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Published in:
Political Theory


DOI:
[10.1177/0090591713476871](https://doi.org/10.1177/0090591713476871)

Publication date:
2013

Document version
Peer reviewed version

Citation for published version (APA):
Thomassen, L. (2013). Communicative Reason, Deconstruction, and Foundationalism: Reply to White and Farr. *Political Theory*, 41(3), 483-489. <https://doi.org/10.1177/0090591713476871>

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Political Theory
41(3) 482–488
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DOI: 10.1177/0090591713476871
ptx.sagepub.com


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Abstract

How should we read Jürgen Habermas, and is it possible to defend a non-foundationalist conception of communicative reason? In “‘No-Saying’ in Habermas,” Stephen K. White and Evan Robert Farr read Habermas’s writings on civil disobedience through the idea of no-saying, which they believe to be “just as primordial” as consensus or yes-saying in Habermas’s theory of communicative reason. By underlining this otherwise underdeveloped aspect of no-saying in Habermas’s work, White and Farr believe that it is possible to avoid an unwarranted emphasis on consensus and to salvage a non-foundationalist conception of communicative reason. In developing their argument, White and Farr use my deconstructive reading of Habermas’s writings on civil disobedience as a point of contrast, and this gives me the opportunity to clarify the strategy of the deconstructive reading and the differences over foundationalism that divide my deconstructive approach from White and Farr’s reconstruction of Habermas’s communicative paradigm. I argue (1) that they misconceive the relationship between the deconstruction and the deconstructed text and (2) that they end up defending a view of communicative voice too uncritical of what it means to have a voice.

Keywords

Habermas, civil disobedience, deconstruction, communicative reason

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How should we read Jürgen Habermas, and is it possible to defend a non-foundationalist conception of communicative reason? In “‘No-Saying’ in Habermas,” Stephen K. White and Evan Robert Farr read Habermas’s writings on civil disobedience through the idea of no-saying, which they believe to be “just as primordial” as consensus and yes-saying in Habermas’s theory of communicative reason.¹ They write that “the particular no-saying of civil disobedience draws its sense and significance from a conceptually prior, onto-ethical figuration of no-saying embedded in the core of the paradigm of communicative action” (33). There are good reasons for taking no-saying in Habermas seriously, and elsewhere I have argued for this using a phrase from Habermas, *das Nein-sagen-Können*.² Communicative reason implies the ability and possibility to say “no” on the part of the participants in communicative action and discourse, and we can think of civil disobedience as one practical expression of no-saying. Without this ability and possibility to say “no,” the consensual “yes” would have no critical and legitimating force. By underlining this otherwise underdeveloped aspect of no-saying in Habermas’s work, White and Farr believe that it is possible to avoid an unwarranted emphasis on consensus and to salvage a nonfoundationalist conception of communicative reason. In developing their argument, White and Farr use my deconstructive reading of Habermas’s writings on civil disobedience as a point of contrast.³ This gives me the opportunity to clarify the strategy of the deconstructive reading and the differences over foundationalism that divide my approach from White and Farr’s critical reconstruction of Habermas’s communicative paradigm.

When White and Farr and I take recourse to Habermas’s writings on civil disobedience, we do so not in order to unearth a true, but previously ignored, Habermas. We read Habermas in order to explore the limitations and possibilities of his communicative paradigm. We also agree that there is no Habermasian “great consensus machine,” to use White and Farr’s expression (32). Indeed, the deconstructive reading would not be possible if Habermas’s work was a philosophical machine. Instead my reading of Habermas has aimed to show that the “machine” is marked by tensions and aporias. Consequently, it is misleading when White and Farr write that the result of the deconstructive reading of Habermas is to show that Habermas’s communicative paradigm is a “broken machine” (41). There is no machine, and there never was one. To read Habermas as “Habermas the Rationalist” would not only be incorrect but would suggest that Habermas had succeeded (or could succeed) in rationalizing democracy and law.

Here I part company with White and Farr in our understanding of deconstruction and of the relationship between the deconstructed text and the

deconstructive reading of it. I phrased my reading of Habermas on civil disobedience in a way that could easily occlude what I meant to be doing with the deconstructive reading. I wrote that two readings of Habermas were possible, and that I prioritized one over the other and would use this as my starting point for a deconstructive notion of civil disobedience. I argued that it is possible to read Habermas as attempting to rationalize democracy and law, but also suggested that the way he treats civil disobedience may suggest that something non-rationalizable about democracy and law remains.⁴

Presenting the reading in this way might suggest what is not the case, namely, that it is possible to identify two distinct Habermases: a Habermas of the consensus machine and a Habermas of no-saying. Instead, the deconstructive reading of Habermas attaches itself to the heterogeneity—the tensions and aporias—of his texts and then develops from these. So, like White and Farr, I believe that consensus, yes-saying, and no-saying are equally constitutive of Habermas's work. Neither they nor I are looking for the real Habermas by stressing no-saying (51–52).

However, this means that there is no need, as White and Farr write, for the deconstructive reading to “radically depart” from the Habermasian framework (41). The reading emerges out of Habermas, and the resources for the deconstruction are already there in his texts. To say, as White and Farr do, that the deconstructive reading creates “a false dichotomy” (41) between Habermas's text and the reading of it is misleading. The deconstruction is not a framework laid down upon Habermas's texts from the outside, as it were, and Habermas's text and my own text are not two completely different discourses.⁵ This is not to say that the reading remains within Habermas's discourse; it clearly does not, and I come to Habermas's texts with a certain vocabulary and prejudices. That said, it is important to challenge what would be a false dichotomy between the text and the deconstructive reading of it, and between the systematicity of Habermas's philosophy and the aporias that mark it.

Having clarified the strategy of the deconstructive reading, I now turn to a substantial difference between the deconstructive position and White and Farr's critical reconstruction of the communicative paradigm. The difference concerns the question of foundationalism and the role of yes- and no-saying.

No-saying is central to White and Farr's nonfoundationalist reading of Habermas. Echoing the understanding of equality in the wider literature on discourse ethics, they write of the equal right to say “no” as a “moral equality that is, in turn, embedded in the idea of communicative action” (51). This moral equality does not need to be based in an actually achieved rational

consensus; instead it may be based on the idea of “a presumptively just compromise,”⁶ which White and Farr explain as “the expectation of some significant moral-political space being available that honors this value of the morally equal voice of all” (51).

Although “a presumptively just compromise” is distinguished from a rational consensus, the former is inherently linked to the latter in Habermas and, it seems, in White and Farr. Although it is merely a compromise—as opposed to a rational consensus—the compromise is based on the presumption that, barring “limited resources of time and information,”⁷ the outcome may have been a rational consensus rather than a compromise. This is why the compromise is a possibly just one. While there is a gap between compromise and rational consensus because of the limitations of “resources of time and information,” the presumption bridges this gap.

This is important because it does not do away with the idea of a rational consensus, even if we are not dealing with an actually achieved consensus, and even if it plays only an indirect role as a critical ideal. My own reading of Habermas has been to point out the aporetic character of the idea of a rational consensus: it would suggest a final “yes” with neither room nor need for no-saying and further communication. The end of communication would be the end to communication. In fact, Habermas not only rejects the possibility of achieving a rational consensus in practice but also accepts the aporetic character of the idea of a rational consensus, although without rejecting the notion of rational consensus altogether.⁸

White and Farr’s reluctance to discard of the notion of rational consensus suggests that there remains an element of foundationalism in their interpretation of communicative reason: it remains tied to the idea(l) of rational consensus and, consequently, of rational discourse. They may reject “the expectation of redemption through the achievement of rational consensus” (51), but the idea of a rational consensus is still doing some work in supporting the idea of a presumptively just compromise.

For White and Farr, as for Habermas, communicative reason rests on the idea of the moral equality of individuals to say “yes” or “no.” One way to think of the rationality of communicative reason is as the equal right to raise any concern and in any form. Without this equality, we would not be able to clearly distinguish communicative decisions from decisions that were biased because of the inequality of the communicative procedures. Another way to conceive of the difference between White and Farr’s communicative reason and my deconstructive approach is in terms of this equality. For White and Farr, the moral equality of persons is what founds the rationality of communicative reason. However, if we reject foundationalism, then we must

conceive of the equality as instituted. The same goes for the “moral-political space” (51) that makes this communicative equality possible; while this space may be the foundation for communicative rationality, it is itself the result of a founding act.

As a result, communicative reason cannot be content to take the moral equality of persons as given, but must interrogate this equality. What an equal is, and what equal voice means, are matters of political struggle and should be the subject of communicative reasoning, just as what it means to communicate and to reason must be subject to communicative reasoning. In order to be able to say “yes” or “no,” one must first be recognized as a being with the right and the ability to speak and to speak within certain limits of rationality. If I am not recognized as such, then my utterances will not be heard as speech, but at most as noise; my “no” will not be heard as a “no.” My ability to say “yes” or “no” is not something given or natural, but is dependent on a positively instituted discourse in which my utterance can be recognized as a “yes” or a “no.” One must interrogate the norms that constitute the “moral-political space” of equality to find out if what may appear as noise, silence or even a “yes” may in fact be a “no.” This is particularly important in the case of civil disobedience, because we are dealing with constituencies that do not otherwise have their voices heard through other political institutions.

Take the 2011 occupy movements as an example. The mainstream media and the political institutions found it difficult to apprehend what the protesters wanted, no doubt because the language and the practices of the protesters did not conform to the existing norms for what counts as a political intervention. The protesters emphasized voice, horizontality, and inclusivity as ways of organizing society as well as the movements themselves. Yet, as many of the protesters realized, horizontality and inclusivity must be accompanied with a critical attitude toward the way they are conceived and institutionalized. For instance, while the assembly method is meant to be inclusive and give everybody an equal voice, some voices may have difficulties being heard in the assemblies, and it is therefore necessary to constantly revisit the norms of equality.

What divides White and Farr and myself is not the existence of universal and ahistorical foundations.⁹ And, contrary to what White and Farr think, we are not divided over the existence of normative standards (51). What divides us is the *status* of those standards. I have argued that a rational consensus is aporetic, and that equality cannot be taken as given; equality must let itself be reasoned with, and so it cannot do the work that White and Farr wants it to do. Put otherwise, White and Farr associate a constitutive negativity with no-saying (37, 39–40), but reconcile it with the aim of consensus (51). On the

deconstructive view, this reconciliation is impossible, and it suggests a different approach to rational consensus, equality, and reason, treating them as, in Derrida's terms, "to-come": because of their aporetic character, we can never take them as given or as realizable, even in a theoretical future.¹⁰

At the end of the day, the latter view leaves us without any guarantee against "significant harms" (51), but if you do not believe that such a guarantee is possible, then the very search for it may itself lead to harm. At one point, White and Farr write that while we must aim at consensus, we must also be sensitive to the possible harm done to the Other in this search for consensus (51). I agree, but, for me, it means that *any* consensus is entangled with significant harms, and that there is no inclusion of the Other without violating her Otherness. What it does not mean is that one should give up on attempts to include the Other. Those attempts may always fail, and awareness of this failure does not do away with the violence, but it is still better than returning to the safety of the moral equality of communicative reason.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

Notes

1. Stephen K. White and Evan Robert Farr, "'No-Saying' in Habermas," *Political Theory* 40, no. 1 (2012): 32–57. All subsequent references in brackets in the text.
2. Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge: MIT Press, 1992), 21 and 324; and Lasse Thomassen, *Deconstructing Habermas* (New York: Routledge, 2007), 33–36.
3. Lasse Thomassen, "Within the Limits of Deliberative Reason Alone: Habermas, Civil Disobedience and Constitutional Democracy," *European Journal of Political Theory* 6, no. 2 (2007): 201–19.
4. *Ibid.*, 207, 212.
5. Thomassen, *Deconstructing Habermas*, 4–11; and Lasse Thomassen, "Deconstruction as Method in Political Theory," *Österreichische Zeitschrift für Politikwissenschaft* 39, no. 1 (2010): 41–53.
6. Jürgen Habermas, "Civil Disobedience: Litmus Test for the Democratic Constitutional State," trans. John Torpey, *Berkeley Journal of Sociology* 30 (1985): 95–116, at p. 111, quoted in White and Farr, "'No-Saying' in Habermas," 42.

7. Habermas, "Civil Disobedience," 111.
8. Jürgen Habermas, *On the Pragmatics of Communication*, ed. and trans. Maeve Cooke (Cambridge: MIT Press, 1998), 365.
9. Stephen K. White, "Violence, Weak Ontology, and Late-Modernity," *Political Theory* 37, no. 6 (2009), 808–816.
10. Jacques Derrida, *Rogues: Two Essays on Reason*, trans. Pascale-Anne Brault and Michael Naas (Stanford: Stanford University Press, 2005), 86–92.

Author Biography

Lasse Thomassen is Senior Lecturer in the School of Politics & International Relations, Queen Mary, University of London. He is the author of *Deconstructing Habermas* (2007) and *Habermas: A Guide for the Perplexed* (2010), and he has edited *The Derrida-Habermas Reader* (2006). At present, he is working on a research project on *The Politics of Identity and Inclusion*.