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The Ideal Speech Situation: Neo-Kantian Ethics in Habermas and Apel

Introduction

Two important contemporary philosophical programs have revitalized Kant's critique of practical reason. In the U.S. Rawls has developed his theory of justice as an explicit "Kantian Constructivism." In Germany Habermas and Apel have launched two separate projects whose affinities override their differences and allow one to speak about a shared program. Habermas' "Universal Pragmatics" and its derivative "Diskurs Ethik" and Apel's "Transcendental Semiotics" (or "Transcendental Hermeneutics") and its derivative "Minimal Ethics" are two versions of a new form of Kantian transcendentalism in general and of ethical formalism in particular. Ours is an age whose intellectual predicament seems to be a sophisticated, linguistically informed historicism and relativism; it is an age in which any attempt to utter a universal claim is immediately deconstructed and shown to be something other than what it purports to be; in such an age these two programs are to be admired. Nevertheless, and fashionably enough, I will try to undermine them, and not only because, having no belief in foundations, I rejoice in deconstructionist work, but also because I think the two programs are ill-founded. I will examine the continental program only, trying to reconstruct what seems to me its principal argument. The main concept that I will explicate and criticize here is that of the "ideal speech situation." The focus on this concept — and the limited scope of this paper — is a rationale for the preliminary exclusion of Rawls from the present discussion. Rawls's "original position" can be interpreted as a form of an ideal speech situation or be shown to imply one. If such an interpretation of Rawls is warranted and if my radical criticism of the concept of ideal speech situation is justified, then Rawls's whole program cannot get off the ground.

Neo-Kantian Motifs

Apel's Neo-Kantianism is explicit and straightforward. His call for a "transformation of philosophy" is an attempt to rewrite at least two of the Kantian critiques in pragmatical terms. Drawing basically upon Peirce and the later Wittgenstein, he proposes to replace a transcendental reflection upon the knowing and acting subject with a transcendental reflection upon "communities of communications" and the plurality of language games. In the moral realm Apel claims "to show how Kantian ethics might be reconstructed and transformed in terms of an ethics of consensual communication" (Apel 1981, 33). Notwithstanding the rejection of some important Kantian themes (Apel 1980, 77-92, 267ff.; 1981, ch. 4), the main task of such a reconstruction remains the grounding of a universally binding and a priori valid moral principle.

Habermas' acknowledgement of his own Neo-Kantianism has been more reluctant and elusive. With hesitation he names his attempt to ground the critique of ideology and his concept of progress "quasi-transcendental." The mixture of Hegelian, Marxist, and Weberian conceptual tools that comprise his intellectual background has concealed his Kantian move while still in the making and presents it somewhat dramatically in retrospect. But recently he has reconciled himself to the effects and connotation of his Kantianism. In an interview published in 1981 he spoke about an "obstinate Kantian manner" responsible for his fundamental separation of questions of justice from questions of truth and a "Neo-Kantian jargon" to which he has accustomed himself in the last fifteen years (Habermas 1981a).

The Kantian elements in the ethically relevant works of Habermas and Apel seem easy to discern. In fact, these elements are so conspicuous that it is redundant to argue for them interpretively; I will simply sort them out.

Habermas and Apel follow Kant in distinguishing three competences of reason, interpreted as separate interests of reason, each constituting its own domain of application, and each deserving its own critique (Habermas 1971, Appendix; 1973, Introduction; 1973a; Apel 1977). They claim that the very "fact of reason," when properly understood, entails the moral imperative. They argue for this imperative through a form of transcendental reflection which anyone who philosophizes (Apel) or merely speaks (Habermas) should acknowledge as valid. They reject hypothetical imperatives as a possible basis for a moral theory. Like Kant they try to formulate their categorical imperative in purely formal terms with the consequence that ethics becomes a theory of right or justice while the theory of the good assumes a rather marginal and derivative role. As in Kant, certitude in moral matters is achieved on a

procedural level only; conversely, the right procedure in arguing a moral claim should delimit the content of such a claim. On a par with the delimitations of hypothetical imperatives by a formal, categorical one, Habermas and Apel are looking for a delimitation of strategic-instrumental rationality by a form of rationality that presupposes a recognition of the other as "an end in itself," not only as a means towards one's selfish ends. Contrary to Kant, they find that form neither in duty and the purity of a good will nor as a basis of human solidarity in the counterfactual "kingdom of ends," but as a norm implied in every serious discourse.

The structural similarities between Kant and his modern heirs can be followed even when turning from the analytics to the dialectics of practical reason (especially if one follows the historical interpretation of the moral imperative in Kant, in e.g., Goldmann 1971 and Yovel 1980).[1] The unity of reason's theoretical and practical interests, which Kant postulated dogmatically through the primacy of practical reason (KpV 143), is a main intellectual preoccupation for both Habermas and Apel (e.g., Habermas 1973, Introduction, ch. 7; 1981, ch. 8; Apel 1977, 429ff.). I will not go into this problem here but note only two of its more visible Kantian motifs.

Rational moral agents should impose the moral imperative upon history in order to constitute its telos — an enlightened and free community of moral agents who recognize each other as ends in themselves — and they should act in the political realm in accordance with the criteria of progress this telos entails. Moreover, history may be reconstructed as the story of the realization of freedom and rationality (esp. Habermas 1979, ch. 4 and 1981, vol. II, viii). If this sounds Hegelian one should remember that in the Kantian and Neo-Kantian versions progress is not guaranteed; it may only be rationally hoped for. Therefore there is a reason, in fact a duty, for political intervention in progress's name. Finally, the present historical moment deserves careful attention and insightful interpretation for not only does it contain indications for the direction history actually takes but also a powerful educational import. The present historical moment is capable of raising consciousness and transforming people from passive into active historical agents. If this sounds too Marxian one should remember that we are concerned here only with certain specific events, not with an inevitable historical process. I will say more about this later; for the time being, let me only name the analogy I have in mind: it is an analogy between the way Kant dealt with the French

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[1] While exposing an antinomy in the Kantian system, the historical interpretation rightly emphasizes reason's interest in the realization of an ethical world in history and through the historical works of humans.

revolution and the modern German discussion of ecological questions and the nuclear arms-race.

If this parrallelism with Kant holds, then what's new? The new element, in a word, is language. At long last German thinkers have discovered the merits and dangers of Wittgenstein and Austin, of Searle and Grice, of Quine and Dummett, and triumphantly they have drawn Kant into the linguistic turn. (Rawls, by the way, draws Kant into the spheres of Anglo-American formalized social sciences). More specifically, reason is replaced with discourse and argumentation within a community of sign-users, speakers and interpreters; its transcendental analysis gains the form of so-called "universal pragmatics" or "transcendental semiotics" of the communicative interaction; the a priori structure of transcendental consciousness gives way to the a priori norms of the ideal speech situation.

Such a formulation does injustice to Apel who, long before adopting the later Wittgenstein, wrote major works on Humanist rhetorics and on Peirce (Apel 1963, 1967, 1970), as well as to Habermas, whose interest in linguistic interaction was the main focus of his discontent with the Hegelian and Marxist traditions within which he was raised (e.g. Habermas 1973, Introduction, ch. 4). Nevertheless, despite the biographical distortion, I think the formulation is accurate as far as the moral argument is concerned. More precisely, in both thinkers the earlier interest in language could not be integrated into the strucure of a philosophical theory, let alone serve in its grounding, without the encounter with the later Wittgenstein and the philosophy of ordinary language. If this causes the continental philosopher some embarrassment I may add that on his part, Habermas, at least, has drawn the somewhat arid philosophy of ordinary language into the inspiring speculative spheres of a new Grand Theory. His is a theory that, against all odds, does dare to encompass epistemology and ethics, philosophy of history and cognitive psychology, without forgetting for a moment the theorist's *engagement* and the theory's "practical intent."

The Grounding Argument

A widespread conception of language which has become a commonplace of our intellectual age lies here at base. Private language is impossible; the positivist search for a pure descriptive language, isomorphic with the reality it describes, is a dream; no theory of meaning can exclude pragmatical considerations. From the German Hermeneutic tradition, especially from the work of Gadamer, both Habermas and Apel accept a soft version of the hermeneutic

claim to universality. Language, according to this claim, always mediates our encounters with nature and with our fellowmen; there is no way to describe or prescribe these encounters except in terms of a linguistic community that looks into its own and other communities' life-worlds. Most importantly, the search for truth or justice must be conducted as a process of argumentation, an exchange of validity claims, within the context of a certain linguistic community. Argumentation can never start or end meaningfully outside such a community; the starting point is always rooted in some tradition, always constrained by the rules of some language game, and the absolute end remains forever a promise. In short, reason is embodied in language and determined by its constraints: historical, cultural, and structural. But instead of following the trendy line of argument here straight into historicism or relativism, both Habermas and Apel insist upon a transcendental reflection on the very possibility of language games in general and argumentation in particular.

This reflection shows that argumentation is a special kind of a human "given," an "is" with a claim to universality that contains an "ought" with a similar scope. Apel emphasizes the very existence of a scientific community or a community of scholars; Habermas stresses the coordination of actions in society as an element of human facticity and the special institutions for legitimation of norms that such coordination contains. The institutionalized search for truth and the institutionalized legitimation of norms are presupposed by any dispute over truth claims or normative claims. Recourse from dispute to argumentation is a real option open for any such dispute. Our relevant "is" consists of those special institutions for argumentation that any society contains. The neo-Kantian formulation of the "fact of reason" posits the existence of the linguistic and social institution of argumentation as both an empirical given and a condition for the possibility of morality and knowledge. When this fact is properly analyzed, the "ought" implied in it is exposed. I will follow this exposition through a reconstruction of the set of normative principles that argumentation presupposes and that constitute the so-called "ideal speech situation."

The ought of the ideal speech situation is not *derived* from the "is" of argumentation. Rather, reflection grasps it as a normative claim that "always already" exists (Apel 1980, 273-76 and note 96) wherever argumentation takes place or even when its possibility is implied by a non-argumentative quarrel over conflicting claims. The claim becomes a valid "ought" once a speaker prefers argumentation over other means of solving conflicts. Discovering the Heideggerian dimension of the ought as being "always already" contained within a universal "is" saves Habermas and Apel from a naturalistic fallacy, and gives them, so Apel claims, an edge of advantage over Kant.

But they still have to prove that argumentation's claim to universality is indeed justified; i.e., they have to show that recourse to argumentation is always to be preferred. In other words, in order to show that the linguistic embodiment of reason — argumentation — is morally and universally binding, that this special kind of human facticity not only contains a moral principle but is also required by one, and that science not only presupposes ethics but is also justified by it, a separate normative justification is required. In order to do this an auxiliary argument is advanced, especially by Apel. It is based upon the interpretation of the historical situation of humanity as being on the verge of self-destruction. I will present this argument, which I call the "doomsday argument," shortly.

The Ideal Speech Situation

An army of distinctions, linguistic theories, and pragmatic concepts is drawn into the fold (Habermas 1979, ch. 1; 1984, iii; Apel 1980, chs. 5, 7). Apel's discussion remains interpretive and somewhat schematic but Habermas enters into detailed debates with, and borrows critically from, Searle and Toulmin, Grice and Tugenhadt. The basic linguistic unit is the speech act, the basic unit of argumentation is the specific "validity claim" or claims a speech act expresses. Validity claims are classified according to their domains: truth claims in theoretical discourse, claims of right in moral or normative discourse, evaluative claims in aesthetic discourse (that judges a work of art according to the norms of its genre), sincerity claims implied in any expression of a serious validity claim ("I really mean that..."), and finally, the claim of comprehensibility implied by any attempt to communicate.

Presupposing this theoretical apparatus, the grounding argument for ethics has its point of departure in the definition of argumentation as a procedure for the exchange of validity claims, their thematization, problematization, and justification (Habermas 1984, 18ff). Argumentation has three inseparable aspects for which the theory of argumentation should account: (1) Thematization of validity claims means a continuation of a dispute by refining the linguistic exchange and suspending other types of actions in favor of pure communicative activity, bracketing praxis for the sake of discourse. (2) Within the realm of discourse itself there must be rules of conduct that determine varieties of possible exchanges, order of thematization and problematization, strategies for giving reasons, and criteria for reaching understanding. This is the procedural aspect of argumentation that determines argumentation as a special kind of a language game. (3) Finally, there are

rules that determine what counts as a valid argument, i.e., the form of the "product" each participant tries to produce.

Logic deals with the third aspect. A Platonic dialogue calls our attention to the second aspect, to argumentation as a competition for the prize of the better argument. This is also the aspect into which modern pragmatics and the dialogical logic of Lorenzen and others have gained new insights (Lorenzen 1969). All this is still beside the point. The main point here is Habermas' and Apel's insistence on an explication of the first aspect, which both logic and pragmatics (dialectics) have assumed as given. They ask about the conditions of possibility for argumentation as a competition — whose rules are determined by dialectics — between arguments — whose structure and validity are determined by logic. Oddly enough, Habermas calls this transcendental aspect the aspect of "argument as a process," for he is actually asking about the *moment* of entering argumentation; he is asking what a participant must presuppose at the moment he suspends other types of action for the sake of discourse.

Real suspension of goal oriented activity is — by definition — the *first condition.* This is also implied by the typological distinction between strategic speech act and purely communicative acts, which Habermas and Apel posit against Weber's conception of instrumental rationality. The strategic speech act uses speech as a means towards an end that is not determined within discourse and is not subject to its constraints. The whole argumentative speech situation may be such a means, e.g., when disputing conflicting truth claims in technology or economics. But within the context of argumentation, even for its very success as a means, the external end should be bracketed in favor of the internal end that the argument posits: finding the truth about the subject matter, e.g., the effect of a certain nuclear reaction or of a certain form of taxation.

The *second condition* is that in argumentation all force has been excluded from the speech situation. This follows from the definition of the situation as a competition for the prize of the better argument. Ideally, in such a competition results should be determined by the power of the better argument alone. Hence authority of all kinds, traditional as well as professional, is subject to the same procedural rules as the layman; manipulation of participants through the use of power, money, or even rhetoric is strictly controlled in order to be entirely excluded.

A *third condition* follows immediately: if the special status of authority has been erased, all participants in argumentation are equal vis-à-vis the procedural structure. This means that the argumentative situation presupposes mutual recognition of subjects (participants) as holding equal rights to

thematize, problematize, and give reasons. In other words, a participant in argumentation can never become a means only, he or she is always also an end in itself.

A *fourth condition* is articulated through a better formulation of the third. Actually, all participants serve equally as means towards a common end: finding the truth about the matter at stake.[2] Since revelation and other kinds of proclaimed absolute truth need authority and authority has lost its special status, all the participants can hope for is agreement about the truth of the matter. The real goal of the speech situation is therefore consensus among rational participants who follow the force of the better argument alone. But even if force is strictly excluded participants are obviously limited by the state of their knowledge, the constraints of their language, and the horizons of their historical situation. Hence the consensus looked for is ideal in one more sense (which Apel, following Peirce, stresses more than Habermas): it is a consensus within an unlimited community of communication, i.e., one that contains the wisdom and good reason of all speakers to come. Backing my validity claim in argumentation I am actually "always already" trying to convince and gain approval from the unlimited community of all free and equal rational speakers.

A *fifth condition* is called for by the fourth. If an ideal consensus regarding the subject matter is the goal, a consensus regarding the language of argumentation is a necessary means to achieve it. A transparent language — at least a transparent common ground from which interlocutors depart — is a precondition for a meaningful agreement. (Although Habermas' definition of the communicative act as an act aiming at "reaching understanding" ambiguously captures both mutual understanding of the meaning of a validity claim and a shared view regarding its validity, the two aspects should be kept apart.[3])

[2] There is an interesting and significant agreement here between the historicist hermeneutics of Gadamer and the transcendental hermeneutics of Apel and Habermas. Cf. e.g. Gadamer 1975, 325-33.

[3] Two parties may reach an agreement without necessarily fully understanding each other — too often margin of ambiguity eases an agreement. On the other hand, an understanding between two parties may still result in a disagreement regarding the matter at stake — too often a better understanding leads to diminishing agreement. It is only within a community of purely rational subjects, each equally equipped to represent reason's pure interests, that reaching understanding can be equated with reaching an agreement. But such a convergence between agreement and understanding is not something presupposed by the actual speech situation; at most it is a utopian projection out of what is conceived as the actual situation's limitedness or deficiencies.

The *sixth condition* is also contained in the fourth: participants in argumentation have at least one common interest: the interest of finding the truth of the matter. This point is crucial, for it is exactly what stands between communicative and strategic action, what suspends praxis for the sake of discourse. At the moment one's interest in an extra-discursive goal overrides one's interest in finding the truth there is nothing to prevent one from pretending seriousness in argumentation in order to manipulate other participants.

There is a corollary to this condition that, together with the third condition, may remind one how Kantian the whole situation is: the distinction between serious and manipulative interest in argumentation is a matter of pure intentions, it cannot be read out of the overt behavior of participants in actual argumentation. But a serious participant in argumentation always takes her interlocutors seriously, that is, she always assumes their pure intentions, i.e., their sincerity. Hence the *seventh* condition.

What I have just described is the ideal speech situation. I have tried to reconstruct it discursively for didactic purposes alone; actually, this whole set of presuppositions is intrinsic to the very concept of argumentation; thus its articulation is dependent on its context of explication.

The ideal speech situation has a dual status; it grounds argumentation on the one hand, and serves as its regulative idea on the other. No actual argumentation is possible without presupposing an ideal speech situation and no actual speech situation will become argumentative if the ideal one does not serve as its regulative idea.

The ideal speech situation is not merely a utopia of rational discourse. The force of Apel's and Habermas' arguments lies in the claim that the norms described under this title are actually implied by any impure communicative act. Even distorted communication cannot go on without assenting to these norms; the strategic character of the assent does not change its commitment to the norms. The "fact of reason" to which Habermas and Apel appeal is not the actual existence of pure discourse, but the existence of pure intention[4] to find the truth through discourse (at the very least the truth about what the other actually means) *and* of the appropriate institutions that regulate argumentation in order to realize that intention.

The argument that advances this point has two basic forms that are actually

[4] More accurately, the transcendental analysis of the actual speech situation should push even the existence of pure intention into a phenomenological *epoche* and be committed to the belief in the existence of such intention only. An actual speech situation implies only the belief that pure intention is possible, but it really does not matter, for it all remains in the innermost realm of the heart.

versions of a classical argument against the sceptic. According to one version, the sceptic cannot cast reason in radical doubt without doubting the validity of his own doubting; the one who doubts already presupposes the logic which makes his scepticism possible. Similarly, Apel claims that the rejection of consensus or mutual understanding as the goal of any serious argumentation is doomed to failure. One who justifies such a polemical move elicits or fails to elicit approval by his very act of justification; but he cannot try to justify without anticipating a desired agreement with at least some of his actual or imaginary interlocutors, as well as with the whole community of ideal-rational speakers (Apel 1980, 110-27).

Wittgenstein gave the classic argument a linguistic turn and extra force when he claimed that a community of all-time liars is impossible; lying too is a form of communication and it presupposes the serious intention which underlies the communicative act to transmit true messages (Apel 1980, 258-59).[5] In the same way that the sceptic is parasitic on rational discourse, the liar depends upon sincere speakers. Similarly, Habermas argues that all distorted forms of communication are parasitic on serious and sincere communication (Habermas 1984, 307ff., 332). Or, viewed from a different angle, the very existence of language consisting of speech acts capable of becoming explicit validity claims presupposes a certain procedure "to redeem" validity claims, which means argumentation, which in its turn presupposes the norms of the ideal speech situation. I will stop short of a systematic reconstruction of the move from everyday communication to the universal norms of argumentation, for even if this argument were faultless, the very idea of an ideal speech situation, I will argue below, is empty.

The Doomsday Argument

An ideal speech situation is normatively binding whenever people argue about something. It becomes morally relevant, however, only when disputed moral matters are at stake, e.g., the good way of life, or the just society, and, at any rate, when a common interest of members in a community dictates the

5 Apel seems to overemphasize Wittgenstein's remark that "lying is a language-game that needs to be learned like any other one" (*Philosophical Investigation* [Oxford: Blackwell, 1967] 249), and never to consider Eco's: "semiotics is in principle the discipline studying everything which can be used in order to lie. If something cannot be used to tell a lie, conversely it cannot be used to tell the truth; it cannot in fact be used 'to tell' at all" (*A Theory of Semiotics*, 7).

solving of conflicting interests through argumentation. At this stage of the argument there is still nothing that would censor, say a scientist, from accepting the norms of the ideal speech situation while working with her team in the laboratory and rejecting them while doing business in the marketplace. In the same vein, the normative basis of argumentation may be presupposed by a certain community whose members have a shared interest in the preservation of their society and therefore always prefer argumentation to civil strife. But such an argument that assumes some basic solidarity, and which may serve as the normative foundation of a democratic way of life, cannot be applied to conflicts between communities with radically different language games that do not acknowledge any shared interest whatsoever. In order to argue for such a shared interest and for the sincere dialogue it prescribes, an a priori commitment to one of the competing language games is required. One does not have to show here that language games are, in principle, commensurable, but that bridging seemingly incommensurable language games, or interests for that matter, is a moral duty indeed. Argumentation is normatively binding but its normative ground cannot ground its *universal* applicability.

This is the other side of Apel's argument against the sceptic. You cannot dismantle the normative ground that argumentation presupposes without entering discourse and thus tacitly assenting to its implied norms, says Apel. In the same vein, however, if I may inverse the argument, you cannot justify these norms or claim they are binding on someone who refuses to enter an argument with you. The ideal speech situation may be the transcendental language game of argumentation; this fact by itself, however, cannot bridge what seems to be incommensurable moral languages of communities with conflicting interests. The minimal ethics implied in argumentation has a justified universal claim only if argumentation can be shown a priori — or at least for the present historical moment and for humanity as a whole — to be the best means for solving conflicts. Put in Kantian terms, Apel's and Habermas' discursive transcendentalism forces them to answer a question Kant never dreamt to ask: why should one *always* act morally?

I call the argument that does precisely this, i.e., that attempts to justify the universal claim of argumentation, the doomsday argument. It was already anticipated by Habermas' second thesis in the Appendix to *Knowledge and Human Interests* (Habermas 1971, 313) and has been recently exemplified in Apel's paper bearing the impressive title: "The Situation of Humanity as an Ethical Problem" (Apel 1985). Using quasi-anthropological language, Apel says that in order to survive, "homo faber" needs *phronesis*, not merely *techne*. In other words, "homo sapiens" cannot be reduced to a tool-making-

animal or a problem-solving-machine. Humans invent and produce tools in order to control nature and manipulate others. But tools are not always used according to the intentions of their originators. Successful tools may even turn the ends they serve into powerful new means towards new ends, unforeseen and undesired by the original intention. In short, possible abuse and misuse of tools require that the use of tools be socially coordinated and subject to a system of constraints. Generally speaking, morality is that system of coordination and constraints over the use of tools or, more precisely, means, within a given community. Such a system cannot be reduced to a simplistic instrumental calculation of relations between means and ends, for it involves coordination among conflicting ends. In fact, the rationality of coordination and constraints is supposed to delineate the legitimate field of application for instrumental rationality.

The Aristotelian notion of *phronesis*, however, does not capture this type of rationality for it lacks the distinction between *poesis* and communication. Hence a communicative ethics must transform the old notion of practical reason. But the "ethics of community" which Aristotelian *phronesis* and its modern heirs[6] represent is lacking on another, much more crucial ground: it is limited to a specific, well-defined community; *phronesis* has many and various forms and each is responsible for one particular *polis* only. In order to found the universality of the ethical claim, not only *phronesis* has to be transformed into communicative ethics but its realm of accountability must be shifted from the particular *polis* to universal history.

Moreover, the invention of tools has grown so rapidly in modern times that it has long transcended the evolution of the moral system. As the old Frankfurt school has argued correctly, instrumental rationality has transcended the limits of the individual national state, monopolized all areas of life, and turned moral reasoning into ideology in the service of a technological-capitalist social order. But much more important is the fact that the gap between the invention and production of tools on the one hand, and the state of the constraining moral system on the other, has become so great that it endangers not only this or that community but the entire human race. This danger is the basis of a new universal solidarity, which for the first time (since

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[6] For the modern heirs of Aristotelian ethics, or at least some of its main motifs, see e.g., Gadamer, *Truth and Method* (especially part II, 2,b); H. Arendt, *The Human Condition* (University of Chicago Press, 1958); A. MacIntyre, *After Virtue* (University of Notre Dame Press, 1981) and *Whose Justice? Which Rationality?* (University of Notre Dame Press, 1988); or M. Walzer, *Spheres of Justice* (New York: Basic Books, 1983).

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its abstract proclamation by Christ) has been called down from heaven to earth and embodied in real social institutions (Apel 1981, 33-44; 1985).

Every human being should become conscious of this gap for it concerns his or her own survival. Doomsday consciousness is the basis of a new form of solidarity and a new common interest upon which the argument for the monopoly of argumentation rests. In liberal democracies, the fear of self-destruction of society has long been an argument for the monopoly of argumentation over the use of power; similarly, the fear of the self-destruction of humanity is the argument for such a monopoly of argumentation in the international sphere. In our present era, and at least as far as the super-powers are concerned, no recourse from negotiation to war can be envisaged which would not result in the annihilation of the human race. Therefore it does not matter how strategic and manipulative these negotiations are, in principle they commit their participants to the minimal ethics of argumentation (Apel 1985, 256-64). It is not hard to see how this line of argument is extended to solving international conflicts in general and then to solving conflicts in general. In any disguise, the doomsday argument could supply the rationale for a common interest in argumentation wherever it is still lacking. When this interest exists minimal ethics is binding, and since such an interest should exist universally, minimal ethics is universally binding.

Moreover, the gap between actual institutions for argumentation and the ideal speech situation should not only concern scientists but should serve as a guide towards the reform of society at large; a critical work should be directed at the whole system of institutions in which conflicts of interests are settled through argumentation, in order to bring them somewhat closer to the state of an ideal speech situation.[7] Perhaps the ideal speech situation would even give history its regulative idea, thus endowing universal history for the first time with a meaningful telos. Marxist and Hegelian motifs fall back here upon Kant. An awakened consciousness of a real universal solidarity constitutes a moral-historical imperative which must be strived for although lacking the guarantee of a real historical process, otherwise humanity is doomed.

The moral argument should therefore take a close look into the present historical moment. What is required is a historical interpretation that com-

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[7] Recently, Habermas has backed off this idea. Accepting some of his critics' counter-arguments (see e.g., Thompson & Held 1982, 227-28), he claims that the ideal speech situation is not a guide for progress towards "the good life" but merely a criterion for the reconstruction of the evolution of normative systems. But it seems to me that the evolutionary argument implies a norm and a telos, which are logically binding even if one wishes to stop short of giving them explicit articulation.

prises the Holocaust and Hiroshima, ecological catastrophes and world-hunger. There are certain contemporary, traumatic events that play here the role Kant ascribes to the French Revolution: "signum rememorativum, demonstrativum, prognostikon." "What the French Revolution recalled, demonstrated and foretold was "the constant human tendency to progress." Kant needed that "tendency" in order to protect his moral imperative from its cynical, naturalist despisers. He had to complement his theory of the highest good and show that, indeed, man is capable of the behavior the categorical imperative dictates. In the same way, modern traumatic events signify the human "tendency" to self-annihilation. Modern thinkers need this tendency in order to protect their categorical imperative from its relativist despisers. They have to complement their theory of an ideal speech situation and show that indeed man should always behave according to the moral guide it dictates.

There is, however, an important difference in this parallelism: Kant turns to history after securing the universality of the moral imperative through a transcendental reflection; his turn to history is an attempt to bridge theory and practice. The problematic relation of theory and practice is (at least) Habermas' point of departure; his is an attempt to rewrite "a philosophy of history with practical intent" (Habermas 1973, 212ff.). In order to save room for the idea of progress in such a philosophy of history he then turns to a transcendental reflection upon a linguistically embodied reason. What he discovers is that "the fact of reason" indeed presupposes a normative principle, but that he needs a philosophy of history in order to make good the universal claim of this principle. Whereas the Kantian turn to history simply contradicts a basic presupposition of the whole system — the radical separation of reason and nature — the Habermasian re-turn to history renders his whole philosophical move circular through and through.

There is still much more to be said against the consequences of the doomsday argument. The monopoly of argumentation, within the scope of both the national state and universal history, extracts a heavy price. Any form of life, any community of communication should be made subject to the requirements of argumentation whenever it has a conflict of interests with other communities. It must justify its normative claims regarding the interests it rightfully pursues as well as its truth claims regarding what counts as its real interests, and it must do so with no regard to its own system of authority, set of traditional beliefs, or personal tastes. Indeed, not only is traditional community made transparent through argumentation, but the same goes for the individual whose private sphere is always endangered by new normative claims that question its limits. In fact, arguments for some form of moral-

cultural relativism, for incommensurability of belief systems or language games, or for a sacred private sphere, are, in a sense, made immoral by the very act in which they are uttered. Arguments of this kind put limits upon argumentation; they may thus contribute, willy-nilly, to the coming catastrophe.

All this is based upon Habermas' and Apel's assumption that argumentation is instrumental to survival. In the name of this assumption instrumental reason should accept the logic of non-instrumental, dialogical reason and be subject to its constraints. If the radical distinction between instrumental and dialogical reason upon which the above argument rests is valid, this formulation seems paradoxical. If the distinction needs qualification, let alone if it is faulty, the grounding argument as a whole loses its universal ground.

Against the Very Idea of an Ideal Speech Situation

Rejecting the doomsday argument, one may still claim that the ethical principles derived from the ideal speech situation are binding on all members of a community that share an interest in solving conflicts through argumentation. This is more or less the scope of application that Rawls's theory of justice claims for itself (Rawls 1971, chap. 1). My main criticism is directed against this more modest, much more plausible, claim. The ideal speech situation cannot serve as a basis for moral criticism and as a guide for moral politics even on these restricted terms, I argue, for what the idealized conditions really imply is not the rationalization of communication but rather its very elimination.

First we should qualify the presentation of the ideal speech situation to fit more appropriately the case of normative argumentation. In normative argumentation another condition must be added to the ideal speech situation that cannot be articulated through a further explication of argumentation in general. The condition lacking is that of a disinterested representation of interests of all those affected by a disputed normative claim.

In general, the goal of the ideal speech situation is supposed to be a consensual agreement. This means that a claim is taken as valid only if all speakers would assent to it were they free of all external or internal constraints. And here lies an important difference between matters of truth and matters of right. Laymen or irrational speakers do not have to be represented in theoretical discourse, nor could they be; the ideal speech situation means their formal and final exclusion. But the layman, the non-competent speaker, and the insane — all these have interests and implied claims of right whose a

priori exclusion from normative discourse would not ground ethics but destroy its very possibility. Precisely because the ideal speech situation implies such a sophisticated mechanism of exclusion,[8] even if a counterfactual one, it requires a complementary, valid mechanism of representation. When a normative claim is disputed, all interests of those who are affected by it should be represented in the speech situation, and they should be represented disinterestedly (Apel 1980, 277ff.; Habermas in Thompson & Held 1982, 250–263).

However, such a concept of representation does not follow at all from the idea of an ideal speech situation and it cannot be grounded through an explication of the concepts of argumentation or communication alone. Actually, disinterested, transparent representation is brought into the course of the argument by a moral consciousness that has been Kantian all along. Not only does participation in an ideal speech situation require mutual recognition of interlocutors as subjects with equal rights, it also demands that such a recognition be carried over beyond the scope of the speech situation to the public sphere at large; any subject that may be affected by the discussion, which means, in principle, any other human being, must be included. In short, participants in the ideal speech situation should bring the Kantian categorical imperative into the speech situation; rational speakers in moral argumentation are simply Kantian moral beings engaged in a polite debate about the appropriate conduct of the rest of mankind.

Rejecting both the doomsday argument and the principle of disinterested representation, communicative ethics is applicable only to those actually involved in argumentation; also, the responsibility and-accountability of those involved in argumentation is confined to the communication community alone. But the very idea of an ideal speech situation has still been left intact. Concluding this paper I will outline a sketch of a critique against the very idea of ideal speech situation.

The ideal speech situation is a theoretical, counterfactual construction as well as a regulative idea for praxis. Two distinct, though related, questions seem appropriate at this juncture: (1) What is the nature of that possible world in which the counterfactual fantasy is realized? (2) What are the consequences of the attempt to counter the facts and change that possible world which happens to be ours by using this counterfactual as a regulative idea? The suspension of non-discursive interests and the ultimate exclusion of force (conditions 1 & 2) are the two cardinal conditions of an ideal speech

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[8] Of exclusion as a mechanism of power, among other such mechanisms operating in discourse, see Foucault 1980.

situation. Regarding these, one may imagine three kinds of possible worlds: a world entirely devoid of power relations; a world in which interest in discourse is a magic for the ultimate suspension of power; a world in which truth and justice are so powerful that their triumph over non-discursive interests means a final dissolution of the struggle between reason and all its "others." One thing is common to the three worlds. Once speech has set forth its ideal conditions, there is no more need to use power other than that of the better argument. Otherwise, rational speakers would be dependent upon the guardians whose behavior they are supposed to regulate, strategic negotiations would constantly mingle with acts of pure communication, and the schism of reason into instrumental and dialogical domains would penetrate the dialogical domain itself.

What kind of language can be spoken in a situation so completely devoid of power? It is an arid language whose texts prepare and maintain no place for authority, whose language games constitute no privileged roles, and in which communicative means lack any rhetorical device; communication consists of simple assertive statements and questions that directly appeal to reason, using reasons only. The statements used in such a language describe the world rightly or wrongly, but always transparently, i.e., with no evaluative implicatures. Communication is transparent from the very beginning both in regard to the meaning of what is uttered and the interests any utterance may serve. This means that the classification of the world and organization of experience — implied by even the most fragmented section of speech or writing — are never disguised. At least one alternative way to classify the world and organize experience is already presumed, and the advantage any party may gain by adopting one way or the other can be clarified easily and completely at any turn in the speech situation. All this is necessary because language and the reality it pertains to are not isomorphic; we have come all too close to the positivistic image of ideal language anyway, and we cannot go so far with our purified communication. The competing descriptions of the world must therefore be wholly transparent in regard to the kinds of world and experience they allow and those they exclude. Accordingly, speech acts must be wholly transparent in regard to the effects they are trying to elicit. In short, the language of the ideal speech situation is one devoid of any hermeneutic or pragmatical dimension — what an ironic consequence for an approach that has pragmatics and hermeneutics as its principal points of departure!

One can hardly imagine what it means and what it takes to communicate in such an ideal speech situation. It is questionable whether "ideal communication" maintains even a minimal family resemblance with "communication." One thing is clear, however: it is impossible to communicate what the "ideal

"communication" means without falling prey to the pragmatical constraints and hermeneutic limitations of ordinary language. This ordinary language, and not the ideal speech situation, is the meta-institution of all theoretical, artificially constructed language games, as Apel himself notes (Apel 1980, 119). It is impossible to construct a possible world for the ideal speech situation without using rhetorical devices, employing some authority, and appealing to sensitivities other than that of pure reasoning. Already Plato, that master of ideal speech situations, knew how much rhetoric, dramatic effects, and writing competence is necessary in order to construct such a situation in discourse. The dramatic prelude to a Socratic conversation is a reminiscence of that understanding, that self-awareness of the path language must traverse in order to purify itself, and of the constant rhetorical price one must pay for keeping the fantasy alive.

So the question, really, is not what is the nature of the possible world in which an ideal speech situation can be realized, but whether we are capable of realizing the meaning of such a world without contradicting the very idea of an ideal speech situation. The answer, I think, is that we cannot, and that in order to fully understand the idea of an ideal speech situation one should have already lived in such a situation. Otherwise, and this is the case with both Apel and Habermas, the philosophical move from ordinary to ideal argumentation can neither explicate universal presuppositions nor lay foundations for ethics; such a move can merely produce the ideology of one particular form of discourse, one special kind of family of language games, the discourse of Western philosophy, the language games of modern sciences.[9]

Things become even more problematic considering the status of the ideal speech situation as a regulative idea. Here as well we may start with suspension of external interests and exclusion of force (conditions 1 & 2). In our actual world, these two conditions require an elaborate mechanism of power. And here, too, Plato is an excellent teacher. He knew well that the ideal speech situation is a fiction and that even as a fiction its story can hardly be told without telling the story of the forces that sustain it. For example, in the first book of the *Republic*, the conditions of an ideal speech situation are gradually set through a step by step elimination of all kinds of authority and sources of legitimation for validity claims. Exclusion proceeds from old pious Cephalus through the reverend poets to violent Thrasymachus, the rhetorician. But Plato makes it very clear that without the active cooperation of the interlocu-

[9] For a systematic critique of linguistic intellectualism and the priority given to purely discursive rationality in Western society see Bourdieu 1977; cf. Ingram 1982.

tors and their willingness to use power, even physical force, to impose the rules of the dialogical game and maintain its suspension from everyday life, Socrates, the ideal speaker, could not have won the competition of arguments.[10] Similar points are made by other dramatic preludes and interludes in many of the dialogues. They all portray or allude to the fact that suspension requires a delicate system of power relations between the suspending game and its suspended environment, and that exclusion of force for the sake of discourse rests on powerful threats.

In short, the force of the better argument involves other kinds of force and other kinds of non-discursive power relations. Our islands of hope, those institutions in which argumentation is actually embodied, counterfactual as their regulative idea may be, are doomed to remain engulfed by the cruelty of everyday life. The efficient use of power, of strategic communication, and of instrumental actions are preconditions for the possibility of the strive for pure communication.

Another, relatively minor, problem, noted by many critics, is the tension, if not real contradiction, between the effacement of authority (condition 3) and sincerity (condition 7). The seventh condition of the ideal speech situation requires mutual recognition of interlocutors as sincere speakers. In an ideal speech situation there is no place for charlatans and impostors. But the effacement of authority and the right to problematize any validity claim makes everybody suspect. Without the presence of any other authority, reason itself should play the policeman and act as a censor — i.e., reason should produce its own disciplinary system. It should do so, however, while using the power of the better argument alone, applying its power among sincere speakers only, suspect the unsuspectable, and coerce with no means of coercion. Not a small job for the knights of coherence and consistency! But what is paradoxical in the ideal world becomes a dangerous parody in the real one. Here, when the knights of reason strive towards purified communication, they do have their own, quite practical and all too material policing strategies and censorship devices. Here, problematization of validity claims is always a political act and thus always related to this or that power struggle. In the name of universal ethics very particular battles are fought. And in these battles it is impossible to distinguish exclusion and delegitimation strategies based upon the universal claim of communicative ethics from ethical claims employed as delegitimation strategies.

[10] For a detailed presentation of the Platonic dialogue as an attempt to create an ideal speech situation see Ophir 1986.

Truth and justice are meted out with power and won through struggle. Both externally and internally, argumentation is embedded in systems of power relations, itself being one form of power among others. As such it must be constantly sustained through interaction and exchange with other forms of power. If this account of argumentation is truer to the "facts of reason" than the account given by Habermas and Apel, then the presupposition that lies at the heart of the ideal speech situation must be critically and crucially amended: one never seeks the *agreement of an unlimited community of communication* that consists of ideal speakers. Claiming the validity of a statement is a polemical act directed at a very specific community of communication; agreement is sought against a background of disagreement with other communities of communication; and the consensus sought is always a means for silencing dissenting voices within the assentient community.

This general characterization is true not only regarding the given plurality of discourses and communities of communication; it is true regarding the isolated, ideal, dialogue itself. It is possible to imagine the ideal speech situation as consisting of a series of dialogues in which interlocutors switch positions while maintaining the dual structure of the situation: on the one hand a speaker who thematizes, problematizes, or justifies a validity claim; on the other — the rest of the community whose consent is being sought. Each dialogical event aims at reaching understanding between two partners, but always at the expense of a third one, whose exclusion from the speech situation, as Michel Serres has rightly noted (Serres 1983, 13), is one of the dialogue's preconditions. Consent and dissent, *consensus* and *polemos*, are complementary concepts that imply each other dialectically. Universal consensus, a consensus that has terminated the dispute and overcome all dissension, is the real *end* of communication. As Mill already noted, it is a state of mind and discourse in which the very meaning of the agreed upon statement is doomed to oblivion.

Of the seven conditions of the ideal speech situation I would leave intact four as valid presuppositions of argumentation: sincerity, discursive solidarity (real interest in finding the truth of the matter), suspension of non-discursive interests, and exclusion of non-discursive forces. I would amend the conditions of consensual agreement to meet the above objection and reformulate it as a consensus within *polemos*. The effacement of authority and the transparency of communication, even only in its initial stage, have to be rejected; they are not presupposed by any real argumentation, at the most they are postulated as its legitimating ideology.

This amended ideal speech situation contains indeed a minimal ethics. But it is an ethics whose principles are binding only on those who freely express an

interest in argumentation. The short-winged ideal is not capable of carrying the moral argument beyond the scope of the initial consensus that allows argumentation, let alone grounding a critique of actual consensus and questioning its legitimacy. Authority, *polemos*, and strife invade the speech situation even when ideal, for they are intrinsic to the very idea of a speech situation, of language and communication. Therefore, crutches in the form of a principle of disinterested representation, dogmatically postulated, and a doomsday argument — in which history is problematically interpreted — would not help. The transcendental strategy is faulty from top to bottom. However, I do believe that philosophical ethics is possible and I do accept a hermeneutic-pragmatical conception of language as both correct and morally relevant. But I think the two have to meet some place other than at the utopia of the ideal speech situation.

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