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Habermas on Truth and Justice

PHILIP PETTIT

1. Introduction

The problem which motivates this paper bears on the relationship between Marxism and morality. It is not the well-established question of whether the Marxist's commitments undermine an attachment to ethical standards, but the more neglected query as to whether they allow the espousal of political ideals. The study and assessment of political ideals is pursued nowadays under the title of theory of justice, the aim of such theory being to provide a criterion for distinguishing just patterns of social organization from unjust ones. The main rivals in the field represent justice respectively as legitimacy, welfare and fairness.[1] Marxism does not put forward a distinctive conception of justice itself and the question is whether the Marxist is free to choose as he thinks fit among the candidates on offer.

There is a sting in the question. The various conceptions of justice elaborated in the literature of political philosophy are all of them paradigms of that sort of thinking castigated by Marxists as bourgeois or ideological, undialectical or unhistorical. This indeed is no accident, for the method whereby the argument between the conceptions is advanced seems particularly vulnerable to such criticism: it is invariably characterized as depending at crucial points on an appeal to intuition about matters of justice, and intuition of this kind is surely susceptible to the influences of social formation with which Marx among others has made us familiar.[2]

In face of this depressing state of affairs the Marxist might think of disallowing altogether the investigation of the nature of justice. And yet that is scarcely an attractive option. For if the demands of justice are not something that we can sensibly think of construing in an objective manner, then what is it that vindicates the Marxist criticism of existing social structures? It will not do for the Marxist to invoke the march of history, for the fact that present structures are doomed, if indeed they are so, does nothing to show that their demise should be applauded or hastened.

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[1] See my *Judging Justice: An Introduction to Contemporary Political Philosophy* (London: Routledge & Kegan Paul, 1980).

[2] See *Judging Justice*, Chapter 4.

The Marxist, it appears, is in a dilemma.[3] If he countenances the enterprise of political philosophy, the investigation of the nature of justice, he must weaken the received theory of social formation. If he does not countenance it, he must give up all claim to the rational criticism of social arrangements and play the role of blind collaborator to the historical process. My own view is that his best recourse is to adopt the first horn and reconsider the nature of ideology, but in this assay I would like to examine the approach to the problem which Jürgen Habermas has sponsored in his recent writing.

Habermas is the principal representative today of that tradition of Marxist thinking known as critical theory. This tradition goes back to the Frankfurt Institute of Social Research which was founded in 1923: its main exponents in earlier years were Theodore Adorno and Max Horkheimer but it also encompassed such thinkers as Walter Benjamin, Erich Fromm and Herbert Marcuse.[4] Habermas has wrought a powerful transformation of Marxist thinking in his work of the last twenty years, although one which maintains many of the emphases of his heritage in critical theory. He rates on any estimate as one of the most important Marxist theorists writing today.

The key to Habermas's reworking of Marxism is his importation from the hermeneutic tradition of a distinction between the interventionist disposition that we adopt towards systems which we seek to control and the interactive one that we take up *vis-à-vis* persons with whom we wish to communicate. What he has done, in a nutshell, is to elaborate the significance for Marxist theory and praxis of accepting that this distinction is a valid one. At the level of praxis he has emphasized that if one thinks of revolution on the model of the party steering the proletariat, or if one sees social organization as ideally tending towards finer bureaucratic

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[3] The problem is nicely described in a passage from Alasdair MacIntyre, *Against the Self-Images of the Age* (London: Duckworth, 1971), 92–93. 'Marx originally indicted capitalist values as well as capitalist methods. His belief that any appeal to the exploiters on a moral basis was bound to embody the illusion of common standards of justice governing human behaviour made him suspicious of all moralizing. But when Eduard Bernstein attempted to find a Kantian basis for socialism, the defenders of Marxist orthodoxy Karl Kautsky and Rosa Luxembourg were forced to reopen the question of the nature of the moral authority of the Marxist appeal to the working class. This question, as the experience of Luxembourg and of Lukács, of Trotsky and of Guevara shows, was never satisfactorily answered'.

[4] See Paul Connerton (ed.), *Critical Sociology* (Harmondsworth: Allen Lane, 1976), and Martin Jay, *The Dialectical Imagination* (London: Heinemann, 1973).

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rationalization, one condones a treatment of human beings which sees them only as systems to be technically controlled. At the level of theory he has stressed that only an interest in securing such technical control licenses the deterministic ambitions of historical materialism, and that a more liberal sense of the cognitive interests which theory ought to serve, in particular social theory, makes possible a richer interpretation and development of the historical materialist tradition.[5]

But what Habermas has to say on these general matters I must leave aside. I want to consider in this paper only the response which he has underwritten to the dilemma posed above. He has recently put forward a consensus theory of justice which is meant to slip between the horns of that dilemma, indicating a valid basis for social criticism and yet escaping the charge of ideological distortion. The feature of the consensus theory which turns the necessary trick is what I shall call its agnosticism. The theory gives us a criterion of justice, identifying the just social scheme as that which would attract rational consensus, but it denies that the criterion can be applied with certainty in an imperfect world, holding that we cannot now know what would command rational agreement. The criterion is one which the Marxist critic may claim, with due diffidence, to be applying; he is gambling on what people would opt for in a rational consensus. However, it is not a criterion which can raise ideological worries, for by leaving us in an agnostic position about what scheme would satisfy the condition it defers appropriately to the constraints of social formation.

My discussion of Habermas's theory will divide naturally into two parts. Habermas rejects the view that evaluative matters, and in particular matters having to do with justice, are any less objective and decidable than empirical ones.[6] He does not go so far as to say that evaluative statements are true or false in the same way as empirical, but he does think that the method whereby empirical truth is established provides a model for the

[5] For a comprehensive introduction to Habermas's thought see Thomas McCarthy, *The Critical Theory of Jürgen Habermas* (London: Hutchinson, 1978). Richard Bernstein has a useful shorter account in *The Restructuring of Social and Political Theory* (London: Methuen, 1976). Books of Habermas which have appeared in English are: *Towards a Rational Society* (London: Heinemann, 1971), *Knowledge and Human Interests* (London: Heinemann, 1972), *Theory and Practice* (London: Heinemann, 1974) and *Legitimation Crisis* (London: Heinemann, 1976). For a bibliography see McCarthy.

[6] 'Wahrheitstheorien' in *Wirklichkeit und Reflexion: Walter Schulz zum 60 Geburtstag* (Pfullingen: Neske, 1973), 226–227. We speak of justice where Habermas uses the word 'Richtigkeit'.

corresponding evaluative procedure.[7] Thus in the first part of this discussion I shall consider his approach to empirical truth and in the second I shall look at his parallel treatment of the evaluative counterpart to truth, something that might be called evaluative adequacy: the phrase however is not one that we shall need, for where the adequacy of political evaluations is under discussion we may equally well speak of justice, this being what such adequacy betokens. As we shall see, Habermas defends what he calls a consensus theory of truth and it is this which gives him his model for a consensus theory of justice.[8]

2. The Consensus Theory of Truth

Truth, according to Habermas, is something which a speaker implicitly claims for any assertion that he makes.[9] In being bold enough to speak, the speaker invites us to believe that what he says is intelligible, that he is sincere in saying it, that he is not speaking out of turn, at least not in any serious sense of that phrase, and that he is speaking the truth: these are the four validity claims, as Habermas calls them, of any assertion.[10] Although it is said to be the job of a universal pragmatics of speech to isolate these claims, the case for the truth claim is readily made. Any assertion 'p' is equivalent to the assertion ' "p" is true' and, this being

[7] 'Wahrheitstheorien', 219. It is doubtful whether Habermas has any good reason for not speaking of evaluative truth. For a discussion of the case for ascribing truth-value to evaluate assertions see David Wiggins 'Truth, Invention and the Meaning of Life', *Proceedings of the British Academy* 26 (1976), and my own 'Evaluative "Realism" and Interpretation' in S. Holtzmann and C. Leich (eds), *Wittgenstein: To Follow a Rule* (London: Routledge & Kegan Paul, 1981).

[8] The main source on Habermas's theory of truth, and indeed also on his theory of justice, is the still untranslated paper 'Wahrheitstheorien'; this will henceforth be referred to as 'W' and any quotations from it will be in my own translation. McCarthy provides a faithful commentary on Habermas's views on truth and justice in the book mentioned under reference 5. For a critical commentary on his theory of truth see Mary Hesse, 'Habermas's Consensus Theory of Truth', *Proceedings of the Philosophy of Science Association* 1978, 2 (1979). Reprinted in Mary Hesse, *Revolutions and Reconstructions in the Philosophy of Science* (Hassocks: Harvester, 1980).

[9] Habermas also holds that there is a truth claim implicit in non-assertoric speech acts, as there is held to be a claim of each of the other sorts mentioned later. See 'Was heisst Universalpragmatik?' in K. O. Apel (ed.), *Sprachpragmatik und Philosophie* (Frankfurt: Suhrkamp, 1976). What he has in mind seems to be a claim to the truth of the existential presuppositions of such acts.

[10] On the four claims see 'Was heisst Universalpragmatik?'. The claim to intelligibility is not so much a claim as an assumption. The other claims might be suitably rendered as claims to knowledge, honesty and authority.

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general knowledge, a speaker who says that 'p' must expect to be taken to believe, and in that sense must implicitly claim, 'p' is true.¹¹

It is a feature of communication that a speaker must be prepared to back up the claims which he implicitly makes if he is challenged by his hearers. The attempt to redeem the truth claim of an assertion gives rise to what Habermas calls theoretical discourse. In such discourse arguments are advanced for and against the truth of the proposition in question. The structure of the arguments is described by Habermas on a model derived from Stephen Toulmin.¹² The contentious proposition, say 'Harry is a British subject', will be traced by the speaker to a piece of *evidence* or data, such as 'Harry was born in Bermuda'. If the force of this evidence is questioned an attempt will be made to provide a *warrant* for the connection: this will take the form of a rule such as 'A man born in Bermuda will generally be a British subject'. Finally under yet further pressure an effort will be made to supply this warrant with a *backing*: say an account of certain legal provisions which explain why the rule in question holds.

But if truth is the topic of debate in theoretical discourse, what does it consist in? Habermas reasons that any answer to this question must maintain the connection between truth and argument: it must make truth out to be something operational, something that can be decided among partners in discourse. 'We call those statements true for which we are able to argue.'¹³ On the basis of this consideration he rejects the assimilation of truth either to the subjective experience of certainty or to correspondence with objective fact. The first move would break the connection between truth and argument because certainty is a private experience and, while it may generally attend the acceptance of certain simple observation reports, it is not systematically responsive to the argument which guides propositional assent.¹⁴ The assimilation to correspondence would also break the link between truth and argument, Habermas says, because, if they are taken seriously, the facts in correspondence with which truth allegedly consists must be admitted to be transcendent and inaccessible entities: they are not identifiable after all with the events and objects which form the data of our experience.¹⁵

At this point it would appear that there are two options open to Haber-

¹¹ See W 213–215: notice Habermas's supposition that every assertion is true or false.

¹² W 241ff. See Stephen Toulmin, *The Uses of Argument* (Cambridge: Cambridge University Press, 1964).

¹³ W 219.

¹⁴ W 223–226. Cf. 'A Postscript to *Knowledge and Human Interests*' in *Philosophy of the Social Sciences* 3 (1973), 170.

¹⁵ W 215–219.

mas. He might maintain the operational character of truth through identifying the property methodologically, by reference to the procedure of verification, or sociologically, by reference to the circumstance licensing assent. The methodological approach is part of the heritage of logical positivism and it would identify truth with that property which belongs to propositions and theories that satisfy certain confirmation tests. This identification may be understood analytically or not, depending on whether truth is defined as the ability to pass the tests or is taken as the property, whatever it is, which explains that ability: depending on whether it is said to be necessarily or contingently connected with test-passing. Habermas has no truck with it however, in either sense.[16] He is not explicit about his reasons for rejecting the account but one may conjecture that he would object to it on the grounds that there is no plausible set of confirmation tests which would pick out just those theories that we take to be true. What he has to say on the underdetermination of theory-choice by observation and induction suggests that he would go along with the presently fashionable view that there is no canonical procedure of verification, or even of falsification, by reference to which truth might be identified.[17]

The sociological approach to the identification of truth is that which Habermas prefers. This says that truth is that property which belongs to propositions and theories that are capable of commanding consensus. 'I may ascribe a predicate to an object if and only if every other individual who could enter into discussion with me would ascribe the same predicate to the same object. In order to distinguish true from false statements, I refer to the judgement of others—in fact to the judgment of all others with whom I could ever undertake a discussion (among whom I include counter-factually all the partners in discussion that I could find if my life history were co-extensive with the history of mankind). The condition for the truth of statements is the potential agreement of all others. Every other person would have to be able to convince himself that I ascribed the predicate "p" correctly to the object x and would have to be able then to agree with me. Truth means the promise of achieving a rational consensus.'[18]

As with the methodological criterion of truth, the sociological allows of being construed in an analytical or non-analytical manner. We may pose a question parallel to that raised in Plato's *Euthyphro*, where it is asked whether the gods will something because it is good, or whether it is

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[16] W 239.

[17] W 247. See Thomas Kuhn, *The Structure of Scientific Revolutions*, 2nd edn (Chicago: Chicago University Press, 1970), and Paul Feyerabend, *Against Method* (London: New Left Books, 1975).

[18] W 219.

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rational consensus because it is true, or whether it is true because it
secures rational consensus. The identification of truth is analytical in
the second event, truth consisting in the ability to command consensus,
it is non-analytical in the first, truth being that which explains the attain-
ment of the consensus.

One reason for thinking that Habermas must intend his sociological
theory of truth to be understood non-analytically is that the he is a falli-
bilist and thinks that we can never be certain that we have attained the
truth; if rational consensus is attained and truth is analytically tied to the
achievement of such consensus then it would appear that fallibilistic
doubts are out of place. This consideration is not compelling however
because Habermas says that we cannot ever be certain that a consensus is
properly rational, in which case we could never be certain that truth had
been reached even if it was defined by the ability to command rational
consensus.[19]

But there is a second consideration which also prompts the non-analytical
reading of Habermas's criterion. This is that Habermas obviously thinks of
propositions that attract rational consensus as having a property which
accounts for that distinction: if nothing else, this is the property of offering
reasons which move people to give the proposition their assent. 'The truth
of a proposition stated in discourses means that everybody can be per-
suaded by reasons to recognize the truth claim of the statement as being
justified.'[20] This truth is best taken as consisting for Habermas in the
inherent reasonableness of the statement: as he says himself, borrowing an
English phrase, in its 'warranted assertibility'.[21] The property is not
defined by the ability of the proposition to command consensus but serves
rather to explain that ability.

As so far explicated Habermas's theory of truth is not anything very
unusual. Like many contemporary approaches it is nurtured on C. S.
Peirce's identification of truth with permanent credibility: 'The opinion
which is fated to be agreed to by all who investigate is what we mean by
the truth'.[22] Its origin is the rejection of two illusions commonly assaulted

[19] See W 258 and *Kultur und Kritik* (Frankfurt: Suhrkamp, 1973), 381.
[20] 'A Postscript to Knowledge and Human Interests', 170.
[21] W 240.
[22] C. S. Peirce, 'How to Make Our Ideas Clear' in P. P. Wiener (ed.), *C. S. Peirce: Selected Writings* (New York: Dover, 1958), 133. For an interesting comment on the value of Peirce's definition see Nelson Goodman, *Ways of Worldmaking* (Sussex: Harvester Press, 1978), 123-124. Richard Bernstein discusses Habermas's interpretation of Peirce in his introduction to the German edition of his book on *Praxis and Action: Praxis und Handeln*, (Frankfurt: Suhrkamp, 1975).

in contemporary philosophy: the metaphysical illusion that a proposition or theory might be rationally quite satisfying and yet fail to be true[23]; and the methodological illusion, that it is possible to spell out in the form of procedural tests those things that make a proposition or theory rationally satisfying.[24] Reject both of these illusions and it is more or less inevitable that one will identify truth sociologically as the property which belongs to those claims that are found rationally satisfying. Habermas rings a change on this familiar theme; he does not force any great novelty upon us.

Things alter however as Habermas advances the specification of his consensus theory of truth. The further specification comes in two stages and at the second of these some very distinctive claims are put forward. The first stage consists in an account of the sort of discursive argument which a proposition should be able to survive if it is to count as warranting assertion. What Habermas says, and it is surely uncontentious, is that the argument should be radical in the sense of allowing questioning at every level: not just questioning of the evidence invoked to support the proposition, but of the warrant buttressing the evidence, and of the backing which reinforces the warrant; ultimately it must even tolerate interrogation of the very conceptual scheme within which the original claim was put forward. 'An argumentatively achieved consensus is a sufficient criterion for the resolution of a discursive validity claim if and only if freedom of movement between the argumentative levels is guaranteed by the formal properties of the discourse.'[25]

So far, again, so good. But now Habermas makes a move which is at once obscure and contentious. He puts forward the thesis, as he describes it himself, that the formal properties of discourse which guarantee the required freedom of movement, the necessary interrogative space, are those realized when the discourse is conducted in an ideal speech situation.[26] For such a situation to be brought about a number of things must happen: these are summed up in the general symmetry requirement, as he calls it, that participants enjoy a fair distribution of chances to speak; more specifically they mean that each participant can open or continue any line of discussion, that each can put forward any assertion or call any into question, that the participants are equally free in their relations with one

[23] For criticism of this illusion see Hilary Putnam, 'Realism and Reason' in *Meaning and the Moral Sciences* (London: Routledge & Kegan Paul, 1978).

[24] See the works of Kuhn and Feyerabend mentioned under reference 17.

[25] W 255. Compare the model of theory selection presented in Mary Hesse, 'Models of Theory Change' in P. Suppes *et al.*, *Logic, Methodology & Philosophy of Science* (Amsterdam, 1973).

[26] W 255.

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another to express their most intimate feelings, and that they are equally free to make demands on each other and offer each other help.[27]

The move to the ideal speech situation is contentious because it is by no means obvious that to bring about such a situation would be to ensure interrogative space in the ensuing discourse; if the participants are lazy thinkers no amount of democratization will guarantee that their interrogation is radical. What I wish to explore however is not the contentious nature of this final step in Habermas's presentation, but rather its obscurity. Even if the ideal speech situation is what would be required to maintain interrogative space in discourse between a number of people, it is unclear why Habermas needs to go into such matters. Is it not enough to know that truth is that property which would cause a proposition to be accepted by anyone, even when the proposition is subjected to radical interrogation? Why does one have to be told how to ensure that the interrogation is radical in the case where a number of people open discussion with one another, rather than each thinking the matter out on his own?

The question is useful because it admits of an enlightening answer. The notion of consensus may be understood in either of two senses, the one a distributive sense, as I shall say, the other a collective one. A proposition admits of distributive consensus if and only if each person assents to it, whether or not after discussion with others and whether or not in awareness of what others think. A proposition admits of collective consensus on the other hand if the people involved discuss it as a group and come to a unanimous decision about it. Up to the last stage in his presentation it seemed that Habermas identified truth as the property of propositions which were rationally capable of distributive consensus: the property of propositions to which anyone would rationally have to give assent, i.e. have to give assent after radical interrogation. At the last stage however he reveals that he conceives of the consensus for which any true proposition must have the potential as a collective consensus. Thus he gives himself the problem of stating conditions that guard against a failure of collective reason, a foreclosure of radical questioning: this, since it is notorious that in collectivities people quickly succumb to pressures of conformity and co-ordination.

There is no obvious reason why Habermas should have to concern himself with the problem of how to maintain interrogative space, the free movement between levels of argument, in the search for collective consensus. His sociological account identifies truth as the property which belongs to those propositions to which anyone would rationally have to agree. 'The condition for the truth of statements is the potential agreement of all others.'[28] This perfectly reasonable account supposes only distribu-

[27] W 255–256. Cf 'Was heisst Universalpragmatik?'.
[28] W 219. See reference 18.

tive consensus. It is quite gratuitous to add the requirement that the agreement must be achieved in collective discussion and it is therefore quite unnecessary for an upholder of the theory to investigate how best to guard against collective irrationality. Only the first step in Habermas's specification of his theory of truth is to the point; to be rational a person's assent must indeed be able to stand the test of radical argument. There is no reason to say that the assent must be forthcoming as part of a collective consensus achieved in an ideal speech situation; it may coincide with the judgment that would appear on such an occasion, but that is neither here nor there. The discourse in which Habermas says that questions of truth are raised is normally an interpersonal affair and it may be this which leads him to put a collective construction on the consensus required by his theory. But, as Habermas himself admits, discourse may also be internalized, it may only involve a single thinking subject.[29]

In conclusion, a question: does anything turn on the construal of consensus in a collective rather than a distributive manner? Well, to be sure of the truth of a proposition I must be convinced, presumably from the weight of reasons in its favour, that the proposition would rationally command everyone's agreement; such consensus, rather than subjective certainty or correspondence with objective facts, is the hallmark of truth. Now if the consensus is understood distributively this might be taken to put truth more readily within my grasp than it would be if the consensus required were collective. Having become convinced by radical argument in my own case that a proposition deserves assent I may take it, by analogy, that anyone would respond to the considerations offered in similar manner; thus, if consensus is understood distributively, I may assume that the proposition is true. This line of thought might be held not to work so easily if consensus is construed collectively, for the collective requirement might be taken to introduce a dimension of inscrutability. Who, it might be asked, is to say what judgment on the proposition people would come to collectively? Group dynamics are sufficiently obscure to make the question telling. It appears then that the collective construal of consensus has the effect, at most, of making truth less accessible than the distributive construal would do, although it is doubtful if even this effect is achieved: the extra trouble which Habermas takes on himself may be lacking, not just in argumentative support, but also in strategic purpose.

3. The Consensus Theory of Justice

With this account of Habermas's consensus theory of truth we may turn to consider the theory of justice that he models on it. Our goal, it will be

[29] See *Theory and Practice*, 28.

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recalled, is to see whether his theory of justice succeeds in slipping between the horns of the dilemma that we constructed in the introduction. Does it manage at once to provide a valid basis for social criticism and to evade the charge of ideological distortion? More sharply, does the criterion of justice which it supplies fulfil the task of telling us what justice is, while leaving us in an agnostic position as to what justice demands? It will be noticed that the consensus theory of truth performs something like this feat, for it tells us what truth is but it does not enable us unproblematically to distinguish true theories from false. The difficulty of applying the criterion to identify true theories is that the theories in question are empirical ones and identification must await the presentation of all relevant evidence. It does not primarily have to do with the problem of foreseeing which theories will attract consensus, even collective consensus: this point will come up again later.

For Habermas, although he is not explicit about the matter, there are two independent parallels between the case of truth and that of justice. The first, and we have already drawn attention to it, is that to debate justice is to discuss the adequacy of political evaluations—judgments of justice—and such adequacy is the evaluative counterpart to the truth of empirical statements. Thus just as truth is examined in theoretical discourse, so we may expect a discursive consideration of justice. The other parallel suggests a similar conclusion. We mentioned that for Habermas someone making an assertion presses, not just a truth claim, but a claim to be intelligible, a claim to be sincere, and a claim not to be speaking out of turn: as he says, a claim to *Richtigkeit*, i.e. appropriateness, rightness or justice. This latter claim, he says, resembles the truth claim in demanding discursive redemption and so, on a second count, justice is put in parallel to truth.[30]

In fairness to Habermas a word more must be offered on this second way of drawing the parallel between justice and truth, for the parallel may seem to engage questions of justice only very marginally. The main point to be made is that justice is implicitly claimed not only by someone making an assertion, but also by someone giving an order, putting a request, offering advice, and so on.[31] The redemption of such justice claims may be expected to lead quite far afield. A claim is vindicated when it can be backed up by a norm, a norm which proves itself to be justifiable, whether or not it is institutionalized in the society.[32] The investigation of the validity of such norms will cover the entire spectrum of social life for every norm is engaged in some speech act: 'at least one justified recommendation (or as the case may be, one just command) must correspond

[30] W 220ff. See reference 10.
[31] W 227–228.
[32] W 228–229.

to any norm which ought to have validity under given circumstances'.[33]

Where theoretical discourse is the forum for the consideration of truth, Habermas describes the forum for looking into justice as practical discourse. In practical discourse he thinks that we find the same abstract structure of argument as we found in theoretical. The discourse is inaugurated when the justice of some speech act is called into question: or, as we may also say, when the adequacy of the corresponding evaluation is challenged. The ensuing argument will look to *prima facie* evidence, overarching warrant and ultimate backing. In the practical case the evidence will take the form of a legitimating ground, the warrant that of a general norm or principle and the backing the form of an excursus on the beneficial features of the norm. Thus the justice of my telling you to repay money that you borrowed might be vindicated by my recalling that you promised to repay it (ground), by my invoking the norm that promises ought to be kept (warrant) and ultimately by my expounding on the benefits secured by the realization of such a norm (backing).[34]

But granted that there are all these similarities, what makes for the distinction between practical and theoretical discourse? According to Habermas the crucial difference is that whereas in theoretical discourse the bridge between backing and warrant is usually inductive, the backing consisting in observation reports that support the general laws invoked as warrant, the bridge in the practical case is provided by the principle of universalization. His idea is that a practical warrant consists in a norm, a practical backing in an account of the interests served by the norm, and that the interests support the norm in so far as they are impartially served by it: that is, in so far as the norm would be chosen by someone who took those interests universally into account, and did not look only to his own welfare. 'Induction serves as a bridge principle for justifying the logically discontinuous passage from a finite number of singular statements (data) to a universal statement (hypothesis). Universalization serves as a bridge principle for justifying the passage to a norm from descriptive comments (on the consequences and side-effects of the application of norms for the fulfilment of commonly accepted needs).'[35]

In passing it may be remarked that the distinction drawn by Habermas between practical and theoretical discourse, although he conceives of it as a difference of form,[36] depends on the acceptance of substantial assumptions. It is by no means uncontentious to claim that the justification of a norm can be pursued only by reference to interests that it fairly serves, needs that it impartially fulfils. Someone committed to a natural rights

[33] W 229.
[34] W 242–244.
[35] W 245.
[36] W 226–227 and 239.

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approach might say that the satisfaction of interests and needs has nothing to do with the assessment of a norm, that the norm is to be judged by whether or not it meets certain general constraints.[37] Habermas offers no argument for the line that he takes. He notes in passing that 'norms regulate legitimate chances of need satisfaction'[38], but that this is so does not establish that the norms should be judged by the satisfaction they produce.

Putting these matters aside, we are now in a position to understand Habermas's claim that the justice of norms is assessed in practical discourse, as the truth of propositions, specifically empirical propositions, is examined in theoretical. The effect of the claim is to force on us a consensus theory of justice in parallel to the consensus theory of truth. For all the considerations which motivate the latter theory are taken by Habermas also to apply in the justice case. 'If justice can qualify as a discursively resoluble validity claim, side by side with truth, then it follows that just norms must allow of being grounded in the same way as true propositions.'[39] The upshot is that we are to think of justice as something that permits only indirect characterization: it is the property which belongs to norms that would rationally command anyone's assent. This characterization is to be understood, once again, in a non-analytical fashion so that the justice of the norms explains their ability to attract assent, rather than being defined by it: the norms are not just because they secure a rational consensus; on the contrary, they secure a rational consensus because they are just.

This characterization of justice is one with which it is difficult to quarrel, although it is far from clear that none other is available. In the truth case Habermas offered arguments against the direct analysis of truth by reference to certainty or correspondence, and he also gave us reason for opposing an indirect analysis in methodological terms. Thus an indirect sociological account seemed to be the only one in the offing. In the justice case similar considerations are ignored and we are unceremoniously invited to assume that the most enlightening account of justice approaches it along a sociological route parallel to that which access was gained to truth. The assumption is not irresistible but I propose to go along with it for the time being.

As in the case of truth, Habermas specifies his initial statment of his consensus theory of justice in two further stages. At a first stage, and once again the comment is unobjectionable, he says that the argument which a just norm is expected to be able to survive, the argument which is meant to elicit universal assent, must be of a radical kind that allows

[37] See my *Judging Justice*, mentioned under reference 1, Chapters 8–10.
[38] W 251.
[39] W 226.

questioning at every level. It must permit questioning of evidence, warrant and backing and even allow the encompassing moral framework to be submitted to examination. The remark quoted earlier is intended to apply to the consideration of justice as much as it is to that of truth. 'An argumentatively achieved consensus is a sufficient criterion for the resolution of a discursive validity claim if and only if freedom of movement between the argumentative levels is guaranteed by the formal properties of the discourse.'[40]

It is the second stage of specification, in this case as in the other, which causes problems. Once again Habermas assumes that the consensus by reference to which justice is identified must be a collective consensus, although there is no obvious reason why a distributive consensus will not do. That assumption made, he then concerns himself with the question of how to guarantee that in collective discussion the required freedom of movement between different levels of argument, the necessary interrogative space, will be preserved. His answer is: by realization of those conditions that define the ideal speech situation. But there is no reason given why he should have to go into this matter and it is not even certain that any difference is made by the assumption that the consensus required to identify justice is a collective one. As we saw with truth, it might be taken that the assumption makes justice less scrutable, the outcome of a collective consensus being taken to be more difficult to foresee than that of a distributive one; but this point is not readily decidable, since we cannot be certain that group dynamics would make the collective judgment different from the distributive one.

So much then by way of characterization of Habermas's consensus theory of justice. The question which we now have to ask is whether it fulfils the task of telling us what justice is, while leaving us in an agnostic position as to what justice demands. So far as the arguments presented up to this point go the answer must be that it does not. The theory would allow me to deduce that others would respond in a similar way if radical argument in my own case showed me that a particular norm deserved recognition; thus, taking consensus in the distributive sense, it would permit me to regard the norm as just. As we have seen there is no reason to construe the consensus demanded in a collective sense but even if there were it is not certain that the same line of thought would fail. And even if it did fail, group dynamics being such as to render the point of collective agreement unpredictable, it would seem to fail for reasons which suggest that we ought to have stuck with distributive consensus in the first place. For if group dynamics interfere to make people agree to something collectively that each on his own would have been moved by radical argument

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[40] W 255.

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It appears then that to accept Habermas's theory of justice is not to have agnosticism thrust upon one. Peirce would not have wanted his theory of truth to stop scientists from putting forward hypotheses: he did not entertain the prospect of their sitting back and waiting to see what opinions were fated to be agreed upon; indeed the same holds, presumably, for Habermas. By parity of argument there is no reason why the consensus view of justice should inhibit anyone from speculating and arguing about questions of political right, laying down that this norm is compelling, the other objectionable, and so on. But that being so, one may wonder whether the dilemma that we originally posed has been successfully evaded. For it now seems that Habermas is committed to the validity of our investigating matters of justice when the Marxist theory of ideology to which he subscribes would castigate the enterprise as irremediably distorted: this, at least, on the assumption that the investigation licensed by the consensus theory of justice will follow the familiar lines of established political philosophy, an assumption which Habermas does nothing to belie.

At the beginning of this section I mentioned that the consensus theory of truth does secure a sort of agnostic result, for while it tells us what truth is, it does not give us a standard by reference to which we can begin to work out which theories are true and which false. The reason is that in order to begin to judge theories for their truth-value we need to have all the relevant empirical data available and this condition is patently unfulfilled so long as scientific research goes on. No parallel consideration applies however in the case of justice, since the arguments by which we are moved to make our judgments, and by which we think that anyone should be moved, are not vulnerable in the same way to the effect of novel empirical discovery. Thus someone who accepts the consensus theory can have no reason not to go right ahead with the enterprise of making up his mind between such rival criteria of justice as those which define it respectively as legitimacy, welfare and fairness.

Our case against Habermas might seem ready to be closed. The consensus theory of justice, whatever we think about it in other respects, does not meet the constraint of leaving us in an agnostic position on questions of justice; it licenses a variety of speculation which Marxists have traditionally dismissed as ideological. But the case cannot be closed quite yet for Habermas has other arguments to offer in favour of the conclusion that the consensus view of justice forces agnosticism upon us. These arguments are independent of the parallel with the consensus theory of truth and I shall deal with them in the remainder of this section. There are three arguments in all and they respectively invoke considerations of agreement, accessibility and autonomy: none, I shall urge, is irresistible.

The argument from agreement is by no means explicit in Habermas's work but it is suggested by the following remark. 'It is obvious that practical questions, which are posed with a view to the choice of norms, can only be decided through a consensus between all of those concerned and all of those potentially affected.'[41] This comment is made by way of drawing a contrast between the resolution of questions of justice and the settlement of questions of truth. It suggests that because the selection of a norm as just means the choice of a rule of behaviour which will affect others as well as oneself, one must wait on the consensus of others before the selection is made; otherwise one is scarcely treating them as equals. The situation is meant to contrast sharply with that of selecting a proposition or theory as true, where the choice made will only affect one's own beliefs and behaviour. If the reasoning is valid, what it indicates is that the attempt to work out on one's own the shape that the just society ought to have is both presumptuous and pointless: presumptuous, because it means that one assumes the role of a dictator who is ready to order other people's lives for them; and pointless, because it is unlikely to yield the social constitution which people would jointly decide upon.

This argument for the required agnosticism will not work, for the reason that it depends on a confusion of two procedures: on the one hand, the more or less cognitive exercise in which answers are sought to questions such as 'Is this or that sort of arrangement just or not?'; and on the other, the organizational enterprise in which responses are elicited to issues of the form 'Shall we follow this or that constitutional pattern?' There are those who deny the distinction between the two procedures: anyone who thinks that evaluation is undetermined, being ultimately a matter of decision for example, is free to reject it. But Habermas does not belong to this 'decisionist' party, as we have already seen. 'I suspect that the justification of the validity claims contained in the recommendation of norms of action and norms of assessment can be just as discursively tested as the justification of the validity claims implied in assertions.'[42] Thus he must admit that it is one thing for an individual to resolve the cognitive question of what sort of norms are just and another for him to take part in the normative organization of a society.[43]

Once this distinction is admitted however the force of the argument from agreement is dissipated. It is not presumptuous to try to work out one's views on cognitive questions of justice, simply because they affect one's opinions on how society ought to be organized and determine the broad lines that one would follow in organizational deliberations. If it were presumptuous to do this then so would it be to attempt to clarify one's

[41] W 250–251.
[42] W 226.
[43] Such a distinction is more or less explicit in *Theory and Practice*, 32ff.

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mind on economic matters, since one's economic views must have a similar influence on one's organizational disposition. And neither is it pointless to try to elaborate one's beliefs about matters of justice in advance of multilateral deliberations on the organization of society. On detailed questions of arrangement the outcome of such deliberations must be impossible to predict but on broad issues of justice, assuming that reason prevails, the line taken must coincide with that which one's personal reflection selects as rational.

The second ancillary argument for the agnostic construal of Habermas's consensus theory of justice may be called the argument from accessibility. This is suggested in the following remark, although it is not explicitly developed. 'Norms regulate legitimate chances of need satisfaction and the interpreted needs are a matter of inner nature to which each person has a privileged access, in so far as he has a non-deceitful relationship with himself.'[44] This remark is made in the same context as that which presents the argument from agreement and it also is meant to mark a contrast between the consensus theory of justice and the consensus theory of truth. The idea behind it is that since justice can only be determined by reference to something on which each person is authority in his own case, there is no sense in trying to work out one's picture of the just society in advance of multilateral deliberation and consensus, whether of a distributive or collective kind. Once again support is proffered for the agnostic construal of Habermas's theory of justice.

In this remark Habermas makes a substantial assumption about the sort of reasoning appropriate for settling issues of judgment, an assumption on which we commented earlier. The assumption is contentious and neither is it intrinsically connected with the consensus theory of justice: one might have a different view of the sort of reasoning suitable for political matters and still hold by the essential core of the consensus theory. But even if we let the assumption pass, we must be unpersuaded by this second argument. We might baulk at the strongly anti-behaviourist assumption that each person has a privileged awareness of his own needs, so long as he is not self-deceived, but this is not the objection that I have in mind. The reason we must be unpersuaded by the argument is that the point which it makes could be applauded by certain non-agnostic political philosophers: for example, by a particular kind of utilitarian.

The utilitarian believes that the just social scheme is that which produces the greatest happiness among the people living under it. One species of utilitarian, whose procedure I have characterized in detail elsewhere,[45] argues that people are happiest when the satisfaction of their wants or needs is maximized, and that we must use an interview technique based

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[44] W 251.
[45] See my *Judging Justice*, mentioned under reference 1, Chapter 13.

on the economic theory of utility and decision to establish which of the alternative schemes available is likely to secure this result. A political philosopher of this hue could have no objection to the point which is made in the argument fron accessibility. The argument would not inhibit him from going ahead with his interviews and his calculations, always trying to guard against the self-deception of his subjects, in the attempt to determine the outline of the just society. Thus the argument fails to reinforce the agnostic construal of the consensus theory of justice. It would do so only if it was impossible to get at a person's politically relevant needs other than by letting him cast a vote for his preferred scheme and only if, in addition, there was no possibility of eliciting a suitable vote in a poll. The first condition is, as a matter of empirical fact, unfulfilled and the second would be realized only if it were the case, which it patently is not, that collective discussion is required for the eliciting of suitable votes and, what is more, collective discussion under some unobtainable circumstances such as those of the ideal speech situation. (Notice that were the first condition fulfilled and the second not, then the argument would fail to be compatible with a utilitarian procedure but it would continue to be consistent with a well-known alternative in political philosophy: the majoritarian criterion, according to which the just scheme is that which secures the greatest number of votes.)

The third ancillary argument for the agnostic construal of the consensus theory of justice urges upon us the virtue of leaving judgments of justice to the wisdom of parties seeking collective agreement under the conditions of the ideal speech situation; it suggests that only such parties are in a position to make reliable judgments, and this for a reason that should caution us against trying to work out what they would decide. Specifically, it is claimed that collective consensus under ideal conditions of communication ensures, whether or not uniquely, that the interests satisfied by the scheme chosen are those of autonomous agents, in particular that they are real interests and interests held in common. 'If under these conditions a consensus about the recommendation to accept a norm arises argumentatively, that is, on the basis of hypothetically proposed, alternative justifications, then this consensus expresses a "rational will". Since all those affected have, in principle, at least the chance to participate in the practical deliberation, the "rationality" of the discursively formed will consists in the fact that the reciprocal behavioural expectations raised to normative status afford validity to a *common* interest ascertained *without deception*.'[46]

Let us take first the point that the ideal conditions of communication guarantee that people's real interests, that is, their interests as interpreted without distortion or deception, are satisfied by the scheme chosen.

[46] *Legitimation Crisis*, henceforth LC, 108. The italics are in the original.

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Habermas foresees that under those conditions people are forced by the glare of unconstrained communication to bring their needs clearly to light. 'Even the interpretations of needs in which each individual must be able to recognize what he wants become the object of dis-cursive will-formation.'[47] He contrasts this situation favourably with that which is countenanced on any approach that takes people's interests as given and then tries to satisfy them impartially, pursuing universaliza-bility. 'The principle of justification of norms is no longer the monologically applicable *principle* of universalizability but the communally followed *procedure* of discursive redemption of normative validity claims.'[48] Needs are interpreted and established under the subtle influence of interaction,[49] and the approach favoured by Habermas does not take this formative process as finished but presses it rather towards perfection. 'It carries on the process of the insertion of drive potentials into a communicative structure of action—that is, the socialization process—"with will and consciousness".'[50]

The second point made in the argument from autonomy is that the ideal conditions of communication filter out, not only people's real interests, but also interests which are genuinely common or 'generalizable'. Habermas is not entirely clear about what he means by such interests. They are described as 'needs that can be communicatively shared'[51] and are con-trasted with 'particular desires and private satisfactions or sufferings'.[52] Presumably they include universal self-regarding desires which each can fulfil compatibly with respecting similar desires in others. An example might be the desire which each of us has for freedom from arbitrary arrest, a desire which contrasts in its non-competitive nature with something like the desire for social position. They must certainly also include society—regarding desires which each person naturally has or comes to develop. An example of this sort of aspiration would be the desire for a peaceful or cohesive community. Both these kinds of desires are capable of being communicatively shared in the sense that each person can avow and pursue them consistently with welcoming their avowal and pursuit by others. The second point in the argument from autonomy is that under the conditions of the ideal speech situation such needs are filtered out from particular, divisive concerns, so that the scheme chosen is given a

[47] LC 108.
[48] *Zur Rekonstruktion des Historischen Materialismus* (Frankfurt: Suhrkamp, 1976), 85. Cf. *Theory and Practice*, 150–151.
[49] *Theory and Practice*, 151.
[50] LC 89.
[51] LC 108.
[52] 'A Postscript to *Knowledge and Human Interests*', 171.

satisfactory base. 'The interest is common because the constraint-free consensus permits only what all can want.'[53]

What are we to make of this final argument? Well, the second point is hardly a telling one, since there is no reason to think that we cannot work out which interests are common and which particular in advance of seeing what happens under ideal conditions of communication. Habermas himself insists that the distinction between these two sorts of interests is argumentatively based and not a matter of arbitrary decision.[54] In that case there seems to be no obstacle to our going through people's concerns and rationally establishing where the line ought to be drawn.

The first point in the argument is less easy to deal with since we may well agree that one of the faults with an approach such as that of impartial utilitarianism is that it takes people's interpretations of their needs as given. This might push us into attempting to identify the just scheme by reference to other factors such as natural rights, a possibility that Habermas does not consider, but if we think that justice ought to be judged on the basis of the satisfaction of human needs or wants we may be understandably downcast by the lack in question. In that case we must be at least responsive to the claim that debate in the ideal speech situation would bring to the surface people's real wants, undeceived and undistorted.

And yet, ought we even then to be persuaded to espouse agnosticism and put down justice as something on which we cannot trust our own judgments, although we know the circumstances under which judgments would be trustworthy? The cost of going that way is enormous, in that it entails a self-denying ordinance in the area of political philosophy. And moreover, there are two considerations that counsel against it. The first is that while our intrepretations of our needs, and the desires which they sponsor, are certainly subject to the influence of social formation, there is no ground for believing that they are indefinitely malleable. Thus we might reasonably hope that a social scheme which satisfied people's existing wants would not diverge radically from that which would satisfy their enlightened ones; and if we are unconvinced of this then we might plausibly have a go at working out what people would come to want under enlightenment and then prescribe that the just scheme is that which satisfies those hypothetical desires. The second consideration that counsels against the agnostic conclusion is that it is doubtful in any case whether the ideal conditions of communication would automatically guarantee clairvoyance on the part of those seeking political consensus. Habermas does not offer us any detailed argument on the point, and we may well remain unconvinced, taking the only guarantee of self-knowledge to be radical

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reflection, and thinking it possible that people in ideal communication might yet escape this experience.[55]

But there is a doubt raised by the argument from autonomy which, in conclusion, I would like to confess. It sometimes seems in Habermas's comments that he is mooting a model of human needs other than that which is generally taken for granted, and if this model is sound, then his argument has more weight than we have allowed. The generally accepted model, which might be described as a biological one, assumes that human needs remain recognizable across cultural variations in their expression. The model mooted by Habermas is better characterized as an artistic one, for it suggests that at least some of the needs which a just society should fulfil appear under the right conditions, as if out of nowhere: that like the need that one finds satisfied in a novel form of art, they are undetectable in advance of their appropriate objects. If we think that many significant human needs are of this kind, then we may expect people under ideal conditions of communication to develop interests of which we can have no inkling, interests that are without precedents or parallels. In that case we must be less short with Habermas's final argument for the agnostic construal of his conception of justice. It will be certain that under the existing order of things we are not in a position to work out what regime will satisfy our real interests, for it will be guaranteed that we are without the resources to recognize at least some of the interests in question.

The artistic model of human needs may attract some derision as a piece of romantic mysticism, but it is deserving of serious consideration. We cannot give it such attention here and we must be content just to note that our case against Habermas's agnosticism depends on the assumption of the more commonly accepted biological model. If we speak confidently of having established our point of view, we do so with this weakness put aside. A fuller defence of our claims must raise the question of the nature of human needs, and the rationality of respecting needs in ourselves and others which we are presently incapable of identifying. My own hope is that such a defence is available, for I fear that putting justice out of cognitive reach may ultimately mean inhibiting social criticism, and indulging the seductive idea that someday everything will be changed, changed utterly.

4. Conclusion

It appears then that neither the parallel with the consensus theory of truth, nor the three ancillary arguments that we have considered, secure

[55] Notice that Habermas mentions self-reflection and artistic experience as sources of enlightenment about one's real needs in *Zur Rekonstruktion des Historischen Materialismus*, 344–345.

for Habermas the agnostic construal of his consensus theory of justice; this, assuming the biological model of needs. Even when justice is identified in the indirect sociological fashion that he proposes it is presented as something which we may legitimately hope to investigate; none of the considerations brought forward by Habermas can deny us the right to that ambition. But if the investigation of the nature of justice is licensed, and nothing is said to suggest that it will be radically different from the sort of inquiry traditional in political philosophy, then a seal of approval is given to a mode of theorizing which has always attracted the Marxist criticism of being ideologically contained. Habermas has not slipped between the horns of the dilemma which we posed in the introduction. His consensus theory of justice, conceived for the purpose of grounding social criticism, involves him willy-nilly in countenancing the enterprise of political philosophy, and it means therefore that he must modify the Marxist theory of ideology which would deny the validity of that pursuit.

If my argument is sound then we must welcome Habermas into the company of contemporary political philosophers such as John Rawls, Robert Nozick and Ronald Dworkin. These thinkers unashamedly pursue the articulation of the demands of justice and, while Habermas may wish to express reservations on the plausibility of the project, his commitments force him to take his part in it. But there should we place him in the constellation of positions taken up by contemporary political philosophers? Interesting to note, his consensus theory does not of itself force him into any particular position. Just as one might accept Peirce's account of truth, or indeed Habermas's own, and adopt any of an indefinite number of rival scientific theories, so the acceptance of a consensus account of justice leaves one free to spell out the requirements of justice in any of the many competing ways. However, Habermas does have substantive opinions on the nature of justice and these appear in his remarks to the effect that the just system is that which impartially and maximally satisfies people's real needs. What one would like to see in his future work is a defence of this criterion against competitors and a detailed elaboration of its consequences: the sort of elaboration which, I have argued, he has no good reason not to try to provide.[56]

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