ISSA Proceedings 2002 – Consensus And Power. The Facts Of Democracy

In a democracy, Hannah Arendt writes, "the people are supposed to rule those who govern them" (Arendt, 1986, 62). The meaning of this phrase may not be entirely clear at once, as happens often with such platitudes. Nevertheless, it is instructive for three reasons.

Firstly, by explicitly talking about "ruling" and "governing", Arendt leaves no room for doubt concerning the fact that, in the words of John Rawls, even in democratic societies, "the fundamental relation of citizenship includes among other things the relation between free and equal citizens who exercise ultimate political power as a collective body" (Rawls, 1996, xlv).

Secondly, by distinguishing between "the people who rule" and "those who govern", Arendt suggests that the citizens in a democracy cannot or ought not to take power in their own hands directly. In order to understand what it means to be a citizen in a contemporary democratic society – one way of formulating the aim of this paper – we must therefore study not only the mutual relations between the citizens, but also the relationship between the citizens and those who exercise power.

Thirdly, since in a democracy the people are supposed to rule, political power in a democracy is supposed to be "ultimately the power of the public, that is the power of free and equal citizens as a collective body" (Rawls, 1996, 136, 38), as Rawls puts it (quite rightly replacing the chimerical notion of 'the people' with the legal notion of 'the citizens').

In this paper I will investigate whether these three features of a democracy may be the starting point for an interpretation of public reason in democratic societies that does not reduce, cynically, all (democratic) politics to the conquest and the exercise of power, but that doesn't start directly from moral principles either. We may see this intermediate way, if we pay close attention to the role of public argumentation and discussion in a democracy. For, if power is supposed to be ultimately power of the citizens considered as free and equal, the stable exercise

of power in a democracy presupposes that the general structure of political authority and (at least a great number of) the actual political decisions and actions "are justified by reasons which are acceptable to many citizens" (Rawls, 1996, 136, 38). And precisely in and through public argumentation and discussion that such reasons may be discovered. The suggestion is that the term 'democracy' refers to specific conditions or rules for the conquest and the exercise of power and that these conditions or rules create a particular balance of power that confers a form of reasonableness to the exercise of power.

The purpose of this essay is therefore to explain how political power in a democracy can acquire a form of reasonableness, what sense of 'reasonableness' is meant here and what the role of public argumentation and discussion is in creating such a 'public reason'. I will focus on the interpretations of public reason that have been presented by John Rawls and Jürgen Habermas**[i]**. Rawls and Habermas are not only the most influential political philosophers of the moment**[ii]**, but their interpretations may also be considered as the extremes of a spectrum in which the different interpretations of public reason can be arranged that are currently being proposed under the general label of 'deliberative democracy'**[iii]**.

1. Strategic Rationality

Let me quickly call to mind some views on the public reasonableness that is demanded of citizens in a democracy and on the rationality or reasonableness that the exercise of power can acquire in a democracy. A first view I will only mention in order to set it aside. According to so-called rational choice theory we may attribute to agents a form of strategic rationality, according to which it is rational to choose among the options available the particular option that realises their desires or preferences optimally, taking into account the options that other agents involved in the interaction are likely to choose.

Rational choice theory assumes that the set of agents, the set of alternatives, the set of preferences the agents are endowed with are *given* and not subject to change in the course of the political process (Elster, 1986, 105). Argumentation and discussion *about* preferences or alternatives is therefore no part of rationality according to this interpretation. If reasons or arguments are exchanged, this exchange takes the form of conditional offers of cooperation and forbearance and pointing out reasons others have (given their preferences and the available alternatives) to accept these conditional offers. Pointing out such reasons to them may involve indicating the reasons I myself have to comply with the agreement of

cooperation (should the others agree) (Postema, 1995, 72).

The positions I have summarily labelled 'deliberative democracy' appear to share as a defining characteristic the claim that this notion of strategic rationality is too 'thin' to be a realistic model of public reason[iv]. As is well known, one of the major problems with this limited interpretation of rationality (in addition to objections against what we may call its individualistic moral psychology and its conception of the political process as purely instrumental) is that it makes it difficult to explain the stability of the political and social order. For there is no reason to assume that the set of alternatives and preferences which are 'given' at some moment of history will be freely and willingly accepted by the majority of the citizens, except as part of a provisional *modus vivendi.* A political order or a particular line of policy which rests on such an acceptance of a *modus vivendi* is, however, only as stable as the balance of power (the given set of preferences and alternatives) on which it rest. If we want to explain why our democratic societies constitute a more or less stable political order or if we want to discover a more stable foundation for contemporary society we must therefore attribute to citizens a broader notion of rationality. This means "equipping them to act as reasonable persons" (Hollis, 1998, 126-127).

These objections notwithstanding, one point concerning the rationality of power and concerning the relationship between the citizens and those holding political power is worth noting. The point is connected with certain situations of interaction (the so-called prisoner's dilemma's) that have been the subject of a lot of analysis. In such situations options are available that require coordination of choices or cooperation by the agents but that are also more attractive to all involved than outcomes in which no coordination or cooperation takes place. Since it is even more attractive to deviate *unilaterally* from the cooperative option, however, and since an outcome in which an agent is the only one to choose the cooperative option is for that agent less attractive than the situation which no one chooses the cooperative option, no rational agent will chooses the cooperative option. In such situations no coordination or cooperation between rational agents will take place. Such situations lead therefore to outcomes that are less attractive to all concerned than cooperation.

If there is a body, however, that has the political power to enforce a cooperative option and thus take a way the fear that a cooperative attitude will be taken advantage of, cooperation is a rational option and will therefore take place. The

exercise of political power realises an outcome that is more attractive than the outcome that would have been realized when no political power was exercised. In this sense we may say that the exercise of power is rational from the point of view of the citizens; it is an expression of their strategic rationality.

The point that is interesting to note is that this rational exercise of power is only possible, if those holding power can maintain a certain distance of or a certain autonomy from the individual citizens. For although it is rational to choose the cooperative option (when that option is enforced), rational agents must nevertheless be *forced* to choose the cooperative option, as is obvious from the fact that it remains rational to deviate unilaterally from the cooperative option, if they can do so with impunity. The rationality of power has an air of paradox about it: even though the citizens acknowledge that the exercise of power is rational, it is also rational to deviate from the option enforced by this rational political power.

2. Overlapping consensus

A second interpretation of public reason has been proposed by John Rawls, in particular in his second major book, *Political Liberalism*. According to Rawls the political culture of contemporary democratic society is characterized by what he has labelled 'the fact of (reasonable) pluralism and 'the fact of oppression'. These expressions refer to the fact that "the diversity of (…) religious, philosophical and moral doctrines found in modern democratic societies is not a mere historical condition that may soon pass away. It is a permanent historical condition". The only way to overcome this diversity of what Rawls calls 'comprehensive' doctrines is "by oppressive use of state power" (Rawls, 1996, 36, cf. 54). Given these conditions the most reasonable basis for social unity is according to Rawls a "political conception of justice" that regulates the basic structure of society and that is the focus of "an overlapping consensus". To the extent that the political decisions of those in power are intended to put this political conception into practice about which citizens have reached an overlapping consensus, the exercise of power may be called reasonable: reasonable citizens can reasonably be expected to endorse the exercise of power.

My attention does not go here to the content of the political conception about which an overlapping consensus may arise but to the very idea of an overlapping consensus and to the interpretation of public reason and of the reasonable exercise of power that this idea entails. The overlapping consensus has three characteristics of which at least the two last ones seem difficult to combine.

Firstly, the political conception of justice is "complete": "public political discussion, when constitutional essentials and matters of basic justice are at stake, are always (…) reasonably decidable on the basis of reasons specified by (the) conception of justice" (Rawls, 1996, xlix-l, see also 44, 225).

Secondly, Rawls insists that an overlapping consensus must not be taken for a *modus vivendi*. An overlapping consensus focuses on a conception of *justice* with which the citizens agree for *moral* reasons**[v]**.

The *third* characteristic is the most important: the *overlapping* consensus is, as the word itself makes clear, a mere overlapping consensus. The political conception about which an overlapping consensus arises, does not rest on shared reasons: each "individual citizen as a member of civil society" finds in his own comprehensive doctrine the arguments to convince himself or herself that the conception truly contains the principles of a just and democratic society. For example, the principle of toleration may be defended either by referring to the value of individual freedom, or to the virtue of Christian charity. According to Rawls's picture of how an overlapping consensus arises, "public justification happens when all the reasonable members of political society carry out a justification of the shared political conception by *embedding* it in their several reasonable comprehensive views"**[vi]**.

What's more, public reason demands of us that we do not form an opinion or at any rate do not express an opinion about the arguments that supporters of other comprehensive doctrines bring forward in support of the political conception. (These restrictions are part of what Rawls has called "the limits of public reason" and – in earlier papers – "the method of avoidance of controversy"): "Citizens do not look into the content of others' doctrines, and so remain within the bounds of the political. Rather, they take into account and give some weight to only the fact – the existence – of the (…) overlapping consensus itself"**[vii]**.

It will be obvious that, in Rawls political philosophy, public discussion and argumentation do not contribute to establishing the consensus. "Public" justification "happens" when there are political principles at which the comprehensive doctrines existing in society converge. In order to determine whether or not this is the case, we do not even have to talk to supporters of doctrines different from our own. We can find out by other means, such as referendums or surveys. Of course, once an overlapping consensus concerning a conception of justice is established, this conception may form a public basis for political discussion (for example, about how to apply the conception in particular

cases or in novel situations). Consensus is only the basis for public political discussion, not its result. Moreover, the political conception which is the object of an overlapping consensus is 'complete' and therefore "give(s) an (…) answer to all (…) questions involving the constitutional essentials and basic questions of justice". Citizens who want to act in a way that is reasonable according to Rawls' interpretation of public reason, will only engage in public argumentation and discussion *after* all important political issues are settled**[viii]**.

The reason for this lack of appreciation for public argumentation and discussion is quite simple: Rawls does not believe that public argumentation and discussion will lead to a consensus, to a common basis for social life. Quite the reverse, argumentation and discussion will only lead to more discussion; it will only lead to endless controversy and therefore does not solve the problem of social unity and stability.

Many critics of Rawls's political philosophy have argued that an interpretation of public reason according to which public argumentation and discussion are only of minor importance is contrary to the facts of social life in a democracy. Rawls is absolutely right in claiming that every plausible interpretation of our contemporary democratic society must start from the fact of pluralism and the fact of oppression. But we must also take into consideration the fact, just as typical of the political culture of a democratic society, that "people continue to debate moral questions with reasons they take to be compelling, (…). They engage in moral discourses in everyday life as well as in politics, most especially disputes about concerning constitutional principles. (…) Citizens tacitly attribute to each other a moral sense or a sense of justice operating across the boundaries between different worldviews"**[ix]**.

Rawls cannot deny the relevance of this fact to political philosophy**[x]**, since it challenges the very idea of an overlapping consensus. It demonstrates that citizens are willing to criticize each other's reasons for agreeing to the conception of justice, thereby to jeopardize the overlapping consensus and to start controversies and discussions without knowing whether they will lead to a consensus.

Moreover, the problem is not only that argumentation and discussion, contrary to Rawls' interpretation of public reason, is of major importance to the political culture of democratic society. If Rawls is trying to argue simultaneously that the political conception about which an overlapping consensus exists, is a conception of *justice* but should *not* be the subject of public discussion, his position may be

inconsistent. For the following epistemological principle seems plausible: a speaker who makes a sincere statement is thereby committed to the claim that others would converge stably on his statement, unless the speaker could fault the judgment of the others (as being misinformed or prejudiced or incompetent). This principle is called 'the ideal of consensus' by John Skorupski**[xi]**.

If I believe myself to have good arguments for a particular judgment (for instance concerning the moral justification of a certain conception of justice), these arguments must be good enough for others and so I must believe that those others will (ultimately) come to agree with my judgment. Consequently, if Rawls persists in conceiving of a political conception as a *moral* conception of *justice* – limited to the political, it is true – but to which citizens agree for *moral* reasons and which creates a social structure which we may call *fair* or *just*, he cannot consistently proscribe discussions about the grounds of the political conception.

This epistemological objection and the general epistemological principle on which it rests, have direct practical bearing on the relationship of citizenship. For the commitments to argument and discussion that follow from the ideal of consensus are not unconditional: if I have reasons to doubt the judgment of certain others, we may consistently ignore the fact that they object to our (moral) judgments, while continuing to view these judgments as justified. But this does not apply when the objections come from a fellow citizen. To recognize somebody as a fellow citizen, is, at least on Rawls own conception of this, to recognize him as a reasonable being, whose judgment on political issues cannot be faulted: "In order to fulfill their political role, citizens are viewed as having the intellectual and moral powers appropriate to that role, such as a capacity for a sense of political justice given by a liberal conception (…)" (Rawls, 1996, xlvi). Where political issues are at stake, we cannot ignore the objections or criticism of other citizens.

What Rawls does not seem to appreciate is the fact that to examine, criticize and discuss arguments may be a mark of respect for the person who has brought them forward. "Looking into the content" of doctrines different from our own, may be part of our respect for the citizens supporting those doctrines. If, adopting Rawls' limits of public reason, we refrain from judging the statements and arguments brought forward in support of a doctrine different from our own, we may perhaps be able to recognize what validity certain of these arguments have for their supporters – relative to their particular religious, moral or philosophical doctrine. In this sense we acknowledge that the supporters of different doctrines have the

right to form their own opinion concerning the moral principles of our society on the basis of whatever (reasonable) doctrine they happen to support. However, we are not able to view their choice in favor of the political conception of justice and their arguments in support of that choice as claims to validity that may demand our judgment**[xii].** Consequently, we do not view supporters of other doctrines as person who may have the capacity to come to a sound judgment about a political conception of justice.

In short, Rawls' interpretation of public reasonableness appears to imply that citizens adopt towards fellow citizens supporting a different comprehensive doctrine, an 'objective' of objectifying attitude of an observer (as opposed to a 'reactive' attitude in the sense of Strawson or a 'performative' attitude in the sense of Habermas). This suggest that public reasonableness is in Rawls's interpretation a form of strategic rationality: as citizens in pluralistic societies, we have to live with others who have a profoundly different view on life; and as *reasonable* citizens, our only aim is to coordinate our social life in a way that we find morally acceptable. This form of strategic rationality is only modified by the mere fact that citizens happen to share certain moral values, as embodied in the political conception that is the focus of an overlapping consensus. Certain values may be shared, but the valuing by the citizens is different and the respective valuing is indifferent to supporters of different philosophical, moral and religious doctrines (Postema, 1995).

3. Communicative power
Any plausible interpretation of democratic legitimacy and of public reason in a democracy must acknowledge the importance of public argumentation and discussion for political an social life. As is well known, such an interpretation was presented by Jürgen Habermas. Habermas distinguishes between '*administrative*' power, the sanctioning, organizing, and executive power of the state and its servants that is necessary to enforce decisions on the one hand, and 'communicative' power, the kind of power that is created in and through communication or free and fair deliberation on the other hand.
Communicative power comes into existence when opinions gain approval in 'the process of opinion- and will-formation', as Habermas calls it, that takes place in the political public sphere and in parliament. By taking over from Hannah Arendt the term communicative *power* Habermas wants to indicate that the state, as the apparatus of public administration, can be forced to some extent to execute and

enforce the decisions agreed upon after public discussions. To the extent that the exercise of administrative power is subordinate to communicative power and consequently executes the decisions agreed upon after public discussion, it may be called 'reasonable'. In general, therefore, the reasonableness of political power – administrative or communicative power – derives from the consensus among the citizens that is produced in public deliberation.

Obviously, not every consensus is rational or reasonable. Consensus in a discussion may be imposed by insincere rhetoric, by manipulation and deception and by excluding speakers, objections and arguments from the discussion. In a democratic public sphere, conceived as ideal, all this is excluded, however. For human rights and democratic principles are, according to Habermas, nothing but the legal translations of rules of reasonable discussion. These rules are assumed to neutralize all undue influence: before "taking the floor" in the public sphere, those who hold (political, social or economic) power must, as it were, lay it down. In short, in the public sphere of an (ideal) democracy, a 'cooperative search for truth' takes place. Consequently, the exercise of power is proper from a democratic point of view only if it is aimed at executing the results of this search for truth.

Moreover, if, starting out with different positions, citizens finally reach agreement after a free and fair debate in which the different opinions and arguments have been questioned and criticized without mercy, such an agreement may be considered an indication that the conclusion is true. So when citizens, 'respected as free and equal' agree after discussion to the same conception of justice for a democratic society and are convinced that it is a morally right conception for which sound moral reasons can be given, then that consensus is an – of course, defeasible – indication that the principles in the conception are morally right, truly principles of a just society (analogous to the predicate 'true' that we attribute to empirical statements or scientific theories).

Undoubtedly, in Habermas's interpretation the requirements for legitimate government are very strict: political power is legitimate, if it is reasonable, if, that is to say, those in government execute the decisions about which citizens have reached consensus after discussions under conditions of rational communication. That may be an attractive ideal of radical democracy. But it implies that communicative power comes into existence only when citizens reach agreement. Critics of Habermas have pointed out time and again that his confidence that discussion leads to consensus and that disagreement is only temporary, is an

aspect of what Richard Rorty likes to call 'the Enlightenment idea of reason'. That is to say: "the theory that free and open discussion will produce "one right answer" to moral as well as to scientific questions"**[xiii]**. The same objection is voiced by Rawls in his *Reply to Habermas* accuses Habermas position of being "a comprehensive doctrine that covers many things far beyond political philosophy"**[xiv]**: such a theory of reasonable discussion cannot be an acceptable basis for a political philosophy.

Much that has already been said about Habermas' theory of rational discussion must not be repeated for the purpose of this essay. With regard to the interpretation of the interpretation of political reasonableness, it is sufficient to refer to the facts about contemporary society that Rawls has called "the fact of reasonable pluralism". Within the time span that is *politically* relevant, "conflicts arising from the burdens of judgments always (...) remain and limit the extent of possible agreement"**[xv]**. What is more, Rawls rightly emphasizes that the existence of disagreements and pluralism in contemporary society is not a deficiency which would disappear in an ideal democracy. Quite the reverse, they are part of what makes our societies democratic and, moreover, what we especially appreciate in our societies: "This pluralism is not seen as a disaster but rather as the natural outcome of the activities of human reason under enduring free institutions. To see reasonable pluralism as a disaster is to see the exercise of reason under the conditions of freedom itself as a disaster", (Rawls, 1996, 136, xxvi-xxvii, cf. also 39, 135); (Rawls, 1999a, 673). If Habermas presents disagreement as a shortcoming and looks forward to an ideal democracy without disagreement, he does not quite understand what makes our societies democratic.

4. Discussion and power without consensus
Rawls and Habermas present us with their interpretation of political reason. Both of these interpretations appear to be contrary to some uncontroversial facts about democracy. The fact that their interpretations are both in one way or another unsatisfactory may suggest that they share certain assumptions that are problematic.
However different their interpretations may be, Rawls and Habermas accept the same general idea about what constitutes a reasonable exercise of power. This is idea that the exercise of power is proper only if we are able to show in advance and on the basis of independent criteria that a political decision is reasonably acceptable to the citizens. In all other cases the relations in the polity are nothing

but relationships of brute power**[xvi]**. In Rawls's interpretation the exercise of power is reasonable, if we can show that it is subjected to certain political principles about which there exists an overlapping consensus among the citizens. According to Habermas, power is reasonable if it aims to put into practice the decisions about which citizens have reached consensus after reasonable discussion. In both cases the exercise of power is deemed proper or legitimate, if it is somehow sanctioned by an existing consensus. In that sense coercion is, in principle, unnecessary in a democratic polity. However, the problem is that such a consensus just does not exist. If ever something like Rawls' overlapping consensus were to arise, it might be jeopardized at any moment, because citizens refuse to accept limits to public discussion as proposed by Rawls and insist on discussing freely with every other citizen all matters of political importance and they do so with good reason. Yet at the same time, they know very well that such discussions will not or will not always lead to reasonable consensus, as Habermas expects**[xvii]**.

An alternative interpretation of political reasonableness suggests itself, if we consider the following two points.
Firstly, both Rawls and Habermas assume that the significance of public argumentation and discussion, politically speaking, is that it will lead ultimately to consensus, to a common opinion or will. In the case of Habermas this assumption is obvious. But this conception of the significance of public argumentation and discussion is also assumed by Rawls. For Rawls imposes limitations on public discussion because he correctly expects that such discussions will not lead to consensus. This shows that he does not expect anything else from public discussion an argumentation. In contrast to this view of public discussion, we must acknowledge that what is shared in the public sphere of a democratic society is not – or not primarily – the *product* of deliberation, that is to say, a shared conclusion. What is shared is the *process* of deliberation, the very existence of a public sphere: the fact that citizens who live geographically dispersed deliberate with each other and speak out about the exercise of power by the same rulers**(xviii)**. As a matter of fact, the role of argumentation and discussion in a democracy appears to be paradoxical: on the one hand, public argumentation is argumentation in a true sense: it is a complex of speech acts with which we try to convince a listener; but, on the other hand, the political significance of public argumentation and discussion cannot be reduced to that of a process leading to consensus, because often it does not.

Secondly, in an article discussing Rawls's overlapping consensus and his limitations on public discussion and pleading in favor of the political virtues of unlimited discussion, Jean Hampton has pointed out that Thomas Hobbes has an alternative solution for the problem of social unity and stability: "It would be, in (Hobbes's) eyes , a hopeless task to try to find any significant overlap of views in pluralist societies such as ours (…). Stability (…) is something that we pursue via polity and not via consensus on ideas. Only a ruler with the power to have the last word is able to forestall conflict"**(xix)**. Since in the interpretations of Rawls or Habermas the legitimate exercise of power is sanctioned, ideally, by the consensus of the citizens, those in power precisely do not have the independence to speak the last word.

Obviously, these two remarks are connected: if we expect public discussion among citizens to produce a common opinion or will (contrary to the first remark), we do need independent rulers in order to 'speak the last word' (contrary to the second remark). In order to understand the legitimacy of power in a democracy, we must acknowledge that, even in a democracy, political power is in a sense autonomous. It is more than administrative power, more than a matter of putting into practice principles or policies agreed upon by the citizens. Consequently, we must accept that democratic politics is the struggle for power and is fought according to its own rules. Whoever wants to rule, however lofty his or her intentions, must accept the rules of the game.

In order to understand the reasonableness that political power may acquire in a democracy we must acknowledge that the political significance of public argumentation and discussion cannot be reduced to the fact that it leads to consensus and that we may therefore need independent rules to "speak the last word". How must we then conceive of the relationship between this independent exercise of power and its endorsement by the citizens, so that we may say that the exercise of power derives some reasonableness from it?

In a democracy, the rules of the political game compel those struggling for power to submit regularly to the decision of the voters. At the time of the elections, ideally, the citizen who is subjected to political power, acts as a powerbroker apportioning power. As Hannah Arendt has put it in the quotation with which I started this paper "the people are supposed to rule those who govern them". To understand the role of political reason in this game of power, however, we must not overlook the fact that a citizen not only holds power as a voter, but also has

the right to speak, and perhaps more importantly, to *listen* in the public sphere.

Because of that double role, politicians struggling for power in a democracy cannot disregard the opinions that are being formed in the public sphere. The expression 'communicative power' that Habermas has adapted from Arendt is very useful to express the fact that the rules of the struggle for power in a democracy ensure that those in power cannot ignore opinions that gain acceptance in the public sphere. My suggestion is therefore that we will understand how political power acquires a certain form of reasonableness in a democracy, if we understand this notion of communicative power correctly.

Three remarks are in order.
Firstly, although I am happy to appropriate the expression 'communicative power', I do not want to use this expression in the very idealized meaning that it has in the work of Habermas (and Arendt). Communicative power is, in my view, not the privilege of the one common opinion about which the citizens have reached agreement. Moreover, I do not imagine that the public sphere in which communicative power is generated, is in some sense exceptionally reasonable and free from relations of power. It is the rules of the power game that force politicians to get involved in what happens in the public sphere. We know what they want even in the public sphere: they want power and obedience. Other citizens may not directly strive for political power, but they seek fame, prestige or influence, or indeed may try to promote their own interests. We cannot presuppose that speakers in the public sphere intend to participate in 'a cooperative search for truth', to use another term of Habermas. Communicative power as I would like to use the expression, is a purely rhetorical concept. It is a function of the support that an opinion enjoys in the beliefs of the citizens. But this does not imply anything about the wisdom of the opinion or the fairness of the process in which the opinion has gained support.
Secondly, communicative power is an attribute of opinions or beliefs that are formed, confronted and judged in the public sphere. Although public argumentation and discussion in the public sphere is not imagined to be fair or equal, to the extent that it involves a process in which opinions or beliefs are formed, it displays a certain reasonableness. For instance, it does exclude violence, coercion and bribery. The fact of the matter is that we may be able to force or bribe someone to say whatever we like, but we cannot make him believe it. Violence, coercion and bribery are in principle excluded from the public sphere

because of the fact that any speaker, however unscrupulous, has to compete for the opinion of the citizens(xx).

Thirdly, opinions or beliefs imply the claim that they are true (or correct, or valid) and based on sound arguments. Opinions or beliefs are therefore by definition vulnerable and temporary: as soon as we realize that there aren't any sound arguments for one of our beliefs or that the arguments that used to justify it to us, appear no longer sound to us, we feel we should give it up. Communicative power is therefore an attribute of opinions which are vulnerable to objections. By formulating convincing objections to opinions that circulate in the public sphere, we change the balance of communicative power, so to speak. To the extent that those holding political power – in the narrow sense – are dependent on communicative power, we may affect their political power by discussing and criticizing opinions in the public sphere.

Conclusion

We are now in a position to explain in what sense the exercise of political power may acquire a measure of reasonableness in a democracy and what is required of the citizens of a democratic society. To put the matter metaphorically, we may say that political power in a democracy is reasonable to the extent that it acquires the vulnerability or fragility of opinion. A little more clearly, we may say that citizens in a democracy have reasons to comply with a particular decision of those exercising power, even if they do not agree with that decision. They have reasons because they know that public argumentation and discussion in the public sphere will not lead – in the time available – to a consensus, to a common opinion, and also because they know that those decisions are linked to opinions about which the debate may be reopened at any moment so that there may always be new opportunities to convince their fellow citizens of their own opinion.

To conclude, what is demanded of reasonable citizens in a democracy is not that they accept certain limits of public argument and discussion, nor that they are willing to subject all their opinions to merciless criticism in a so-called rational discussion. What is demanded of reasonable citizens is that they have sufficient confidence in the process of public argumentation and discussion and in the communicative power that opinions may gain in the public sphere, so that they are willing to give a certain amount of autonomy to those exercising power.

NOTES
[i] (Habermas, 1992); (Rawls, 1996). In 1995 Habermas and Rawls discussed

their respective positions in The Journal of Philosophy: (Habermas, 1995), (Rawls, 1995).

[ii] (Larmore, 1999), 599.

[iii] For a overview of these interpretations, see (Blaug, 1996) and (Bohman, 1998).

[iv] (Elster, 1986); (Blaug, 1996, 50-51) ;(Dryzek, 2000, 10-12); (Bohman, 1998, 401).

[v] (Rawls, 1996, 147); (Rawls, 1987, 422) ; cf also (Larmore, 1996,121, 145).

[vi] (Rawls, 1996 657, 387, my emphasis, cf. 384, 386, 38, 529). That is what Rawls means when he stipulates that a political conception of justice must be 'freestanding' : "justice as fairness is to be understood at the first stage of its exposition as a freestanding view that expresses a political conception of justice. It does not provide a specific religious, metaphysical, or epistemological doctrine beyond what is implied by the political conception itself (...) The political conception is a module, (...) that in different ways fits into and can be supported by various reasonable comprehensive doctrines (...)", Ibid., 144-145.

[vii] (Rawls, 1996, 387, cf. 375).

[viii] (Habermas, 1996a, 84) = (Habermas, 1996b, 106): "What Rawls calls the "public use of reason" presupposes the shared platform of an already achieved political consensus on fundamentals. The citizens can avail themselves only post festum, that is, as a consequence of the emerging "overlap" of their different background convictions".

[ix] (Habermas, 1996a, 78) = (Habermas, 1996b, 99). See also (Scheffler, 1994, 16-17). (McCarthy, 1994, 53), (Baynes, 1992, 55).

[x] Of course, Rawls does not deny the fact, but he denies that it is relevant for political philosophy: "all discussions are from the point of view of citizens in the culture of civil society, which Habermas calls the public sphere. There, we as citizens discuss how justice as fairness is to be formulated, and whether this or that aspect of it seems acceptable – (...) It is the culture of the social, not of the publicly political" (Rawls, 1996, 382-383, see also 214-215). It is not clear to me how we must view these discussions "in the culture of civil society": are they discussions between supporters of the same comprehensive doctrines (inside the associations that are dependent on a particular doctrine) or are they fundamental discussions between supporters of different doctrine in which we also discuss the arguments that supporters of different doctrines from our own bring forward in favour of the political conception of justice?

[xi] (Skorupski, 1996, 110); (Skorupski, 1985-1986); Cf. (Wright, 1992).

(Habermas, 1996b, 108); (Habermas, 1981, 417-418) = (Habermas, 1984, 397-399). This general epistemological principle applies especially in the case of moral judgments and arguments, since we are apt to accept that the force of moral judgments and arguments are not relative to a personal perspective.

[xii] (Habermas, 1996b, 105) = (Habermas, 1996a, 83): "Observers can describe what happens in the political realm, for example, that an overlapping consensus has occurred. (...) But in the objectifying attitude of observers citizens cannot penetrate each others' worldviews and judge their truth content from the internal perspective peculiar to each. (...) They cannot take a stand on what committed participants claim to be true, right, and valuable from their first person perspectives".

[xiii] (Rorty, 1991b, 175-176). Cf. (Rorty, 1991a).

[xiv] (Rawls, 1996, 376).

[xv] (Rawls, 1996, li, 240-241). Cf. (McCarthy, 1994, 55); cf. (Baynes, 1992, 57-62).

[xvi] (Rawls, 1999b, 578); see also (MacIntyre, 1985, 11); (Taylor, 1995, 308-309); (Larmore, 1999, 600).

[xvii] One of the merits of Habermas's interpretation of democracy is the fact that he explicitly analyses the notions of power and force. This suggests that power, coercion and even force are inevitable aspects of even the most democratic society. That insight, however, is spoiled by the emphasis on consensus. (This was pointed out to me by Wilfried Goossens). If decisions are freely made by consensus, what need is there for a state apparatus with the administrative power to enforce them? The use of coercion is an indication that something went wrong, that a rational consensus is not always possible or that citizens are not always reasonable enough to abide by reasonable decisions. In Habermas's interpretation of democracy, administrative power and coercion are defects of actual democratic societies which would disappear in an ideal democracy. But then the meaning of the expression 'communicative power' is uncertain. For in Habermas's interpretation it gets its meaning because of the opposition to 'administrative power'. Habermas uses the expression to indicate that the state apparatus and those with administrative power can be forced to execute the decisions reached in the public sphere. Ultimately, the origin of political power is still the gap between the ideal democracy that includes ideal consensus and perfectly reasonable discussions which are purged of all power on the one hand and the actual situation of contemporary society on the other hand.

[xviii] (Taylor, 1995, 261-263).

[xix] (Hampton, 1989, 800-801); cf. also (Gauthier, 1995).

[xx] For the conception of argumentation and discussion on which this and the following paragraph are based, see (Heysse, 1998).

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