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Arash Abizadeh

On the philosophy/rhetoric binaries

Or, is Habermasian discourse motivationally impotent?

Abstract The susceptibility of Habermas' socio-political theory (and notion of constitutional patriotism) to the charge of motivational impotence can be traced to a problem in the way in which he conceives of discursive practical reason. By implicitly constructing the notion of discursive rationality in contrast to, and in abstraction from, the rhetorical and affective components of language use, Habermas' notion of discursive practical reason ends up reiterating the same binaries – between reason and passion, abstract and concrete, universal and particular – that provide the tacit parameters used by his critics to motivate the charge of impotence. Habermas' project of reconciling social integration and political rule with freedom can succeed only by rebuilding his discourse-ethical theory of politics upon a notion of discursive practical reason that overcomes these philosophy/rhetoric binaries common to both camps.

Key words communicative action · constitutional patriotism · discourse ethics · Jürgen Habermas · practical reason · rhetoric

A wide range of critics has argued that Jürgen Habermas' notion of constitutional patriotism is too affectively thin and thus impotent to motivate social integration. In this article, I undertake critically to examine the philosophical underpinnings of Habermas' political theory in order to show how the susceptibility of his notion of constitutional patriotism to the charge of impotence can be traced to a problem in the way in which he conceives of discursive practical reason. By implicitly constructing the notion of discursive rationality in contrast to, and in abstraction from, the rhetorical and affective components of discourse, Habermas'

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notion of discursive practical reason ends up reiterating the same binaries – between reason and passion, abstract and concrete, universal and particular – that provide the tacit parameters used by his critics to motivate the charge of impotence. Taking the classic problem of social integration as a point of departure, I proceed to interrogate this tacit discursive structure, which is constituted by what I call the ‘philosophy/rhetoric binaries’. My argument is not only that the contemporary debate between Habermas and his critics is articulated within a conceptual vocabulary that *both* camps share, but that this tacit conceptual apparatus obfuscates the underlying philosophical issues. Habermas’ account of social integration can only avoid the charge of impotence once his discourse-ethical theory of politics is rebuilt on a notion of discursive practical reason that leaves behind the philosophy/rhetoric binaries.

1 The philosophy/rhetoric binaries

It is a widespread belief that solving the classic problem of social integration in complex, modern societies requires a common affective identity capable of inspiring shared solidarity among citizens. Some believe that this identity must be ethnicity¹ or nationality.² Habermas, by contrast, argues that social integration in postconventional societies can occur by direct appeal to a ‘constitutional patriotism’, whereby citizens identify with their polity because they see its institutions as embodying rationally defensible principles.³ The presumptive validity of those institutions can in turn be secured by subjecting them to the scrutiny of reflexive discursive practices.

When Habermas’ republican and nationalist critics counter that ‘constitutional patriotism’ is too affectively thin to motivate solidarity and social integration, their arguments are routinely articulated in terms of a conceptual apparatus inherited in large part from the debate, stretching back to Greek antiquity, between the partisans of philosophy and rhetoric. To summarize rather crudely: the partisans of philosophy believed that the discovery of truth, including moral truth, requires nothing but the pure exercise of reason; rhetorical eloquence is superfluous at best, an instrument of deception at worst. By contrast, the partisans of rhetoric emphasized that reason itself is impotent to motivate belief and action; motivation requires the engagement of the (bodily) passions, and not simply the rational mind.

The persistently recurring outlines of this debate already appear in Plato’s *Gorgias*. Plato has Socrates champion rational ‘dialectic’ over the eloquent rhetoric of Gorgias, which Socrates characterizes as a mere ‘knack’ that persuades by flattering the base passions of the body.⁴ Of course not everyone in the Greek tradition constructed the category of

'reason' in such sharp contrast to 'rhetoric' and 'the passions' – Aristotle is a prime example, and even Plato softens the dichotomy in later works such as the *Phaedrus*. But the dichotomizing terms of the debate have continued to reverberate ever since. Contemporary critics of Habermas find intellectual ancestors among the classical Roman theorists of rhetoric – in Cicero, for example, who claimed that a 'mute and voiceless wisdom' is by itself impotent, and that humans would not have been moved to 'keep faith and observe justice . . . unless men had been able by eloquence to persuade their fellows of the truth of what they had discovered by reason'.⁵ By the 15th century, the debate in Europe finds expression in the humanist–scholastic divide: renaissance humanists followed Cicero in defending the role of rhetoric and its operation upon the passions, while, as Rummel has noted, the 'argument that eloquence gets in the way of truth . . . became one of the staples of scholastic apologiae'.⁶

The modern reception of the philosophy/rhetoric debates is deeply implicated in one of the central dilemmas of modern political philosophy: how to reconcile social integration and political rule with citizens' freedom. This reconciliation is, as I shall show, at the heart of Habermas' political theory. One of the intellectual resources that modern political philosophers have deployed in grappling with this dilemma is the dichotomy between *persuasion* and *coercion*. This classical Greek conceptual dichotomy, already found in Gorgias' *Helen* and Plato's *Gorgias*, was politicized from its inception – tyranny depends on coercion, but democratic republics rule by persuasion⁷ – and subsequently became a key pillar of republican thought.⁸ By equating republican liberty with the persuasive eloquence of orators, the republican tradition hoped to use the category of persuasion to 'solve' the freedom/rule dilemma by enabling a form of *self*-rule, in which citizens persuade each other to follow the laws they have persuaded themselves to adopt.

The problem is that the rhetorical tradition, from which the persuasion/coercion dichotomy was gleaned, also provides reason for suspecting it of simply postponing the dilemma and, ultimately, of betraying the modernist project of reconciliation. The ability of persuasion to secure freedom requires at least tacitly portraying discourse as a medium free from coercive power internal to discourse itself. But for the rhetorical tradition, insofar as persuasion is able to substitute for coercion in the service of integration and political rule, it does so by emulating discursively the very features of coercion that render it an anathema to the modernist project of freedom in the first place.⁹ The overtly martial characterization of rhetorical eloquence in the classic Roman texts of rhetorical theory¹⁰ is a reflection of this: the spectre of rhetoric broaches the possibility of coercion *in* speech.

Hence the fear of rhetoric in the modernist tradition,¹¹ and the appeal to a second resource: the classical dichotomy between *reason* and

coercion. Both the fear and the response find a precedent in Plato,¹² but where Plato dreamt of the rule of reason for the sake of justice, modern philosophers have called on reason to court freedom's favour, by providing political rule with a universal ground that abstracts from power and particularity. To ground rule in reason is also, of course, to take the side of philosophy. The problem is that this move invites the retort, by partisans of rhetoric, that however much reason might secure freedom, it is impotent, and hence cannot be the basis for political rule. Even Plato, concerned to secure the rule of law 'without force over willing subjects, without violence',¹³ makes a concession to rhetorical eloquence in his more mature reflections in the *Laws*: he supplements the rationality of each law with a preamble intended to *persuade* the citizens of Magnesia to obey.¹⁴

Modern European social and political thought's reception of the categories and assumptions of the long-running philosophy/rhetoric debates is nowhere better illustrated than in the writings of three of the Enlightenment's most important philosophers, who together span European philosophy's most important vernaculars: Hume, Rousseau and Kant. Kant took the view that reason could be practical and hence motivating, but even he is compelled to characterize rational and moral action as motivated by *respect* for the moral law – respect being, of course, a feeling (*Gefühl*).¹⁵ But Hume would have had none of this: contrasting 'reason' to 'passion', he famously argued that action requires the former as a motive, since 'reason alone can never be a motive to any action of the will'.¹⁶ Rousseau, for his part, was impressed both with the thought that rhetorical eloquence is a source of deception and dissimulation, and that '*la tranquille raison*' is impotent if the passions are not mobilized by eloquence.¹⁷

This is not the place to fully document the various episodes of the philosophy/rhetoric debates; rather, my purpose in this brief historical sketch is to give a sense of a conceptual framework that was tremendously influential for the tradition inherited by contemporary European thought. More specifically, these debates have been premised on, or have contributed to, the construction of a series of conceptual binaries, the three central ones of which I list here:

- 1 reason vs. passion (emotion, sentiment, affect, etc.)
- 2 abstract vs. concrete
- 3 universal vs. particular

The terms in the left-hand column represent the categories deemed to lack motivational efficacy, while those in the right-hand column are the terms routinely invoked to 'solve' the motivation problem of impotence.¹⁸

These philosophy/rhetoric binaries are ubiquitous in contemporary discourse. Consider, for instance, the critique of Habermas' post-nationalism launched by Dominique Schnapper. Schnapper immediately

marshals, in defence of the nation, the full rhetorical arsenal of the philosophy/rhetoric binaries: the hope to ‘cool the ethnic and nationalist *passions* by the *pure rationality* of citizenship’, to build ‘a political entity with a *universal* aim which would transcend these cultures or “nations”’, to adhere ‘to the principles of the rule of law (*l’Etat de droit*) and to the republican order, to the exclusion of any reference to a territory and a *concrete* historical and cultural community’, fails to take account of the fact that it is ‘in effect within a *particular* national community that individuals have developed their identity’.¹⁹ ‘The intellectual adherence to *abstract principles* . . . cannot replace, at least in the immediate future, the political and *affective mobilization* to which the interiorization of the national tradition gives rise.’ The point is that the nation has a *concreteness* that cannot be done away with: ‘a citizenship that . . . would not dispose of *concrete* instruments for the *integration* of populations and for intervention in the international arena, remains an *abstract idea*. The nation is a *concrete* social and political form.’²⁰

But what does it mean to call the nation ‘concrete’, in contrast to principles of justice deemed ‘abstract’? Of course it is perfectly clear to everyone that the modern nation is anything but ‘concrete’ in the literal sense that its existence or nature is open to inspection by the physical senses. The modern nation is, in Benedict Anderson’s now proverbial phrase, an ‘imagined community’ – its very existence can only be envisioned by an act of creative imagination that leaps beyond the bounds of the observable. If ‘abstract’ means an ‘idea’ of the human mind, then the nation is decidedly abstract, no less than ‘humanity’.²¹ The same can be said about a modern republican patria.

My suggestion is that the invocation of the philosophy/rhetoric binaries serves to shore up these critiques by rhetorically imputing the motivation problem to their targets. As the second term of a philosophy/rhetoric binary, ‘concrete’ is a sign that serves *either* as a placeholder for ‘that source of affect which motivates action’ *or* as a placeholder for ‘that object to which the motivating affects can attach themselves’. In other words, the rhetorical structure of the nationalist and civic republican critiques is something like the following. First, motivation and social integration are deemed to require mobilization of the ‘passions’, a category in contrast to which ‘reason’ is constructed. Second, this first binary is linked to a set of secondary ones: the passions are said to be left cold by things ‘abstract’ (or ‘universal’, etc.). What is needed to motivate democratic citizens and thus secure social integration is held to be a motivationally efficacious appeal to an allegedly ‘concrete object’ that can anchor the passions. Neo-Kantian, cosmopolitan, or postnational principles, such as those espoused by Habermas, are too rational, too abstract, too universal, too rootless to be able to anchor the passions in a motivationally efficacious identity. So, if we were to ask, ‘What

precisely is the source of the nation's (or patria's) wonderful ability to solve the twin problems of motivation and integration?', rhetorically the answer turns out to be its 'concreteness' (or 'particularity', etc.). Schnapper: 'The democratic nation has become *concrete* insofar as it is the source of identity, of morals [*de morale*], of *passions*'.²²

The problem is, of course, that if in phrases such as 'concrete identity' the adjective *means* 'motivationally efficacious', then it is no surprise that the identity so described appears to be crucial to social integration. In other words, deconstructing the terms of the philosophy/rhetoric binaries suggests that arguments that deploy them to diagnose and resolve the motivation/integration problems risk simply begging the question. To say that principles of 'abstract justice' cannot motivate the democratic citizenry, when 'abstract' *means* motivationally inefficacious, similarly begs the question. To be sure, these terms might be given non-question-begging senses as well. But whatever these other senses are, the use of the vocabulary of the philosophy/rhetoric binaries to designate them is intended to link them to the issue of motivational efficacy by terminological fiat: the critiques deploying the philosophy/rhetoric binaries derive their rhetorical punch from the terms' connotative association with the problem of motivation thanks to the weight of a certain intellectual legacy.

More important than rhetorical efficacy, however, is this legacy's bearing on the epistemological matter of category construction. The construction of the category of 'reason' *in contrast to*, and via the expulsion of, the 'passions' is a contingent but extremely significant legacy. My goal is to demonstrate how the legacy of the philosophy/rhetoric binaries has shaped and handicapped Habermas' discourse-ethical theory of politics.

2 Communicative action and the question of moral psychology

The central axis of Habermas' social theory is the distinction between *strategic action* and *communicative action*. Indeed, the distinction is central not just to Habermas' social theory, but to his political theory as well: it provides the basis for Habermas' answer to the central modernist dilemma of how to reconcile social integration and political rule with freedom. For Habermas, political legitimacy can be secured only in a society with a particular social, legal and political system, one in which citizen freedom is secured by grounding the political exercise of power in a *communicative* rationality which holds at bay the arbitrariness of naked exercises of power.

While strategic action is action oriented to success in achieving antecedently specified ends – the type of action familiar from rational

choice theory – communicative action is social action coordinated ‘not through egocentric calculations of success but through acts of reaching understanding (*Verständigung*)’.²³ In communicative action, actors suspend all aims except for that of reaching understanding for the purpose of coordinating action.²⁴ Action is coordinated not on the basis of power-claims, but on the ‘rationally motivating power’ of validity-claims.²⁵

In communicative action proper, actors coordinate their action on the basis of taken-for-granted validity-claims. Habermas takes this communicative action to be a form of *rational* action because actors proceed under the supposition that their naively presupposed validity-claims could, if contested, be convincingly defended in discourse. *Theoretical discourse* is the ‘form of argumentation in which controversial truth-claims are thematized’, while in *practical discourse* claims about normative rightness are debated.²⁶ But discourse in Habermas’ sense is not just any kind of debate: it is a form of language-use in which the interlocutors’ only motive is to ‘reach understanding’ about competing validity-claims, and which proceeds forward solely by what Habermas calls ‘the force of the better argument’. Discourse, then, is to be sharply distinguished from negotiation or bargaining, which is a *strategic* use of language, with antecedently given goals, interests and power asymmetries external to the speech situation.

Similarly, Habermas characterizes strategic action as *rational* because an actor presumably could, if pressed discursively, defend her or his action as the most efficacious means for securing some antecedently given end. So to give an account of rationality in either case requires specifying the pragmatic presuppositions of such discourses. This is why Habermas takes himself to have incurred a revolution in the philosophy of rationality, by locating rationality not in the consciousness of a single monologically deliberating agent, but in the pragmatic presuppositions of an intersubjective practice of ideal argumentation.

The key to Habermas’ account of these pragmatic presuppositions is the idea that, in order for communicative action and discourse to be possible, actors cannot avoid making certain idealizing suppositions,

... which despite the fact that their *ideal* content can only ever be approximately realized, must *as a matter of fact* be made by all participants every time they assert or dispute the truth of a statement and undertake to justify this validity-claim in argumentation.²⁷

First, participants must pragmatically presuppose that they confer identical meanings to identical expressions they employ.²⁸ Second, ‘participants must consider themselves mutually accountable’ for their validity-claims,²⁹ thus pragmatically presupposing that speakers are sincere (or truthful). Third, speakers must presuppose that the structure of their

communication rules out all external or internal coercion other than the force of the better argument and thereby neutralizes all motives other than the cooperative search for truth.³⁰ This third presupposition entails normative rules of equality, freedom of speech and so on,³¹ such that (among other things) no one's argument is excluded (because of, say, power asymmetries), that everyone's sole motive is to reach understanding and that what is most convincing is simply the best argument. Habermas' point is that if these counterfactual, idealizing presuppositions are *not* made, then interaction breaks down into strategic action. He purports to identify these unavoidable presuppositions of argumentation via what he calls a weak transcendental argument, i.e. by finding rules such that anyone who denied that they were presuppositions of communicative action would be involved in a 'performative contradiction'.³²

The question is, Does communicative action exist? An affirmative answer does not of course require empirically observing language-use that meets the standards of a Habermasian ideal speech situation – this would be impossible. Rather, what is required is to show that social actors engage in actions that necessarily *presuppose* a commitment to these standards as regulative principles (however far short of principle actual practice falls). Does communicative action exist in this sense? (Or, for instance, as many rational choice theorists have supposed, is strategic action the only relevant form of social action?)

Habermas' crucial argument³³ is that the 'symbolic structures of every lifeworld are reproduced through three processes: cultural tradition, social integration, and socialization', and that these three 'processes operate only in the medium of action oriented toward reaching an understanding'.³⁴ The point is that a society cannot reproduce its cultural tradition, effect social integration and socialize its members by simply sanctioning and rewarding; rather, because of the cognitive nature of these processes – they demand from their objects the acceptance of truth and normative rightness-claims – they inherently depend on discursive practices of rational argumentation (whether actually engaged in, or naively presupposed) which can motivate belief and action. Habermas is appealing to a version of the commonplace in social theory that social integration (etc.) cannot solely be explained by strategic action;³⁵ what is distinctive about his account is that he equates non-strategic action with communicative action as he conceives it.

The plausibility of this equation, of the non-strategic action necessary for social integration (etc.) with communicative action, and so of demonstrating the existence of communicative action, depends on showing how communicative action in particular could effect social integration (etc.). Habermas' assumption is, of course, that besides the empirical sanctions of success or failure that motivate strategic action, human beings can also be motivated to (1) conviction and (2) action on

the basis of *reasons* adduced in *discourse*. Communicative action is meant to operate via validity-claims, not power-claims. If the answer to the empirical question ‘Does communicative action exist?’ is ‘Yes, it is a necessary requirement for important social processes that we can empirically observe’, then the answer to the theoretical question ‘How is communicative action possible?’ is ‘Because discursively adduced claims to validity can move’.

The question is how *this* is possible. Barring reference to empirical sanctions, ‘whence do speech acts draw their power to coordinate interactions’?³⁶ What, in other words, is the source of the ‘illocutionary force of an utterance’ by which ‘a speaker can motivate a hearer to accept the offer contained in his speech act and thereby to accede to a *rationally motivated binding* [or bonding: *Bindung*] *force*’?³⁷ Habermas’ answer is that

. . . a speaker can *rationally motivate* a hearer to accept his speech act offer because – on the basis of an internal connection between validity, validity-claim, and redemption of a validity-claim – he can assume the *warranty* [*Gewähr*] for providing, if necessary, convincing reasons that would stand up to a hearer’s criticism of the validity-claim. Thus a speaker owes the binding (or bonding: *bindende*) force of his illocutionary act not to the validity of what is said but to *the coordinating effect of the warranty* that he offers: namely to redeem, if necessary, the validity-claim raised with his speech act . . . the place of the empirically motivating force of sanctions (contingently linked with speech acts) is taken by the rationally motivating force of accepting a speaker’s guarantee for securing claims to validity.³⁸

But what does Habermas mean when he suggests that what can ‘rationally motivate a hearer’ is ‘the rationally motivating force of accepting a speaker’s guarantee for securing claims to validity’? One might suspect that Habermas is begging the question by simply renaming it, engaging in that technique – which Nietzsche ridiculed and imputed to Kant – of positing an unexplained entity or ‘force’ in order to ‘explain’ something left otherwise unaccounted for by theory.³⁹ If what explains a speech act’s power to ‘rationally motivate a hearer’ is its ‘rationally motivating force’, we might do well to ask what *this* latter consists in, and what *its* source is. If it is replied that this ‘force’ consists in ‘accepting a speaker’s guarantee’, we might persist in asking what motivated that ‘acceptance’, indeed, what it consists in, or how it is a ‘force’. The point is this: regardless of how we play with the words, somewhere along the line some reference needs to be made to some alleged facts about human moral psychology.⁴⁰

There is a great deal at stake here. Habermas’ argument for the existence of communicative action depends on equating the non-strategic action he deems necessary for social integration (etc.) with communicative action as he conceives it. But unless he is able to show how

communicative action could be motivationally efficacious, this equation remains implausible. A nationalist might concede the need for non-strategic action, but argue that social integration is effected through a non-rational kind of social action appealing to the motivational power of shared ethnicity or nationality. Indeed, the whole point of the many critics of 'constitutional patriotism' is that the rational motivation to which communicative action appeals is no motivation at all. Upon demonstrating the plausibility of motivationally efficacious reasons adduced in discourse, and so of communicative action, hangs not just the feasibility of Habermas' social theory in general, but also his particular answer to the modernist project of reconciling integration and political rule with freedom. Chapter 3 of *Between Facts and Norms* makes this clear: there, Habermas explicitly seeks to secure (what he calls) private and public autonomy by grounding both in the common basis of the social, legal and political institutionalization of the pragmatic presuppositions of communicative action. *Communicative rationality* must hold at bay the arbitrariness of naked exercises of power.

Habermas' rejection of the philosophy of consciousness, and his relocation of rationality in intersubjective processes of discourse rather than in the individual subject's mind, can be fruitfully read as an attempt to *fuse together the two traditional intellectual resources*, already noted, designed to legitimate political rule in the face of its ultimate grounding in coercion: the persuasion-vs.-coercion dichotomy with the reason-vs.-coercion dichotomy. This reading of Habermas is particularly plausible in light of his statement, again in chapter 3, that 'the illocutionary binding forces of a use of language orientated to mutual understanding serve to *bring reason and will together* – and lead to convincing positions to which all individuals can agree *without coercion*'.⁴¹ In other words, in the face of traditional fears about rhetorical eloquence and the 'coercion' in speech, Habermas attempts to rescue the persuasion-coercion dichotomy by positing an idealized process of persuasion that coincides with communicative rationality, an idealization that abstracts away from all power relations. This first dichotomy is thus secured by linking it to the second, between reason (now conceived intersubjectively) and coercion. More precisely, Habermas takes the discursive dimension of persuasion, abstracts away its rhetorical dimension and fuses it with reason. What is required is the *rational* inducement of belief, what theorists of rhetoric called 'convincing', in contrast to the more emotionally and rhetorically charged act of 'persuading'.⁴²

But the possibility of naked reason motivating persuasion or action is precisely what the rhetorical tradition discounts. And it is in this regard that Habermas' characterization of communicative action, because abstracted from the rhetorical and power dimensions inherent to language, has received extensive criticism. This, ultimately, is one of the

philosophical bases for republican and nationalist critiques of ‘constitutional patriotism’. I do not want to take this tradition for granted: what I want to demonstrate is that precisely in this regard Habermas *himself* takes the conceptual apparatus of this tradition for granted.

Others have made criticisms of a similar kind before. Iris Marion Young, for example, has argued that when Habermas presupposes that discourses operate under ‘conditions that neutralize all motives except that of cooperatively seeking truth’,⁴³ he is reproducing the opposition between ‘reason and desire characteristic of deontological reason’.⁴⁴ Add to this the rhetorical tradition’s doubts about the motivational efficacy of reason stripped of affect, and one has a sense of the problem.

On the one hand, Habermas himself has, to some extent, recognized the problem he faces here.⁴⁵ This is perhaps what explains the terminological shift from the older locution in *The Theory of Communicative Action*, which refers to ‘the rationally motivating force of accepting a speaker’s guarantee for securing claims to validity’, to the more modest one of ‘only the *weak* force of rational motivation’, in *Between Facts and Norms*.⁴⁶ On the other hand, at certain crucial moments, the way in which Habermas articulates his theory does indeed lead him to fall prey to Young’s charge, despite the fact that important theoretical considerations governing other moments suggest that he should not. To give an account of this tension, I will argue that the former moments in the text indicate ways in which the discursive parameters of Habermas’ theory are captive to the legacy of the philosophy/rhetoric debates. The reason why the communitarian critiques of Habermas and his notion of constitutional patriotism hit their mark so well is that Habermas, no less than his critics, articulates his theory within the parameters of the philosophy/rhetoric binaries.⁴⁷ This is why Habermas is unable to solve the twin problems of motivation and integration.

3 The binaries in Habermas

I will highlight three ways in which the parameters of the philosophy/rhetoric binaries frame Habermas’ theory: first, denials notwithstanding, in his construction of the category of intersubjective practical rationality in opposition to the passions; second, in his equation of rhetoric with the production of perlocutionary effects, which he in turn equates with strategic action, and thus opposes to communicative rationality; and third, in his attempt, which I take up in the next section, to distinguish sharply between moral-practical discourses and ethical-practical discourses.

I have already noted how the bifurcation of reason and affect manifests itself in Habermas’ requirement that interlocutors in a discourse

neutralize all empirically given motives, including those that are affectively generated, except the motive of reaching understanding.⁴⁸ This requirement is reflected in Habermas' Kantian characterization of the fully moral/rational/autonomous practical will:

In the sphere of validity of the moral law, neither contingent dispositions nor life histories and personal identities set limits to the determination of the will by practical reason. Only a will that is guided by moral insight, and hence is completely rational, can be called autonomous. All heteronomous elements of mere choice or of commitment to an idiosyncratic way of life, however authentic it may be, have been expunged from such a will.⁴⁹

He in fact explicitly contrasts the affects to practical reason, suggesting that participants in practical discourse 'neither give in to their affects nor pursue their immediate interests but are concerned to judge the dispute from a moral point of view'.⁵⁰

The lingering presence of the philosophy/rhetoric binaries not only leads Habermas to contrast reason to affect, but also to oppose rational discourse to the categories of rhetoric, narrative and myth. This should not come as a surprise: Habermas is succumbing to the weight of a millennia-old tradition, which, following the Socrates of *Gorgias*, has identified discursive coercion with rhetoric's operation upon the passions. If 'rational discourse' appeals to 'the force of the better argument', then 'eloquent rhetoric' solves the motivation problem by (note the opposition) operating on the passions, and thus emulating coercion. Anything other than the force of the better argument introduces a coercive moment into discourse itself.

We can also see this binary structure in the way in which Habermas, incorporating speech-act theory, identifies the communicative use of language with illocutionary effects. By illocutionary aim, Habermas means the aim of reaching understanding; by perlocutionary aim, he means the aim of producing some effect in the audience (beyond that of reaching understanding).⁵¹ As Baynes notes, the illocutionary aim of reaching understanding is essentially avowable, and the hearer's understanding of the type of illocutionary act the speaker intends to perform (e.g. a command, request, etc.) is a necessary condition for the success of the illocutionary act. But with a perlocutionary act, the hearer need not know the perlocutionary intent; indeed, it is not necessary that the speaker intend the perlocutionary effects at all.⁵² Now, the way in which Habermas understands the perlocutionary component of a speech act leads him explicitly to identify perlocutionary effects with *strategic* action.⁵³ It is then but a short step to identify *rhetoric* with strategic action. This is true even if, in light of the difficulties to which a straightforward equation of perlocutionary effects with strategic action gives rise,⁵⁴ we amend Habermas' formulation and simply say that the strategic use of

language is one in which a speaker is unwilling or unable to subordinate his or her perlocutionary aims to the aim of reaching understanding.⁵⁵ As Baynes, following Searle, notes, the aim of reaching understanding or making oneself understood is different from that of inducing belief or persuading⁵⁶ – or, for that matter, of reaching agreement. And since the telos of rhetoric is standardly understood to be that of inducing belief or *persuading*, it looks as if the rhetorical use of language is one in which the constitutive aim is to persuade. Therefore, the aim of persuasion is not subordinate to that of reaching understanding; therefore, rhetoric's constitutive aim is a perlocutionary aim (not an illocutionary one) that assimilates it to a strategic use of language. The communicative use of language must be rhetoric-free.

But within the parameters of the philosophy/rhetoric binaries, rhetoric-free discourse is impotent discourse. As I have noted, Habermas is aware of the problem; his focus in *Between Facts and Norms* on (what he calls) the tension between facticity and validity can be read as an attempt to confront it. Habermas gives two versions of the tension. First, he refers to the tension between, on the one hand, the facticity that every discursive practice of argumentation occurs within a particular lifeworld context (in other words, that social actors can engage in critical discourse only against the background of some taken-for-granted shared cultural and linguistic convictions) and, on the other hand, that despite this embeddedness, the pragmatic presuppositions of argumentation imply (according to Habermas) that when a speaker raises a validity-claim, she is implicitly making a context-transcending claim (i.e. she implicitly claims that the validity-claim is valid *beyond* the confines of the particular lifeworld in which the discourse is in fact embedded empirically).⁵⁷ The second tension is of greater interest here: it refers to the tension between, on the one hand, this implicit context-transcending moment of each validity-claim, and, on the other hand, the facticity that in order to motivate action (and hence allow communicative action to perform the function of, for example, social integration), discourses must draw their motivating force from what is in fact actually accepted in the lifeworld.⁵⁸

Habermas suggests that what ensures that validity-claims can motivate action in typically *premodern* contexts is that facticity and validity are fused together *in the validity dimension* itself, in two ways: (1) in the *taken-for-granted* lifeworld certainties that provide actors with a shared horizon of common beliefs, and (2) in archaic institutions' overpowering forms of *sacred authority*, which simultaneously inspire terror and reverence.⁵⁹ Habermas argues that with modernity this fusion breaks down and *facticity and validity become separated*; and so the problem is to see how *social integration* could still occur. His answer is that in complex modern societies it occurs via the category of law and a system of rights.⁶⁰ The fusion having broken down, it is now *only* in

the dimension of *legal* validity that facticity and validity are rejoined – ‘intertwined’ (but not ‘fused’) together.⁶¹ They are intertwined in the sense that legal validity combines *legality*, i.e. the de facto acceptance and factual enforcement of the law, with *legitimacy*, i.e. the origin of law in a discursively rational legislative process.⁶² This amounts to saying that, whereas earlier Habermas fused persuasion and reason by subordinating the former to the latter, he is now willing to retain some of the *force* of the former – but only in the dimension of the *legal validity*. Though even here, facticity and validity are not *fused* together, since the factual enforcement of the law (its legality) is not itself what confers legitimacy upon the law; rather, legitimacy is based upon the presupposition of the law’s rational genesis.

The problem is that Habermas’ account of law as the source which in complex modern societies secures compliance with presumptively valid norms, however illuminating, does not tell us how practical *discourse* itself can motivate action (nor how belief based on good reasons can result from discourse). Taken as a response to *this* question, the retreat to law either simply gives up on the possibility of rational practical discourse motivating action and belief, or it once again fails to tell us how it might do so. For Habermas, the medium of law secures social integration by ‘simultaneously’ appealing to (1) ‘the threat of external sanctions’ and (2) ‘the supposition of a rationally motivated agreement’.⁶³ But either (1) the law motivates action by the threat of external sanctions – which gives up on rational discursive motivation; or (2) the law motivates action in the same way practical discourse is supposed to – which just returns us to the original problem of seeing how this is possible. Thus the micro-level philosophical problem of how discursive practical reasons can motivate action or beliefs translates into the macro-level socio-political problem of how social integration can be secured.

So within the context of the philosophy/rhetoric binaries, Habermas’ fusion of persuasion and reason is devoid of motivational force because he fully subordinates persuasion to reason by eliminating the former’s rhetorical *force*. And when, in *Between Facts and Norms*, Habermas allows the *force* of the former (its ‘facticity’) to persist, he does so only in the dimension of *legal validity*, not in the validity dimension of discourse itself. He flatly refuses to go beyond this and to say that we must *fuse* together facticity and validity within the *validity* dimension of discourse itself. And now we can see precisely why: to do so might solve the motivation problem, but, *within the parameters of the philosophy/rhetoric binaries*, to do so would also threaten the whole modernist project of reconciling political rule and freedom. The worry is that a fusion of facticity and validity within the validity dimension itself completely nullifies the possibility of critique.⁶⁴ Rhetorical persuasion can solve the motivation problem only insofar as it emulates coercion.

But if it turns out that appeal to rhetoric and myths is *constitutive* of the discursive practices that effect the reproduction of a cultural tradition, social integration and socialization, then an account of discursive practices that abstracts away from these constitutive dimensions fails as a sufficient explanation of those processes. (This insufficiency would imply, of course, that Habermas could not cite those processes as the empirical *proof* that communicative discursive practices, understood as a category that abstracts away from the rhetorical dimensions of language, exist.) This is to frame the problem socio-politically. In philosophical terms, the problem amounts to saying that if the rhetorical moments and narrative uses of language, which appeal to affect and which involve relations of discursive power, are constitutive of motivationally efficacious language use – if rhetoric is a condition of possibility for discourse – then an account of rational discourse that attempts to abstract away from rhetoric, narrative, affect and power is immediately suspect, if not incoherent – the abstraction cannot even begin, as it were, to get off the ground. To say this is not to make the mistaken feasibility charge that idealized Habermasian discourse is unrealizable *in practice*. Rather the worry here is that Habermasian rational discourse may be *in principle* incoherent,⁶⁵ because its formal requirements are in contradiction with its content: insofar as discourse approaches rational form, it is thereby emptied of motivational content.

4 Ethical life vs. morality?

Habermas' strategy for dodging the charge of incoherence is to take refuge in a sharp dichotomy between ethical-practical discourses that treat of the good, and moral-practical discourses that treat of justice. He claims that the motivational deficit at issue is applicable to moral-practical discourses, but not to ethical-practical ones, and that ethical life as a whole makes up for the motivational deficit that morality has incurred. But the distinction between ethics and morality, in the strong form needed by Habermas to carry through this argument, is in fact itself a manifestation of the parameters of the philosophy/rhetoric debates of which the motivation problem is an artefact in the first place.

Habermas relates the distinction between ethical life and morality to the contrast, already noted, between premodern world-views or life-forms and modern ones. Recall that premodern world-views are characterized by a fusion of facticity and validity: their factually given lifeworld context, either taken for granted or awesomely sacred, provides an unquestioned background against which normative questions of validity are answered. In other words, they are characterized by a conventionalist morality that lacks full rational-cognitive reflexivity.

Modern world-views, however, become fully reflexive, such that even the constituents of the background context can in principle become discursively thematized, and their validity brought into question. In a word, they become postconventionalist.

According to Habermas, while moral-practical discourses proceed with the telos of achieving a consensus about the common interests that all share, ethical-practical discourses operate against the backdrop of a shared life-form. Because modern societies encompass different life-forms, we cannot expect rational consensus over evaluative questions of the good. In modernity, ethical questions become separated from moral ones, and the moral principle of universalization

. . . eliminates as nongeneralizable content all those *concrete* value orientations with which *particular* biographies or forms of life are permeated. Of the evaluative issues of the good life it thus retains only issues of justice, which are normative in the strict sense. *They alone can be settled by rational argument.*⁶⁶

Having thus aligned the ‘concrete’ and ‘particular’ of ethics against the ‘rational’ of morality, it is no surprise that the same question of motivation raised by his distinction between premodern and modern is transferred onto his distinction between ethical and moral. What is significant is how explicit the operation of the philosophy/rhetoric binaries is here. Notice, in the following passage, how ‘concreteness’, which goes hand in hand with motivational efficacy, is undermined by ‘rationalization’:

. . . *moral questions*, which can in principle be decided rationally in terms of criteria of *justice* or the universalizability of interests are now distinguished from *evaluative questions*, which fall into the general category of issues of the *good life* and are accessible to rational discussion only *within* the horizon of a concrete historical form of life or an individual life style . . . Only in a rationalized lifeworld do moral issues become independent of issues of the good life . . . [T]he increase in rationality brought about by isolating questions of justice has its price. Questions of the good life have the advantage of being answerable within the horizon of lifeworld certainties. They are posed as contextual and hence *concrete* questions from the outset. The answers to these questions retain the *action-motivating* potential of the forms of life that are presupposed in the contexts. In the framework of concrete ethical life within which conventional morality operates, moral judgments derive both their concreteness and their action-motivating potential from the intrinsic connection to ideas of the good life and institutionalized ethical life.⁶⁷

It is important to see just exactly what is happening rhetorically here, as Habermas attempts to sharply distinguish between morality/justice/right/norms and ethics/good/values. First, Habermas *accepts* the premises of his critics, which flow from the philosophy/rhetoric conceptual apparatus he shares with them. Rationality stands on the side of motivational

inefficacy; concreteness and particularity on the side of motivational efficacy. Second, within the confines of those binaries, Habermas *disagrees* with his critics by taking the ‘philosophical’ side of the binaries. Third, Habermas *agrees* with his critics that doing so leaves moral-practical discourses with a motivational deficit:

Hegel is right. Practical discourse does disengage problematic actions and norms from the substantive ethics (*Sittlichkeit*) of their lived contexts, subjecting them to hypothetical reasoning without regard to existing motives and institutions . . . This deontological *abstraction* separates issues of justice from issues of the good life. Moral questions are thereby dissociated from their contexts and moral answer are dissociated from *empirical motives*.⁶⁸

Habermas’ solution will be to require that postconventional reflexivity become a feature of the ‘concrete’ life-forms that inhabit the life-world, such that the action-motivating potential of moral insight be *institutionalized* within rationalized concrete ethical life and *internalized* within the personality structure of individuals who are socialized by it to be receptive to the rational insight of moral discourse:

. . . unless discourse ethics is undergirded by the thrust of motives and by socially accepted institutions, the moral insights it offers remain ineffective in practice . . . There has to be a modicum of congruence between morality and the practices of socialization and education.⁶⁹

The motivational deficit of morality must be supplemented by ethical life.

The problem with this answer is that if Habermas is right about the motivational inefficacy of moral discourse, then there is a parallel problem with ethical ones as well. The distinction between ethical-practical discourses that retain the ‘empirical motives’ of the lifeworld and moral-practical discourses that are dissociated from such motives is untenable, because in fact ethical-practical discourses rely on the motivational efficacy of reasons and rational insight in much the same manner that moral-practical ones do. Suppose, for example, that the contested validity-claims in an ethical-practical discourse to which I am party as a Canadian have to do with the provision of universal health care: the issue is framed as a question about who Canadians are and what kind of collectivity we want to be. Suppose further that, at the start of the discourse, on my understanding of what it means to be Canadian, a commitment to the provision of universal health care does *not* follow. And now suppose that during the course of the discourse, facts are brought to my attention (say, about Canadian tradition) which lead me to change my mind about what it means to be Canadian: Canadians really should provide universal health care. Now, the motivational commitment that I initially brought to the discourse (say, thanks to my socialization) was to the Canadian tradition *as I understood it* – call this C1 – but not to the Canadian tradition *as I now understand it* having gone through

the discourse – call this C2. The question is why my empirically given ‘concrete’ motivational commitment to C1 should now transfer to C2. My point is *not* that an answer to this question is nowhere to be found. My point is simply that the same issue of the motivational force of rational insight, which Habermas sees in moral-practical discourses, is at play in ethical ones as well. Self-clarification in the case of an individual is different from self-clarification in the case of a collective; when the self that is self-clarifying is a collective, I may be confronted by good reasons about who we are that I myself did not and would not have generated, because they do not follow from whom *I* thought we were. This possibility is the very point of the dialogical model; the implication is that the motivational issue is not particular to moral-practical discourses as Habermas implies.

Let me reiterate: I am not claiming that reason by itself cannot motivate belief or action. I am not making any ontological claims about the nature of reason at all. Rather, I am making a claim about the discursive structure of Habermas’ argument: by implicitly adopting the parameters of the philosophy/rhetoric binaries, this structure discursively generates a *conception* of practical reason that is marred by impotence. To summarize: what Habermas has done is to accept the discursive parameters of the philosophy/rhetoric binaries, opt in favour of the ‘philosophical’ side of the binaries, and then meet the resulting charge of motivational inefficacy with the concession that practical discourse must be supplemented by the thrust of empirical/affective motives provided by ethical life. And, in order for the empirical motivation provided by the ‘concrete’ ethical life to be consistent with the requirements of the fully rational insight of moral-practical discourses, ethical life itself must be rationalized. But once Habermas has understood rationality in contrast to affectivity – in particular, once he has defined practical discourse as rational by virtue of having abstracted away from all empirical motives save that of the search for validity – the same problem of motivational efficacy arises within *ethical life* insofar as it is rationalized (which would make the appeal to ethical life to solve the motivation problem ineffectual).

Let me frame this objection in slightly different terms. Habermas begins by assuming that motivational efficacy derives from ethical life, and not from rational moral insights produced by ‘abstract’ moral-practical discourses. Suppose Habermas is right. Suppose, for example, that people are normally unmoved by moral reasons that demonstrate the justice or injustice of an action, while they are motivated to act on a particular conception of the good that through a process of socialization has become a part of their identity. Habermas’ thought is that if we can make the commitment to morality and justice a constituent part of that concrete ethical life and identity (by rationalizing them), then

the people in question will in fact be socialized to act on ethical reasons that coincide with moral ones. Postconventional individuals will be moved by the force of (what amounts to) rational insight *thanks to* the way in which they are socialized by ethical life itself. The key, then, is to *rationalize* concrete ethical life, such that ethical life itself becomes postconventional. Habermas' assumption, of course, is that rationalizing ethical life *transfers the motivational power of ethical life to morality*. But within the discursive parameters of Habermas' argument, this assumption is wholly unwarranted. We should ask why, if ethical life and morality converge, they should converge around ethical life's putative motivational efficacy rather than morality's putative impotence? If we rationalize ethical life and reconstruct it in the image of postconventional morality, why would the impotence of morality not simply paralyse ethical life as well (instead of vice versa as Habermas assumes)? This, in fact, has precisely been the argument of conservative and communitarian critics of modernity: that modernity's rationalization of concrete ethical life undermines all concrete solidarities, atomizes modern individuals, destroys the efficacy of practical reasons as such and reduces social action to strategic action.⁷⁰ My point is not that these critics are right, but that Habermas' argument actually lends itself just as easily to their conclusions as to his own.

5 Conclusion: a rhetorical art of practical discourse

The Habermasian fear of the facticity of rhetoric, and the passions it invokes, depends on an overly simplified view both of the range of possible relations between facticity and validity, and of the nature of rhetoric. Habermas assumes that facticity and validity may only be fused, separated, or intertwined. In premodern world-views they are *fused* in the validity dimension itself: validity follows from de facto enforcement. In modern world-views, they are *separated* in the validity dimension – validity is one thing, power another – and then are *intertwined* in the dimension of legal validity – the law is 'simultaneously' enforced and presumed valid by reference to its rational-discursive genesis. The incoherence of Habermas' category of discourse stems from a failure to consider a fourth possibility: facticity may be a constitutive feature of the validity dimension itself in a way that ultimately (though mediately) subordinates facticity's operation in the validity dimension to the ends of validity (or, to put it in terms of discourse, to the telos of reaching understanding). Validity here is constructed not by an *expulsion* of (nor by a fusion with) facticity, but by *organizing* the operation of facticity ultimately to serve the ends of validity.⁷¹ I submit that this characterization, which transcends the parameters of the philosophy/rhetoric

binaries, is necessary to overcome the twin problems of motivation and integration. The relation in question is one neither of fusion (since facticity and validity do not become the same), nor of separation (since the one is constitutive of the other), nor even of intertwining (since the one is a constituent of the other, rather than made to overlap with it). This complex relation is perhaps best illustrated by the Aristotelian category of art or craft (*technê*), a category exemplified for Aristotle by rhetoric.

What makes a practice an art is that it has not just a given end or an external good, but also guiding ends or internal constitutive goods. The external good of the practice of medicine, for example, may be to maintain the life and health of its patients, but the guiding end of the doctor qua practitioner of medicine is to follow certain standard procedures and rules, which constitutes performing her or his craft well. One can thus perform the craft well – i.e. fulfill its constitutive, guiding ends – via a masterful application of its procedures and rules, even if one fails to achieve the craft's given end (e.g. the patient dies). Of course a craft for which there were no reliable relation between its guiding and given ends would fail to be a viable craft. The *raison d'être* of an artful practice is its given end, to be sure, and the internal constitution of the practice will be designed with that given end in mind. But there are some given ends that may best be achieved by not pursuing them directly – happiness is often thought to be one such end. This is what makes an art, with its own internal, constitutive goods or guiding ends, a necessity. (If one's ultimate goal is to save lives, for example, then perhaps one is best off by engaging in a practice with distinct constitutive goals; indeed, it may be helpful to keep the ultimate goal out of the practitioner's view entirely. A doctor who constantly had his or her patient's possible death in view might not be able to practise his or her craft with the required presence of mind.) Rhetoric, for Aristotle, is one such an art, one whose guiding end is *not* to persuade, but 'to see the available means of persuasion in each case',⁷² which Aristotle categorizes as the proofs (*pisteis*) of *êthos*, *pathos* and *logos*.⁷³ The fact that the rhetorician does not shoot directly for the given end of persuasion is what renders rhetoric a *technê*.⁷⁴

(An illustration may be helpful in drawing out the relevance for communicative action. Even if one does not ascribe the status of an Aristotelian *technê* to the adversarial practice of criminal law in common law systems, one can nevertheless see similar relations in place. A criminal court of law may be designed with the given ends of ascertaining the *truth* about the facts of the matter, and *fairly* applying the law to those facts. While these may be the given ends of the process, the guiding end of its constituent parts may have quite a different character: the prosecutors and defence lawyers each try their best to slant the factual and legal evidence in opposing directions. The presumption is that the given

ends are best served mediately, without participants aiming directly at them.)

This complex relation between (1) process, (2) given end and (3) guiding ends mirrors the complex relation between (1) the validity dimension, (2) validity and (3) facticity that I am attempting to specify. Facticity may be a constitutive feature of the validity dimension itself in a way that ultimately (though mediately) subordinates facticity's operation, in the validity dimension, to the given end of reaching understanding. The given end of reaching understanding may best be served by not aiming at it directly. Even assuming that all participants in argumentation *have ultimately* subordinated all other aims to the given illocutionary aim of reaching understanding, a particular validity-claim may most rationally be assessed through a discursive process in which participants mediately pursue (some) perlocutionary aims. Discourse may require something like an Aristotelian art of rhetoric.

I want to end with three tentative theses in this regard. First, just as Aristotle thought that the given end of persuasion is best realized by an art called rhetoric, so too the Habermasian given end of reaching a rationally motivated understanding may best be realized by a practice structured like an Aristotelian art, with a set of internal goods or guiding ends. Second, many of the internal goods of the practice built around the given end of reaching understanding – call such a practice practical discourse – will actually have much in common with the internal goods of the art of rhetoric whose given end is persuasion. In other words, finding the means of persuasion may be a constitutive part of the art of discourse. Third, one reason for this is that *we cannot coherently separate even the given end of validity or reaching understanding from the end of persuasion.*

This third thesis is precisely the one Habermas thinks he cannot concede. He thinks that doing so would collapse validity into facticity and so jettison the basis for critique by giving up on a regulative criterion for identifying distorted communication. But he is mistaken. Let me first explain the third thesis and suggest its plausibility without fully defending it, and then show why I think Habermas is mistaken about its consequences. The reason why reaching understanding cannot be fully separated from persuasion is that reaching understanding through a discursive practice of reason-giving presupposes a vocabulary common to the interlocutors. If the interlocutors did not share a common vocabulary, they could not even see each others' reasons as reasons, much less reach a mutual understanding. As Habermas himself would concede, reasons are only intelligible against the background of a set of lifeworld cultural understandings, or, to put it another way, within the parameters of particular language games.⁷⁵ I cannot get you to accept my vocabulary in the first place – I cannot get you to enter such-and-such a

language game – unless I *persuade* you to do so through a process that uses symbolic language and engages you affectively.

The upshot is that even the given end of reaching understanding (and not just the guiding ends of the practice) is constituted by facticity or persuasion. So the facticity of rhetorical persuasion stands in two relations to the end of reaching understanding: it not only serves as an artful *means* to realizing the given end, it also partly *constitutes* the end. On the one hand, this constitution means that we cannot fully separate a coherent notion of ‘reaching understanding’ from ‘persuasion’. On the other hand, we can still coherently distinguish between the two analytically because rhetorical persuasion only *partly* constitutes the end of reaching understanding, without exhausting its constitution. The end of reaching understanding is also constituted by procedural criteria defined not in terms of the means of persuasion (that is, not in terms of the internal goods of the art of rhetoric), but directly in terms of the pragmatic presuppositions of discourse and the corresponding rules of argumentation, such as egalitarian reciprocity, freedom of expression, etc. These two constitutive ‘parts’ of the telos may be in tension with each other, but the point is that, while all discursive processes of reaching understanding are also processes of persuasion, we have criteria for distinguishing between different *kinds* of persuasion. Indeed, we have two sets of criteria, because the art of rhetoric has effectively become an art nested within another art (that of reaching understanding). First, like Aristotle, we can distinguish between persuasion that proceeds artfully according to the internal criteria of the practice, and persuasion that does not. Second, and more importantly, since validity is not exhausted by facticity, since the given end of the art of rhetoric is serving as a guiding end for the art of practical discourse, we can distinguish between persuasion that is, and persuasion that is not, subordinated to the latter’s given end of reaching understanding. We can ask, for example, whether the interlocutors are open to *being* persuaded in addition to attempting to persuade. Or we can ask whether interlocutors have equal opportunities *over time* in different communicative contexts to participate in discourse, even if they cannot do so within *every* communicative context. Or we can ask whether participants in practical discourse have been given equal opportunities to develop their rhetorical, communicative skills as speakers and their capacity for critically evaluating communication as listeners. As the third example illustrates, explicitly acknowledging the art of rhetoric as a constituent part of practical discourse, far from eliminating, actually *enriches* the critical resources for identifying ‘distorted communication’.

The suggestion here, then, is that an art of rhetoric nested within an art of practical discourse allows us to reconceptualize a discourse-ethical theory of politics in a way that bids farewell to the debilitating

legacy of the philosophy/rhetoric binaries. Recall that Habermas' assimilation of rhetoric to strategic action followed from equating its telos with persuading. Reducing its telos to that of inducing belief or persuasion does indeed reduce rhetoric to a form of strategic action. But this reductionist account is not the only one possible. Indeed, to describe rhetoric as an art requires rejecting the reductionist account, and that is precisely what Aristotle does. For Aristotle, the telos of rhetoric is not persuading, but finding the means of persuasion. Its given end may be persuasion, but its guiding end is not. Similarly, the given end of the art of practical discourse is reaching understanding, but its guiding ends or internal goods include not just the pursuit of the better argument, but also rhetorical attempts to induce or persuade others to adopt the ethical or moral vocabulary within which one's arguments have any meaning at all. A theory of discourse so conceived, which overcomes the philosophy/rhetoric binaries, helps broaden our understanding of the process of reaching understanding to include the appeal to *êthos* and *pathos*.⁷⁶ My preliminary suggestion here is that by transcending the philosophy/rhetoric binaries, a notion of rhetoric as an art constitutive of rational discourse promises to save Habermas' account of discourse from incoherence and impotence, paving the way for a defence of constitutional patriotism more capable of meeting the communitarian challenge.

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Notes

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- 1 E.g. Anthony Douglas Smith, *The Ethnic Origins of Nations* (Oxford: Blackwell, 1986).
- 2 E.g. Dominique Schnapper, *La Communauté des citoyens: Sur l'idée moderne de nation* (Paris: Gallimard, 1994) and David Miller, *On Nationality*, (Oxford: Clarendon Press, 1995).
- 3 Jürgen Habermas, *The New Conservatism: Cultural Criticism and the Historians' Debate* (Cambridge, MA: MIT Press, 1989), p. 227; Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory* (Cambridge, MA: MIT Press, 1998), chs 4–5. Cf. Atracta Ingram, 'Constitutional Patriotism', *Philosophy & Social Criticism* 22(6) (1996): 1–18;

- Patchen Markell, 'Making Affect Safe for Democracy? On "Constitutional Patriotism"', *Political Theory* 28(1) (2000): 38–63.
- 4 Plato, *Gorgias*, 462b–465c.
 - 5 Cicero, 'De Inventione', in *De Inventione, De Optimo Genere Oratorum, Topica* (Cambridge, MA: Harvard University Press, 1949), 617.
 - 6 Erika Rummel, *The Humanist-Scholastic Debate in the Renaissance and the Reformation* (Cambridge, MA: Harvard University Press, 1995), p. 58.
 - 7 'In Thucydides' *History* only one Athenian regularly uses oratory effectively, and that is Pericles, who needs it precisely because he wields power through democratic institutions.' Michael Gagarin and Paul Woodruff, 'Introduction', in *Early Greek Political Thought from Homer to the Sophists* (Cambridge: Cambridge University Press, 1995), p. xxx. See Harvey Yunis, *Taming Democracy: Models of Political Rhetoric in Classical Athens* (Ithaca, NY: Cornell University Press, 1996), p. 49 for the link between free political speech and democratic ideology for the ancient Greeks.
 - 8 For the ubiquity of this theme in France and Britain by the 18th century, see Jean Starobinski, 'Eloquence and Liberty', *Journal of the History of Ideas* 38 (1977): 195–210 and Adam Potkay, *The Fate of Eloquence in the Age of Hume* (Ithaca, NY: Cornell University Press, 1994), p. 30ff.
 - 9 See Neil Saccamano, 'Rhetoric, Consensus, and the Law in Rousseau's *Social Contract*', *Modern Language Notes* 107(4) (1992): 730–51, who shows why in order 'effectively to take the place of the public force wielded by an absolute monarch, persuasion must exercise an equivalent force' (p. 743).
 - 10 See Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge: Cambridge University Press, 1996), p. 49.
 - 11 For Hobbes, see *ibid.*; for Locke, his *An Essay Concerning Human Understanding*, ed. P. H. Nidditch (Oxford: Clarendon Press, 1975); for Rousseau, see Arash Abizadeh, 'Banishing the Particular: Rousseau on Rhetoric, *Patrie*, and the Passions', *Political Theory* 29(4) (2001): 556–82. See also Peter France, *Rhetoric and Truth in France: Descartes to Diderot* (Oxford: Oxford University Press, 1972). Of great relevance for the transmission of the Roman militaristic imagery to modern thinkers in France is Bernard Lamy's *La rhétorique ou l'art de parler*, ed. B. Timmermans (Paris: Presses universitaires de France, 1998).
 - 12 See, particularly, Plato's *Gorgias*, where reason is opposed to both persuasion and coercion.
 - 13 Plato, *Laws*, 690c.
 - 14 *ibid.*, 719e–724b. At 722c, Plato now starkly contrasts 'two means of giving laws, persuasion and violence'. For a full discussion see Yunis, *Taming Democracy*, ch. 8.
 - 15 Immanuel Kant, *The Cambridge Edition of the Works of Immanuel Kant: Practical Philosophy*, ed. M. J. Gregor (Cambridge: Cambridge University Press, 1996), pp. 56, 201.
 - 16 David Hume, *A Treatise of Human Nature*, ed. David F. Norton and Mary J. Norton (Oxford: Oxford University Press, 2000), p. 265 (section 2.3.3).
 - 17 As Rousseau says in *Émile*, 'il n'y a que la passion qui nous fasse agir'. Jean-Jacques Rousseau, *Oeuvres complètes*, vol. 4, ed. B. Gangebin and M. Raymond (Paris: Bibliothèque de la Pléiade, 1969), p. 453.

- 18 In calling them the philosophy/rhetoric binaries, I do not mean to imply that the philosophy/rhetoric debates are their *only* historical source – the nominalist/realist debates within philosophy itself are another. But the philosophy/rhetoric debates are a key source.
- 19 Schnapper, *Communauté des citoyens*, pp. 75–9; emphasis added.
- 20 *ibid.*, p. 80; emphasis added. David Miller uses similar vocabulary, to similar effect. Contrasting *reason* to *sentiment*, he argues that impartialist moral theories, which on his reading fail to give to the nation the independent ethical weight it deserves, are unviable because they rest ‘upon an implausible account of ethical *motivation*. When I act on moral principle, I am supposed to act simply out of a *rational conviction* . . . I am not to be influenced by my *sentiments* . . . But it seems unlikely that rational conviction can carry the weight required of it.’ Miller, *On Nationality*, pp. 57–8; emphasis added. According to Miller, ‘If we look at actual cases in which people identify with their community . . . we see that they identify with it as a *concrete and distinct object*’. David Miller, *Market, State, and Community: Theoretical Foundations of Market Socialism* (Oxford: Clarendon Press, 1989), p. 231. The nation is indispensable, he argues, because under modern conditions it is the only viable candidate that could serve as the ‘concrete’ object for an affective identity capable of solving the twin problems of motivation and social integration.
- Maurizio Viroli uses similar rhetoric against constitutional patriotism: ‘contrary to Habermas . . . civic virtue is not sustained by *universalistic* political values but by identification with values that are part of the *particular* culture of a people . . . [The] political values of democratic citizenship that citizens share are not *universalistic* constructions of impersonal *reason*, but are or are perceived and lived as cultural values. They are not *attached* to an *abstract* liberty or an *abstract* justice, but to a way of life informed by those principles. They are attached to a liberty and a justice that is a part of their culture, that has for them a *particular* beauty, a *particular* warmth, a *particular* colour that is connected with *particular* memories and *particular* histories.’ Maurizio Viroli, *For Love of Country: An Essay on Patriotism and Nationalism* (Oxford: Clarendon Press, 1995), pp. 174–5; emphasis added.
- 21 Schnapper, of course, is not oblivious to this point: she herself cites Anderson’s phrase and notes that many have accused the nation of being abstract ‘*dans la mesure justement où elle est construite par la volonté des hommes, où elle ne se mesure ni ne se perçoit directement*’. Schnapper, *Communauté des citoyens*, p. 104.
- 22 *ibid.*, p. 106; emphasis added.
- 23 Jürgen Habermas, *The Theory of Communicative Action*, vol. 1 (Boston, MA: Beacon Press, 1984), pp. 285–6, cf. p. 86; Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge, MA: MIT Press, 1990), p. 58; Stephen K. White, *The Recent Work of Jürgen Habermas: Reason, Justice, and Modernity* (Cambridge: Cambridge University Press, 1988).
- 24 Habermas, *Theory of Communicative Action*, vol. 1, p. 19.
- 25 *ibid.*, pp. 301–4.
- 26 *ibid.*, p. 19.

- 27 Jürgen Habermas, *Justification and Application: Remarks on Discourse Ethics* (Cambridge, MA: MIT Press, 1993), p. 53.
- 28 Habermas, *Moral Consciousness and Communicative Action*, p. 87; Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, MA: MIT Press, 1996), p. 19.
- 29 Habermas, *Between Facts and Norms*, p. 20.
- 30 Habermas, *Moral Consciousness and Communicative Action*, pp. 88–9.
- 31 *ibid.*
- 32 Following Karl-Otto Apel, Habermas says a performative contradiction occurs ‘when a constative speech act $k(p)$ rests on noncontingent presuppositions whose propositional content contradicts the asserted proposition p ’. *ibid.*, p. 80.
- 33 Maeve Cooke, *Language and Reason: A Study of Habermas’ Pragmatics* (Cambridge, MA: MIT Press, 1997), pp. 22–7 demonstrates that Habermas’ ‘parasitic’ language thesis does not provide an argument here.
- 34 Habermas, *Moral Consciousness and Communicative Action*, p. 102.
- 35 See, for example, Habermas’ reference to Durkheim and Parsons, in *Between Facts and Norms*, p. 26.
- 36 Habermas, *Theory of Communicative Action*, vol. 1, p. 296.
- 37 *ibid.*, p. 278.
- 38 *ibid.*, p. 302.
- 39 “How are synthetic judgments *a priori* possible?” Kant asked himself – and what really is his answer? . . . “By virtue of a faculty” – he had said, or at least meant. But is that – an answer? An explanation? Or is it not rather merely a repetition of the question? How does opium induce sleep? “By virtue of a faculty,” namely the *virtus dormitiva*, replies the doctor in Molière.’ Friedrich Nietzsche, *Beyond Good and Evil: Prelude to a Philosophy of the Future*, trans. W. Kaufmann (New York: Vintage, 1966), pp. 18–19, # 11. Hobbes and Hume had both made a similar criticism of the scholastics. See Thomas Hobbes, *Leviathan*, ed. Richard Tuck, rev. student edn (Cambridge: Cambridge University Press, 1996), p. 468, and Hume, *Treatise of Human Nature*, pp. 147–8 (section 1.4.3).
- 40 Thomas M. Scanlon (*What We Owe Each Other* [Cambridge, MA: Harvard University Press, 1998]) disputes this, but only by packing everything into his definition of ‘rationality’. The question then could simply be rephrased: How is Scanlonian rationality possible?
- 41 Habermas, *Between Facts and Norms*, p. 109; emphasis added.
- 42 See Roland Barthes, ‘L’ancienne rhétorique’, *Communications* 16 (1970): 172–229.
- 43 Habermas, *Theory of Communicative Action*, vol. 1, p. 19.
- 44 Iris Marion Young, ‘Impartiality and the Civic Public: Some Implications of Feminist Critiques of Moral and Political Theory’, in *Feminism as Critique*, ed. Seyla Benhabib and Drucilla Cornell (Minneapolis: University of Minnesota Press, 1987), p. 69.
- 45 E.g. Habermas, *Moral Consciousness and Communicative Action*, pp. 207–8.
- 46 Habermas, *Theory of Communicative Action*, vol. 1, p. 302; Habermas, *Between Facts and Norms*, p. 5, emphasis added.
- 47 Any reader of Habermas knows that the binaries of reason/affect, abstract/

- concrete and universal/particular are ubiquitous in his texts at least at the terminological level.
- 48 Habermas, *Theory of Communicative Action*, vol. 1, p. 19.
- 49 Habermas, *Justification and Application*, p. 10.
- 50 Habermas, *Theory of Communicative Action*, vol. 1, p. 19.
- 51 For discussion see Kenneth Baynes, *The Normative Grounds of Social Criticism: Kant, Rawls and Habermas* (Albany: State University of New York Press, 1992), p. 94ff.
- 52 See *ibid.*, p. 99.
- 53 Habermas, *Theory of Communicative Action*, vol. 1, p. 295.
- 54 Baynes, *Normative Grounds of Social Criticism*, pp. 84, 94. Habermas has revised his account slightly in Jürgen Habermas, 'A Reply', trans. J. Gaines and D. L. Jones, in *Communicative Action: Essays on Jürgen Habermas' The Theory of Communicative Action*, ed. Axel Honneth and Hans Joas (Cambridge, MA: MIT Press, 1991), p. 239ff.
- 55 Baynes, *Normative Grounds of Social Criticism*, p. 84.
- 56 *ibid.*, p. 94.
- 57 Habermas, *Between Facts and Norms*, pp. 15–16.
- 58 'The universalistic meaning of the claimed validity exceeds all contexts, but only the local binding act of acceptance enables validity claims to bear the burden of social integration for a context-bound everyday practice'; *ibid.*, p. 21.
- 59 *ibid.*, pp. 21–4.
- 60 Habermas, *Between Facts and Norms*, p. 27.
- 61 There is, perhaps, an exception to this implicit to Habermas' theory: the facticity of our situatedness within modernity itself, the facticity of our already being implicated in structures of communicative action. But to examine this aspect of Habermas' theory would take us well beyond the scope of this article.
- 62 Habermas, *Between Facts and Norms*, pp. 27–30.
- 63 *ibid.*, p. 8.
- 64 This worry is on full display in Habermas' response to Horkheimer's and Adorno's insinuation that the 'modern, fully rationalized world is only seemingly disenchanted', that the dream of an 'Enlightenment [which] contradicts myth and thereby escapes its violence' is self-defeating, and that 'this process of gaining mastery over mythic forces . . . [calls] forth, in fateful fashion, the return of myth at each new stage'. Jürgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures* (Cambridge, MA: MIT Press, 1987), pp. 110, 107, 109.
- 65 Habermas, *Justification and Application*, p. 57.
- 66 Habermas, *Moral Consciousness and Communicative Action*, p. 121; emphasis added.
- 67 *ibid.*, p. 178; original emphases.
- 68 *ibid.*, pp. 207, 180, emphasis added; cf. pp. 178–80.
- 69 *ibid.*, p. 207.
- 70 E.g. Alasdair MacIntyre, *After Virtue*, 2nd edn (Notre Dame, IN: University of Notre Dame Press, 1984).
- 71 Markell makes the related claim that validity and facticity hold a relation

of tension *and* interdependence. Markell, 'Making Affect Safe for Democracy?' I would want to be more critical of the philosophy/rhetoric binaries, which still seem to frame Markell's discussion, however.

72 Aristotle, *Rhetoric* 1355b10–12.

73 *ibid.*, 1356a1–20.

74 For an extensive discussion of rhetoric as an art in Aristotle, see Eugene Garver, *Aristotle's Rhetoric: An Art of Character* (Chicago, IL: University of Chicago Press, 1994), ch. 1, especially pp. 28–33.

75 This is not to say that this background is immune to rational critique, but only that rational critique thematizing some elements of the background presupposes that other elements are in the meantime taken for granted.

76 This broadening is, arguably, what recent accounts of rhetoric have attempted to do. See, in particular, Hans Blumenburg, 'An Anthropological Approach to the Contemporary Significance of Rhetoric', in *After Philosophy: End or Transformation?*, ed. Kenneth Baynes, James Bohman and Thomas McCarthy (Cambridge, MA: MIT Press, 1987), pp. 429–58; William Rehg, 'Reason and Rhetoric in Habermas' Theory of Argumentation', in *Rhetoric and Hermeneutics in Our Time*, ed. Walter Jost and Michael J. Hyde (New Haven, CT: Yale University Press, 1997); and Arash Abizadeh, 'The Passions of the Wise: *Phronêsis*, Rhetoric and Aristotle's Passionate Practical Deliberation', *The Review of Metaphysics* 56(2) (2002): 267–96.