus an allusion to the inscription of Koselleck and Habermas in the Hobbesean and Rousseauian traditions respectively.

This article's focus is on Habermas, and not on Koselleck, for the simple reason that the former has a) systematically attempted to eliminate the ambiguities and perplexities of democracy in a nevertheless democratic fashion, and b) followed the path of developing a *theory of action* to make clear the necessary normative standards that democratic theory should establish for the institutions and practice of democracy. To analyze the difficulties that the permanence of a Rousseauian utopia of transparent collective self-rule and Habermas's own theory of action have introduced into the latter's democratic theory, this article first discusses those elements of *The Structural Transformation of the Public Sphere* that have left a permanent mark on Habermas's theorizing. Second, it revises the shortcomings of the organizing dichotomy behind Habermas's theory of communicative action in both its original formulation and its more recent applications. Third, it carefully analyzes Habermas's reduction of the perlocutionary to communicative manipulation as a means of showing the inability of Habermas's concept to grasp the complexities of democratic political action. Here, the article will also borrow from Georg Simmel's (Wolf, 1964) definition of the triad (opposed to the dyad) as the elementary form of

The historical consciousness that broke with the traditionalism of nature-like continuities; the understanding of political practice in terms of self-determination and self-realization; and the trust in rational discourse, through which all political authority was supposed to legitimate itself — each of these is specifically modern. (1999, p. 39)

For a critique of Habermas's "cognitive" conceptualization of the idea of the consent of the governed, see Thomas McCarthy's *Legitimacy and Diversity* (Rosenfeld & Arato, 1998, p. 115 and subs).

larger sociological formations and their communicative interactions in order to recapitulate this critique of Habermas's contribution to democratic theory. Finally, this article concludes by contrasting Habermas's approach with that of Hannah Arendt, indicating, in this way, the direction that the theory and practice of democracy must take to overcome Habermas's communicative action's democratic deficit.

Ratio Non Auctoritas Facit Legem

In his classic *The Structural Transformation of the Public Sphere*, Jürgen Habermas offered an account of the emergence, transformation, and decline of the bourgeois public sphere. Indeed, that work makes it clear that the field is already prepared for Habermas's following decades of research, which will be characterized by a systematic and methodic attempt to locate a linguistic, extrapolitical source for a new type of emancipatory legitimacy. During the Enlightenment, with the help of "institutions of the public and with forums of discussion," Habermas says, "the experimental complex of [bourgeois] audience-oriented privacy made its way . . . into the political realm's public sphere" (1994, p. 53). However, this entrance was not "republican," in the sense of the exercise of actual self-government or participation in political society; it was "critical" in the sense of external and rational. In the normative outline that could be extracted from that entrance, what was morally right converged with what was to be considered just and thus ought to converge with what becomes the law. Moreover, just as until then "secrecy was supposed to serve the maintenance of sovereignty based on *voluntas*, so publicity was supposed to serve the promotion of legislation based on *ratio*" (1994, p. 53). As early as 1962, then, the historical bourgeois public sphere became, for Habermas, a normative standpoint from which to judge and promote the potential reconstitution of a postliberal public sphere in our times. In complete continuity with his early work, the public sphere would constantly be considered as a sphere outside political society in which "freewheeling" and "anarchic" critical public discussion of matters of general interest ought to be guaranteed. Normatively speaking, in Habermas's view, the public sphere never became the political public sphere of political action and struggle for power alternation that has become the central characteristic of modern democracy.

The emergence of the bourgeois public sphere took place, according to Habermas, during the 17th and 18th centuries, and although in his early work he focused on three countries (England, France, and Germany), he claimed that these case studies could be seen as different versions of a general Western development.² Habermas associates the earliest traces of the emergence of the critical public sphere to the increase in circulation of trade information and of news as a commodity during the Renaissance period of the northern Italian republics. However, this process acquired social significance only in the 17th century. This phenomenon was thus parallel to the emergence of the secular sphere of public authority known as the absolutist state. In this context, what mattered to Habermas was the slow development of a new social institution and practice — that of a reading public able to exercise its critical judgment in newly developed social settings. This phenomenon was at the origin of the emergence of a new type of relationship; its main actors would become the public authorities of the state on the one hand and the critical judgment of private individuals making public use of their reason on the other. According

² It is indeed possible to trace these transformations in other latitudes, sometimes with a different historical timing, particularly in the pre- and post-revolutionary years in the Americas.

to Habermas, it was mostly during the 18th century that critical reasoning left the somehow limited context of literary publics and “made its way into the daily press” (1994, p. 25). Thus, the press went from being regulated by the authorities to becoming a field of conflict between the authorities and the public. In this way, the emergence of a critical public slowly introduced the idea of public control of the public authorities and the idea that power ought to be divided. In short, it “undercut the principle on which existing rule was based. The principle of control that the bourgeois public opposed to the latter — namely, publicity — was intended to change domination as such” (1994, p. 28). The spaces in which this exercise of critical reasoning took place were the coffee houses, the salons, and the literary societies. During the 18th century, this criticism was still mostly “inconsequential,” says Habermas, but nevertheless anticipated the tone that the public sphere would embrace once its potential capacity to influence (as Habermas would put it) the political process became a reality. What needs to be pointed out here is that, in Habermas’s late writings, it will be the unsatisfactory concept of “influence” that will suffice as an account of the normative relationship between political society on the one hand, and civil society and true public opinion on the other. This normative reduction of the relationship between civil and political society to that of the influence of the former over the latter ignores both a salient fact and the normative expectation — that democratic political institutions, such as the parties, should and do constantly engage in the task of not only representing (in the traditional sense) but also “influencing” and shaping public opinion and the common world at large. As late as 1999, in *Between Facts and Norms*, Habermas still says

The political will-formation organized as a legislative branch of government would destroy the basis of its own rational functioning if it were . . . to shut itself off *from the input* [italics added] of free-floating issues, contributions, information, and arguments circulating in a civil society set apart from the state. (pp. 183-184, see also p. 374)

He refers to this in terms of a “permeability” of the political system as well, but he is never able to see the political realm proper as contributing to the dynamic of societal meaning formation.

Of course, it could also be said that, rather than a democratic phenomenon, this “influence” of public opinion on the institutions of post-absolutist, constitutional political regimes represented only the ascendance of the bourgeoisie to positions of political power equivalent to its recently gained social power. Still, Habermas says

what the public itself [believed] to be and to be doing was ideology and simultaneously more than ideology. On the basis of the continuing domination of one class over another, the dominant class nevertheless developed political institutions which credibly embodied as their objective meaning the idea of their own abolition: *veritas non auctoritas facit legem*, the idea of the dissolution of domination into the easygoing constraint that prevailed on no other ground than the compelling insight of a public opinion. (1994, p. 88)

This self-understanding of the public sphere is crucial because it indicates the elements of Habermas’s “communicative turn” regarding the project of emancipation: the fundamental role played by the notions of the illocutionary, the force of the better argument, and the ideal speech situation. However,

his spontaneous association of "public rational-critical opinion" with *veritas* against *auctoritas* implies a criterion for the legitimacy of rule that runs the risk of ultimately threatening what should remain the result of a strictly political and plural democratic power struggle. In an even more recent text (1999), Habermas first seems to approach the understanding of democracy in a way similar to how it has developed in the theory and practice of modern democracy. However, it is precisely the way in which he retreats from the notion of a Lefortian (1988) disembodied power and his clear-cut separation of public deliberation, on the one hand, and the political realm, on the other, that indicate his aim for a form of legitimation that could be freed of the space of power struggle and exceptional and periodical manifestation of the will of the people. Referring to the fact that the "vacant seat of the sovereign" can no longer be embodied, Habermas nevertheless insists that

if one can still speak of 'embodiment' at all, the sovereignty is found in those subjectless forms of communication that regulate the flow of discursive opinion- and will-formation in such a way that their fallible outcomes have the presumption of practical reason on their side. Subjectless and anonymous, an intersubjectively dissolved popular sovereignty withdraws into democratic procedures and the demanding communicative presuppositions of their implementation. . . . Communicative power is exercised in the manner of a *siege* [italics added]. It influences the premises of judgment and decision making in the political system without intending to conquer the system itself. (1999, pp. 58-59)

Note the use of this notion of "siege" to refer to a relationship between public deliberation and the political realm that is considered to be one of mutual *exteriority*. Habermas still thought that the ambiguities of democracy merely result

from the *unresolved plurality* [italics added] of competing interests. . . . Neutralization of social power and rationalization of political domination in the medium of public discussion indeed presuppose now as they did in the past, a possible consensus, that is, the possibility of an objective agreement among competing interests in accord with universal and binding criteria. Otherwise the power relation between pressure and counterpressure, however publicly exercised, creates at best an *unstable equilibrium* [italics added] of interests supported by temporary power constellations that in principle is devoid of rationality according to the standard of a universal interest. (1999, p. 234)

This unstable equilibrium that Habermas accepted provisionally, but rejected in principle, thus had to be eventually overcome by an order of a rationality achieved "according to the standard of a universal interest." This model of the public sphere, whose genesis in Habermas's early work is only briefly outlined here, sets the following normative standards:

- A. Participation in the public sphere ought to disregard status;
- B. It can deal with any subject of common concern; and
- C. The public sphere should recognize no other authority than that of the better argument.

Nancy Fraser's (Calhoun, 1997) criticism of "A" and "B" is well known: the exclusionary character of the bourgeois public sphere — and the potentially exclusionary dimension of a normative model that springs exclusively from it — resides precisely on its claim to disregard status and to deal only with matters of common concern. According to Fraser, there is no clearer manifestation of exclusion than the inability of some social groups to have their original disadvantages taken into account and their issues accepted as issues of common concern. Here, however, I will examine only point "C", which is central to our discussion. On this issue, Habermas describes, for example, the way in which the emergence of the public sphere in 17th century Great Britain had the effect of replacing violence with permanent controversy, because until that time the opposition could resort only to civil war, but now the medium of critical debate became an option. The important point here is that, while the regular working of modern democracy consists of the institutionalization of the periodical electoral resolution of political conflicts, Habermas emphasizes the aspect in which violent conflict was replaced, not by peaceful, political conflict, but by critical debate. What this brief example shows is that it is the normative expectation rather than the historical description where my disagreement with Habermas should be located. In the background of Habermas's position remains the permanent necessity — not the mere possibility — of rational agreement.

It is true that, as Cohen and Arato put it, "the war of the gods discovered by philosophy and sociology in the heart of modern society cannot be so radical as to exclude meaningful normative coordination and commonality" (Cohen & Arato, p. 373). However, it has not been — and as I want to prove, it does not need to be — Habermas's model that creates the conditions for this meaningful normative coordination and commonality. In both, the model developed in the theory and practice of modern and contemporary democracies and that of Habermas's arguments must be put forward; that is, the way in which our gods and demons struggle on the symbolic political stage. But in Habermas's imagination, the goal is universal agreement, whereas in the democratic imagination, it is the agreement of provisional majorities in a context of an institutionalized disembodiment of power.

In the same way, a question that reappeared in Habermas's late work (1999) — what is the law? — was also posed in *The Structural Transformation*. Is the law *voluntas* or is it *ratio*? According to Habermas, the answer should be traced back to the historical advent of the bourgeois critical public and, theoretically, to Kant's reformulation of Rousseau's emancipatory project. The only problem with Rousseau's "solution" is, Habermas says, that it left aside the critical-rational side of opinion formation and will formation. Habermas thus puts the problem of power posed by the public sphere becoming a functional element in the political realm in these terms: "Public debate was supposed to transform *voluntas* into a *ratio* that in the public competition of private arguments came into being as the consensus about what was practically necessary in the interest of *all* [*italics added*]" (1994, p. 83). I suggest that Habermas is still stuck in Rousseau's paradox of the general will and the will of all.³ Moreover, in the same

³ As Rehg and Bohman put it, Habermas's

insistence on unanimity in his formulation of the democratic principle reflects the determination to maintain this theoretical perspective (even in *Between Facts and Norms*). However, this insistence is not only theoretically unnecessary; it is also empirically implausible for a democratic theory appropriate to contemporary social conditions. We have argued that Habermas has not gone far enough with his program of

way that, for Rousseau, political society was merely "an intermediate body established between the subjects and the sovereign for their mutual communication [and] it is absolutely nothing but a commission" (Rousseau, 1987, p. 173), Habermas's thought also reveals not only contempt for the kind of irreconcilable conflict that finds only peaceful institutionalization in the electoral features of modern and contemporary democratic politics but also a notion of communication as flawed as that of Rousseau. Even though Rousseau intuitively located strict political practices in the articulation between civil society and the law, he nevertheless wished a complete emancipation that needed to imagine an ultimately neutral political society able to be "influenced" by a transparent general will that originated elsewhere — Habermas's contemporary model indeed. To Hobbes and Rousseau's problem of legitimate rule, Habermas only adds the question of reaching consensus in an "unconditioned" situation.

Communicative, Political Action

Habermas's notion of communicative action is well known. However, it is necessary to outline the main elements on which it relies to recognize the problems it presents to those dealing with democratic politics proper. First and foremost, Habermas's theory relies on a dichotomy — that of communicative versus strategic action or, to put it in a different formulation, that of action oriented toward reaching understanding versus action oriented toward success.⁴ This fundamental difference between actions that pursue strategic ends and actions oriented toward reaching understanding introduces a problem in Habermas's theory at the very beginning of its formulation. According to this view, no strategic end ought to be fundamentally involved with the reaching of understanding and, similarly, reaching understanding ought to be essentially disassociated from those actions that involve an extracommunicative *telos*.⁵ This "purification" of human understanding shows its problematic consequences immediately: Habermas's

'reversing the idealizations of the theory,' beginning with his identification of unanimous agreement under ideal conditions with the rationality of outcomes of political discourse Pluralism and complexity require abandoning precisely the assumptions underlying this ideal. (Von Schomberg & Baynes, 2002, p. 50)

⁴ It is true that Habermas introduces a variety of distinctions into this main dichotomy. However, those distinctions never fully change the fundamental organizing role of the dichotomy in his theoretical framework. See his reply to Thomas McCarthy in "Remarks on Discourse Ethics" (1995).

⁵ Johannes Berger phrases the problem in this way:

Whoever . . . acts strategically only wishes to have an impact on others; whoever acts communicatively seeks to achieve linguistic understanding This form of differentiating between two types of action is problematic, not only because it creates an inflexible dichotomy of concrete actions such that an action can fall under only one of the two specified types and cannot involve a mixture of the two, but also because the boundary between the two shifts. For example, the non-communicative type of action is labeled alternatively with terms such as teleological action, instrumental command, strategic action, purposive-rational action, etc. Sometimes purposiveness is contrasted with communication, then strategic action with communicative action, purposive rationality with communicative rationality. Are all these contrasts equivalent? (Honneth & Joas, 1991, p. 173)

contribution is meant to overcome the problems of Weber's typology of social action, but ends up being unable to grasp the complexities of political action as such — a type of action that is not only fundamental to democratic theory but that also reveals exactly the kind of combined characteristics that find no place in Habermas's theory. Habermas explicitly refers to this point by reaffirming that

in identifying strategic action and communicative action as types I am assuming that concrete actions can be classified from these points of view. I do not want to use the terms 'strategic' and 'communicative' only to designate two analytic aspects under which the same action could be described Rather, social actions can be distinguished according to whether the participants adopt either a success-oriented attitude or one oriented to reaching understanding. (1984a, p. 286)

This position is exactly the problem, because when Habermas discards the use of the terms as analytically differentiated dimensions of a single phenomenon, he does so at the price of dismembering the fundamental type of action I am dealing with.⁶ Habermas says that he regards "purposive activity and action oriented toward reaching understanding as elementary types of action, neither of which may be reduced to the other" (1998, p. 220). The problem is that, even if that were correct, democratic political action is still irreducible to either form of action as well. Democratic political action is precisely the type of action in which the measure of its success is related to the grasping of political power through the reaching of understanding with a majority of those involved in the political process. Habermas says that in Weber's purpose-oriented theory of action "reaching understanding counts as a derivative phenomenon" (1984a, p. 280). However, it is clear that, even if this criticism were also correct regarding Weber, it nevertheless does not affect the constellation of institutions and practices that constitute modern democracies, because to achieve success in democratic political action, it is fundamental to reach an understanding with the many. On the other hand, Habermas's notion of a nonteleological action, with the exclusive goal of reaching understanding, does not account for political action either, because for the latter, the goal of reaching understanding with the many is fundamental because achieving success is in the *telos* of the action at stake. In sum, reaching understanding is both an end and a means in democratic political action. Habermas's dichotomization of teleological actions and communicative speech acts may not be problematic from a moral point of view. However, from the point of view of democratic theory, it is disastrous, because what it excludes from the theorization is the type of action that is born out of the split of the theological and the political and the advent of modern, secular democracies. This type of action is "goal oriented" and concerned with the shape of the world in such a way that the particular values that inspire the actor (Weber's value-rational action) have a built-in communicative component — the intersubjective understanding of my action — that is indissociable of its teleological purpose. Its *telos* assumes the form of a reflexivity-in-the-context-of-a-constitutive-plurality, and this is what democratic institutional forms embrace.

In Habermas's theory, all types of action share an element that plays a crucial role in his model:

⁶ Hans Joas rejects Habermas's position in this way: "The distinction proposed by Habermas is defensible only as an analytical one. In every social activity, aspects of both types of action can be found" (Honneth & Joas, 1991, p. 99).

the validity claim test. On this, Habermas says

Consider two paradigmatic cases: an assertion with which *A* in a communicative attitude expresses a belief and a goal-oriented intervention in the world with which *B* pursues a specific end. Both embody fallible knowledge; both are attempts that can go wrong. Both expressions, the speech act and the teleological action, can be criticized. A hearer can contest the *truth* of the assertion made by *A*; and an observer can dispute the anticipated *success* of the action taken by *B*. In both cases the critic refers to claims that the subjects necessarily attach to their expressions insofar as the latter are intended as assertions or as goal-directed actions. (1984a, pp. 8-9)

Analytically speaking, this way of introducing the validity claim test seems very reasonable. However, modern democracy is precisely born out of the intermingling of both types of validity claims and thus generates a built-in indeterminacy in democratic political action that can be reduced neither to communicative (in Habermas's sense), nor to instrumental action. In other words, in democratic politics, the observer/hearer⁷ confronts the validity of the action at stake with the assumption that the *goal-directed assertion* of the political actor could only reach the anticipated success if it manages to share its *truth claim* with a large enough number of co-citizens. This goal-directed assertion seems paradoxical only from the point of view of a dichotomy such as that of Habermas, but it is actually phenomenally irreducible to either strategic or communicative types of action. This article elaborates on this point in its last section which exemplifies Habermas's democratic deficit by contrasting his view with Hannah Arendt's notions of action and power. Here, let me add that the type of goal-directed assertion that is democratic political action is irreducible to communicative or strategic action not only because it is both communicative *and* success-oriented, but also because it is self-fulfilling. By this, I mean that it creates its own validity by instituting a field and creating a form in the same gestaltic operation. Hans Joas (1991) has been quite precise on this point. While highlighting the dimensions lacking in Habermas's theory of action, he says that

in the case of teleological action, Habermas makes no distinction between an action that accomplished a previously set end and the type of action stressed by pragmatism and phenomenology, which finds its end within situations [We] can conclude that Habermas has not really attempted, from the standpoint of the theory of action, to do justice to the diversity of kinds of action, and accordingly has delivered only communication as such as the jam-packed residual category of non-instrumental action. (Honneth & Joas, pp. 100-101)

In short, the idea is summarized by stating that democratic political action is "fecund"⁸ when it succeeds in creating the conditions for its own communicative validity for a majority of the citizens in a given polity for a period of time. This is a complicated and always unstable process, which is why, in his

⁷ Habermas switches from the latter to the former in the quoted paragraph to (in a not altogether subtle manner) obscure the potential centrality of language to social strategic action.

⁸ The concept is borrowed from Maurice Merleau-Ponty (1998).

critique of Wolfgang Klein's theory of argumentation, Habermas also reveals his difficulties in dealing with the complexity of the self-fulfilling, yet uncertain character of political action. On this, Habermas says that

[Klein] begins by defining the domain of argumentative speech: 'In argumentation there is an attempt to transform something collectively problematic into something collectively valid [*geltend*] by drawing upon what is already collectively valid.' Participants in argumentation want to decide problematic validity claims by adducing reasons; and in the final analysis these reasons draw their power to convince from a collectively shared, unproblematic knowledge. Klein's empiricist truncation of the sense of argumentation can be seen in how he uses the concept of 'collectively valid.' By this he understands only those views that are actually shared by specific groups at specific times; he screens out all internal relations between what is de facto accepted as valid [*geltend*] and what should have validity [*Gültigkeit*] in the sense of a claim transcending local, temporal, and social limitations: 'The *valid* and the *questionable* are thus relative to persons and times.' (1984a, pp. 27-28)

Habermas is wrong in attributing empiricism to Klein's idea that the success of an argumentation that tries to render collectively valid something that is empirically collectively problematic depends on its ability to draw "from a collectively shared, unproblematic knowledge." Klein's position would be empiricist only if he were assuming that there is no way in which the "collectively problematic" could be rendered "collectively valid." Klein cannot be accused of empiricism when he assumes that a constellation of elements could be reconfigured in such a way that new meanings could arise — meanings that render valid the formerly problematic. It is precisely because Habermas must assume that what is not empirically shared, yet still might eventually become so, has to already have some kind of existence in order for him to constitute an imaginary realm of validity that is able to transcend "local, temporal, and social limitations." Habermas is unable to intellectually separate the conservative aspects of communitarianism — for example, its inability to recognize the inseparable relationship between the self-transformative character of culture and individual action — from the temporally and spatially limited character of the intersubjective horizons of validity. According to Habermas, even when an utterance appears to be problematic, one must only move to a higher level of reflexivity in order to repair the utterance — a move whose actual meaning is not altogether clear.⁹ Nevertheless, in the instituting dimension of democratic political action, which is intrinsically communicative, the validity of what is said is often instituted in the saying rather than pre-existent to it, only in a supposedly "higher" level of reflexivity. If a democratic political action is not fecund — that is, if its attempt to reach an understanding with the many proves to be problematic — what follows are further actions and expressive attempts at the same democratic-political level, not a mere clarification of the validity of the expression at a higher "rational" level.

A final dimension of the problem of Habermas's organizing dichotomy springs from his not seeing that the communicative dimension of political action is oriented toward both reaching understanding and toward staging conflict, its opposite. He develops the opposite of Carl Schmitt's theory (1996) and thus

⁹ On this, Bernard Flynn asks: "How long can this process go on? Is it indefinite? We cannot say that it can go on until everyone accepts the grounds offered for a validity claim" (1992, p. 73).

succumbs to the opposite mistake. Schmitt's political thought elaborates a theory of conflict materialized in his idea of the enemy, but is unable to develop an equally necessary and complex theory of "friendship," so to speak, that would imply the reaching of understanding that is analytically intrinsic to political action — a kind of friendship that becomes particularly complex in democratic, post-theological times. Normatively speaking, in Habermas's view, disagreement should be overcome at some level of reflexivity and lead to universal agreement because he also fails to understand the need for a theory of conflict consubstantial to the theory of agreement that he attempts to defend. The communicative meaning of our actions — to put it better, our ability to reach understanding with the many in a democratic context — always intermingles agreement and conflict. More often than not, we reach an understanding with the many because we are able to engage in a conflict with the rest. That is, we manage to stage the conflict in such a way that the organization of political differences institutes a broader consensus for our principles and values than for those of our political adversaries. This dynamic is not only empirically unavoidable in a democratic context, but it is also normatively desirable from a democratic theory point of view.

The Vilification of the Perlocutionary

Let us turn our attention to the main arguments of "What is Universal Pragmatics?" (1976) — Habermas's first elaboration of the concept of communicative action and its pragmatic foundation — and to the treatment of speech acts that lays behind the typology of actions outlined in the *Theory of Communicative Action*. In particular, this article analyzes Habermas's formulations on the discursive basis of his theory of communicative action to determine the main moments in his argumentation that constitute the central structure of what critics have called his "metaphysics of language" (Flynn, 1992). In his essay, Habermas begins by stating that "the task of universal pragmatics is to identify and reconstruct universal conditions of possible mutual understanding" (1998, p. 21). Notice that there is not even the trace of a doubt about the possibility of accomplishing such a task, which indicates that its status in the theory is that of a premise rather than that of a proved argument. Moreover, he then continues with an even clearer leap of faith:

I take the type of action aimed at reaching understanding to be fundamental. Thus I start from the assumption (without undertaking to demonstrate it here) that other forms of social action — for example, conflict, competition, strategic action in general — are derivatives of action oriented toward reaching understanding. (1998, p. 21)

Indeed, there are a large number of aspects in Habermas's theory that remain unexplained assumptions with seemingly no need to be justified. In general, it could be said that one of the main curiosities of Habermas's thought is that, even though he seems to expend an inordinate amount of time and intellectual effort in replying to, or even incorporating the main criticisms his theorization has raised, he nevertheless does not ever need to seriously establish and reformulate his central arguments. Every criticism seems to be either a misunderstanding or simply incorporable into his theory. The problem is, however, that many of these criticisms penetrate deeper than he admits (even those he claims to incorporate) and affect not only the particular aspect they address but also the consistency of the argumentation in which those elements were inscribed in the first place. This article now examines one of

these cases — the disregard of the perlocutionary as a parasitic form of human speech.

Habermas considers Austin's (1975) theory of speech acts partially "deficient" because it does not isolate the illocutionary dimension of speech as essentially different — and normatively somehow superior — from the locutionary (merely semantic) and the perlocutionary (merely strategic) dimensions of speech acts.¹⁰ In fact, Habermas postulates a context-transcendent dimension in the illocutionary that is nowhere to be found in Austin's writings. More serious, however, is that Habermas, in his attempt to moralize speech acts, performs the kind of operation that he himself wrongly attributes to the essence of the perlocutionary — for example, hiding fundamental pieces of information to obtain a desired goal. Though the perlocutionary effects of speech acts are, according to Austin, so broad that they can include immoral, as well as evidently moral actions, when Habermas lists examples of the perlocutionary, he strategically limits the list only to those that could be regarded as manipulative or deceiving. "I shall *try* [italics added] to make Austin's distinction between illocutionary and perlocutionary acts fruitful for delimiting action oriented to reaching understanding from action oriented to success" (1984a, p. 279). One of my central criticisms of Habermas's theory of communicative action is, in fact, that this attempt is misleading and ultimately fails. The perlocutionary intention or indirect effect of a speech act could be to encourage, console, give hope to, stimulate, support, persuade, relax, or instill confidence as much as "to give fright to, to cause to be upset, to plunge into doubt, to annoy, mislead, offend, infuriate, humiliate, and so forth" (1984a, p. 292). It is hard to understand why Habermas chose to diminish the difficulty of his task by hiding the perlocutionary's potentially "good" effects. I do not regard Habermas as the kind of author who would avoid such a difficulty, but I have not been able to find a good explanation for the fact that, every single time he refers to the perlocutionary, he chooses to do so by giving examples that can only be associated with negative manipulation rather than with the plurality of indirect effects that could be generated by the public use of speech — the fundamental aspect of Austin's perlocutionary.¹¹ In a very sharp account of this problem, social theorist Jeffrey Alexander says (and I quote him extensively here):

Habermas equates illocutionary with communicative and perlocutionary with strategic, suggesting that Austin's dichotomy parallels, explains and supports his own. Two questions immediately present themselves. First, does Habermas's dichotomy fairly capture what Austin meant to do? Second, is Austin's original intention relevant anyway?

¹⁰ He says, for example: "Austin confuses the picture by not treating [normatively backed illocutionary] interactions . . . as *different in type* from those interactions in which perlocutionary effects occur" (1984a, p. 294).

¹¹ Bernard Flynn found a similar attitude regarding Habermas's reading of Freud and said that "one could easily multiply examples where the texts of Freud flatly contradict the interpretation that Habermas gives them." "The issue raised here," Flynn continues,

is not one of scholarship. Habermas knows the texts of Freud, and he knows what he is doing to them. The question is why is he doing it . . . what is there about the philosophy of Habermas that excludes psychoanalysis in its 'unreconstructed form'? (Flynn, 1992, pp. 51-52)

The question I am answering here could be posed along similar lines: What is there in the philosophy of Habermas that excludes Austin's theory of speech acts in its "unreconstructed form"?

. . . I would like to suggest that the answer to the first question is no, but to the second, yes. It is very important not to forget that Austin's original claim is that speaking is doing. It was for this reason that he introduced into language philosophy the term 'performative utterances,' and it is this notion which formed the background for Austin's famous set of lectures, *How to do Things with Words*, which provides the most significant reference for Habermas's work. [Austin] wants . . . to distinguish, within the rubric of performative utterances, different kinds of acts. Illocutionary acts refer to utterances, such as informing, ordering, warning, and undertaking, that have in themselves — as words enmeshed in conventions — a certain force. Perlocutionary acts, by contrast, are utterances which by being said bring about or achieve something outside of the speech situation. Thus, an illocutionary act can be captured in the statement 'In saying it I was warning him,' whereas a perlocutionary act is described in the statement 'By saying it I convinced him, or surprised him, or got him to stop.'

Whereas the differences between these categories relate to their intended reference to extra-speech act effects, this is not the same as the distinction that Habermas evokes to separate strategic and communicative action. In the first place, the extra-speech effect of the perlocutionary actions depends on a listener's understanding of the content of the speech. This means that strategic action, which Habermas equates with perlocutionary, could not, in fact, succeed without communication and understanding. To establish such a connection actually seems to be Austin's intention when he first introduces the distinction. (Honneth & Joas, 1991, pp. 66-67)

Let me now quote Habermas to show how he proceeds when trying to imply that indirect meaning formation is identical to strategic manipulation:

Not every linguistically mediated interaction is an example of action oriented to reaching understanding. Without doubt, there are countless cases of indirect understanding, where one subject gives another something to understand through signals, indirectly gets him to form a certain opinion or to adopt certain intentions by way of inferentially working up perceptions of the situation; or where, on the basis of an already habitual communicative practice of everyday life, one subject inconspicuously harnesses another for his own purposes, that is, induces him to behave in a desired way by manipulatively employing linguistic means and thereby instrumentalizes him for his own success. Such examples of the use of language with an orientation to consequences seem to decrease the value of speech acts as the model for action oriented to reaching understanding.

This will turn out not to be the case only if it can be shown that the use of language with an orientation to reaching understanding is the *original mode* of language use, upon which indirect understanding, giving something to understand or letting something be understood, and the instrumental use of language in general, are parasitic. In my view, Austin's distinction between illocutions and perlocutions accomplishes just that. (1984a, p. 288)

Habermas surreptitiously attempts to make us believe that “indirect understanding, giving something to understand or letting something be understood” are particular versions of “the instrumental use of language in general” and thus parasitic to the original mode of human speech. Habermas is somewhat explicit when he claims that the illocutionary is the direct form of language whereas the perlocutionary is the indirect form (1984a, p. 298). However, it is evident that this dichotomy is not equivalent to the one of communicative versus strategic forms of interaction. The claim for the reduction of the perlocutionary and indirect understanding to strategic action is thus neither self-evident nor proved in Habermas’s theory. Moreover, in the context of value pluralism of modern, secular democracies, the perlocutionary effects of speech acts could not only be positive (encouraging, persuasive, etc.) or negative (infuriating, humiliating, etc.) but both (in the sense of encouraging and persuasive for some, yet infuriating and humiliating for others.) However, it is obvious that Habermas saw within the potentially manipulative dimension of the perlocutionary a way to defend his dichotomy of strategic versus communicative uses on language. The move he performs is thus twofold: He ignores the most indeterminate aspects of the perlocutionary, yet he also uses the (just vilified) perlocutionary as an alter of an illocutionary that would then become the paradigm of a built-in type of communicative rationality in the use of language oriented toward understanding — in short, a way to create a renewed source of “post-metaphysical” universality.¹²

There is a kind of “specter of pure language” in the words of French philosopher Merleau-Ponty that underlies Habermas’s typology of speech acts. What we are supposed to expect from the original mode of language is a kind of transparency in the communicative practices resembling that secret veneration of an ideal “language which in the last analysis would deliver us from language” or a language in which symbols themselves are meaningless:

Never say more than they mean conventionally. . . . Nothing implicit should be introduced . . . so that one never means to say more than one does say and no more is said than one means. Then, finally, the sign remains a simple abbreviation of a thought which could at any moment clarify and explain itself. Thus the sole but decisive virtue of expression is to replace the confused allusions which each of our thoughts makes to all

¹² Flynn claims that, although Habermas presents his theory as extending beyond the tradition of metaphysics, this is not in fact so. Habermas can present his theory in that way only with the use of a narrow notion of metaphysics that is easy to overcome. According to Flynn,

metaphysics is not . . . a philosophy of individual consciousness but of the opposition between the contingent and the necessary, the factual and the transcendent; and the attempt to found the former in the latter. I shall argue that Habermas’s thought is profoundly implicated in this conception of metaphysics. (Ibid., p. 39)

Moreover, as I hope it becomes clear in this article, I agree with Flynn in that “between the early work and the later work, there is an undisturbed continuity, appearances to the contrary notwithstanding” (1992, p. 40).

the others with precise significations for which we may truly be responsible, because their exact sense is known to us. (2000, pp. 4-5)¹³

What I want to claim here is that the theory of communicative action, as it is presented by Habermas, could be described in Merleau-Ponty's words as a "a revolt against language in its existing state." (2000, p. 5). The model of discourse ethics is a revolt against public and political discourse in its existing state, and this revolt would be normatively appealing only if we could prove that, at least from the point of view of democratic theory, speech ought to operate in the way implied in the theory of communicative action. My basic claim on this point is that this normative standard is not only unrealistic¹⁴ but simply undesirable from the point of view of a post-theological democratic theory. Historically speaking, the idea of a pure language has always harbored the implicit assumption that "language was created by God at the beginning of the world, [that] it was sent forth by him and received by us as a prophecy" (2000, p. 5). In contrast, the split of the theological and the political and the indeterminacy inaugurated by the democratic experiment leads to an indirect rather than a merely purified illocutionary notion of communicative action. If the idea of a transparent language were possible, communication would involve no mystery. The notion that we could cleanse speech acts of their perlocutionary dimension and turn them into pure illocutionary expressions implies an idea of language in which

the word possesses no virtue of its own; [where] there is no power hidden in it. It is a pure sign standing for a pure signification. The person speaking is coding his thought. He replaces his thought with a visible or sonorous pattern which is nothing but sounds in the air or ink spots on the paper. Thought understands itself and is self-sufficient. [Another mind] can read the message because it attaches the same signification to the same sign, whether by habit, human convention, or by divine institution. . . . Communication is only appearance; it never brings us anything truly new. (2000, p. 7)

However, it is true that this problem, implicit in the aim to see communicative action only in the illocutionary dimension of speech, has its roots in the very experience of speaking language. When expression is successful, the speaker's gestures, smiles, and hesitations become a communicative unit with his or her words in such a way that language itself seems to be transparent: "The perfection of

¹³ As late as in *Between Facts and Norms*, Habermas still presents an idea of language in which speakers "ascribe *identical* [italics added] meanings to expressions" or in which "linguistic expressions have *identical* [italics added] meanings for different users" (1999, pp. 4, 11).

¹⁴ This point of view is shared by Jacques Lenoble, who claims that Habermas's later proceduralization of law, as outlined in *Between Facts and Norms*, fails due to "his flawed, overly idealized conception of communicative action, more specifically, from his excessively idealized view of speech act theory. Habermas's works fail to perceive the pragmatical limits of reason" (Rosenfeld & Arato, 1998, p. 39). Although Lenoble valorizes Habermas's "vision of a broadened communication and a reinforcement of the space of public debate," he thinks "that this objective implies that, contrary to Habermas, we must bring to light the precise, logical nature of human linguistic exchange." And "daily success of our speech acts presupposes that one abandons the illusory belief that an idealized argumentative exchange will lead to an agreement on a unique valid proposition" (Rosenfeld & Arato, 1998, pp. 53-54.)

language lies in its capacity to pass unnoticed" (2000, p. 10). But this is how language appears to us when it is at its best, for instance, when it actually heralds the advent of a new meaning — a situation in which even the one speaking experiences this "revelation." This is the enigma of language and expression, an enigma intrinsic to any human institution. Those who want to "resolve the problem of expression . . . [actually] would like to consider language and society as if they had never been caught up in it, to adopt a bird's-eye view or a divine understanding" (2000, p. 15). The clarity of a communicative, political action is not behind, but before language,

in what the infinitesimal gestures of any scrawling on the paper or each vocal inflection reveals to the horizon as their meaning. For speech, understood in this way, the idea of a finished expression is chimerical . . . [The] very ideas of a complete expression and of a signifier that would exactly cover the signified are both inconsistent. It is not by depositing the *whole* of my thought in *words* from which it can be extracted by others that I communicate with them." (2000, pp. 28-30)

Still, it is interesting to underline that the perlocutionary is relevant to democratic politics, even in the contorted way in which Habermas presents it. It was Machiavelli who taught us that political action in a republic implies not only the ability to inspire and convince the many but also the ability to deter those who happen to be your rivals. This effect is very often not only (or not even) the result of our strategic attempt to do so but the indirect outcome of our ability with speech acts to surprise, inspire, or persuade a majority of our fellow citizens. On the other hand, it is indeed evident that responsible political action also implies the use of perlocutionary deterring. In the end, the most important finding is that the price to be paid for Habermas's vilifying of the perlocutionary is the deprivation of communicative normative standards for democratic political action as such. This will become particularly clear when this article contrasts Habermas's and Arendt's notions of action in its last section. For now, it is enough to state that this lack of normative standards for political action as such is a price that Habermas himself seems willing to pay by establishing another dichotomy — that of economic and political systems on the one hand and the lifeworld on the other — and letting the "political system" legitimately become a field of sheer strategic manipulation without communicative standards. This dichotomy is accompanied with Habermas's suggestion that the "media" of money and power are isomorphic and both belong to the logic of the system:

Media such as money and power attach to empirical ties; they encode purposive-rational attitude toward calculable amounts of value and make it possible to exert generalized, strategic influence on the decisions of other participants while *bypassing* processes or consensus-oriented communication . . . the lifeworld is no longer needed for the coordination of action. (1984b, p. 183) ¹⁵

¹⁵ As I suggested earlier, although Habermas later recognized the difficulties of the presentation of the media of money and power as analogous, he never returns to revise the fundamental role that the original presentation played in the foundations of his theory:

It is, of course, difficult to believe that Habermas did not see that power struggle in the political "system" as not only purposive-rational but eminently oriented toward reaching understanding with an eventual majority of fellow citizens — that is, there is a fundamentally communicative aspect built into the struggle for power in democratic politics. One of the central differences between my point of view and Habermas's pure type of communicative action is that here the "universe" of the reaching of understanding is not *all*, but *the many*. Or, to put it differently, that to act in concert with the many is the communicative goal of democratic political action. But if, as Habermas states, one can "count as communicative action those linguistically mediated interactions in which all participants pursue illocutionary aims, and *only* illocutionary aims, with their mediating acts of communication" (1984b, p. 295). It is indeed impossible to approach democratic political action from the normative point of view of his theory of communicative action.¹⁶

Before I recapitulate some of this article's arguments in my discussion of Habermas's attempt to associate his notions of action and power with those of Arendt, let me now reconstruct the broader way in which Habermas settles himself in the position I am criticizing. Here is Habermas on the overall project of his universal or formal pragmatics:¹⁷

I shall develop the thesis that anyone acting communicatively must, in performing any speech

There is no sign system equivalent to money available in [the medium of power.] There is a discrete multiplicity of symbols of power . . . but there is nothing that could be compared with syntactically well organized prices. The problem of measurement is connected with this. It is not possible to quantify power. (1984b, pp. 268-269)

¹⁶ Thomas McCarthy observed that "it is remarkable that Habermas has little to say in *The Theory of Communicative Action* about the political system as such" (Honneth & Joas, 1991, p. 125). And, in offering a summary of the general criticism Habermas's theory has aroused, Hans Joas wrote:

[The conclusions of my critique have] already been formulated by several authors: they doubt the alleged ease with which the 'monetary-bureaucratic' complex is uncoupled from the lifeworld; they criticize the lack of a dimension of 'intra-systemic' problems and contradictions; they lament the defensiveness of an argumentation that no longer poses the question of democratic control of the economy and the state; they point out the hypostatization of 'system' and 'lifeworld' into the societal domains, of state and economy, on the one hand, and the public sphere and the private sphere (family, neighborhood, voluntary associations), on the other hand; they find fault with the abstractness of a position that, while it correctly interprets capitalist modernization as one-sided rationalization, supplies no criteria with which meaningful degrees of differentiation could be established. I find all these criticisms convincing. (Honneth, & Joas, 1991, p. 117)

¹⁷ It would be in a 1979 footnote to his essay "What Is Universal Pragmatics?" that Habermas would recognize the uneasiness with which he deals with his first definition of his program in terms of universal pragmatics. From then on, he suggests, the project should be regarded as that of a *formal pragmatics* instead (1998, pp. 21-103).

act, raise universal validity claims and suppose that they can be vindicated. As Habermas notes,

. . . The speaker must choose an intelligible expression so that the speaker and hearer can *comprehend one another*. The speaker must have the intention of communicating a true proposition so that the hearer can *share the knowledge* of the speaker. The speaker must want to express her intentions *truthfully* so that the hearer can find the utterance of the speaker credible. Finally, the speaker must choose an utterance that is right with respect to prevailing norms and values so that the hearer can accept the utterance, and both speaker and hearer can, in the utterance, thereby agree with one another with respect to a recognized normative background. Moreover, communicative action can continue undisturbed only as long as all participants suppose that the validity claims they reciprocally raise are raised justifiably.

The aim of reaching understanding is to bring about an agreement that terminates in the intersubjective mutuality of reciprocal comprehension, shared knowledge, mutual trust, and accord with one another. (1998, pp. 22-23)

It is easy to see how this model of human communication would make sense from an ethical point of view such as that of Hegel. For example, in his approach to marriage and the family as the immediate substantiality of the spirit in *Elements of the Philosophy of Right*, Hegel (2002) indeed says that love, the spirit's feeling of its own unity, refers to each member's consciousness of forming a unity with one another (p. 199). The objective origin of this consubstantiality is the free consent — in this strong sense implied by Habermas — to constitute a single person. And, because in Hegel's theory those who enter in such a union attain self-consciousness within this newly formed unit, the experience should be regarded as an experience of liberation (p. 199 and subs.). It is hard, though, to imagine the desirability of turning this model into a normative standard for contemporary democratic politics. I am not raising the multiculturalist complaint here, as this is often inspired by a communitarian and conservative notion of highly immutable units that happen to coexist in a single society. In contrast, and closer to an Arendtian position, I assume that any community is plural. However, in disagreement with her, I affirm that any modern society is even more so, thus arriving at the conclusion that the expectation of reaching understanding and/or agreeing with *all*, based either on a intersubjectively shared lifeworld or on context-transcendent universality, is not only empirically unattainable but also normatively undesirable — as it would imply a fundamental transformation of the conditions of modern societies in general and democratic politics in particular.

One way to prove the difficulties of applying this and many of the other examples of validity claims given by Habermas — all characterized by the supposedly elementary status of the dialogue of two — is through Simmel's (Wolf, 1964) analysis of the radical change in the type of interaction that takes place when we move from the dyad to the triad. In the passages of *The Theory of Communicative Action* in which Habermas contrasts Weber's "official" against his "unofficial" theory of social action, we can see how Habermas implies a continuum between the dialogue of two on the one hand and the public use of speech on the other. His main critique of Weber's theory of action is that

Weber does not rely . . . on a theory of meaning but on a theory of consciousness. He does not elucidate 'meaning' in connection with the model of speech; he does not relate it to the linguistic medium of possible understanding, but to the beliefs and intentions of an acting subject, taken to begin with in isolation. At this first switchpoint Weber parts company with a theory of communicative action. What counts as fundamental is not the interpersonal relation between at least two speaking and acting subjects — a relation that refers back to reaching understanding in language — but to the purposive activity of a solitary acting subject. (1984a, p. 279)

Habermas also says that, for Weber, an actor behaves rationally "when he chooses *ends* from a clearly articulated horizon of *values* and organizes suitable *means* in consideration of alternative *consequences*" (1984a, 281). What Habermas does not take into account, though, is that Weber's model is both "purposive-rational" and "communicative-rational," because the selection of ends, the horizon of values, the suitable means, and the alternative consequences are all conditioned by and intermingled with the communicative-driven web of meanings in which all social action takes place. However, even if Habermas were completely accurate in his portrait of Weber's theory of social action, he still forgot to account for the fact that the difference between two participants and three or more could also be a fundamental distinction — for example, the fact that Habermas's elementary unit of human speech might not really be so, because the triad, not the dyad, might be the elementary unit of political and communicative action (1998, p. 339). As Simmel puts it, the number of members indicates "unequivocal presuppositions of characteristic sociological formations" (Wolf, 1964, p. 118). Simmel also observes that the dyad

itself is a sociation. Not only are many general forms of sociation realized in it in a very pure and characteristic fashion; what is more, the limitation to two members is a condition under which alone several forms of relationship exist. (Wolf, 1964, p. 122)

This indeed might be the case of Habermas's validity claim:

although, for the outsider, the group consisting of two may function as an autonomous, super-individual unit, it usually does not do so for its participants. Rather, each of the two feels himself confronted only by the other, not by a collectivity above him. (Wolf, 1964, p. 123)

This is already a very significant difference, as it implies that the commitment to the survival of the group is much stronger — thus the mutual understanding and agreement in the need to be more direct — in the dyad than in the triad or in larger groups. The wording Simmel chooses to refer to the difference between the dyad and larger sociological formations is that of the "intimacy" characteristic of the former versus the "objectivizing" characteristic of the latter. There is thus "one constellation of very great sociological importance which is absent in all dyads, while, in principle at least, it characterizes all

larger groups: the delegation of duties and responsibilities to the impersonal group structure" (Wolf, 1964, p. 133). And this "delegation" is not only related to activities but to meaning and validity as well.¹⁸

The members of a triad or of a larger sociological formation do not assume the total responsibility for the actual meaning or validity of an utterance, because they spontaneously understand that its meaning is not altogether in their hands, and moreover, that that meaning is in a permanent state of genesis. This difference between the dyad and the triad throws crucial light on the specificity of the perlocutionary, as it shows that the meaning or validity of an utterance remains somehow in a kind of permanent suspense — whereas the features characteristic of modern and contemporary democracies try to stabilize the unstable nature of this suspense by agreeing on institutions and practices of reaching partial agreement and engaging in actual decision making processes. In this context, the power of the individual —and I refer to all those involved in the interaction, the speaker as well as the listeners — on the overall meaning of the utterance is limited, but this is a consequence of the fact of plurality that no democratic theory should try to challenge. The perlocutionary, therefore, cannot play the role Habermas claims for it, because, as I have shown, it actually refers to the dimension of speech that remains open to the indeterminacy and plurality of meanings characteristic of open communicative processes. In this way, meaning is trapped in webs of significance (Weber) and relationships (Arendt) that are, due to the fact of plurality, assumed to be subjected to broader and more complex deliberation and decision-making processes than are those implied in that of the simple-dialogical raising of validity claims.

Moreover, the relationship between utterances and their meaning or validity is often changed in a very specific sense when we move from the dyad to the triad, and even more so when we move to larger sociological formations. From the viewpoint of the needs of a theory of democratic political action, the main difference between a dialogue between two and open public speech resides in the unavoidably perlocutionary character of the public meaning of the utterances in the latter as opposed to the potential primacy of the illocutionary in the former. Habermas, however, insists that the essential aspect of the orientation toward reaching understanding in a sociation of any size is still the illocutionary force. If this were indeed the case, it would imply that, for a public witnessing a debate between political candidates, for example, what ought to matter is if the question or accusation that one formulates to the other is valid in its truth, rightness, and truthfulness claims. This seems possible. However, there are several problems implied here. First, we cannot expect the agreement on the validity of those claims to be universal in any actual sense of the word — whereas we could expect the agreement to be that of the many, but that is precisely the essence of democratic action. Second, whenever the illocutionary force is questioned, it is done in such a way that, because we are many and not just two, the fundamental meaning of the interaction is going to be related to the indirect, perlocutionary disappointment or enthusiasm of the many, perhaps even of the actor. Finally, there is the fact that the question or accusation at stake would surely arouse enthusiasm, encourage, give confidence, generate doubts, show strength, humiliate, irritate,

¹⁸ Or as Hannah Arendt would observe,

It is because of [the] already existing web of human relationships, with its innumerable, conflicting wills and intentions, that action almost never achieves its purpose. . . . Although everybody started his life by inserting himself into the human world through action and speech, nobody is the author or producer of his own life story. (1998, p. 184)

or produce a plurality of other perlocutionary effects that would be independent of, and much more determinant than, the illocutionary force of the utterance in determining the overall public meaning of the debate between the mentioned candidates. It is true that contemporary obsession with the hyper-regulation of human interactions might eventually lead to the limiting of speech acts in a public debate to perlocutionary-free interactions (whatever that might mean). Again, however, this is neither a possible nor a desirable outcome of the nonetheless necessary critique of the shortcomings of our actually existing democracies.

Returning to Habermas's original formulations of his theory of communicative action, it was in the 1976 essay that Habermas introduced the problem of the "limited" version of Austin's speech acts theory by saying that

in a certain way, every explicitly performative utterance both establishes and represents an interpersonal relation between at least two subjects capable of speech and action. This circumstance is trivial so long as under the relational aspect we merely contrast the utterance character of speech with its semantic content. If nothing more were meant by the illocutionary force of a speech act, the concept 'illocutionary' could serve at best to elucidate the fact that linguistic utterances have the character of actions, that is, are speech *actions*. The point of the concept cannot lie therein. (1998, p. 56)

The question is, of course, why not? Why the point of the concept cannot lie therein if that is precisely what Austin indicated in his *How to Do Things with Words?*¹⁹ Of course, Austin's presentation of the topic is simpler than that of Habermas. However, in theoretical matters, complexity does not necessarily mean improvement. But the inconveniences Habermas finds in Austin's sketchy presentation do not end here. Habermas also affirms that pragmatic analysis

shall exclude those explicit speech acts in standard form that appear in contexts that produce shifts of meaning. This is the case when the pragmatic meaning of a context-dependent speech act diverges from the meaning of the sentences used in it. (1998, p. 61)

It is not altogether clear what would remain of the interesting insights of the pragmatist theory of speech acts if we exclude all that Habermas wants to exclude. At this point, however, it suffices to indicate that the move from the dyad to the triad invalidates Habermas's shift-preventing move from the start, because the context of meaning in a situation of a plurality of actors does not authorize this kind of cleansing — unless we are referring only to the "intention" of the speaker, but that does not seem to be what Habermas suggests. What is important to Habermas is to leave aside all the cases of misunderstanding, partial understanding, and so forth that can make pragmatic analysis empirical rather than formal. To put this goal more clearly, Habermas prepares a diagram in which layer after layer of

¹⁹ As Flynn put it, Habermas's appropriation of the work of analytic philosophers has the purpose "of generating a universal theory of the conditions of validity, a task not usually pursued by analytic philosophers" (1992, p. 40).

several types of actions are excluded from his analysis in order to finally circumscribe the “analytic units” — the context-independent communicative actions. In this process of purification, there is a successive exclusion of the instrumental, symbolic, strategic, not propositionally differentiated, illocutionary abbreviated, nonverbal, institutionally bound, implicit, and context- dependent speech acts (1998, p. 62). This article does not question (because I am not concerned with it here) Habermas’s attempt to develop a “reconstructive” approach to the pragmatics of communication. This critique of his theory of communicative action is fixed in the perspective of a political theory concerned with the praxis of democratic politics. In this context, the question we must ask is: How relevant is a theory that circumscribes its analytic units along these lines for a theory of democratic political action? If the perlocutionary is this complex, ambiguous, and indirect an aspect of human speech as I have outlined, rather than the merely manipulative and deceiving strategic behavior Habermas suggests, would we really accept his cavalier disregard of the perlocutionary as a mere parasitic form of human speech? And would we even think about assigning the perlocutionary a secondary role in speaking language if, instead of dealing with moral theory, we were approaching the issue from the viewpoint of a political theory concerned with democratic political action?

In an attempt to summarize the “post-metaphysical” foundation of his democratic model, Habermas says that, according to discourse theory,

practical reason no longer resides in universal human rights, or in the ethical substance of a specific community, but in the rules of discourse and forms of argumentation that borrow their normative content from the validity basis of action oriented to reach understanding. In the final analysis, this normative content arises from the structure of linguistic communication and the communicative mode of sociation. (1999, pp. 296-297)

I hope to have shown that the basic theoretical claims behind Habermas’s dialogical, perlocutionary-free linguistic model do not account for the fundamental kind of action that characterizes democratic politics.

Conclusion: Democratic Political Action and Communicative Power

This article concludes its critique of Habermas’s communicative action’s democratic shortcomings by contrasting his approach to that of Hannah Arendt, a political theorist who, while struggling with coming to terms with modern democracy, nonetheless developed a notion of action that managed to welcome the uncertainty, indeterminacy, and plurality of democratic political action proper. It is true that Habermas’s approach in the 1988 article “Popular Sovereignty as Procedure,” published in the English edition of *Between Facts and Norms*, and in some other sections of the latter, seems to show a new flexibility and dynamism in his understanding of political action and power. However, when he appears to achieve this success, it is because he actually circumvents the problems that his own theory of communicative action presents to the understanding of democratic politics.²⁰ Introducing a modification to his interpretation of power as simply a systemic medium, he thus says that we should actually

²⁰ As Rehg and Bohman put it:

distinguish between *communicatively generated* power and *administratively employed* power. In the political public sphere, then, two contrary processes encounter and cut across each other: the communicative generation of legitimate power, for which Arendt sketched a normative model, and the political-systemic acquisition of legitimacy, a process by which administrative power becomes reflexive. (1999, p. 55)

Although this dual model of power again replicates his dichotomist idea of action — communicative versus teleological — it is interesting to note that Habermas refers to Arendt's model of action to reintegrate communicative rationality into the political public sphere. In *Between Facts and Norms*, for example, he presents Arendt's thought as the opposite of the purposive-rational notion of action he attributes to Weber and says that Arendt

views power as the potential of a *common will* formed in noncoercive communication. She opposes 'power' to 'violence'; that is, she opposes the consensus-achieving force of a communication aimed at reaching understanding to the capacity for instrumentalizing another's will for one's own purposes: 'Power corresponds to the human ability not just to act but to act in concert.' (1999, pp. 147-148)

However, even though Habermas's attempt to introduce a dynamic relationship between "action" and "system" through the incorporation of Arendtian insights is welcome, his reading of Arendt's notion of action does not coincide with my interpretation of her theory, and in our disagreement, what I claim to be Habermas's democratic deficit reveals even more clearly the problems it presents for the theory and practice of democracy.

Although Habermas fails to recognize it, Arendt's notion of action is not identical to his notion of communicative action, nor is her notion of power identical to his notion of communicative power.²¹ The dichotomy of power/violence posited by Arendt does not replicate Habermas's opposition of communicative versus strategic action. The opposite of Arendt's action is violence or force, not Weber's "purposeful," meaningfully oriented action. That is, she does not oppose "the consensus-achieving force of a communication aimed at reaching understanding to the capacity for instrumentalizing another's will for one's own purposes." She opposes the capacity (thanks to persuasive words and actions) to act in concert with the sheer imposition — through the extra-political means of force or violence — of a will against the

Even if Habermas's model makes considerable concessions to the complexity and plurality of actual, situated deliberation, at the ideal level it concedes nothing. The rational character of decentered, 'subjectless' public deliberation still depends on the same discursive idealizations that stand in tension with the facts of pluralism and complexity. (Von Schomberg & Baynes, 2002, p. 42)

²¹ The problems that arise in Habermas's incorporation of Arendt's insights are not altogether different from those that sprang from the use Habermas gave to Austin's theory of speech acts. Habermas cannot possibly have ignored the essential differences among their respective three approaches. Nevertheless, he chooses to act as if their theories were fundamentally compatible.

different or irrelevant will of others. For Arendt, the actor is the one who knows "how to enlist the help, the co-acting of his fellow men" (1998, p. 189). Arendt does not locate the conceptual origin of the "substituting of making for acting" in any kind of replacement of truthfully, normatively, and trustworthily valid utterances by persuasive perlocutions; on the contrary, for her, it is the moment in which

the original interdependence of action, the dependence of the beginner and leader upon others for help and the dependence of his followers upon him for an occasion to act themselves [was] split into two altogether different functions: the function of giving commands, which became the prerogative of the ruler, and the function of executing them, which became the duty of his subjects. (1998, p. 189)

Arendt keeps talking about "speech and action," even though speech is the human way of acting par excellence, because she understands that public speech always extends further than its locutionary and illocutionary dimensions. Habermas's direct, illocutionary communicative action deals with the sedimented, with spoken language, with normal times. Indirect, perlocutionary political action deals with the advent, with speaking language, with exceptional times. The speech Arendt is talking about is revelatory, because it is performative. It talks about something but says something more; this surplus is the political dimension of speech, and it does not just reveal the actor, it also institutes a common world of meanings. Furthermore, for Arendt, to act in concert does not require living up to the "demanding conditions" of reaching agreement among — or actually "enlisting the help" of — all in the political realm. Arendt's action is democratic and thus addresses the indeterminate many. The space and time of action in her theory is related to one's performance in political processes while dealing with particular events, without pre-existing general rules for determining how we should act; its validity does not depend on pre-existent, higher levels of context-transcendent reasons. Her model is, in short, fundamentally different than that of Habermas.

Still, Habermas's particular incorporation of Arendt's thought does play a crucial role in *Between Facts and Norms*. In what is presented as only a rephrasing of Arendt's theory of action (but using the vocabulary she used to draft her theory of judgment,) Habermas claims that her idea of power

can develop only in undeformed public spheres; it can issue only from structures of undamaged intersubjectivity found in nondistorted communication. It arises where opinion- and will-formation instantiate the productive force of the 'enlarged mentality' given with the unhindered communicative freedom each one has 'to make public use of one's reason at every point.' (1999, p. 148)

Space considerations preclude this conclusion from detailing the problems implied in Arendt's attempt to develop a theory of political judgment from Kant's aesthetics.²² What is clear here, though, is that the uncertain status of the universalizable aesthetic judgment in Kant is what allows Habermas to

²² See, especially, "Crisis in Culture: its Social and Political Significance" in *Between Past and Future; Lectures on Kant's Political Philosophy*; and *The Life of the Mind*. An interesting highlighting of these problems could also be found in Flynn (1992).

imagine an actual common ground between his theory of action and that of Arendt. Surprisingly enough, Habermas claims that Arendt's political power does not refer to a potential for "realizing collective goals" but only to "an *authorizing force* expressed . . . in the founding of institutions" (1999, p. 148). It is, of course, only in Habermas's dichotomy of communicative versus teleological action that realizing collective goals is incompatible with the founding of institutions, not in Arendt. Moreover, Arendt has insisted, in every opportunity she had to touch on the issue, that the persuasive power of action is fundamentally different to any sort of force, even the force of rational or factual truths, and that includes, of course, the force of the "better" argument. Moreover, of these truths, it is only factual truth that matters for the political realm proper, because it establishes the conditions of a recognized intersubjective reality in which the indeterminate exchange of opinions and interpretations of the many becomes possible and meaningful. Philosophical truth always becomes opinion in the *Polis*; that is why it acquires "power" only by the means of becoming the opinion of the many or acquires "force" by becoming the official ideology of the state. Only plain lies or ideological "truths" backed by force can overcome the obstacles with which factual truth opposes political power, thus becoming ideological (against facts) and terroristic (against the space for their appearance). The result of the ideological destruction of factual truths, constituted in the plurality of the Arendtian space of appearances, does not turn lies into reality; it simply undermines the basis of the real world (Arendt, 1993).

Although these differences between Habermas's and Arendt's thought are significant, the former ignores them and proceeds to claim one final parallelism between their divergent ideas of power. Habermas says that Arendt's notion of "communicative" power did not refer to "the competition to acquire and preserve" power but only to the "*emergence of political power*" (1999, p. 149). He insists in saying that political power should be divided in, on the one hand, communicative power, and on the other hand, "the use of administrative power within the political system, as well as the competition for access to that system" (1999, p. 150). Habermas still does not see that, to achieve success in the competition for access to the "political system" in a democratic context, it is fundamental to reach understanding with the many, which means that political struggle has a built-in communicative dimension that Habermas persistently neglects, but that Arendt did not. This blindness is grave because, among other things, it clears the field for the political sphere to be normatively understood as a space of sheer instrumental action and manipulation, a view that the Arendtian model condemns. One of the unforeseen consequences of Habermas's theory of communicative action is the lowering of the normative standards with which we judge — and, as a result, the actions we expect from — individual and collective actors in the political "system." In short, in a dichotomist model in which we have the economy and the state on one side, and the private lifeworld and the "anarchic," freewheeling public opinion on the other, democratic political action tends to be reduced to either the logic of the system — manipulation and strategic action — or to a role of neutral, transparent mediation between public opinion and the state. In doing so, the democratic political actor's contribution to the web of relationships and enacted stories — that is, to the ongoing generation of shared, common meanings, agreements and disagreements, and institutions and practices — is rendered completely invisible and thus remains normatively unaccounted for.

References

- Arendt, H. (1958). *The origins of totalitarianism*. Cleveland, Ohio: Meridian Books.
- Arendt, H. (1978). *The life of the mind*. (M. McCarthy, Ed.). New York: Harvest.
- Arendt, H. (1989). *Lectures on Kant's political philosophy* (R. Beiner, Ed.). Chicago: The University of Chicago Press.
- Arendt, H. (1990). *On revolution*. New York: Penguin Books.
- Arendt, H. (1993). *Between past and future*. New York: Penguin Books.
- Arendt, H. (1994). *Eichmann in Jerusalem*. New York: Penguin Books.
- Arendt, H. (1998). *The human condition*. Chicago: The University of Chicago Press.
- Austin, J. (1975). *How to do things with words*. Cambridge, MA: Harvard University Press.
- Beiner, R., & Nedelsky, J. (Eds.). (2001). *Judgment, imagination and politics: Themes from Kant and Arendt*. New York: Rowman & Littlefield Publishers.
- Bohman, J., & Rehg, W. (Eds.). (1999). *Deliberative democracy*. Cambridge: The MIT Press.
- Calhoun, C. (Ed.). (1997). *Habermas and the public sphere*. Cambridge: The MIT Press.
- Cohen, J., & Arato, A. (1997). *Civil society and political theory*. Cambridge: The MIT Press.
- Flynn, B. (1992). *Political philosophy at the closure of metaphysics*. Atlantic Highlands, N.J.: Humanities Press.
- Gerth, H. H., & Wright Mills, C. (Eds.). (1980). *From Max Weber: Essays in sociology*. New York: Oxford University Press.
- Habermas, J. (1984a). *The theory of communicative action* (Vol. 1) (T. McCarthy, Trans.). Boston, MA: Beacon Press.
- Habermas, J. (1984b). *The theory of communicative action* (Vol. 2) (T. McCarthy, Trans.). Boston, MA: Beacon Press.
- Habermas, J. (1994). *The structural transformation of the public sphere* (T. Burger & F. Lawrence, Trans.). Cambridge: The MIT Press.

- Habermas, J. (1995). *Justification and application: Remarks on discourse ethics* (C. P. Cronin, Trans.). Cambridge: The MIT Press.
- Habermas, J. (1998). *On the pragmatics of communication* (M. Cooke, Ed.). Cambridge: The MIT Press.
- Habermas, J. (1999). *Between facts and norms. Contributions to a discourse theory of law and democracy* (W. Rehg, Trans.). Cambridge: The MIT Press.
- Hegel, G. W. F. (2002). *Elements of the philosophy of right*. New York: Cambridge University Press.
- Honneth, A., & Joas, H. (Eds.). (1991). *Communicative action. Essays on Habermas's theory of communicative action*. Cambridge: The MIT Press.
- Kant, K. (1951). *Critique of judgment*. New York: Hafner.
- Kant, K. (2002). *Political writings*. New York: Cambridge University Press.
- Koselleck, R. (1988). *Critique and crisis. Enlightenment and the pathogenesis of modern society*. Cambridge: The MIT Press.
- Lefort, C. (1988). *Democracy and political theory*. Minneapolis: University of Minnesota Press.
- Lefort, C. (2000). *Writing: The political test*. Durham, NC: Duke University Press.
- May, L., & Kohn, J. (Eds.). (1997). *Hannah Arendt: Twenty years later*. Cambridge: The MIT Press.
- Merleau-Ponty, M. (1974). *Adventures of the dialectic* (J. J. Bien, Trans.). Evanston, IL: Northwestern University Press.
- Merleau-Ponty, M. (1997). *The visible and the invisible* (A. Lingis, Trans.). Evanston, IL: Northwestern University Press.
- Merleau-Ponty, M. (1998a). *Signs* (R. McLeary, Trans.). Evanston, IL: Northwestern University Press.
- Merleau-Ponty, M. (1998b). *Phenomenology of perception* (C. Smith, Trans.). New York: Routledge.
- Merleau-Ponty, M. (2000). *The prose of the world* (C. Lefort, Ed.). (J. O'Neill, Trans.). Evanston, IL: Northwestern University Press.
- Von Schomberg, R., & Baynes, K. (Eds.) (2002). *Discourse and democracy. Essays on Habermas's between facts and norms*. Albany: State University of New York Press

- Rosenfeld, M., & Arato, A. (Eds.). (1998). *Habermas on law and democracy: Critical exchanges*. Berkeley: University of California Press.
- Rousseau, J.-J. (1987). *The basic political writings*. Indianapolis, IN: Hackett Publishing Company.
- Schmitt, C. (1986). *Political theology*. Cambridge: The MIT Press.
- Schmitt, C. (1996). *The concept of the political*. Chicago: The University of Chicago Press.
- Schmitt, C. (2000). *Crisis in parliamentary democracy*. Cambridge: The MIT Press.
- Simmel, G. (1971). *On individuality and social forms*. Chicago: The University of Chicago Press.
- Thompson, J., & Held, D. (Eds.). (1983). *Habermas: Critical debates*. Cambridge: The MIT Press.
- Thompson, J. (1995). *The media and modernity. A social theory of the media*. Stanford, CA: Stanford University Press.
- Von Schomberg, R., & Baynes, K. (Eds.). (2002). *Discourse and democracy. Essays on Habermas's between facts and norms*. Albany: State University of New York Press.
- Weber, M. (1978). *Economy and society* (Vols. 1-2). Berkeley: University of California Press.
- Weber, M. (2002). *Political writings*. New York: Cambridge University Press.
- Wolff, K. (Ed.). (1964). *The sociology of Georg Simmel*. New York: The Free Press.
- Young-Bruehl, E. (1982). *Hannah Arendt. For love of the world*. New Haven, CT: Yale University Press.