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BETWEEN RHETORIC AND PUBLIC REASON: ON THE NORMATIVE FOUNDATIONS OF DEMOCRATIC DELIBERATIONS

Introduction

This study originates in a puzzle: in recent writings in political theory, the expression "the public use of reason" is widely understood as denoting a radical opposition from rhetoric. An increasingly dominant trend in normative political thought has built upon and sharpened traditional philosophical dichotomies, and is developing a highly rationalistic and moralizing understanding of political normativity. Rhetoric's place is consequently either marginalized, or decried as profoundly perilous for the rationality and legitimacy of political action. My aim here, then, is to examine the probable causes that led to this state of affairs, and to suggest in what way these developments might be more problematic than mainstream political theorizing is prepared to accept.

In this study I will argue that the deliberative democratic accounts, with their insistence on the mandatory use of a strong version of public reason in political justification, tend to articulate in an increasingly restrictive way the normative dimension of political theorizing. This article tries to convey a critique of this condition, and to suggest that a renewed interest in the *political tradition of rhetoric* and in the *institutional circumstances* that make possible political persuasion, can point to a richer alternative for the reconfiguration of the normative foundations of contemporary political philosophy.

For the purposes of this study, I will refer to some of the recent trends in contemporary analytical political theorizing – yet without pretending or aiming for any kind of exhaustive taxonomy/typology of the main theories of democracy.[1] Pointing out these recent developments in political theory is relevant because these accounts identify and define themselves

in opposition to each other, and because the literature[2] is rich in cross-references among their proponents. Moreover, the academic landscape in political theory and many of the current debates revolve around the problems and conceptual tools adopted by these accounts.

There are, without doubt, several clear virtues of deliberative democratic political thought: it has contributed to a certain formalization of the research tools in political theory; it brought an important focus on the moral requirements in political interactions, and refined the concern for equality and personal autonomy that many theories share. And, it did bring *discourse* and the normative dimension of *logos* to the heart of legitimation strategies. I will argue, however, that most of the recent developments in this direction have narrowed and reduced the potential *resources for normativity* in political thought, and that, because of the dominant place that deliberative democracy has in current analytical political theory, this has important consequences for the significance of political theory today as a discipline and for its capacity to represent a relevant source of intellectual tools necessary to adequately understand and reform our political environment.

By choosing a narrowly rationalistic and over-moralizing definition of public reason – as the only procedurally adequate discursive means towards political justification – deliberative democrats have, implicitly or explicitly, re-enacted one of the oldest, classical distinctions in political philosophy: that between philosophy and rhetoric. Obtaining impartial political arguments and rational consensus by excluding any rhetorical elements from political discourse constitutes an important part of deliberative democrats' normative ideal, but at the same time, I will argue, the sign of a problematic, skewed conceptualization of the political.

I will explore the comparative normative potential of rhetoric and public reason by examining two issues that represent central concerns for contemporary political theorizing: the problem of political pluralism, and the question of violence or coercion. I argue, also, that by transforming political problems into moral ones, deliberative democrats make a similar error as those theorists that dissolve political interactions into economic self-interested rationality.

My contention is, thus, that the rhetorical tradition may offer a fresher set of conceptual and political tools, which could allow us to grasp more of the complexity of contemporary mass, pluralistic, democratic politics; that it is, furthermore, hazardous to overlook the fact that the nature of the political is distinct from both economy and morality; and that taking

democratic rhetoric seriously allows us to better understand, as well as to reappraise the role and need for political ideology, as facilitator of political decisions based on (however temporary and incomplete) shared political worldviews. Articulating a conception of rhetoric, ideology and institutions remains an open task in contemporary political theorizing – but, I contend, with higher potential than the current dominant focus on public reason and deliberative democracy.

What deliberative democrats seem to crucially ignore, then, is a concern for the political context in which any deliberative form of democracy is, if ever, possible. The thorny truth is that (deliberative) democracy – like any other regime – is not self-sustaining. Its perpetuation is not obvious, and its establishment not a matter of obvious moral choice. It's a dangerous hubris to assume that it is enough to simply postulate the moral superiority of public reason, and that this makes the deliberative version of democracy simply and procedurally better than any other form.

The rhetorical tradition is less inclined to disregard the substantial problems of political persuasion in contemporary democracies, and the delicate circumstances that make persuasion meaningful and valuable. It can – significantly – provide a better account of the substantive differences among different kinds political persuasion, and of how different contexts matter. The effort to preserve such circumstances must be an on-going one, as well as the effort of being acutely aware of both of its rewards and risks. Instead of understanding the problems of political persuasion from deliberative democrats' moral higher ground, and within a discursive universe sharply divided between public reason and pathological demagogy, this perspective allows for a more subtle and solid understanding of rhetoric's creative political potential, as well of its potentially nefarious consequences.

Defining public reason

Already from the 1970s, the main task of political theory predominantly became that of searching for criteria of distributive justice[3], but from a perspective strongly dominated by analytical moral philosophy. In other words, justice is conceived as being primarily an ethical problem, and only indirectly as a political one. At the same time, a widespread predilection for rational choice theory offered the main methodological choices in designing justificatory procedures[4]. When, during the middle of the

1990s, *political legitimacy* recovers its place as the fundamental theme in political philosophy, the analytical moral philosophy's tool-boxes are still dominant in the academic environment.

Political liberalism (as developed in the last works of John Rawls), deliberative democracy (advocated by Jürgen Habermas, Joshua Cohen, Amy Gutmann, Dennis Thompson), as well as various egalitarian theories of justice (proposed by authors such as Brian Barry, Ronald Dworkin and Thomas Scanlon[5]) have offered important tools for thinking, in a normative key, the main interrogations of political philosophy. Aware of the risk of reducing and concentrating too much the arguments within these theories – otherwise quite complex –, and of forcing certain associations that these authors themselves would deny, I venture, though, to affirm the existence of certain common broad elements, that critics from different directions have identified at various times, and which a minimal reconstruction of these theories allows to justify.

Among such defining elements of political liberalism and deliberative democracy, we can identify either *argumentative structures*, of a procedural kind, or a strong *epistemic/cognitive dimension*[6] of the political justification process. In the words of Joshua Cohen,

> "[t]he conception of justification that provides the core of the ideal of deliberative democracy can be captured in an ideal procedure of political deliberation. In such a procedure participants regard one another as equals; they aim to defend and criticize institutions and programs in terms of considerations that others have reason to accept, given the fact of reasonable pluralism and the assumption that those others are reasonable; and they are prepared to cooperate in accordance with the results of such discussion, treating those results as authoritative.
>
> Which considerations count as reasons? […] In an idealized deliberative setting, it will not do simply to advance reasons that one takes to be true or compelling: such considerations may be rejected by others who are themselves reasonable. One must instead find reasons that are compelling to others, acknowledging those others as equals, aware that they have alternative reasonable commitments, and knowing something about the kinds of commitments that they are likely to have—for example, that they may have moral or religious commitments that impose what they take to be overriding obligations. If a consideration does not meet these tests, that will suffice for rejecting it as a reason. If it does, then it counts as an acceptable political reason."[7]

> "The main idea is that the deliberative conception requires more than that the interests of others be given equal consideration; it demands, too, that we find politically acceptable reasons – reasons that are acceptable to others, given a background of differences of conscientious conviction."[8]

These theories continue, therefore, the rationalist Enlightenment's versions of social contract theories, and establish the legitimacy of political authority on the basis of a hypothetical rational consent of political subjects. Collective political decisions, affirm these theories, are legitimate so long as they satisfy the criteria of public, impartial deliberations. Each subject or participant to the political justification process has the duty to produce *public reasons* for his arguments, and to listen to such reasons from the others. The capacity to formulate such arguments is usually placed at the abstract level of rational agents, performing hypothetical moral-political deliberations. These hypothetical deliberations among, for instance, agents placed in a perfect equality and mutual symmetry (fictional entities that represent us, real persons) are constructed either as "ideal speech situations" in Habermas' accounts[9], or as the "original position" for John Rawls.[10]

This abstract, hypothetical level of deliberation among agents offers the departure point for the political justification – and, at the same time, the criteria of epistemic and normative validity – of the ethical-political principles that should govern us. Real-life bargaining between unequally situated individuals ought not be accepted as such a source for normativity, since they do not correspond to the premise of equality among the subjects of political justification. Existing inequalities of income and wealth, resources, prestige, or education/information would lead to strategic positioning of participants ("strategic action", in the language of Habermas) such that "negotiations" would end in a "compromise" (which has an invariably *depreciatory* connotation). In other words, present injustices would be transferred, through the incorrectly designed procedure (bargaining), and would determine the illegitimacy of the principles so chosen. For that reason, an adequate procedure of deliberation presupposes not only political equality, but also stronger forms of equality that can usually be achieved only as attributes of a hypothetical choice-situation.

Political legitimacy, therefore, is understood as a concept whose content depends on the manner in which we construct a procedure of rational deliberation and argumentation. But where else could these public deliberations take place, beyond this abstract level? According to John Rawls, public reason should guide the deliberations of the members

of the Supreme Court of the United States, as well as of those placed in a position to formulate and interpret the ultimate political principles of a political community. Hence, the level at which these deliberations ought to (and could) take place is one where decisions concern those fundamental political arrangements, values and rights that determine the political identity of a nation. Public reason, then, includes what Rawls identifies as a criterion of *reciprocity*:

> "[O]ur exercise of political power is proper only when we sincerely believe that the reasons we offer for our political action may reasonably be accepted by other citizens as a justification of those actions. This criterion applies on two levels: one is to the constitutional structure itself, and the other is to particular statutes and laws enacted in accordance with that structure. Political conceptions to be reasonable must justify only constitutions that satisfy this principle. This gives what may be called the liberal principle of legitimacy as it applies to the legitimacy of constitutions and statutes enacted under them."[11]

Rawls – as many of his followers – is therefore faithful to a classical liberal distinction between a *higher politics* and a *normal politics*: there is, in other words, a fundamental difference between the kind of deliberation necessary to justify (or modify) the essential elements of a political constitution (the fundamental rights and values of a political community) – and the negotiation influenced by particular interests, prejudice and inequalities, that characterize daily politics, i.e., decisions concerning less fundamental issues. As such, Rawls places the fundamental criteria of deliberations guided by public reason, at the level of constitutional interpretation, while for the common political interactions, this deliberation constitutes a guide and a desideratum, rather than a firm criterion. He invites us to

> "note the kinds of questions and forums to which public reason applies – for example, the debates of political parties and those seeking public office *when discussing constitutional essentials and matters of basic justice* – and distinguish them from the many places in the background culture where political matters are discussed, and often from within peoples' comprehensive doctrines."[12]

However, for many other authors, such as Amy Gutmann and Dennis Thompson,[13] this form of public political deliberation has to apply to

many more contexts, and cover a greater number of issues. From this Habermasian perspective, communicative action can be realized in many circumstances, while the deliberative standards can be harmonized with the goal of democratic inclusive participation. Ignoring a little too easily the considerable conceptual difficulty of conciliating political participation with highly moralizing standards of political deliberation, many of the contemporary authors seem to be convinced that a deliberative democratic perspective brings very simple solutions to what have been – up to recently, at least – extremely complex and difficult problems of political legitimacy.

The limits of public reason

The sense in which many deliberative democrats are contributing to what I have called the reducing of the resources of normativity, is manifold. I will explain succinctly several of the problems that arise – building upon arguments put forward, at various times, by authors such as Chantal Mouffe, Jeremy Waldron,[14] Brian Garsten, Benedetto Fontana, or Gary Remer.

There is a certain disconnection between political practice and political theory's normative requirements; more exactly, deliberative democrats appear to ignore the problem of motivation, when proposing criteria of admissibility for citizens' preferences and arguments, criteria that embody high standards of morality and rationality. Similarly, most advocates of public deliberation have seemed to overlook the tension that exists between wider participation and imposing more demanding criteria for admitting individuals' arguments in the justificatory process. Both the problem of motivation and the issue of exclusionary criteria have been raised in recent literature, and I will briefly mention several further critical comments.

One of these important criticisms can be summed up in the following way: deliberative democrats' procedural accounts "can't have it all":[15] political participation, public reason, democratic inclusion, impartiality, motivation, and epistemic validation. Another criticism is that many of the deliberative democratic accounts seem to have settled on a particular formulation of the nature, or essence, of the political: we should engage in politics, according to these accounts, primarily as truth seekers. But this is also far from obvious. The existing answers offered, among others, by Jürgen Habermas, address only partially some of the reasons

for criticism.[16] According to Habermas, a test regarding motivation is already built into the deliberative-justificatory procedure: citizens who consider themselves unable to support a particular norm can simply reject that norm in the deliberation process. Yet, such an answer seems to misunderstand the barrier that deliberative proceduralism itself erects against taking motivation seriously: lack of motivation could simply be assimilated to personal bias and hence excluded from acceptable reasons. But more importantly, Habermas's procedural solution may address the problem of keeping citizens who are *already engaged in the deliberative process*, motivationally involved. Yet it does nothing to explain how and why would citizens adopt and participate to such restrictive deliberative procedures in the first place.

This manner of conceptualizing the political has been powerfully challenged – and many such critical reviews of deliberative democracy concern more than the nuances of some positions: they address the normative presuppositions and fundamental conceptual choices[17] that these theories share. Moreover, the lack of motivational force of political liberalism and deliberative democracy can be determined by that exclusionary aspect of a radically reduced normativity. But it denotes first and foremost a growing risk of irrelevance in and for the polity of these theories,[18] while the exclusionary character reflects mainly a normative theoretical problem. In other words, we can, on the one hand, decry these theories' incapacity to guide, to offer viable intellectual tools for understanding (and perhaps, change) the terms of our political common life; and, on the other hand, criticize the radical conceptual thinning of mainstream political theory's normative resources.

These two manners of formulating the criticisms are able to concentrate many other critical approaches vis-à-vis this dominant style of political theorizing. The lack of motivational force means that this moralizing understanding of the political legitimacy, most of the times, does not inspire, in the sense of determining political actions. With few notable exceptions, as the (in the end, unsuccessful, but to some extent deliberative) Constitutional Convention drafting the European constitutional treaty, these deliberative standards are as often academically proclaimed as they are rarely pursued in political action. This constitutes a cause for mainstream political theory's increasing disconnectedness from political practice and withdrawal in research labs. Furthermore, the discipline seems to avoid breathing the air of the deep, multi-layered dilemmas that our epoch faces.

From the point of view of the second critique, postulating high standards of morality and rationality excludes potential individual contributions that are not, or cannot be, translated into the impartial language of public reason. In other words, the requirement of a strong rational individual autonomy, in its neo-Kantian substance, that political subjects must possess in order to participate in public deliberation, eliminates *a priori* all those who will not, or cannot, satisfy this standard. The participants in the public deliberation process are invited to re-formulate their arguments such that they correspond to public reason, and their premises could be accepted by the other participants as reasonable agents. At the basis of the deliberative process of justification is, then, the need for a common perspective that participants adopt, which is "public", impartial, reasonable and rational. But those that cannot or will not reformulate their arguments, in this public perspective are, *de jure*, excluded from the deliberative justificatory process, – and thus considered either irrational, or non-reasonable.

The potential for artificial and simplistic polarization becomes obvious when some critics of deliberative democracy and political liberalism oppose rival "radical-participative" theories, identity based, or multicultural accounts, whose main normative desideratum seems to be reduced to postulating a "radical" participation, unfiltered by other criteria – criteria which would necessarily amount to nothing else than expressions of western liberal hegemony and cultural imperialism.[19]

My argument is that, from an important political perspective, both imperatives (of public reason, or of unfiltered participation) miss the point. It is un-motivating to participate when participation seems to expire in pre-decisional deliberations, in the same degree as participation for the sake of participation, which does need other justification, and which cannot be distinguished, at the end of the day, from a certain tyranny of the opinion, is normatively shallow. In both cases, deliberation and participation become ideals postulated from the perspective of academism.

Pluralism and violence

Pluralism

The fundamental presupposition of deliberative democrats is that public deliberation, in either of its forms, embodies the crucial *moral* difference between "mere agreement" (or "*modus vivendi*", or "compromise") and a rational consensus. To make the case against the aggregative accounts

of democracy[20] (which consider citizens' given preferences as legitimate sources for collective decisions), they must show that citizens that justify to each other the main norms of a political community, do so by correcting, or filtering out the personal bias, unequal power and egoism that the aggregative accounts accept. By appealing only to reasons that the others, as reasonable and equals, can accept, they in fact presuppose the possibility of a rational moral consensus.

The potential for adequately conceptualizing political pluralism is consequently drastically reduced. "Pluralism" becomes either simply the "fact of pluralism", or "reasonable pluralism". The former – fact of pluralism – includes all sorts of disagreements and political diversity; reasonable pluralism refers however only to that set of citizens' conceptions that are reasonable, i.e. include reasons that are formulated in terms that others can accept; such citizens accept each other as partners in reason-giving justificatory procedures and agree to recognize some "political conception of justice" or other basic account of political principles and fundamental institutions.

My argument is that deliberative theories, of Habermasian or Rawlsian origin, accentuated more than others the destructive potential of pluralism. In a paradoxical way, the more these accounts acknowledge or proclaim the fact of value-pluralism and diversity of opinions, the higher they raise the deliberative standards of political justification, placing thus the pluralism in question under the strict control of public reason.

I will not follow Hannah Arendt's own critique of political philosophy as a discipline, in which she disparages its status of conceptual dependence on the radical oppositions and dichotomies generated by Plato (including the binary relations that placed, for instance, in opposite camps philosophy as metaphysics and rhetoric). I am rather interested in explaining the perplexity toward diversity and pluralism, which characterizes contemporary theories of deliberative legitimacy. Such a perplexity is sourced both in the political philosophy of modernity, and – inevitably – in Plato's constitutive skepticism towards Athens' oft-chaotic and unpredictable democracy.

In a similar vein with Plato, Habermas and Rawls consider pluralism and diversity, fundamentally, as a potential source of chaos and violence. Where Plato pointed out the dangerous potential of orators, capable of flattering and channeling the public's emotions in foolish political projects, or even tyranny, Rawls considers that the main danger for modern political communities is represented by the violent potential of religious rivalries and

revealed truths that cannot relate (public-) deliberatively to one another. This destructive potential of religious pluralism in Rawlsian vision, calling to mind Plato's aversion for the chaotic diversity of opinions, constitute the background intuition, as well as the justification for restraining the legitimation of political action under the imperative of public reason.

As Chantal Mouffe remarked[21], adopting some of the insights of Claude Lefort,[22] we can say that the central problem of political theory in contemporary liberal democracies, understood as political regimes, is indeed the question of pluralism, a problem that signals the end of certainties concerning the moral (and religious) values that should guide our life together. The difference between Chantal Mouffe and John Rawls, however, is that where Mouffe speaks of *agonistic* democracy, that implies a profound transformation of the symbolic order of social relations, Rawls prefers himself to observe that sort of pluralism as a fact, then extracts from it, through the syntagm of "reasonable pluralism", a sort of mini-pluralism – the only pluralism that can have normative resonance within the public deliberative legitimation process.

In other words, instead of celebrating, as Iris Marion Young, Seyla Benhabib[23] and others, that large pluralism, instead of proclaiming the moral and political ideal of pluralism as diversity or difference,[24] Rawls elaborates the fundamental distinction between a *de facto* pluralism, which has a destructive potential, and a *reasonable* pluralism, i.e. the diversity of only those opinions and doctrines that can be reformulated according to the public reason requirements. Reasonable, hence, are those doctrines that can advance, in political deliberation, arguments based on public reasons. Controlling normatively this second type of pluralism, narrowed down to reasonable positions, Rawls hopes that the violent potential of (generic-type) pluralism can be avoided.

Thus, the problem of political, value- and religious pluralism is viewed in these contemporary political theories in a very polarized manner, yet the differences among accounts concern not as much the quantitative evaluation of diversity's size, but rather its normative significance. The "quarrel with diversity" that seems to obsess or exhaust many of the contemporary debates does not dispute pluralism's extent, but indicates the fact that it is, fundamentally, seen as a threat by some, and celebrated radically and unconditionally by others.

The political tradition of rhetoric can help us decline, with Aristotle and Cicero, this binary manner of conceiving the problematic of pluralism and diversity of opinion, as either a source of conflict, or exalting unfiltered

opinion in the name of "radical" participation. In opposition with the Rawlsian and Habermasian perplexity towards a pluralism that is viewed as fundamentally dangerous, a perplexity which produces, as I argue below, a retreat towards a public justification normatively anchored in epistemic certifications, a perspective inspired by rhetoric and the political virtues of persuasion could avoid the manichaeist schematization of pluralism (reasonable pluralism, non-reasonable pluralism). In other words, this distinction itself – which assumes the grounding of normativity exclusively on public reason – between a reasonable and a non-reasonable pluralism, is, within that rhetorical tradition, profoundly awkward. If we have a good or bad pluralism, this question only makes sense from a procedural perspective, of an *ex ante* legitimation.

A rhetorical perspective on legitimacy, however, precisely because of the ambiguities and uncertainties that characterize decisions which concern our political future, gives up on focusing upon the mechanism of procedural, ex ante legitimation, and concentrates rather on the conditions of possibility of rhetorical persuasion, the context itself where free individuals can engage discursively with one another. In other words legitimacy consists largely in the survival, in time, of the context favorable to meaningful political persuasion.

In the same sense in which, for Karl Popper,[25] democratic legitimacy cannot be awarded, ex ante, procedurally, to those who govern, but is rather confirmed ex post, when their non-violent replacement has been possible – so do republics survive as long as rhetoric and political persuasion make political sense, and disappear when the conceptual (discursive) potential of rhetoric is replaced by coercive dictates.

As Brian Garsten warns,[26] the imposition of demanding, rationalistic public deliberation standards makes that individual contributions rarify, dogmatize, and radicalize, escaping, in the end, the control and moderating effect of political persuasion, representation, and mediation of democratic institutions. The effect is thus one of individuals withdrawing from political interactions and becoming impermeable to political persuasion. A rhetorical perspective on pluralism attempts rather to enlarge the basis of legitimacy, to free the persuasive potential of politics, and not to reduce it to a narrow definition of abstract criteria of normative validity.

Political pluralism cannot be reduced, from this perspective of rhetoric, to the multitude of opinions of individuals chained in Plato's cave, absorbed by the moving shadows. As long as rhetoric's role is accepted as more that chaos or demagogy, we can return to a reflection on those

political regimes in which freedom and rhetoric reinforce each other, and attempt to recover the meanings that those political theories which eliminated rhetoric, have lost.

Violence

Hannah Arendt has maintained that the separation between politics and philosophy and the sovereignty of the latter over the former, operated by Plato, corresponds to the institution of a certain concept of truth, rather than the good organization of the city, as the primary aim of political reflection. This has been translated, in recent political theorizing, as the imperative to *validate epistemically* the discursive process that can produce the legitimate political principles; as such, these principles become not only legitimate, but also correct. Truth becomes a goal of politics equal to the good, and by this the philosophers, not the orators, obtain the intellectual entitlement to guide our political thoughts and actions.

Reproducing this move, and opting again for defining legitimacy as elimination of violence *through* the epistemic certification of political principles, the contemporary theories of public deliberation conceive the deliberative process as an instrument to produce compliance, in the sense in which violence and physical coercion is replaced by "the force of the better argument". This "force" of the better argument, which represents the fundamental logic of public political deliberations, compels our reason, and generates thus compliance, with the same vigor that physical violence would have done it.

The central vision of a Rawlsian political liberalism is accordingly focused on formulating an argumentative procedure that, in order to radically purge violence, appeals to hypothetical-rational situations, such as the original position, in which "agents" situated in a perfect equality and symmetry and deploying only rational-choice judgments ("maximin"), choose as principles of a well-ordered society, the well known Rawlsian principles of justice.[27] These principles are self-evident since the only rational, to identical agents, conceived like this by Rawls in order to eliminate any source of violence and inequality that characterize real social and political relations.

Coercion and violence, in the Rawlsian account, are distinct: on the one hand,

> "since political power is the coercive power of free and equal citizens as a corporate body, this power should be exercised, when constitutional essentials and basic questions of justice are at stake, only in ways that all citizens can reasonably be expected to endorse in the light of their common human reason."[28]

Violence, on the other hand, may characterize unjust settings and – as such – nullify their normative credentials.

> "Obligations arise only if certain background conditions are satisfied. Acquiescence in, or even consent to, clearly unjust institutions does not give rise to obligations. It is generally agreed that extorted promises are void *ab initio*. But similarly, unjust social arrangements are themselves a kind of extortion, even violence, and consent to them does not bind."[29]

Establishing political normativity upon an increasingly narrow concept of public reason, where the force of the better arguments ensures the epistemic certification of political principles – is possible precisely because, similar to Habermas's theory of communicative action, Rawls seems to operate with a very large concept of violence. Rhetorical discourse, strategic defense of one's own opinions become for Habermas or Rawls, "pathologies of communication", which threaten the imperative of the deliberative character of citizens' interactions. Jürgen Habermas, in a recent article, in which he treats the problem of Mass-media independence and of the criteria that it should satisfy in order to serve public deliberations, uses again the syntagm of "pathologies of communication".[30]

From the political perspective of rhetoric, however, equating violence with manipulation, flattery, appeal to passion, is not only exaggerated, but also profoundly discomfited. My argument is that to a large concept of violence corresponds a narrow vision of political normativity, dependent on rigid proceduralism and epistemic certification of deliberations.

In the classical, political tradition of rhetoric, rhetorical persuasion is considered not, with Plato, as akin to another form of violence, but on the contrary, as aiming precisely to replace violence. So far as rhetoric is the art of persuasion, and persuasion renders violence useless, the normative interest can move from the proceduralism that ensures epistemic certification of collective choices, to caring for, and perpetuating the context which makes persuasion, and thus rhetoric, possible.

Rhetorical political deliberations, obviously, cannot constitute procedures that could ensure the epistemic certification of results. Yet, despite their procedural epistemic unreliability, from a political point of view, they – crucially – replace violence and make possible political action. Rhetorical communication generates, and nourishes itself from, ambivalence, ambiguity, incertitude, but this is the nature of future itself – at least in its political dimension. Rhetorical deliberations, in the Aristotelian tradition, concern precisely those choices between alternative actions that define the future, choices that are impregnated with various degrees of uncertainty and imprecision. Or, precisely in this context, trust, personal character emotions and passions, become legitimate elements of political persuasion that should ground collective decisions.

My suggestion is, then, that the political tradition of rhetoric can inspire us to use a narrower – but more precise – concept of violence, which does not include rhetorical persuasion or strategic action, as in the Habermasian account. The concern for the normative resources of political actions can thus be less focused on formulating strict procedures of epistemic rational certification, at an abstract level and relying excessively on the conceptual and methodological tools of moral-analytical philosophy, but rather on the institutional instruments that may generate the survival of the political circumstances in which persuasion – i.e. rhetorical deliberations, not only public reason – is possible.

Rhetoric and Its Institutions

In the remainder of this study, I will tentatively explore the normative relevance of the institutional context of rhetoric. That is, I will call attention to the rich and complex relation between forms of persuasion and rhetoric, on the one hand, and the institutional settings that may sustain or undermine them, on the other hand.

In fact, by using such a wide concept of violence and purging rhetoric from normal, but especially from higher politics, and thus by removing it from serious considerations, the theories of public deliberation remain unable to provide crucial guidance as to the normative difference between kinds of violence and their implication on institutions, regimes, and political transformation[31]. By imposing an aseptic, sterilized medium of rational deliberations as the only acceptable context for legitimacy, political theory gives the impression of preferring to stop where politics

actually begins. It looks increasingly blind to the real-life phenomena of contention that express the nature of the political. The opposition *logos* (restricted to a strict conception of reason) vs. violence (including manipulation) is itself wrongly framed: rather, we should view speech as including a larger variety of acts and accept that contentious politics and decision-making is the normal mode of politics; one cannot procedurally eliminate the impact of inequalities and discriminations: democracies presuppose a constant re-negotiation of inclusions and exclusions, and further enfranchisement. Brushing off through procedural schemes the complex and difficult condition of many individuals or groups restricts, in fact, their access to public forums in which to voice their particular claims: their opportunity for expression would be restricted by the requirements of a standardized language of rational deliberation.

Access to a wider range of discursive resources (i.e., rhetorical speech) can offer important tools for political mobilization, a crucial asset for such groups. In most such cases, moreover, the problem is not primarily moral, to be approached through reasoned and principled moral arguments, but rather political, i.e. recognition as actors, stakeholders and political subjects. Struggles for recognition and greater political inclusion may involve 'progress' and 'regress', periods of status-quo and others with intense reshapings of the borders and nature of a political community. Yet various groups' claims can be and remain mutually exclusive and incompatible, the values and goals they advance may continue to be in conflict, and remain in discord however much rational deliberation is involved.

The problem of recent normative political theory is that it decreed that this situation is problematic, and that ultimately, politics should be a morally-grounded, strongly consensualist activity. The presupposition of consensus is central, however explicit or implicit, since the alternative to consensus is conceived as being, ultimately, coercion and violence. Political theory, though, should be able to tell us a lot more about how different kinds of political discourse affect and are shaped by different kinds of institutions, engage dissimilar capacities for mobilizing solidarities and collective identifications, and discriminate between various forms of violence and contention.

There is a long tradition in which violence itself has an affirmative, transformative potential – for instance, for radical, revolutionary social and political change.[32] But that is not my argument. Rather, it presses the need for a more refined theoretical apparatus that can explore the

complex relation among institutions, rhetoric, and violence. Even if we would accept a radical distinction between rational deliberation and rhetoric, and prefer institutions that promote deliberation,[33] should for instance, the same institutions seriously attempt to curb rhetoric in political deliberations? In other words, if such a sharp dichotomy would entail it, how would we enact norms and set up institutions designed to limit rhetoric? The cost of eliminating rhetoric isn't, in fact, a substantial kind of violence itself?

There is also an important argument that intense rhetorical moments essentially open the space for later deliberations, more or less restricted by public reasons. To set the agenda, to mobilize, and to motivate a community or key actors, such rhetorical discourses can constitute important turning points in collective self-understandings and common framings of important issues.

"To be political, to live in a polis, meant that everything was decided through words and persuasion and not through force and violence"[34]. Hannah Arendt's forceful insight points then to a more subtle understanding of violence and persuasion. A larger concept of deliberation must be at work here, and hence a narrower concept of violence.

Finally, we might say that rhetoric is, in an important sense, "built into" democracy: as Margaret Canovan argues, there is a

> "complex and elusive paradox that lies at the heart of modern democracy. [D]emocratic politics does not and cannot make sense to most people it aims to empower. The most inclusive and accessible for of politics ever achieved is also the most opaque. Precisely because it is the most inclusive form of politics, democracy needs the transparency that ideology can supply, and yet the ideology that should communicate politics to the people cannot avoid being systematically misleading."
>
> "The paradox is this: democracy is the most inclusive and popular form of politics, taking politics to ordinary people, giving them political rights and access to multiple channels of influence. But it is for that very reason by far the most complex form of politics, so bafflingly tangled and opaque that the vast majority of its supposed participants can form no clear picture to help them make sense of it. The fundamental paradox of democracy is, in other words, that empowerment undermines transparency."[35]

Ideologies in this context, understood as necessary "conceptual structures that provide a simplified map of the political world and

motivate their followers"[36] – or, as Michael Freeden[37] would define them, particular decontestations of key political concepts, are directly related to rhetorical persuasion – rather than to public reason deliberations. Rhetoric becomes as a result the fundamental, rich middle ground between reason and demagogy. And "democracy can only develop on this middle ground."[38]

Plato, Aristotle or Cicero, but also many others in this tradition, can offer key resources to distinguish between the various uses of rhetoric. Moreover, if we accept that what makes rhetoric valuable or dreadful depends on the substantive outcomes and the context of its use, the task of defining and defending these goals remains open, and it is definitely not exhausted through a proceduralist-deliberative approach. The threat of demagogy is very real, but focusing on public reason in the attempt to insulate political life from rhetoric is even more problematic.

Cicero's distinction between conversation and oratory is still valid and applies to the present controversy. While conversation is meant to discover truth, oratory is meant to inspire political decision. Much of the current public deliberatory theorizing appears geared up to dissolving the latter into the former. Yet by taking seriously, from a normative perspective, the rhetorical context of political decision-making, we can better relate to the institutional conditions of political rhetoric. Such "circumstances of rhetoric" confer meanings to the orator's effort of persuasion, as well as to the public's role in decision-making. In other words, political rhetoric makes sense only in certain particular circumstances, within a particular kind of political community, and supported by certain particular institutions.

The role of political theory is to provide us with the conceptual apparatus and the cognitive instruments to understand, analyze and normatively evaluate the institutions and the core concepts that define our political existence. By focusing recently on the overly-rationalistic and increasingly moralizing dimension of public reason, by aiming to dissolve all substantive conflict and disagreement in procedures, and by disregarding the political and institutional circumstances for meaningful political persuasion and rhetoric, political theory risks failing at this most basic of its tasks.

NOTES

1 Jon Elster, "The Market and the Forum: Three Varieties of Political Theory", in Bohman J., and Rehg W., (eds), *Deliberative Democracy*, Cambridge MA: MIT Press, 1997, pp. 3–34.

2 Several volumes published in the last decade concentrate a large number of consecrated studies on deliberative democracy. See, for instance, besides the works edited by Jon Elster, James Bohman and William Rehg, and Stephen Macedo; Ackerman, B. and Fishkin, J., *Deliberation Day*, New Haven: Yale University Press, 2004 and Fishkin, J., *Democracy and Deliberation*, New Haven: Yale University Press, 1991.

3 Rawls, *A Theory of Justice,* but also Ronald Dworkin, "What is Equality? Part 2: Equality of Resources", in *Philosophy and Public Affairs*, vol. 10, no. 4, 1981, pp. 283-345.

4 For John Rawls, "[t]he theory of justice is a part, perhaps the most important part, of the theory of rational choice" (*A Theory of Justice*, 1971, p. 15).

5 Among the relevant works, see Scanlon, T.M., *What We Owe to Each Other*, Belknap Press, 1999, and Barry, B., *Justice as Impartiality*, Oxford: Clarendon Press, 1995.

6 Bohman, J. "Political Communication and the Epistemic Value of Diversity: Deliberation and Legitimation in Media Societies", in *Communication Theory* 17 (2007), pp. 348–355.

7 Cohen, J., "Deliberation and Democratic Legitimacy", in Bohman, J., and Rehg, W., *Deliberative Democracy*, pp. 413-14.

8 Ibidem, p. 417.

9 See Habermas, J., *The Theory of Communicative Action,* Boston, Beacon Press, 1987.

10 Rawls, J., Political Liberalism. The John Dewey Essays in Philosophy, New York: Columbia University Press, 1993.

11 *Postscript* to the second edition of *Political Liberalism*: John Rawls, *Political Liberalism, 2nd edn*, New York: Columbia University Press, 1996. Republished in Bohman J., and Rehg W., (eds), *op. cit.,* p. 134.

12 Postscript, in Bohman J., and Rehg, W., (eds), *op. cit.,* p. 136.

13 See Gutmann A., Thompson D., *Democracy and disagreement*, Harvard University Press, 1996.

14 See Waldron, J., *The Dignity of Legislation*, Cambridge: Cambridge University Press, 1999.

15 Gaus, G., "Reason, Justification, and Consensus: Why Democracy Can't Have It All", in Bohman, J., and Rehg,W., (eds), *op. cit.,* pp. 205-242.

16 See Abizadeh, A., "On the Philosophy/Rhetoric Binaries. Or, is Habermasian Discourse Motivationally Impotent?", in *Philosophy and Social Criticism*, vol. 33, no. 4, pp. 445-472.

17 Chantal Mouffe, especially in its *Democratic Paradox* (2000).

18 See Wendy Brown, *Politics out of History* (2001).
19 Iris Marion Young, *Justice and the Politics of Difference*, Princeton University Press, 1990.
20 See Elster, "The Market and the Forum", 1997.
21 See Mouffe, *Democratic Paradox*, 2000.
22 Claude Lefort, *L'Invention démocratique*, Paris, Fayard, 1981.
23 Benhabib, S., Democracy and Difference: Contesting the Boundaries of the Political, Princeton University Press, 1996.
24 For a review of the literature on, and controversies about identity and difference, see Camil Alexandru Pârvu, "From Diversity to Difference. Structural Dilemmas of Identity Politics", in Studia Politica. Romanian Political Science Review, vol. VII, no. 2, 2007, pp. 395-422.
25 Popper, K., *Lectia Acestui Secol*, Bucuresti: Nemira, 1998.
26 Garsten, B., *Saving Persuasion. A Defense of Rhetoric and Judgment*, Cambridge, MA: Harvard University Press, 2006.
27 Rawls, J., *A Theory of Justice*, 1971.
28 Rawls, J., *Political Liberalism*, pp. 139-140.
29 Rawls, J., *A Theory of Justice*, p. 343.
30 Habermas, J., "Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research", in *Communication Theory*, vol. 16 , no. 4, pp. 411-426.
31 Charles Tilly, *The Politics of Collective Violence*, Cambridge, U.K.: Cambridge University Press, 2003.
32 See Georges Sorel, *Réflexions sur la violence*. Paris: Marcel Rivière et Cie, 1908. See also the discussion of violence in Keane, J., *Violence and Democracy*, Cambridge: Cambridge University Press, 2004.
33 Cass Sunstein, *Designing Democracy: What Constitutions Do*, Oxford: Oxford University Press, 2001.
34 Arendt, H., *The Human Condition*, Chicago, University of Chicago Press, 1958, p. 37.
35 Margaret Canovan, "Taking Politics to the People. Populism as the Ideology if Democracy", in Meny, Y., and Surel, Y., *Democracies and the Populist Challenge*, Palgrave MacMillan, 2002, pp. 25-44.
36 Canovan, *op.cit.*, p. 29.
37 Michael Freeden, Ideologies and Political Theory: A Conceptual Approach, Oxford University Press, 1996.
38 Fontana B., Nederman C. J., Remer G. (eds.), *Talking Democracy: Historical Perspectives on Rhetoric and Democracy*, Penn State Press, 2004, p. 10.

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