

Between Fear and Disappointment: Critical, Empirical and Political Uses of Habermas

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Since the foundation of the Frankfurt School, critical theory has conceived of its relation to practice in a number of ways. While it sought to produce a theoretical analysis which might, in *some* way, assist those actually participating in processes of enlightenment, it was also careful to limit its direct application to practical matters. Theory was, variously, to have indirect effects, to be subordinate to the primacy of practice, or even to itself be conceived as a kind of practice. Yet no matter how limited, critical theory always had some irreducible utopian element.¹

Recently, critical theory has received significant adjustment, particularly by Jürgen Habermas. His work replaces categories at the heart of the original project, such as social labour and historical materialism, with a theory of communicative action.² While striving to retain some utopian content, he has also inherited the traditional concern to carefully limit the practical intentions of theory. As he has famously put it, ‘in a process of enlightenment there can only be participants’.³

According to Habermas then, provided we understand its limits, theory does have its uses. It can, he suggests, inform a research programme in the social sciences, and it can offer some limited guidance for action. Habermas’s articulation of these practical intentions’ has stimulated a plethora of attempts, from across the social sciences, to use his theoretical advances to generate critique, to guide empirical research and to inform an emancipatory politics. This article offers a critical survey of the resulting attempts to use Habermas’s work.⁴

In 1988, Ruane and Todd reviewed a selection of this growing literature and concluded that its lack of actual empirical content resulted in it sharing the

¹ On the vicissitudes of this element, see M. Jay, *The Dialectical Imagination* (Boston, Little Brown, 1973) and D. Kellner, *Critical Theory, Marxism and Modernity* (Cambridge, Polity, 1989).

² Habermas’s theory asserts that there are two kinds of rationality used to co-ordinate human activity. Instrumental rationality involves the strategic employment of means towards a pre-chosen end. It is oriented towards efficiency, towards success, and can be formalized in the language of game theory. Communicative rationality pertains instead to the generation and exchange of meaning. It is oriented towards mutual understanding, and can be formalized as a series of inescapable validity-claims. See J. Habermas, ‘What is Universal Pragmatics?’ in *Communication and the Evolution of Society* (hereafter *CES*), (Cambridge, Polity, 1991), pp. 1–68.

³ J. Habermas, *Theory and Practice* (London, Heinemann, 1974), p. 40.

⁴ Such a survey is, of necessity, selective. Habermas’s influence has now become so pervasive that it escapes exhaustive documentation.

excessive abstraction of its ancestry.⁵ Subsequently, their review was sharply criticized by Strydom for its characterization of the relation of theory to practice in terms of mere 'application'.⁶ The present survey seeks to update and expand upon Ruane and Todd's review, while at the same time honouring Strydom's objections. In so doing, we see that while excessive abstraction does indeed restrict the practical implications of Habermas's theory, there are ways in which his work offers significant advances to social scientists.

Habermasian critical theory can be characterized as having, first, a reconstructive/synchronic (time independent) axis, along which lie the theories of communicative action, rationality and discourse ethics. Second, it has an empirical/diachronic (time dependent) axis, upon which we find the critical theory of society (including theories of colonization, crisis tendencies and cultural modernity) and the theory of social evolution.⁷ The practical intent of theory then expresses a function mapping the synchronic onto the diachronic. As conceived by Habermas, this is no mere conflation of theory with practice. At the same time, this function cannot be adequately described in terms of 'application'. Critical theory is not a scientific, empiricist-inductivist set of laws which, once formulated, can be wheeled out to confront an epistemologically independent world where trees make noise as they fall in the forest, even though there is no one there to hear them.

The social world confronts us as something which is partly pre-given *and* partly the creation of our own actions. To learn is therefore both to make and to discover. The practical intention of Habermas's theory encourages us to explore our social world. With the synchronic aspects of his theory operating as a 'relatively permanent interpretative background',⁸ we are urged to carefully inspect the diachronic social world, and to engage in a critical-hermeneutical search for learning, a 'mutual fit'⁹ between universal and particular.

The practical intentions of Habermas's theory should thus be conceived along critical hermeneutic lines, rather than as an 'application' to reality. Critical theory should help us penetrate beyond mere appearances and reveal hidden structures. It should change minds, train eyes, exert a pressure on our intuitions and help us reclaim our individual and collective authorship of the social world; thus moving us closer to living the lives we wish to live. Habermas not only wants his theory 'used' in such ways, but has so constructed it that these practical intentions become components of the validity of the theory itself. Critical theory is, therefore, both validated by and validating of, social scientific research.

If we are to evaluate the wide variety of attempts to redeem this practical intentions, we must differentiate between the types of research critical theory has informed. Ruane and Todd effectively prioritized empirical sociology, and so devalued other uses of the theory. Even Parkin's more penetrating survey, though less prone to simply lament the lack of empirical work, does not

⁵ J. Ruane and J. Todd, 'The application of critical theory', *Political Studies*, 36 (1988), 533–8.

⁶ P. Strydom, 'Metacritical observations on a reductive approach to critical theory: Ruane and Todd's "The application of critical theory"', *Political Studies*, 38 (1990), 534–42.

⁷ This formulation simplifies, hopefully without reducing the sense of, that advanced in Strydom, 'Metacritical observations', Fig. 1, p. 541.

⁸ Strydom, 'Metacritical observations', p. 542.

⁹ Strydom, 'Metacritical observations', p. 542.

adequately differentiate between the types of research to which Habermas's theory has given rise.¹⁰

Here then, we will distinguish between three types of research. All are attempts to fulfil the practical intentions of critical theory by using it affirmatively; by hermeneutically crossing over from theory to practice. In attempting to use the theory affirmatively, social scientists have sought to address the different concerns arising upon our inhabitation of the social world: we must understand, we must look with clarity and we must act. First, then, we review work in which the normative theory is used as an interpretative tool in order to generate cultural criticism. This project, in seeking to increase our understanding of the systemic and lifeworld processes operating around us, is perhaps the most prevalent affirmative use of the theory, and is the one upon which Habermas has concentrated in his work. Because such social analysis has been ably reviewed,¹¹ and because Ruane and Todd are surely correct in their general assertion that, by itself, this type of analysis cannot fulfil the practical intention of a fully fledged research programme, cultural criticism is here only briefly reviewed. Second, we survey in greater detail, research which actually uses the theory as an empirical tool with which to study the social world. This forms a small but important body of critical sociological research. Finally, we turn to the various attempts to use the theory as a test for legitimacy. This type of affirmative use, wherein we seek to use theory to inform our actions, pertains to the practical question of an emancipatory democratic politics.

Habermasian critical theory de-contextualizes a series of theoretical categories in order to provide a normative grounds for social criticism. The resulting universalism of his position successfully resists both the undertow of relativism and the conservatism of more contextual accounts. Yet it is precisely the success of this endeavour that causes a second type of difficulty in his critical project. For what has been de-contextualized must, if it is to be of use, be re-contextualized. Throughout our survey, we will notice the telling signs of struggle with this difficulty. As researchers attempt to explore the practical intentions of the theory, they constantly encounter problems of excessive abstraction and discriminative failure; problems which have dogged universalist theory from the beginning.

As an Interpretative Tool – Cultural Criticism

In regard to affirmative uses of critical theory, much of Habermas's own efforts have been directed towards a wide-ranging diagnosis of modernity. His assertion that communication has its own rationality, distinct from that of strategic action, allows him to move beyond a mere critique of instrumental reason and to stress the discursive search for understanding as an alternative method of action co-ordination. The instrumental rationality of the system is then seen as competing with, and as attempting to 'colonize', those lifeworld practices which remain co-ordinated by communicative reason. It is this insight which drives his critical analysis of society, for it allows both him and others to focus on the costs of modernization. Habermas has paid particular attention to the excessive

¹⁰ A. Parkin, *Rethinking the Subject: Habermas, Critical Theory, and the Challenges of Post-modernism* (Ph.D. Dissertation, University of Bradford, unpublished, 1993), ch. 6.

¹¹ S. K. White, *The Recent Work of Jürgen Habermas* (Cambridge, Cambridge University Press, 1988), ch. 5.

growth of instrumentalism,¹² processes of colonization and juridification,¹³ the fragmentation of consciousness,¹⁴ crisis tendencies of the modern capitalist state,¹⁵ the scientization of politics,¹⁶ the development of moral consciousness,¹⁷ the concept of the system and systems theory¹⁸ and the philosophical concerns generated by contemporary culture.¹⁹

In addition, both he and his commentators have attempted to deploy his synchronic categories in interpretative discussions of more concrete practices. As the fundamentally different rationalities of the system and lifeworld compete with one another to co-ordinate human activity, 'new frictional surfaces' between them 'spark new conflicts'.²⁰ These boundary disputes, or border conflicts,²¹ then give rise to new social movements which seek to defend the lifeworld from colonization by the system. So, both new social movements²² and student politics²³ have received important re-interpretation.

Habermas outlines other applications, particularly in *Legitimation Crisis* and the last two sections of *The Theory of Communicative Action*.²⁴ Examples are the growth and nature of the welfare state,²⁵ the development of law,²⁶ the critique of ideology,²⁷ child development and socialization,²⁸ psychopathology,²⁹

¹² 'Introduction', R. J. Bernstein (ed.), *Habermas and Modernity* (Cambridge, Polity, 1985), p. 23.

¹³ J. Habermas, *The Theory of Communicative Action, Vol. 2* (hereafter *TCA2*), (Cambridge, Polity, 1989), pp. 356–73.

¹⁴ *TCA2*, p. 355.

¹⁵ J. Habermas, *Legitimation Crisis* (Cambridge, Polity, 1988); D. Held, 'Crisis Tendencies, Legitimation and the State' in J. B. Thompson and D. Held (eds), *Habermas: Critical Debates* (Cambridge, MA, MIT Press, 1982), pp. 181–95.

¹⁶ J. Habermas, *Theory and Practice*; T. A. McCarthy, *The Critical Theory of Jürgen Habermas* (Cambridge MA, MIT Press, 1978), pp. 1–15.

¹⁷ J. Habermas, 'Moral Development and Ego Identity', in *CES*, pp. 69–94; J. Habermas, *Moral Consciousness and Communicative Action* (hereafter *MCCA*), (Cambridge, Polity, 1990), pp. 116–95; J. Habermas, 'Justice and Solidarity: on the Discussion Concerning "Stage 6"' in M. Kelly, (ed.), *Hermeneutics and Critical Theory in Ethics and Politics* (Cambridge MA, MIT Press, 1990), pp. 32–52; White, *Recent Work*, pp. 58–68.

¹⁸ *TCA2*, chs 6 and 7; R. C. Holub, *Jürgen Habermas: Critic in the Public Sphere* (London, Routledge, 1991), pp. 106–32.

¹⁹ J. Habermas, *The Philosophical Discourse of Modernity* (hereafter *PDM*), (Cambridge, Polity, 1987); R. C. Holub, *Jürgen Habermas: Critic in the Public Sphere* (London Routledge, 1991), pp. 133–61; J. Habermas, 'Modernity versus postmodernity', *New German Critique*, 22 (1981), 3–14.

²⁰ *PDM*, p. 357.

²¹ *PDM*, pp. 357, 365.

²² J. Habermas, 'New social movements', *Telos*, 49 (1981), 33–7; J. Cohen, 'Strategy or identity: new theoretical paradigms and contemporary social movements', *Social Research*, 52/4 (1985); C. Offe, 'New social movements: challenging the boundaries of institutional politics', *Social Research*, 52/4, 817–68; L. J. Ray, *Rethinking Critical Theory: Emancipation in the Age of Global Social Movements* (London, Sage, 1993); K. H. Tucker, 'Ideology and social movements: the contributions of Habermas', *Sociological Inquiry*, 59/1 (1989), 30–47.

²³ J. Habermas, *Towards a Rational Society: Student Protest, Science, and Politics* (Boston, Beacon, 1971); Holub, *Jürgen Habermas*, pp. 78–105.

²⁴ *TCA2*, pp. 374–404.

²⁵ *TCA2*, p. 361ff.

²⁶ *TCA2*, pp. 358–61.

²⁷ *TCA2*, pp. 378–82.

²⁸ *TCA2*, pp. 386–8.

²⁹ *TCA2*, p. 388; but see C. F. Alford, 'Habermas, post-Freudian psychoanalysis and the end of the individual', *Theory, Culture and Society*, 4 (1987), 3–29.

psychiatric service provision,³⁰ mass media,³¹ green politics³² and participatory rights in democratic societies.³³ Recently, Habermas has turned his attention to the reconstruction of the normative basis of law and constitutional government.³⁴

Other researchers are pursuing interpretative uses of the theory in areas such as public policy analysis,³⁵ administrative decision making,³⁶ economics,³⁷ counselling battered women,³⁸ health care,³⁹ medical intervention in child-birth,⁴⁰ care of the elderly,⁴¹ social work practice,⁴² information technology⁴³ and education.⁴⁴

It should be clear from the breadth of this array that cultural criticism and the diagnosis of modernity is a burgeoning area of research and constitutes a highly successful affirmative use of Habermas's normative categories. Such categories are both revealing of social reality and provocative of further inquiry, and as such, their ability to make sense of the world for its participants is a fine example of the practical intent of critical theory. This, of course, is the traditional strength of critical theory: using its normative basis to draw an appearance/reality distinction within the practices of modernity. Additionally, such a hermeneutic inspection of cultural phenomena does not place excessive strain on the carefully limited relation between theory and practice. In cultural

³⁰ *TCA2*, pp. 363, 395.

³¹ *TCA2*, pp. 389–90; D. C. Hallin, 'The American News Media: a Critical Theory Perspective' in J. Forester (ed.), *Critical Theory and Public Life* (Cambridge MA, MIT Press, 1985, pp. 121–46, and 'Introduction' in C. Calhoun (ed.), *Habermas and the Public Sphere* (Cambridge MA, MIT Press, 1992), pp. 1–50, p. 22.

³² *TCA2*, p. 393; see also J. S. Dryzek, *Discursive Democracy: Politics, Policy, and Political Science* (Cambridge, Cambridge University Press, 1990); White, *Recent Work*, pp. 136–44.

³³ Habermas, *Legitimation Crisis*, p. 122; J. Habermas, 'Struggles for recognition in constitutional states' *European Journal of Philosophy*, 1/2 (1993), 128–55; J. Habermas, 'Citizenship and national identity: some reflections on the future of Europe', *Praxis International*, 12/1 (1992), 1–19.

³⁴ J. Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge, Polity, 1996); R. Shelly, 'Habermas and the normative foundations of a radical politics', *Thesis Eleven*, 35 (1993), 62–83; W. Outhwaite, *Habermas: a Critical Introduction* (Cambridge, Polity, 1994), pp. 137–51.

³⁵ Dryzek, *Discursive Democracy*; J. Forester, 'Towards a critical-empirical framework for the analysis of public policy', *New Political Science*, Summer (1982), 33–61.

³⁶ S. D. Ealy, *Communication, Speech, and Politics: Habermas and Political Analysis* (Washington, University Press of America, 1981).

³⁷ J. D. Wisman, 'The Scope and Goals of Economic Science: A Habermasian Perspective' in D. Lavoie (ed.), *Economics and Hermeneutics* (London, Routledge, 1991), pp. 113–33.

³⁸ C. Anderson and L. Rouse, 'Intervention in cases of women battering: an application of symbolic interactionism and critical theory', *Clinical Sociology Review*, 6 (1988), 134–47.

³⁹ For an analysis of interactions between doctor and patient, see E. Mishler, *The Discourse of Medicine: Dialectics of Medical Interviews* (Norwood, Ablex, 1984).

⁴⁰ G. Scambler, 'Habermas and the power of medical expertise' in G. Scambler (ed.), *Sociological Theory and Medical Sociology* (London, Tavistock, 1987), pp. 165–93.

⁴¹ P. Rodwell, *Habermas and the Evaluation of Public Policy* (Ph.D. Dissertation, Manchester University, unpublished, 1990).

⁴² R. Blaug, 'The distortion of the face to face: communicative reason and social work practice', *British Journal of Social Work*, 25/4 (1995), 423–39.

⁴³ T. W. Luke and S. K. White, 'Critical Theory, the Informational Revolution, and an Ecological Path to Modernity' in Forester, *Critical Theory and Public Life*, pp. 22–56.

⁴⁴ D. Misgeld, 'Education and Cultural Invasion: Critical Social Theory, Education as Instruction, and the "Pedagogy of the Oppressed"' in Forester, *Critical Theory and Public Life*, 77–118.

criticism, the utopian content of critical theory is both useful and relatively easy to constrain.

Yet all the above examples of interpretative work take place, perhaps inevitably, at a vertiginous level of abstraction. Indeed, it is partly the degree of abstraction that enables such work to avoid the pitfalls of 'direct' application. The synchronic categories Habermas offers are highly theoretical and sophisticated, and their hermeneutic use on complex diachronic processes tends to generate something that in fact resembles yet more theory, rather than anything practical. It is for this reason that Ruane and Todd tended to discount it. Their review, in making no distinction between types of 'application', assumes empirical work to be the only valid use of theory, thus demeaning cultural criticism, which they characterize as 'simply ... a means of understanding society'.⁴⁵ By describing interpretative work as mere 'theory production', they are led to accuse it of being insufficiently empirical in its orientation.⁴⁶

In fact, as we are here exploring, theory can be used affirmatively in a number of ways, one of which is to interpret culture. Such a use is not just the production of more theory which then, in a separate moment, itself requires empirical application in order to rate as proper research. As critical theorists have always understood, cultural criticism *is* an affirmative use of theory which, though not primarily empirical, is nevertheless a valid form of practical research. It has certainly been a particularly fruitful one for Habermas and his commentators. To value it, however, we must understand that cultural criticism is a quite different *type* of research to that attempted in empirical sociology.

As an Empirical Tool – Critical Sociological Research

If we fail to adequately hold to this distinction, we might be tempted to see the plethora of interpretative uses of the theory as fulfilling the promise of a fully fledged research programme. In some ways, we are encouraged to make this error by the general trend in critical theory towards metatheoretical and normative questions at the expense of empirical and politically transformative ones.⁴⁷ John Forester, for example, in introducing a collection of 'applied' papers, states that Habermas makes possible a 'critical and empirical sociological analysis'.⁴⁸ Yet as Ruane and Todd point out, many of the papers in the volume are in fact 'based on very limited empirical data'.⁴⁹ Parkin concludes that in many areas, the 'applied turn' amounts to little more than the promise of empirical research with no actual empirical work being attempted at all.⁵⁰ While we have seen that Ruane and Todd's critique of cultural interpretation is inaccurate, their accusation of inadequate data would be far more serious if levelled at affirmative uses of the theory that were expressly empirical in their orientation.

⁴⁵ Ruane and Todd, 'The application of critical theory', p. 536.

⁴⁶ Ruane and Todd, 'The application of critical theory', p. 535.

⁴⁷ D. Kellner, *Critical Theory, Marxism, and Modernity* (Baltimore MD, John Hopkins University Press, 1989), p. 232.

⁴⁸ Forester, 'Introduction: The Applied Turn in Contemporary Critical Theory' in *Critical Theory and Public Life*, p. xviii.

⁴⁹ Ruane and Todd, 'The application of critical theory', p. 535.

⁵⁰ Parkin, *Rethinking the Subject*, ch. 6, pp. 13, 44.

It is certainly the case that there is very little research that uses Habermas's categories to generate actual empirical work. Malhotra's studies with mature women students who are struggling with multiple roles and the pressures of higher education,⁵¹ Forester's work on planning practices,⁵² and Young's investigation into the nature of classroom interactions⁵³ are important exceptions. However, in the case of Malhotra and Young, Parkin notes a weakness in regard to their use of the theoretical concepts.⁵⁴ One study that does combine conceptual sophistication with empirical research is Carroll's work on drug dealing in Moss Side and Hulme.⁵⁵ Generally, and rather disappointingly, it seems one is offered a choice in the existing literature between the conceptual sophistication of interpretative work and the much rarer empirical substance of sociological study.

One issue that arises in Malhotra's work, however, seems to hold some promise for future developments. In her study, the research methodology itself was informed by the theory of discourse ethics.⁵⁶ In a communicative environment explicitly modelled on Habermas's counterfactual of domination-free discourse, a real attempt was made to afford the women equal communicative chances and to remove distortions of power and strategy. In this way, the project was designed to trigger critical self-reflection and encourage attempts by the participants to communicate in similar ways in other areas of their lives.

The requirement to rid the project of methodologically embedded power distortions had significant implications for the role of the researchers themselves. So, at one point in the study, the general excitement and empowerment resulted in changes being initiated by participants to the structure of the experiment itself.⁵⁷ Also, Malhotra had a quite different relation to the 'subjects' of her study than that occupied by most social researchers.⁵⁸ Instead of merely interacting with them in order to collect data, the analysis of which benefits only the researcher,⁵⁹ Malhotra concentrated upon the effects of the study on the participants, as measured by the participants.

Malhotra's work suggests we further distinguish between those empirical studies in which critical theory informs descriptive concepts and those which actually practice a critical methodology. Informed by critical theory, this methodology is an extension of Mitroff and Blankenship's 'holistic experimentation'.⁶⁰

⁵¹ V. A. Malhotra, 'Habermas' sociological theory as a basis for clinical practice with small groups', *Clinical Sociology Review*, 5 (1987), 181–92; V. A. Malhotra, 'Research as critical reflection: a study of self, time and communicative competency', *Humanity and Society*, 8 (1984), 468–77.

⁵² J. Forester, 'Critical Theory and Planning Practice' in *Critical Theory and Public Life*, 202–30.

⁵³ R. E. Young, 'Critical theory and classroom questioning', *Language and Education*, 1/2 (1987); R. E. Young, 'Moral development, ego autonomy, and questions of practicality in the critical theory of schooling', *Educational Theory*, 38/4 (1988), 391–404; R. E. Young, *A Critical Theory of Education: Habermas and Our Children's Future* (New York, Wheatsheaf, 1989).

⁵⁴ Parkin, *Rethinking the Subject*, p. 41. This critique is also levelled at the more interpretative work of Anderson and Rouse (see above). Parkin is particularly troubled by their lack of analysis of the underlying causes of spousal violence, p. 33.

⁵⁵ A. J. Carroll, *Ethics, Critical Theory, and the Inner City* (Ph.D. Dissertation, Manchester University, unpublished, 1993).

⁵⁶ Malhotra, 'Research as critical reflection', pp. 468, 470, 475.

⁵⁷ Malhotra, 'Habermas' sociological theory', p. 186.

⁵⁸ Malhotra, 'Research as critical reflection', p. 469.

⁵⁹ Parkin, *Rethinking the Subject*, pp. 35–40.

⁶⁰ I. Mitroff and L. V. Blankenship, 'On the methodology of the holistic experiment', *Technological Forecasting and Social Change*, 4 (1973), 339–53; Dryzek, *Discursive Democracy*, p. 39.

It suggests empirical researchers view subjects more as participants in a joint communicative venture guided by the notion of ideal speech.⁶¹ It also attempts to break down the traditional power differential between researcher and subject in order to generate forms of evaluation where participants themselves judge outcomes, write up results, analyse data, etc.⁶² Such a methodology would not use control groups, for no generalization would ever be attempted from the results.⁶³

One methodological development which has been informed by discursive and domination-free notions of opinion formation is that of Q methodology.⁶⁴ This research instrument models subjective orientations to social reality in terms of a rated response to a set of statements.⁶⁵ Essentially interpretative,⁶⁶ it can also be critical⁶⁷ and may be 'democratizable' for application to small groups.⁶⁸ The communicative interaction which produces (not discovers) the 'Q sort' between a researcher and an individual effectively deconstructs opinions and meanings in such a way as to bring to light alternatives and to 'stimulate a search on the part of the audience for actions that would bring these alternatives into being'.⁶⁹ One application of Q methodology seeks to 'reconstruct' basic democratic beliefs in a large group of respondents in such a way as to assess audience receptivity to various forms of normative democratic theory.⁷⁰

In sum, there is clearly great scope and promise for the affirmative use of critical theory in empirical sociology. The theory aids our inspection of the social world by offering interpretative concepts, and it makes provocative suggestions regarding its methodology. At present, however, the rarity of such work forces us to conclude that this promise is largely unfulfilled.

As a Test for Legitimacy – Democratic Political Theory

As Habermas states 'moral issues are never raised for their own sake; people raise them seeking a guide for action'.⁷¹ When we seek such guidance, we come across perhaps the most contentious type of affirmative use of his theory, for here we confront its practical intentions in the area of an emancipatory politics. As we would expect, this type of 'application' places greater strain upon his account of the relation between theory and practice than do the other two. His attempts to uphold some utopian content while at the same time to carefully

⁶¹ Carroll's study, *Ethics, Critical Theory, and the Inner City*, relying as it does on questionnaires, does not attempt to practice this methodology.

⁶² Parkin, *Rethinking the Subject*, p. 51.

⁶³ Dryzek, *Discursive Democracy*, p. 177.

⁶⁴ See S. R. Brown, *Political Subjectivity: Applications of Q Methodology in Political Science* (New Haven CT, Yale University Press, 1980); B. McKeown and D. Thomas, *Q Methodology* (Newbury Park, Sage, 1988); Dryzek, *Discursive Democracy*, pp. 174–88.

⁶⁵ Dryzek, *Discursive Democracy*, p. 176.

⁶⁶ Dryzek, *Discursive Democracy*, p. 178.

⁶⁷ Dryzek, *Discursive Democracy*, p. 180.

⁶⁸ See, for example, C. Kitzinger, 'Introduction and Developing Q as a Feminist Methodology: a Study of Accounts of Lesbianism', in S. Wilkinson (ed.), *Feminist Social Psychology: Developing Theory and Practice* (Milton Keynes, Open University Press, 1986), pp. 151–72.

⁶⁹ Dryzek, *Discursive Democracy*, p. 188.

⁷⁰ J. S. Dryzek and J. Berejikian, 'Reconstructive democratic theory', *American Political Science Review*, 87/1 (1993), 48–60.

⁷¹ *MCCA*, p. 179.

limit it, has resulted in criticism, both for being too directive politically⁷² and for having no political direction at all.⁷³

Habermas offers a theoretical reconstruction of the normative core of democratic legitimacy. He argues that a counterfactual ideal of complete fairness is inescapably anticipated whenever reasons are adduced in argumentation. This ideal⁷⁴ can be formalized in a series of pragmatic rules,⁷⁵ which describe a discourse free from domination of any kind, and to which all participants have equal access. The ideal provides a standard of fairness for the evaluation of actual instances of communication. Actual discourses are almost always distorted by temporal pressures, structural constraints and motivational and cognitive deficits.⁷⁶ The ideal functions not to show that all instances of communication are imperfect, but to illuminate the *degree* of imperfection.⁷⁷ The fairness of an actual discourse is, therefore, a matter of asymptotic approximation to the ideal.⁷⁸

The most intriguing attempts to deploy the ideal in such an assessment of practice take place in the Forester volume. Kemp's paper, in which he sets out to use the ideal in order to 'check the "consensus" that emerged' from the involvement of the public in the Windscale Inquiry, is particularly instructive.⁷⁹ Having broken down the ideal speech into its components (equal access to discourse, absence of constraints, equal opportunities to object to and to put forward arguments),⁸⁰ he takes each component and holds it up to the actual practice. This enables him to show that the Windscale Inquiry was subject to systematic distortion, for each component of 'distortion-free practical discourse was transgressed in some manner'.⁸¹ Here then, in keeping with the promise of Habermas's affirmative claim for his theory, we are treated to an analysis of a particular practice which shows precisely how and in what ways that practice falls short of ideal speech.

Kemp's work helps us to see how the Inquiry was distorted by power, yet it also shows the problems encountered with this kind of use of the theory. Actual power distortions are complex and interrelated, and they often involve transgressions of more than one component of the ideal. When we consider the question of how the Windscale Inquiry could have been improved, that is to say, how its procedures could have more closely approximated to the ideal, we therefore confront a significant difficulty. This way of using the theory, for all

⁷² S. K. White, 'Reason and authority in Habermas: a critique of the critics', *American Political Science Review*, 74 (1980), 1007–17.

⁷³ R. Howard, 'A politics in search of the political', *Theory and Society*, 1 (1974), 271–306.

⁷⁴ Originally called an 'Ideal Speech Situation', and later, 'the inescapable presuppositions of argumentation'.

⁷⁵ *MCCA*, p. 89.

⁷⁶ A Ferrara, 'Justice and identity', *Philosophy and Social Criticism*, 18/3 (1992), 333–54. McCarthy, *The Critical Theory of Jürgen Habermas*, p. 309.

⁷⁷ Forester, 'Introduction' in *Critical Theory and Public Life*, p. xvi. It is precisely the inability to distinguish between degrees of imperfection that eludes those postmodern democrats who reject such ideals, see R. Blaug, 'New theories of discursive democracy: a user's guide', *Philosophy and Social Criticism*, 22/1 (1996), 49–80, p. 55.

⁷⁸ J. Habermas, *Justification and Application* (Cambridge, Polity, 1993), pp. 54–5.

⁷⁹ R. Kemp, 'Planning, Public Hearings, and the Politics of Discourse' in Forester, *Critical Theory and Public Life*, 177–201, p. 177.

⁸⁰ Kemp, 'Planning, Public Hearings, and the Politics of Discourse', pp. 186.

⁸¹ Kemp, 'Planning, Public Hearings, and the Politics of Discourse', p. 196.

its apparent rigour, cannot clearly delineate what an improvement would entail.

The problem arises whenever we seek to compare and adjudicate between two examples of practice, be they alternatives from which we must select or a practice and its possible improvement. Because the normative argument does not assign a weight, nor a lexical ordering, to each component, gains in each component are incommensurable.⁸² It would, of course, be normatively preposterous to assign such a weight. Yet nothing short of this would allow us to use Habermas's theory to accurately compare two practices. The theory does not provide the discriminative resources to compare practices in which individual components differ, nor where a gain in one component is accompanied by a loss in another. The theory is therefore of limited use in making comparative evaluations.

Only where there is a clear gain in all four components can we say with surety that there has been an improvement. It is for this reason that Dryzek, having suggested that we use the theory to enable 'comparative evaluations' of practices, gives as his example a comparison between the American polyarchy and the Third Reich.⁸³ Here, improvement is obvious in all the components of the ideal, indeed, so obvious, that the crudest of democratic theories could distinguish between them. Most of the choices we face are between alternatives that are of greater similarity. As Habermas himself acknowledges, 'the typical states are in the gray areas in between'.⁸⁴

Clearly, then, when it comes to using the theory to evaluate instances of communication, words like 'standard'⁸⁵ and 'measurement'⁸⁶ are misleading. Instead, we do better to see the ideal as a kind of training for our eyes. Having understood the components of the ideal of fairness, we are able to identify transgressions in real discourses with greater clarity. This returns us to the illuminative strength of critical theory, which was so much in evidence in the area of cultural criticism. Yet, while it is certainly the case that

[T]here is a 'more' [and a] 'less' with respect to democratic legitimacy; and the (internal) standard of the 'more' or 'less' is expressed precisely by the normative idealization which Habermas derives from his notion of communicative rationality⁸⁷

we are unable to use the ideal to objectively distinguish between instances of distorted communication.⁸⁸

Instead of 'standard' or 'yardstick', we should, therefore, see the ideal as a regulative one, asserting pressure on our intuitions, and guiding our evaluation of practices rather than 'measuring' them. Yet, Habermas had himself

⁸² See Ferrara's discussion of this problem in 'On phronesis', *Praxis International*, 7/4 (1987), p. 247. Ferrara stresses the importance of *phronesis* in compensating for this indeterminacy.

⁸³ Dryzek, *Discursive Democracy*, p. 37.

⁸⁴ *CES*, p. 3.

⁸⁵ Dryzek, *Discursive Democracy*, p. 87.

⁸⁶ McCarthy, *The Critical Theory of Jürgen Habermas*, p. 309.

⁸⁷ A. Wellmer, 'Reason, Utopia, and the Dialectic of Enlightenment' in Bernstein (ed.), *Habermas and Modernity*, pp. 35–66, p. 62.

⁸⁸ A. Wellmer, 'Practical Philosophy and the Theory of Society: on the Problem of the Normative Foundations of a Critical Social Science' in S. Benhabib and F. Dallmayr (eds), *The Communicative Ethics Controversy* (Cambridge MA, MIT Press, 1990), pp. 293–329, p. 324.

suggested that the early critical theorists found themselves caught in a political cul-de-sac wherein 'the possibility of emancipation appeared only as a critical device or regulative principle'.⁸⁹ Here then, in using the theory as a test for legitimacy, we begin to notice a certain discriminative failure, particularly apparent in the comparative evaluation of practices. The ideal of fair communication remains insufficiently discerning to guide our actions, and begins to collapse back into interpretative cultural criticism. When we turn to the question of an emancipatory politics, this discriminative failure is exacerbated further still.

Habermas states that 'the settling of political questions, as far as their moral core is concerned, depends on the institutionalization of practices of rational public debate'.⁹⁰ Such debate takes place (when it does) in the public sphere.⁹¹ Habermas charts the historical degeneration of the public sphere⁹² and shows how it is variously delineated and supported by legal structures of social rights. He locates its modern form in the 'space between the state and civil society'.⁹³ It can come into being in a coffee shop, at a constitutional convention or within a New Social Movement.

Since his early work on the public sphere, further clarification has been attempted by his commentators, regarding both the relation of the public sphere to civil society,⁹⁴ and the mechanisms by which the public sphere has input into the decision-making structures of the state. Habermas has suggested that this input should not be conceived in terms of the public sphere taking over state decision making, for it can never hope to fully replace the functions provided by the differentiated sub-systems of money and power. The complexity of decisions required in the modern state precludes a Rousseauesque conception of popular sovereignty whereby the moment of deliberation occurs in a single assembly.⁹⁵ 'Discourses', Habermas states, 'do not govern'.⁹⁶ For them to do so would entail an unacceptable loss of efficiency, as well as threatening a subsumption of the economy under an administrative bureaucracy. This need for a 'separation of powers' is, he claims, the lesson to be drawn from the 'experiment' of state socialism.⁹⁷

Instead, he speaks in terms of the Parsonian notion of 'influence'.⁹⁸ The public sphere here feeds the product of its deliberative will-formation into the state's decision-making structure by exerting a 'pressure' upon it,⁹⁹ by calling it to account, by keeping a watchful eye upon it. Public spheres are therefore to

⁸⁹ Ray, *Rethinking Critical Theory*, pp. 12, 20.

⁹⁰ J. Habermas, 'Further Reflections on the Public Sphere' in Calhoun, *Habermas and the Public Sphere*, pp. 447–8.

⁹¹ J. Habermas, 'The public sphere: an encyclopaedia article', *New German Critique*, 3 (1974), p. 49.

⁹² J. Habermas, *The Structural Transformation of the Public Sphere* (Cambridge, Polity, 1989), pp. 24, 27.

⁹³ J. J. Rodger, 'On the degeneration of the public sphere', *Political Studies*, 33 (1985), p. 200.

⁹⁴ A. Arato and J. Cohen, *Civil Society and Political Theory* (Cambridge MA, MIT Press, 1992).

⁹⁵ K. Baynes, *The Normative Grounds of Social Criticism* (Albany, State University of New York, 1992), p. 180.

⁹⁶ Habermas, 'Further Reflections', p. 453.

⁹⁷ Habermas, 'Further Reflections', p. 436, pp. 443–4; *PDM*, p. 363.

⁹⁸ Habermas, 'Further Reflections', p. 452; J. Habermas, 'Three models of democracy', *Constellations*, 1/1 (1994), 1–10, pp. 8–9.

⁹⁹ Habermas, 'Further Reflections', p. 455.

operate at the periphery of the state, 'below the threshold of party apparatuses',¹⁰⁰ and to exercise a 'combination of power and self-restraint'.¹⁰¹

In supplying the political system with loyalties and legitimations, the public sphere 'sensitize[s] the self-steering mechanisms of the state and the economy to the goal-oriented mechanisms of radical democratic will formation'.¹⁰² It thus functions as a kind of super-ego to the 'instinctual' behaviour of the political and economic sub-systems. Its central concern is to provide 'democratic countersteering',¹⁰³ and so to achieve a rational balance between the processes of the system and the lifeworld.

If the legitimacy of a political order turns on the degree to which fair discursive input into its decision-making structures is institutionalized, we raise again the question of how closely liberal states approximate to the ideal conditions of legitimacy. Now though, having moved away from the possibility of any kind of 'measurement', we are instead using the theory to inform an analysis of particular political cultures, to ground a critique of democratic institutions and to reveal the normative content of extant constitutional procedures and the law. Here again then, testing legitimacy and guiding actions comes to resemble interpretative cultural criticism. Habermas acknowledges this:

[I]n regard to providing guidance for an emancipatory practice, discourse ethics can acquire a significance for orienting action. It does so, however, not as an ethics, that is, not prescriptively in the direct sense, but indirectly, by becoming part of a critical social theory that can be used to interpret situations.¹⁰⁴

It is this conception of the affirmative use of theory that dominates Habermas's latest book, where the concern is with the normative content of constitutional law.¹⁰⁵ The practical intention of the normative theory, in the area of politics, is no longer conceived in terms of guiding emancipatory action (if it ever was), but instead, as helping us to interpret our social world so that we might make decisions with greater understanding. Thus, Benhabib is now able to state that:

the deliberative theory of democracy is not a theory in search of practice, rather it is a theory which claims to elucidate some aspects of the logic of existing democratic practices better than others.¹⁰⁶

To the extent that the theory does provide guidance for practice, it articulates a politics of deliberation. Moments of deliberation are now to occur in a wide array of self-limiting and institutionalized discourses situated throughout civil society. This network of discourses (including Fraser's 'subaltern

¹⁰⁰ J. Habermas, 'The New Obscurity: the Crisis of the Welfare State and the Exhaustion of Utopian Energies' in S. W. Nicholson (ed.), *The New Conservatism: Cultural Criticism and the Historian's Debate* (Cambridge MA, MIT Press, 1989), pp. 48–70, p. 64.

¹⁰¹ Habermas, 'The New Obscurity', p. 63; *PDM*, p. 365.

¹⁰² *PDM*, p. 365.

¹⁰³ J. Habermas, 'What Theories Can Accomplish – and What they Can't', in *The Past as Future* (Cambridge, Polity, 1994), pp. 99–120, p. 117.

¹⁰⁴ *MCCA*, ft. 81, p. 114.

¹⁰⁵ Habermas, *Between Facts and Norms*.

¹⁰⁶ Benhabib, 'Deliberative rationality and models of democratic legitimacy', *Constellations*, 1/1 (1994), 26–52, p. 42.

counterpublics')¹⁰⁷ would deploy procedures which are as fair as circumstances and political cultures permit.

Yet something rather strange is happening here. For all this talk of the public sphere never quite comes down to earth. Having spent many pages unpacking the nuances of his normative argument, a quite extraordinary number of books and articles on Habermasian theory end with a somewhat nebulous benediction to its political promise. Often, an increase in popular deliberation in the making of political decisions is called for, and general praise is invariably heaped on the public sphere. But then, on the last page, they stop, as it were, in mid air – for no one feels able to bring themselves to actually address the empirical problem of how the normative insights might be translated into institutional shape.

So, for example, Bohman states that 'more democracy ... is possible ... so long as citizens find in the public sphere a discursive space for criticism, learning and new forms of association',¹⁰⁸ Bernstein claims that 'if we do not strive to realize the conditions required for practical discourse – then we will surely become less than fully human',¹⁰⁹ Benhabib suggests that we form 'communities of need and solidarity in the interstices of our societies',¹¹⁰ while Baynes calls for 'a robust and multifaceted model of the public sphere in which individuals can deliberate about the collective terms and conditions of their common lives'.¹¹¹

The point here is not to suggest that these sentiments are incorrect, for they certainly are not. Rather, they alert us to just how little actual crossing over from normative theory to empirical institutional design is attempted by Habermas's commentators. There seems, therefore, to be a kind of missing tier of theory – this being an account of what normatively grounded institutions might be like and how they might actually function.¹¹²

This apparent lacuna arises from a profound ambivalence regarding the relation of meta-theory to substantive political questions. On the one hand, critical theorists praise the practical implications of theory. They know that something more than mere critique is required. Yet on the other hand, any attempt to tell people how to do their politics is anathema. Wanting to provide images of emancipation yet at the same time fearing the coercive power of utopianism, they are left to squeeze themselves into the middle ground, where their knowledge of the consequences of utopianism prevents them from acting, and where their awareness of the suffering in the world serves only to make them miserable. It is no wonder that Habermas has been accused of both irrelevance and authoritarianism.¹¹³ The mixture of fear and disappointment to which his universalist ethics gives rise is shared by both his adherents and his detractors.

¹⁰⁷ N. Fraser, 'Rethinking the Public Sphere: a Contribution to the Critique of Actually Existing Democracy' in Calhoun, *Habermas and the Public Sphere*, pp. 109–42.

¹⁰⁸ J. F. Bohman, 'Communication, ideology, and democratic theory', *American Political Science Review*, 84/1 (1990), p. 109.

¹⁰⁹ R. J. Bernstein, *The Restructuring of Social and Political Theory* (London, Methuen, 1979), p. 236.

¹¹⁰ S. Benhabib, *Critique, Norm, and Utopia* (New York, Columbia University Press, 1986), p. 353.

¹¹¹ Baynes, *Normative Grounds*, p. 181; though still more useful than a 'model' would be the real thing.

¹¹² J. Cohen, 'Deliberation and Democratic Legitimacy' in A. Hamlin and P. Pettit (eds), *The Good Polity: Normative Analysis of the State* (Oxford, Blackwell, 1991), pp. 17–34, p. 30.

¹¹³ White, 'Reason and authority'.

The problem, again, is that the level of abstraction of the theory presents significant difficulties when we seek to address practical questions. Habermas is clear that this act of re-contextualization should not result in an authoritarian or overly utopian politics. The discriminative failure is, therefore, not just a missing bit, it is fully intended. For he has taken great care to preserve, in his theory, a place for the input of actual participants in actual discourses. Only when real individuals, communities and contexts meet the theory of legitimation 'halfway',¹¹⁴ can we begin to see what is involved in the selection of a legitimate political order.

In attempting to tone down the expectations of this theory, Habermas deploys an argument to show that a theory of legitimation is a quite different *kind of thing* to an institutional design, and so does not pick out a particular political form.¹¹⁵ It is not, he claims, for a theory or theorist to pre-select an institutional arrangement, for to do so would amount to designing a way of life for participants. His theory is, therefore, purposefully indeterminate when it comes to the questions of institutional design.

In the face of this limitation on the theory, those investigating the political implications of a discourse ethics are increasingly focusing their attention on a somewhat different object. *En masse*, commentators are now attempting to derive, from the presuppositions of argumentation, a schedule of communicative rights. The insight which drives these various attempts is that discursive will-formation is conditional upon the inclusion of communicatively competent subjects. This insight is then 'cashed in' for the empirical institutional requirements that would enable subjects to gain and maximize such competencies.¹¹⁶ Rights are thus praised for their protective ability, as they are in liberal theory, though here they operate to protect the processes of discursive will-formation,¹¹⁷ and also for their constitutive ability, or for the way in which they seemingly fulfil the necessary conditions of agency.¹¹⁸

Ingram, acknowledging that the limitations of the theory precludes 'the establishment of any particular institutional embodiment of equal democratic rights', goes on to claim that 'our communicative commitments . . . favour the adoption of institutions that promote . . . the equal and effective right of each person to public speech and association'.¹¹⁹ Similarly, Cohen asserts that 'discourse ethics . . . provides the basis for a theory of rights',¹²⁰ and draws our attention particularly to those rights that 'secure the integrity and autonomy of the person (privacy rights) and those having to do with free communication (assembly, association, expression)'.¹²¹ Baynes argues for 'constitutionally

¹¹⁴ *MCCA*, p. 109; *PDM*, p. 322.

¹¹⁵ *CES*, pp. 183ff.; D. Ingram, 'The limits and possibilities of communicative ethics for democratic theory', *Political Theory*, 21/2 (1993), 294–321, p. 311.

¹¹⁶ See, for example, C. C. Gould, 'On the Conception of the Common Interest: Between Procedure and Substance' in *Hermeneutics and Critical Theory in Ethics and Politics*, pp. 267–9, and Habermas, 'Citizenship and national identity', p. 10.

¹¹⁷ R. Shelly, 'Habermas and the normative foundations of a radical politics', *Thesis Eleven*, 35 (1993), 62–83, p. 74.

¹¹⁸ As, for example, in J. Cohen, 'Discourse ethics and civil society', *Philosophy and Social Criticism*, 14/4 (1988), 315–37, p. 326.

¹¹⁹ Ingram, 'Limits and possibilities', p. 311; see also Cohen, 'Discourse ethics and civil society', p. 324.

¹²⁰ Cohen, 'Discourse ethics and civil society', p. 326.

¹²¹ Cohen, 'Discourse ethics and civil society', p. 326.

recognized rights' in order to 'secure communicatively structured domains of action against incursions from the market or administrative state'.¹²² And Cohen, writing with Arato, identifies a bundle of social rights which arise as 'claims' whereby the 'communicative conditions' of discursive will-formation are 'rendered operational and realized as far as possible'.¹²³

Yet there is little attempt in this literature to specify precisely what these rights might be,¹²⁴ and once again, we seem to be operating at a high level of abstraction. This is largely due to theorists being constrained by the need to limit the practical implications of the theory in order to prevent excessive, and possibly authoritarian, discrimination regarding matters of institutional design.

In fact, however, those who would 'say it with rights', face additional problems. For while it may well be that, in liberal democracies, the universal presuppositions of argumentation take the institutional form of a schedule of codified rights,¹²⁵ this does not preclude other equally legitimate, yet completely different, ways of interpreting and instantiating the universal. As Habermas knows, institutional embodiments of normative validity are ethically patterned in different historical and cultural contexts.¹²⁶ In 'saying it with rights', we are invited to make a subtle shift in our orientation. Instead of exploring ways to instantiate the universal in *this* particular context, we now move towards the question of how certain extant rights that we enjoy under Western liberalism instantiate the universal. We are thus redirected in our efforts towards an exploration of the sense in which our *existing* political order is legitimate. This is, or course, an entirely valid project, and is presently being fruitfully pursued by both Habermas and a number of his commentators. But the study of a political order's *extant* legitimacy is a far cry from using the theory in order to design legitimate democratic institutions which might be quite different than those we currently have.

Attempts to 'say it with rights' thus threaten to dull the emancipatory edge of critical theory. Not only do they tend to deflect us from the *ex ante* perspective we require if we are to articulate, in even a limited way, a radical politics, but they also return us to the more traditional use of critical theory, this being the *ex post* evaluation of existing institutions, or again, cultural criticism. In fact, the general loss of utopian content signalled by such attempts threatens critical theory with a slide towards liberalism. Already there have been rumblings to the effect that Habermas's politics is no longer clearly distinguishable from that of Rawls.¹²⁷

Perhaps the only sustained attempt to push the question of institutional design beyond the general approbation of the public sphere is that of John Dryzek. Dryzek understands that critical theory should have pragmatic value, and yet he knows also that it should not try to do too much. Keenly aware of the lack of help so far provided by critical theorists for practical problems, he laments that 'constructive dimension which has so far been missing from critical

¹²² Baynes, *Normative Grounds*, p. 180, and K. Baynes, 'The liberal/communitarian controversy and communicative ethics', *Philosophy and Social Criticism*, 14/4 (1988), 293–313, p. 306.

¹²³ Arato and Cohen, *Civil Society and Political Theory*, p. 441.

¹²⁴ Ingram, 'Limits and possibilities', p. 311.

¹²⁵ Shelly, 'Normative foundations of a radical politics', p. 72.

¹²⁶ Habermas, 'Struggles for recognition', p. 139.

¹²⁷ T. McCarthy 'Kantian constructivism, and reconstructivism: Rawls and Habermas in dialogue', *Ethics*, 105 (1994), 44–63; Baynes, *Normative Grounds*, p. 180.

theory'.¹²⁸ Having noted the frequency of general benedictions for the public sphere, he states,

Such scattered comments are the closest intimations of a project for the construction of discursive institutions to be found in the literature ... Critical theorists have so far failed to generate much in the way of model institutions, still less attempted to apply them to political reality.¹²⁹

Acknowledging the dangers of over-extending critical theory into the area of institutional design, he nevertheless sees a place for 'constructive critique'.¹³⁰ Such a critique is characterized, he states, by a theory which, while not providing blueprints, still offers useful and conceivable alternatives to the status quo. He then proceeds to describe the empirical institutions, which, he claims, would reflect the normative theory. Model institutions, or discursive designs, would have certain negative characteristics, one being that any kind of hierarchy, barriers to participation and formal rules are forbidden.¹³¹ Additionally, participation requires a level of communicative competence which requires resources and institutional support.¹³² Asserting that the actual manner of the debate must itself be an expression of communicative ethics,¹³³ he cites, as an example of a discursive design, Fisher and Urry's 'principled negotiation'.¹³⁴ This calls for the separation of individual egos from problem-solving tasks, emphasis on interests rather than on bargaining positions, efforts to generate proposals to benefit all actors and the striving for criteria separate from particular interests – all of which would be scrutinized discursively. He also suggests that ideal speech calls for the decision rule of unanimity,¹³⁵ though in instances where this was unattainable, compromise could be rational so long as it was arrived at under similarly anti-dominative conditions.

These suggestions are certainly intriguing, yet surely, whether or not they actually reflect the normative conditions outlined by the theory of discourse ethics, and whether they are the *only* reflections that satisfy those conditions, or even the best, is a more complex question. Perhaps, again, we must accept that exactly which of these arrangements, and how they are to be deployed, are questions more properly addressed by actual participants. If this is the case, we once more confront the limit to theory, and Dryzek's suggestions amount to interesting possibilities for participants to discuss. Dryzek's book in fact rather quickly departs from questions of institutional design, and turns instead to the inspection of extant arrangements using the regulative ideal of discourse which is free from domination. Once again, democratic theory collapses back into interpretative critique, and yet another theorist fails to emerge from the labyrinth.

Dryzek does not re-emerge because he, like the other theorists working in this area of affirmative use, encounters the Minotaur of the limit to theory. This

¹²⁸ Dryzek, *Discursive Democracy*, p. 21.

¹²⁹ J. Dryzek, 'Discursive designs: critical theory and political institutions', *American Journal of Political Science*, 31 (1987), 656–79, p. 664; notice once again the use of the word 'model' to characterize something participants might want from theory.

¹³⁰ Dryzek, *Discursive Democracy*, p. 32.

¹³¹ Dryzek, 'Discursive designs', p. 665.

¹³² Dryzek, 'Discursive designs', p. 665.

¹³³ Dryzek, *Discursive Democracy*, p. 41.

¹³⁴ R. Fisher and W. Urry, *Getting to Yes* (Boston MA, Houghton Mifflin, 1981).

¹³⁵ Dryzek, *Discursive Democracy*, p. 42.

limit, so carefully constructed by Habermas to prevent the slide into utopianism, effectively bars theory from certain areas, insisting that only participants can fill them. As such, the methodological problems of discriminative failure, excessive abstraction and lacuna are not weaknesses in the theory. According to Habermas, one cannot criticize a theory for not doing what no theory *should* do.

So, the project of a Habermasian politics has stalled. Yet we can see that it has done so for some very good reasons. Habermas states that theory cannot pre-select the form of either the 'processes of enlightenment'¹³⁶ or the appropriate political strategies.¹³⁷ Yet if we accept this limitation, which he claims results in an 'emancipatory ideal which cannot guide emancipatory practice',¹³⁸ we are left to wonder whether critical theory retains any utopian content at all.

Intriguingly, the studied abstraction of the theory, along with its careful avoidance of institutional designs and refusal to go wondering in what we have termed the missing tier of theory, may have another cause, over and above the fear of utopianism. For there remains, throughout the political uses of Habermas's theory, a tendency to remain oriented to the emancipation of society *as a whole*. This is particularly apparent in the movement towards 'saying it with rights', which remains transfixed by a macro-level politics. It is as though the theorist, while stressing the primacy of practice, is unable to closely approach, with theory, questions faced by participants in actual discourses. Whether due to an academic and institutionalized distaste for the everyday, or a more generic universalistic insensitivity to difference, the effect of retaining such an elevated view is a kind of stubborn uselessness, i.e. liberal quietism. If critical theory is to do more than merely rock backwards and forwards whilst intoning the words 'public sphere', more even than articulating its own limits, it might do well to inspect the problems of democracy from the point of view of participants in a practical discourse. Such a use of theory might have implications for a micro-politics of judgment, one that pertains not to questions of designing 'models' but instead to recurrent problems that participants face in their efforts to be both fair and effective in their deliberations.¹³⁹

Conclusion

Our inspection of the many attempts to fulfil the practical intentions of Habermas's theory has highlighted both successes and failures. In the area of interpretative cultural criticism, the normative theory can assist participants in a process of enlightenment make sense of their social world. For this reason, the diagnosis of modernity has been a fruitful area of affirmative use of critical theory. Yet the abstraction of the theory is carried over into the affirmative attempts themselves. Though valuable, cultural criticism is not, in itself, a project that can fulfil the practical intentions of a critical theory.

In the area of critical sociological research, more avowedly empirical work has been attempted. This has given rise to new directions in research methodology, and we still have reason to hope for studies in which the design,

¹³⁶ Habermas, *Theory and Practice*, p. 32.

¹³⁷ D. Held, *Introduction to Critical Theory* (Cambridge, Polity, 1980), p. 348.

¹³⁸ S. Benhabib, 'Modernity and the aporias of critical theory', *Telos*, 49 (1981), 39–5, p. 54.

¹³⁹ As explored in Blaug, 'New theories of discursive democracy: a user's guide'.

organisation and monitoring of outcomes are all conducted by participants in such a way as to 'be of use to participants'. So far, however, such empirical research has been too thin on the ground.

Regarding attempts to use the theory as a test for legitimacy, we identified a series of discriminative failures, both in questions of design and evaluation of democratic institutions. While the ideal of communicative fairness can be used as a tool to interrogate practice, there are limitations on the theory which constrain it to the role of a regulative ideal. As such, it can illuminate the components of fair communication and prompt us to ask the right questions. Yet the ideal remains insufficiently discerning to guide our actions. In this area of affirmative use, the abstraction of the normative position gives rise to discriminative failure, lacuna and problems of comparative evaluation.

It seems unavoidable, therefore, that we must sum up our assessment of the practical intent of Habermasian theory by likening it to a promissory note: fully written, but as yet uncashed. The methodological problems we confront in trying to use the normative theory, whether in interpretative critique empirical observation or in the normative evaluation of practice, have become repetitive. The limits placed on the theory, and its abstract and universal nature, combine to restrict its practical implications.

We should, perhaps, not be surprised by this. Habermas's primary concern was always to provide an extra-contextual criterion which could distinguish between authoritarianism and freedom, and in this he has been more successful than most. Yet that extra-contextual criterion must be re-contextualized if it is to fulfil its practical intentions. Authoritarianism, is, after all, something real. Its eradication requires both a normative ground for critique *and* an emancipatory practice. Our assessment of the affirmative uses of the theory indicates that Habermas's concern to preserve the critical power of his ideal in fact gives rise to the iatrogenic effect of discriminative failure in questions of practice.

Importantly, Habermas knows this. He has fully accepted this discriminative failure on the empirical side. Perhaps his early experiences of Nazism and Critical Theory's retreat from the philosophy of *praxis* accounts for his proclivity to counter the increasing threat of relativism with an attention to normative questions.¹⁴⁰ For whatever reason, he has remained unwilling to sacrifice the ability to articulate the *sense* in which authoritarianism is different from freedom for a gain in contextual discrimination. Indeed, as we have seen, he remains highly ambivalent about the prospect of greater discrimination in practical matters, for he holds that such a substantive utopianism itself threatens authoritarianism. In its latest form, then, critical theory remains caught in a twilight zone between fear and disappointment. It has practical intentions which it knows it must not fulfil.

¹⁴⁰ J. Habermas, 'A philosophical-political profile', *New Left Review*, 151 (1985), p. 89.