

**THE COMPLEXITIES OF COMPLEXITY:  
ON THE RELATION BETWEEN HABERMAS'  
SOCIAL AND NORMATIVE THEORIES**

David Peritz

Sarah Lawrence College

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Habermas' theory of social complexity represents a straightforward approach to setting out the social-theoretic premises of a normative argument. He builds on what he believes to be the most advanced and compelling findings of the social sciences, especially the theory of social action and the systems theory approach to sociology. His theory cannot be separated from his methodological and substantive contributions to these two approaches, both of which he seeks to systematically reconstruct through a detailed engagement with prominent representatives of these traditions.<sup>1</sup> Once developed, Habermas' account of the nature and extent of social complexity of late-modern social worlds simultaneously informs and restricts his understanding of democratic cooperation. The focus on complexity and use of social theory to illuminate its precise character is motivated by Habermas' understanding of the main obstacles facing democratic cooperation in late-modern social worlds. He rejects the idea that the cultural diversity is the primary obstacle to just democratic cooperation in contemporary society. Instead, it stems from "the harder material of institutions and action systems."<sup>2</sup> As Habermas' social theory reveals, complexity presents an independent and formidable obstacle to democratic politics by challenging both its ability to control the main institutions of state and its capacity to employ the state to influence other social systems. By building his discourse theory of democracy on the basis of a sophisticated understanding of

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<sup>1</sup> In particular, he seeks to reconstruct the action-theoretic account of societal and cultural rationalization of Max Weber (TCA, I, Ch. II, pp.143-271) and of George Herbert Mead and Emile Durkheim (TCA, II, Ch. V, pp.1-111), and Talcott Parson's systems theory (TCA, II, Ch. 7, pp.199-299). The theory of modernization as a whole is set out in Habermas' social theory magnum opus, the two volume *Theory of Communicative Action*. The most important discussions are in chapters II (Vol. 1, pp.143-271), V-VI (Vol. 2, pp.1-197), and VIII (Ibid., 301-403). Briefer summaries are to be found in *The Philosophical Discourse of Modernity*, lecture XII, §1, pp.341-349; and *Between Facts and Norms*, Ch.1, §2, pp.17-27.

<sup>2</sup> BFN, p.64.

complexity, Habermas hopes both to illuminate these obstacles to democratic cooperation and to document the course available for ameliorating or overcoming these barriers.

In this chapter I assess the reasonableness not of Habermas' basic conclusions, many of which I strongly agree with, but of the way he grounds them by allowing an account of social complexity that is developed as a piece of social theory to enter unmodified as a key premise in a normative conception of democracy. I conclude that this approach is problematic. In this and the next section, I introduce the broad outlines of Habermas' highly involved theory of modernization (§§1-2). Then I chart the role played by his social theory and account of complexity in Habermas' theory of democracy, demonstrating that they enter as main premises, dictating the basic conception of democracy and key conclusions concerning the potential and limits of democratic cooperation in late-modern social worlds (§§3-6). Finally I show that the theory of complexity is ill-suited to play this role, both because it limits the intelligibility of the theory of democracy as a whole to specialists and because the social-theoretic premises of the account fail the standard of mutual acceptability appropriate to democratic theory (§§6-8).

### 1. The Rationalization of Lifeworlds

Habermas comprehends the transformation from the limited complexity of early-modern to the extensive complexity of late-modern European societies as a product of the differentiation of key aspects of society that occurred simultaneously on two interrelated fronts. In barest outline, Habermas' historical and deeply social theoretic explanation of the extent of late-modern social complexity runs as follows. A relatively undifferentiated

early-modern society splits into late-modern market, state and civil society, each with its own corresponding force of social integration—money, power and communicatively achieved agreement or ‘solidarity’—and with an increase in complexity in each of these dimensions and for societies as a whole. On the first front, the lifeworlds of these societies are internally differentiated in a process of communicative rationalization let loose by the loss of integrative power of religious worldviews.<sup>3</sup> On the second, the market economy and administrative state are ‘uncoupled’ from the requirements of lifeworld integration and hence develop into societal subsystems obeying a logic of their own. As a consequence of the historical process of Occidental modernization, each of these two main social domains plays a separate functional role: in the first, social integration serves to reproduce the main symbolic structures of lifeworlds and the contents of traditions, while in the second, systemic integration serves to reproduce the material basis of the lifeworld and to stabilize aspects of its presumptively legitimate social orders. The result is that late-modern social worlds are highly complex in two respects. They contain several distinct complexes of knowledge each of which is differentiated both from the others and internally according to the distinctive forms of their claims to valid knowledge. And they are also highly complex in a second dimension, since the market economy and the bureaucratically organized state split off

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<sup>3</sup> Habermas uses the term lifeworld (*Lebenswelt*) to refer to the body of implicit knowledge generally shared by the members of a social group that serves to make what they say and do intelligible and accountable to each other and that enables them to coordinate their interactions with one another. Because Habermas understands coordination, accountability and intelligibility primarily in terms of how persons act socially by communicating with one another, the lifeworld is understood primarily as a background of shared meanings, “a vast and incalculable web or presuppositions,” that enables communication. (TCA II, VI.1.B, p.131.)

from civil society in which the lifeworld is reproduced, develop distinct principles of social integration, and evolve highly articulated and differentiated areas of operation.<sup>4</sup>

Before analyzing each of the two fronts in greater detail, it is important to note that the dualisms of Habermas' account of European modernization are defended both on methodological and substantive historical grounds. He believes that any adequate theory of society must be able to combine the method of a hermeneutic sociology that rationally reconstructs a participant's knowledge with that of a functionalism attune to the ways in which the effects of participants' actions are structured by institutional contexts that operate independently from their intentions. At the same time he maintains that this distinction is not just methodological but also reflects a real historical division, since modernization brings about the separation of two contexts of interaction that, while overlapping in certain respects, come to be integrated in distinct and incompatible ways.<sup>5</sup>

On the first of the two fronts of modernization is a process of cultural transformation that Habermas refers to as the rationalization of lifeworlds and analyzes in

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<sup>4</sup> I have to confess that I find the details of Habermas' account of this transformation opaque and inconsistent, so in what follows I present mostly the broad outlines of the argument. I do also believe that it is possible to reconstruct so as to eliminate its obscurity and inconsistencies Habermas' account of modernization as involving a two-fold differentiation of society that carries with it enormous normative potentials but that ultimately leads to the pathological developments of cultural impoverishment and the colonization of the lifeworld. On this project see Nancy Fraser, "What's Critical about Critical Theory?" The Case of Habermas and Gender," in *Unruly Practices: Power, Discourse and Gender in Contemporary Social Theory*, Minneapolis: University of Minnesota Press, 1989), pp.113-143; Thomas McCarthy, "Philosophy and Critical Theory: A Reprise," in David Couzens Hoy and McCarthy, *Critical Theory*, (Oxford: Blackwell, 1994), pp.5-100; and my own "The Colonization of the Lifeworld: A Partial Reconstruction," (Cambridge, MA: typescript, December, 1991).

<sup>5</sup> It has been powerfully argued that Habermas' account would be more persuasive if the distinction between social and systems integration were interpreted only as a methodological distinction. (See Fraser, "What's Critical About Critical Theory;" and McCarthy, "Democracy and Complexity.") While Habermas has at points seemed to endorse this position, it is clear from both TCA and BFN that his considered position in his most systematic mature works is that this distinction is not merely methodologically important but also marks a real divide between two kinds of social integration and contexts of interaction. I believe that Habermas is best interpreted as saying that society as a whole must be analyzed from two methodologically distinct but appropriately related perspectives *and* that the need for methodological pluralism arises because different areas of society are integrated according to different principles. (See TCA, II, pp.374-5.)

terms of his theory of communicative action, specifically by examining the effects of turning over the reproduction of the main symbolic structures of the lifeworld to the medium of the communicative action. This process begins with the erosion, as a consequence of the reformation and the scientific revolution, of the social and epistemic authority of religious worldviews that had integrated the different structural components of early-modern lifeworlds.<sup>6</sup> As the regulative authority of religious worldviews breaks down, the traditions they secured are 'set communicatively aflow'. That is, knowledge claims increasingly have to be defended as such in mundane discourse in which participants aspire to produce agreement by offering better arguments. Thus early European modernity features a basic shift in the mode by which agreement on implicit and explicit knowledge is attained from normatively secured to discursively achieved consensus.<sup>7</sup>

A first consequence of this shift is that lifeworlds themselves are internally differentiated: basic structural components that were fused together as parts of an encompassing religious world view are separated and begin to evolve each according to

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<sup>6</sup> For the most part in this section I will refer to lifeworlds in the plural, departing from Habermas' convention throughout *The Theory of Communicative Action*. I am not sure whether Habermas' usage simply represents a simplification that is useful in presenting the basic ideas of communicative action and social integration, or a deeper and more problematic assumption of shared horizons of meaning at odds with the cultural diversity of late-modern social worlds. As Habermas has since recognized, late-modern social worlds are better characterized as symbolically structured by multiple lifeworlds between which there is competition, intersection and overlap: "The more societal complexity increases and originally ethnocentric perspectives widen, the more there develops a pluralization of life histories while the zones of overlapping lifeworlds and shared background assumptions shrink." (BFN, p.25.) This leads to a conception of "different lifeworlds that collide with one another" while at the same time generating through communicative encounters a "polycentric projection" of a "virtual center of self-understanding" created in the "back and forth in the flux of interpretation" that enables "fragile networks" of communication. (PDM, p.359) This understanding of the presuppositions of communicative interaction would seem to make the idea of communicative integration of social contexts all the more risky, fragile, inefficient and problematic, if still no less necessary. As will become clear, Habermas also uses 'the lifeworld' in a different way in his sociology to refer to those aspects of society that are communicatively integrated. See below, p.18, note 29 and accompanying text.

<sup>7</sup> TCA, II, p.180.

its own distinct logic. In particular, the transference of (non-normative) traditions and knowledge (culture), the legitimation or contestation of normative rules and institutions (society), and the formation of responsible individuals (personality) separate from one another as the reproduction of these three main structural components of lifeworlds each follows its own internal logic.<sup>8</sup> At the same time, each main component is also internally differentiated as science and technology, law and morality, art and criticism also part ways.<sup>9</sup>

This double differentiation of lifeworlds also coincides their ‘rationalization’: the continuous production and reproduction of the symbolic structures of lifeworlds in a process that depends on the ability of participants to achieve agreements in on-going discussion and argumentation brings about a separation of spheres of knowledge each according to its relevant standard of validity. Aspects of the reproduction of lifeworlds that need to be justified by appeal to different kinds of argumentation come to be increasingly separated.<sup>10</sup> Thus the lines of demarcation according to which lifeworlds are differentiated correspond not only to their main structural components but also to three complexes of rationalization, together representing the formal possibilities for the accumulation of knowledge present in the structure of human (communicative) reason as such.<sup>11</sup> Habermas claims that this separation and pursuit of different kinds of knowledge

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<sup>8</sup> The three main structural components are briefly defined as follows: culture defined as “interpretive schema susceptible to consensus (or ‘valid knowledge),” society as “legitimately ordered interpersonal relations (or ‘solidarities’),” and personality as “capacities for interaction (or ‘personal identities’)” See TCA, II, VI.1.D, pp.140-8, especially pp.140-141; and TCA, I, II.3.B, especially pp.236-240.

<sup>9</sup> *The Philosophical Discourse of Modernity*, p.344.

<sup>10</sup> What separates kinds of argumentation or discourse in the first instance is different implicit principles of justification that must be met if a claim to validity is to be upheld. These principles and the corresponding differentiations in types of discourse and knowledge are revealed through a formal pragmatic analysis of the presuppositions of speech. See “Remarks,” p.164; and DE, pp.133-9.

<sup>11</sup> See TCA, I, pp.237-239; and PDM, pp.339-340. Habermas employs a communicative conception of human reason, based on his analysis of the necessary pragmatic presuppositions of consent-oriented speech.

claims in distinct social spheres allows for a gain in and accumulation of knowledge in modern Western societies unprecedented in human history. The differentiation of the lifeworld ultimately lets loose “the rationality potentials built into communicative action” itself.<sup>12</sup> This differentiation of society into multiple spheres each operating according to distinct principles represents a first dimension of the marked increase in social complexity brought about in the course of European modernization: lifeworld complexity.

## 2. The Uncoupling of Societal Subsystems

The second front in Habermas’ account of Occidental modernization is marked by the separation from society as a whole of the market economy and the bureaucratically structured administrative state as functionally specialized institutional subsystems. In analyzing this development, Habermas relies on systems theory, an approach to the sociology of organizations modeled on biology and cybernetics that emphasizes the idea that complex systems succeed when they establish functional interconnections between their component parts so as to be able to maintain an equilibrium between the system as a

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This analysis reveals the presence of three formal worlds of reference, the objective, the social and the subjective, and three basic attitudes that it is possible to take up towards a knowledge claim, objectivating, norm-conformative, and expressive. A ‘rationalization complex’ results from the systematic pursuit of knowledge about one of the three worlds of reference from the orientation of the basic attitudes that are productive of knowledge in studying these worlds. This account is not uncontroversial. For an argument that Habermas unnecessarily restricts the formal possibilities for the accumulation of knowledge present in human reason, see Thomas McCarthy, “Reason and Rationalization: Habermas’s ‘Overcoming’ of Hermeneutics,” in McCarthy, *Ideals and Illusions: On Reconstruction and Deconstruction in Contemporary Critical Theory*, (Cambridge, MA: MIT Press, 1993), pp.127-151.

<sup>12</sup> BFN, III.1.3, p.98.

whole and its environment.<sup>13</sup> Systems do not operate according to the intentions of the system as a whole or any of its component parts. Instead, the coordinated functioning of the elements of a system is explained in terms of a code or language that enables them to operate together and in terms of which inputs from the environment are interpreted. The systems code is generally a simplified and inflexible ‘language’, in the limit case a binary code, useful mostly in coordinating the system’s elements in set routines.

Habermas employs systems methodology to explain the differentiation from society as a whole of two functionally specialized institutional subsystems containing the capacity to reproduce the material basis and to stabilize the presumptively legitimate social orders of the lifeworld without directly relying on the overdrawn resources of communicative action in rationalized lifeworlds. The market economy and the bureaucratically organized state are constituted as what Habermas terms formally organized domains of action, domains structured in such a way that participants are relieved of the work of intentionally coordinating their interactions through ordinary communication. Instead, participants are free to act with a self-regarding and purposive-rational orientation, and the coordination of their independent, strategic actions is brought about not through their intentions but through the functional interconnections between the consequences of their actions. Within both the market and the administrative systems, interaction has been standardized around key aspects of societal reproduction and systems anchored in the lifeworld through the creation of roles that organize basic

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<sup>13</sup> The most prominent exponents of systems theory are Talcott Parsons in his later work, and Niklaus Luhmann. See the essays collected in Parsons, *Sociological Theory and Modern Society*, (New York: Free Press, 1967); and Luhman, *The Differentiation of Society*, translated by Stephen Holmes and Charles Larmore, (New York: Columbia University Press, 1982), and Id., *Social Systems*, translated by John Bednarz, Jr., with Dirk Baecker, foreword by Eva M. Knodt, (Palo Alto: Stanford University Press, 1995). In my general description of systems theory I have also drawn on William Rehg’s helpful treatment in his

functions. Positive law—specifically contract, property, corporate, welfare and administrative law— constitute the market and state domains with their basic roles of employee, consumer, client and citizens so that persons playing these roles can orient themselves to success in a narrowly conceived task, instead of awaiting the consent of others to act jointly.

This formal constitution of the market-economy and bureaucratically administered state allows interactions to be coordinated through the respective media of money and legally structured power. These systems bypass the need for consent in determining the course of collective action by structuring interaction into a set of standard situations in which a purposive-rational or ‘systems conforming’ orientation can be effective because participants can ‘condition’ one another’s responses by employing these media. "In the paradigmatic case of money, the standard *situation* is defined by the process of exchange of goods...In these conditions, exchange partners can mutually condition each others' reactions through their offers without having to rely on the willingness to cooperate which is a precondition of communicative action. Rather, an objectifying attitude towards the action situation and a rational orientation towards the consequences of action is expected of the actors. *Profitability* forms the measure according to which success can be estimated."<sup>14</sup>

When society is structured so that interactions internal to a system’s formal domain and between this domain and its environment take place in its medium, the subsystem is capable of “uncoupling” from the lifeworld and operating exclusively according to its own functional logic. Societal subsystems are released from their

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“Translator’s Introduction” to BFN, pp.xx-xxiii; and James Bohman’s discussion in *The New Philosophy of the Social Sciences: Problems of Indeterminacy*, (Cambridge, MA: MIT Press, 1991), pp.167f.

dependence on the risks, costs and inefficiencies of the communicative coordination of action. Freed from communicative coordination's inertia, societal subsystems are able to functionally interconnect a range of interactions in a way that would not be possible if both the overall operation and the roles played by specific individuals within them depended on the intent and consent of all involved. Paradigmatic here is Adam Smith's invisible hand model of market mechanisms that secure the wealth of a nation not because this is the intent of any participants in market transactions but precisely by going "behind their backs," bypassing their specific purposes to coordinate supply and demand in a way that could not be accomplished if deliberately planned. This alternative form of social integration makes possible a vast increase in the complexity of these institutions and a consequent gain in their capacity to 'steer' social interactions and their environments. The extent of the division of labor and the functional subdivision and global integration of both production and consumption within the market economy, on the one hand; and, on the other, the capacity of the modern state to enforce increasingly minute laws and regulations with a great deal of uniformity over large territorial units: both of these gains in systems complexity and the consequent increase in the ability of societies to master the reproduction of their material bases and stabilize their social relations: all of this is enabled by the unique form of societal integration contained in these newly evolved systems and disclosed by systems theory.

### 3. Reconstructing the Normative Self-understanding of Democracy

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<sup>14</sup> "Remarks," p.157. See also *Lifeworld*, VII.2.C, (pp.256-82).

Habermas' account of the nature and extent of social complexity of late-modern social worlds simultaneously informs and restricts his understanding of democratic cooperation. In this section I trace this dual influence first by examining the way in which Habermas employs both action and systems theory to develop his discourse theory of democracy. I then turn to the substance of his theory, surveying first the account of citizens' self-understanding of democracy that Habermas reconstructs using action theory, then shifting to what he terms the sociological translation of this conception in which employs the categories of systems theory to assess how democracy might be practiced in late-modern social conditions. My aims in this section are two-fold: first, to show that Habermas' theory of democracy is premised in general on his particular approach to social theory and specifically on his conclusions concerning the extensive differentiation and complexity of late-modern societies; and, second, to argue that the reliance on these methods and conclusions leads Habermas to revise significantly the normative content of democracy to accommodate the conclusions of sociological realism. In the following section I will argue that this reliance on premises constructed according to the standards of social theory is problematic to the extent that the resultant theory of democracy is to be understood as a normative conception.

Consider first the respects in which Habermas' basic conception of democracy relies on the methodology of his action and systems theories. In *Between Facts and Norms*, his systematic treatise on democratic theory and law, Habermas' aims to develop a theory of the legitimacy of the democratic constitutional state that is neither sociologically naïve nor normatively impoverished. This aim leads to the methodological dualism of a work that, like *The Theory of Communicative Action*, shifts between efforts

to reconstruct participants' perspectives and an objectifying perspective informed by systems theory.<sup>15</sup>

In his effort to “rationally reconstruct the *self-understanding* of...modern legal orders,” Habermas sets out a theory of democratic legitimacy that expresses the counterfactual aspirations of modern citizens who conceive themselves as free, equal and politically autonomous and view law as the medium in which this status is recognized and protected.<sup>16</sup> He undertakes this reconstruction by imagining a practical discourse in which participants with full communicative freedom agree to regulate their living together by means of positive law. The tools of the discourse theory of ethics Habermas develops through an analysis of the presuppositions of practical discourse are employed to specify the conditions under which such an agreement is normatively legitimate. The basic claim of Habermas' discourse theoretic reconstruction of the normative self-understanding of democratic societies is that persons who possess communicative freedom would only consent to regulate their association through the medium of law if they also preserved the communicative liberties necessary to revise law in light of their achieved agreements. The basic principle of democratic legitimacy therefore states that the making of law must be tied to processes of democratic opinion formation and will formation. But even in the portion of the argument explicitly devoted to normative theory, Habermas alternates between using discourse ethics to reconstruct the idea of democratic legitimacy and employing systems theory to clarify the institutional context in which law becomes an effective tool of social integration. This alternation is necessary, Habermas maintains, to formulate the conditions under which the regulation of society by

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<sup>15</sup> On the “methodological pluralism” of this work see BFN, pp.xxxix & 6-7.

positive law is acceptable, for the way in which *coercively enforced* positive law operates as an action system intertwined with the political system can only be illuminated by systems theory.<sup>17</sup>

A main conclusion of Habermas' reconstruction of the democratic self-understanding is that two types of political power must first be differentiated and then appropriately related. On the one hand, informal political discourse that contributes to processes of public -opinion and -will formation can generate a form of political power by producing shared convictions that imply "a tacit acceptance of obligations relevant for action."<sup>18</sup> This *communicative power* comes into being in the informal public spheres of civil society, the many overlapping and cross-cutting realms of opinion formation that together form a web of communication that Habermas characterizes as polycentric and irreducible to any specific location.<sup>19</sup> The production in these realms of common opinions and wills constitutes new social facts in the form of shared beliefs, but it is at the same time "limited to the weakly motivating force of good reasons," and so is not usually directly effective in securing collective goals or in protecting lifeworlds from the incursions of systems.<sup>20</sup> On the other hand, formal political discourse that takes place in the official or formal political public sphere of the state commands administrative power, that is, legally-structured, coercively sanctioned power enforced by a bureaucratically structured state-apparatus. *Administrative power* comes into being as a consequence of

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<sup>16</sup> BFN, p.82. This rational reconstruction takes place in BFN, chapters 3-4 (pp.82-193), and is elaborated in comparison with other normative approaches in chapters 5-6 (pp.195-286).

<sup>17</sup> Habermas offer this analysis in BFN, chapter 4, §§1 & 3, (pp.133-151 & 168-193). See also the (I believe ultimately misplaced) criticism of Rawls' failure to undertake a similar analysis in BFN, chapter 2, §2 (pp.56-62).

<sup>18</sup> BFN, p.147.

<sup>19</sup> On communicative power, see BFN, 4:2, pp.151-168. On the public sphere and civil society, see BFN, 8:3.1-2, pp.360-373.

<sup>20</sup> BFN, p.147.

the juris-generative discourse conducted in legislatures that serve as concretely located centers for a society's efforts to influence itself.<sup>21</sup>

Taking up this distinction between two types of power, the principle of democratic legitimacy can be reformulated. Democracy legitimacy requires political institutions, social conditions and cultural practices that allow for the effective regulation of administrative by communicative power. To be effectively constituted, communicative power must be generated in a civil society that contains what Habermas refers to as intact structures of intersubjectivity, that is to say, media of communication and forms of knowledge that allow public opinions and public will to be formed in a discursive process in which all are free to give or withhold assent. This leads to one critical principle of the legitimacy of the constitutional state, namely, that civil society must be independent from the market and the state: its integrity must be preserved against the intrusions of systems media and social power.<sup>22</sup> But, at the same time, to become socially effective, communicative power must be translated and amplified by the formal public sphere of the state into legally constituted and coercively enforced administrative power. Thus, a second basic principle of democratic legitimacy is that the formal political public sphere of the state must be sensitive to the inputs generated within the informal general public sphere of civil society and communicative power must effectively control administrative power.<sup>23</sup>

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<sup>21</sup> On administrative power, see BFN, 4:1, pp.133-143.

<sup>22</sup> BFN, pp.174-6. Chapters three and four contain a discourse theoretic development of the idea of democratic legitimacy in light of an increasingly detailed sociological understanding of the legal system on its own and as a key component of the modern administrative state. As a consequence, the principle of democratic legitimacy goes through several formulations, each taking into account a more specific understanding of the nature of legal norms and the system of law, until it ultimately splits into distinct principles of the constitutional state.

<sup>23</sup> BFN, 4:3.3, pp.186-194.

A democracy in which these two principles are realized holds the promise of realizing a rule of law that relies exclusively on “the legitimating force of a discursive process of opinion- and will- formation, in which the illocutionary binding forces of a use of language oriented to mutual understanding serve to bring reason and will together—and lead to convincing positions to which all individuals can agree without coercion.”<sup>24</sup> In an earlier work, *The Structural Transformation of the Public Sphere*, Habermas expressed this central aspiration of the intrinsic normative logic of democracy as requiring the dissolution of domination into reason: “*veritas non auctoritas facit legem*, the idea of the dissolution of domination into that easy going constraint that prevailed on no other ground than the compelling insight of a public opinion.”<sup>25</sup> That is to say, democracy aims not merely to replace other forms of political domination but ultimately to replace political and social domination as such with a form of self- governance in which all can consent to the laws they obey and find acceptable the basic social orders that structure their shared life.

#### 4. The Sociological Model of the Political System

While reconstructing the self- understanding of the normative content of democracy by using the categories and concepts furnished by discourse ethics *and* systems theory is a crucial stage in the development of the discourse theory of democracy, the theory is

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<sup>24</sup> BFN, p.103.

<sup>25</sup> STPS, p.88. See also *Ibid.*, pp.82-3. One important difference between these two passages is that in the earlier work the bourgeois idea of the law-based state (*Rechtsstaat*—the same term used in the latter work) is understood as governing exclusively in terms of freely formed opinions, whereas in the latter it is discursively formed opinion- *and* will- that dissolve domination into autonomous self-government. On the antinomies that result from the neglect of the necessity of linking opinion to will in the earlier bourgeois conception of the rule of law, see STPS, §11, pp.79-88.

incomplete absent a “sociological translation and realistic interpretation of the discourse concept of democracy.”<sup>26</sup> This translation is necessary because of the limits on a purely reconstructive or hermeneutic approach to the theory of democracy. Such an approach takes the normative self-understandings of democratic societies at face value and seeks to systematically develop the *internal* logic of normative claims. As such, it is committed to taking seriously “fictions” at work in this self-understanding, fictions that may not correspond to and may in fact reflect distortions introduced by structural constraints present in the society that operate in ways opaque to the self-understanding of participants.<sup>27</sup>

When he shifts to a sociological analysis of the prospects for realizing this self-understanding, Habermas views the political system as internally complex, encompassing the administrative system but also the institutions for generating and interpreting law, institutions that in turn are internally connected to the public sphere of civil society. On this analysis, the political system can be analyzed under two aspects since it contains both a functionally differentiated societal subsystem the operational logic of which is uncoupled from everyday communicative contexts (the administrative complex) and a constitutional action system (the parliamentary and judicial complexes) intrinsically linked to a socially integrated lifeworld contexts (the public sphere).<sup>28</sup> These dual aspects are registered by Habermas in a several dimensions and the result is a complicated conception of late-modern democratic politics.

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<sup>26</sup> BFN, p.358. See also Ibid., pp.342, 356, & 373.

<sup>27</sup> TCA, II, VI:1.E, pp.148-152.

<sup>28</sup> See BFN, p.385. On this reading of Habermas’ analysis, “the political system” in fact encompasses two different kinds of action systems, a “constitutional action system” integrated via the communicative achievements of participants using natural languages, and a functionally differentiated societal subsystem specialized in a single task (making binding decisions) and uncoupled from the normal requirements of

The sociological translation of the discourse theory produces a two-track model of democracy according to which the political system operates as a key junction that connects the various spheres of a highly differentiated society. The society that emerges from the modernization process, as Habermas understands it, is differentiated in the following respects. Those aspects of society that remain communicatively integrated Habermas refers to as *the* lifeworld.<sup>29</sup> As already noted, the lifeworld is internally differentiated, as different aspects of reproducing its main structures and different kinds of knowledge separate according to their distinct internal logics. But Habermas also introduces a cross-cutting approach to analyzing the socially integrated lifeworld with the distinction between its private and public spheres. This distinction corresponds to two different orientations within communicative action and the distinct kinds of “social space” they generate. In the private sphere, intimate relationships and life histories are constituted out of face-to-face interactions that occur primarily in families, households, circles of friends, neighborhoods and workplaces.<sup>30</sup> Here persons communicate in order to assimilate experiences into shared life histories and lifeworlds with an orientation only toward particular others and in this sense sheltered from the public. In the public spheres of literary and political communication, on the other hand, persons come together to communicate not as intimates sharing aspects of lifeworlds and life-histories but as general others communicating to a potentially anonymous and abstract audience of all members of society. The public spheres are “rooted in the lifeworld through the

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social integration by its use of the special communication medium of legally structured administrative power.

<sup>29</sup> This usage of ‘*the* lifeworld’ to refer to one component of society is distinct from but related to the way in which the term ‘lifeworlds’ was used in previous sections to refer to extensive background context of meanings assumed in a communicative interaction.

<sup>30</sup> BFN, pp.353-4 & 365-6.

associational network of [a] civil society,” “composed of those more or less spontaneously emergent associations, organizations, and movements that, attuned to how societal problems resonate in the private spheres of life, distill and transmit such reactions in amplified form to the public sphere.”<sup>31</sup> Finally, two functionally specialized action systems, the market economy and the administrative state, uncouple from the society component of the lifeworld as “functionally specialized action systems that become independent from socially integrated spheres of action,” or societal subsystems .<sup>32</sup> Such a highly differentiated society is “polycentric” in the sense that no single social sphere, action system or societal subsystem is capable of directing all the others; instead, in different respects, each depends on while also seeking to influence its multiple relations with the others.

Viewed sociologically, the political system fits into this highly differentiated and polycentric society as a key intermediary, capable of linking the public sphere of the lifeworld and the societal subsystems and channeling influence between them in either direction. In describing this system, Habermas builds on Bernard Peter’s model of the political system of a constitutional state that highlights three main features: first, the components of this system lie along a center-periphery axis; second, they are connected and structured by a system of “sluices;” and third, the system as a whole alternates between two modes of problem solving.<sup>33</sup> In terms of the first feature, Habermas describes the “inner core” of the political system as constituted by the institutional complexes of the administration, of the judicial system, and of democratic opinion- and

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<sup>31</sup> BFN, pp.359 & 367. On the public sphere see BFN, 8:3.1 (pp.360-366) and on civil society see Ibid., 8:3.2 (pp.366-373).

<sup>32</sup> BFN, 354.

will- formation (consisting of the parliament or legislature, a structured electoral system, and party competition). This core of state institutions constitutes a polyarchy distinguished from the outer core and periphery by its formal decision-making powers and prerogatives.<sup>34</sup> The outer core consists of various organized political intermediaries that seek to influence the inner core of state institutions either to secure specific outputs or by providing structured inputs.<sup>35</sup> Finally there is the periphery of the political system, constituted by the public sphere of civil society in which more or less spontaneously emergent associations, organizations, and movements seek to mobilize public opinion in order to influence the way decisions are made in the core state institutions.<sup>36</sup>

The second main feature of this account of the political system is the sluice model of decision making, according to which: “If binding decisions are to be carried out with authority they must pass through the narrow channels of the core area.”<sup>37</sup> Political power, influence and communication can flow in either direction through these sluices, from the periphery to center or vice versa. But only the first direction constitutes the official circulation of political power, on which the legitimacy of democracy rests. In this case, public opinion and will is channeled into communicative power which in turn regulates the production of law and administrative power. Otherwise, if power originates either in the inner core, from the administrative complex, or in the outer core, from organized interests, it is either administrative or social power, respectively, that directs political

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<sup>33</sup> Bernard Peters, *Die Integration Moderner Gesellschaften*, (Frankfurt am Main: Suhrkamp Verlag, 1992). See especially chapter 9, §2.

<sup>34</sup> BFN, p. 354-5.

<sup>35</sup> BFN, 355.

<sup>36</sup> BFN, p. 355-6.

<sup>37</sup> Ibid., p.356.

power which in turn flows out from the state to work on civil society. Though neither administrative nor social power can generate legitimate political power, this “countercirculation” of power is the regular circuit, representing “the normal business of politics, at least as it is routinely conducted in Western democracies.”<sup>38</sup>

The explanation for the regular displacement of the official- with the counter- circulation of power is found, finally, in the distinction between normal and extraordinary modes of problem solving. In the normal mode, fixed routines of problem solving in the core area of the political system —what the policy analysis literature calls policy networks—operates from center (the inner or outer core) out to make policy. Habermas adds that this mode of operation is generally adaptive: communications flowing in this direction “serve to relieve the burden of unavoidable complexity from the official circulation by breaking problems down into smaller components.”<sup>39</sup> The fixed routines take advantage of the accumulated expertise of specialists, an intellectual division of labor, and the information gathering ability of organized social interests. The extraordinary mode of problem solving is triggered only when the routines of the core are disrupted by issues that are identified at the periphery and brought to bear as mobilized public opinion influencing the official law making sluices of the inner core in the parliamentary or judicial complexes. This official and legitimate circulation of influence and power, however, is extraordinary because only in rare cases do crises “enlarge the citizenry’s attention span” so that the public can be mobilized to form its own opinion

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<sup>38</sup> Ibid.

<sup>39</sup> BFN, p. 357

and the parliamentary or judicial complex can be infused with the normally lacking sensitivity and strength required to transform this opinion into law.<sup>40</sup>

## 5. The Sociological Translation of the Normative Self-understanding of Democracy

To perform the sociological translation of the normative account of deliberative democracy it must be mapped onto this model of the political system. Habermas thus trades between two methodologies and the distinct conceptions they generate, on the one hand revising the normative account to cohere with the institutional and social situation in which it can currently be realized, while on the other criticizing those contemporary social and political conditions that stand in strongest tension with the requirements of democratic legitimacy. This translation aims to determine, first, what is required for communicative power to effectively regulate administrative power in a political system that stands as an intermediary in a differentiated and polycentric society, and, second, to reveal which aspects of the democratic self-understanding are presently counterfactual, suggesting an agenda for political reform. In terms of the first task, Habermas concludes that the political system as currently constituted is compatible with at least the basic content of the idea of democratic legitimacy: “The sociological translation of the discourse theory of democracy implies that binding decisions, to be legitimate, must be steered by communication flows that start at the periphery and pass through the sluices of democratic and constitutional procedures situated at the entrance to the parliamentary

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<sup>40</sup> Ibid.

complex or the courts...’<sup>41</sup> While the present political and social circumstances do not foreclose the possibility of legitimate democratic self-governance, they do however make it extraordinary since public opinion must swim against the routine and strong current of political communication and power that flows from the core outwards.

At the same time, the sociological account of late-modern political and social conditions brings into focus barriers to democratic practice, especially as these operate in “the power-ridden, mass-media-dominated public spheres of Western democracies.”<sup>42</sup> For this model “places a good part of the normative expectations connected with deliberative politics on peripheral networks of opinion-formation” that must serve to initiate political action if communication and power are to make the legitimate circuit.<sup>43</sup> Given the barriers to effective democratic opinion- and will- formation present in a public sphere dominated by private media with an interest in depoliticizing public communication and instrumentalized by political parties and social interests with interests in publicly validating non-public decisions, the public sphere regularly fails to play the role required for the self-understanding of democracy to be translated into a socially effective form. “Social movements, citizens initiatives and forums, political and other associations, in short, the groupings of civil society, are indeed sensitive to problems [of social integration], but the signals they send out and the impulses they give are generally too weak to initiate learning processes or redirect decision making in the political system in the short run.”<sup>44</sup> While the contrasting analysis between the normative ambitions and the social conditions for democratic legitimacy illuminates reforms that might lessen

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<sup>41</sup> Ibid, p.356.

<sup>42</sup> Ibid., p.373.

<sup>43</sup> Ibid., p.358.

<sup>44</sup> Ibid., p.373.

some of the dissonance between the two,<sup>45</sup> it also supports revision of the normative understanding of democracy that takes better account of the structural constraints present in the social conditions in which it must be realized. “If one places this [sociological] image [of the public sphere as infiltrated by administrative and social power and dominated by the mass media]...alongside the above normative expectations, then one will be rather cautious in estimating the chances of civil society having an influence on the political system.”<sup>46</sup> Thus the sociological translation of the normative self-understanding of democracy requires criticism on two sides at once: the self-understanding of democracy must be revised to accord with the requirements of sociological realism, and aspects of the social conditions in which democracy is currently partially realized require reform since they hinder the requirements of democratic legitimacy

## 6. The Reasonable Diversity of Conceptions of Society

The long preparatory work necessary to assess the ways in which Habermas’ complicated two-track conception of deliberative democracy builds on and is limited by his equally complicated social theoretic account of the nature and extent of complexity in late-modern social worlds is now complete. It is evident that the social theory and the conception of democracy are densely interwoven: precisely the methods developed in the former are used in the latter; and the content of the normative conception of democracy is adjusted in light of the conclusions of the account of complexity. In this and the

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<sup>45</sup> The main example Habermas offers is of principles to guide the conduct of the mass media. See *Ibid.*, pp.378-9.

following two sections I evaluate the appropriateness of constructing a normative theory of democracy on the basis of an independently developed and essentially unmodified social theory. I criticize this reliance on three grounds: I claim that it is a mistake for a normative theory to import its empirical premises directly from the social sciences, first, because such premises are almost certain to be reasonably controversial and, second, because this approach renders the justification for the normative conclusions complicated and esoteric and hence of little use in practical orientation in ordinary life contexts; third, I conclude that Habermas, in adjusting the citizens' self-understanding of democracy to cohere with the conclusions of a specific social theory, distorts the normative content of democracy at the same time that he unnecessarily restricts both the institutional forms and substantive agenda available to democratic practice in late-modern social worlds.

Before I begin these arguments I should make clear that throughout this section I treat Habermas' discourse theory of democracy as if it were offered as a practical ideal of democratic cooperation. That is, I view it as an ideal that aspires to be of use to participants seeking practical orientation in everyday life contexts and for this reason must meet the test of their reflective endorsement. In what follows I will suggest that Habermas' theory fails this test because the social theoretic premises of his argument are reasonably rejectable and not of much practical use to those not steeped in Habermas' particular brand of social theory and reconstructive analysis, while the actual content of his normative theory of democracy is distorted by attaching too great a weight to these controversial and problematic premises. This criticism, however, is premised on attributing to Habermas an account of the relationship between theory and practice that he in fact rejects. For, there can be little doubt that Habermas intends the contributions of

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<sup>46</sup> Ibid., p.379.

this work, like that of *The Theory of Communicative Action*, to be primarily theoretical: it illuminates the theory of democracy and law from a perspective that can generally be characterized as that of critical theory, and in so doing demonstrates the analytic and explanatory power of the conceptual apparatus developed in the earlier work. But if it is regarded primarily as a contribution to theory, then it seems inappropriate to apply the standards of publicity and public reason that the normative theory of democracy vindicates for practical political engagement reflexively to the theory itself. That is, the fact that the discourse theory of democracy is reasonably rejectable or simply not much use from a participant's perspective has little bearing on its merits as a contribution to social theory.

Habermas gives priority to the theoretical over the practical contributions of the discourse theory of democracy for reasons I examine and ultimately find lacking in a subsequent chapter.<sup>47</sup> For the purposes of this chapter I wish merely to stipulate what I try to demonstrate there, namely that there are strong reasons internal to Habermas' general conception of critical theory to go beyond a strictly theoretical and formal project, and additionally to describe a substantive practical ideal of democratic cooperation.<sup>48</sup> But

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<sup>47</sup> See chapter 4 below, §5, pp. 22. I do, however, develop one argument here that will be relevant as well to the arguments to follow. I argue below that Habermas' defense of a primarily theoretical approach to normative theory rests on the claim that the formal conclusions his reconstructive analysis supports are "met halfway" by understandings indigenous to liberal political culture and "a post-conventional *Sittlichkeit*" characteristic of late-modern democratic societies. The political culture and ethical worldviews contained in these societies are transforming of their own accord and according to their own internal logic to support from within the main principles Habermas seeks to reconstruct philosophical in his discourse ethics and theory of democracy, so that it is neither necessary nor appropriate for him to engage in the prescriptive political advocacy of these principles. In the last section of this chapter, I will suggest that this claim is not warranted, that in fact Habermas' sociologically adjusted reconstruction of the normative self-understanding of democracy stands in considerable tension with the intrinsic logic of this self-understanding.

<sup>48</sup> I am not alone in reaching this conclusion. In different respects, some of Habermas' most sympathetic interpreters also conclude that he must not limit himself to formal reconstructive analysis but that he should instead also engage in substantive normative justification. See Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*, (New York: Routledge, 1992); Albrecht

even if these lines of argument fail, it is still important to the overall argument of this essay to determine if Habermas' approach to setting out the social-theoretic premises of a normative argument succeeds on the terms in which I judge it. This analysis allows us to judge whether Habermas' approach to understanding complexity could be adopted in developing and defending the social theoretic premises of a practical ideal of democratic cooperation, even if his theory does not and should not describe such an ideal. However, throughout this section I will assume that my critical argument succeeds, that Habermas should accept the more directly practical conception of normative political theory he in fact eschews, and that therefore the failures of the discourse theory of democracy to pass the standards of publicity and public reason indicate a problem internal to this theory.

I want to begin my examination of the reasonableness of Habermas' interweaving of social and normative theory by developing a general conceptual claim. Simply put, I believe there is no more reason to expect reasonable agreement on the methods and conclusions of a systematic theory of society than there is to expect the same of comprehensive religious, moral or philosophical doctrines. The claim that there are a variety of reasonable but incompatible and incommensurable systematic social theories can be defended as a general conceptual claim in the philosophy of the social sciences. It follows from the character of the domain to be studied and the nature of systematic empirically-oriented bodies of thought, and is analogous to but stronger than parallel conclusions in the philosophy of science. There are two factors that stem from the

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Wellmer, *The Persistence of Modernity : Essays on Aesthetics, Ethics, and Postmodernism*, (Cambridge, MA: MIT Press, 1993); McCarthy, "Philosophy and Critical Theory: A Reprise;" and William Rehg *Insight and Solidarity: The Discourse Ethics of Jürgen Habermas*, (Berkeley: UCP, 1994).

extensive and highly complex object domain that empirically-oriented social theory seeks to interpret in order to render it intelligible, predictable and meaningful.<sup>49</sup>

- ?? Social phenomena in general manifest a complexity that allows them to be fruitfully understood from a variety of competing perspectives, so that how such worlds are characterized depends in part on the perspective from which they are analyzed.<sup>50</sup>
- ?? Different perspectives can select different phenomena as most salient, so that the dispute between competing theories often turns not only on differing analyses or interpretations of the same phenomena, but also on the criteria that govern the selection of the phenomena to be explained and the variables that explain them (the explananda and explanandum).

There are also four factors that stem from conceptual properties of complex systems of empirical understanding in general, or from the specific properties of such bodies of thought when what they seek to understand is the world of human social activity and relations:

- ?? the latitude within different theories to adjust peripheral rather than core assumptions and models to accommodate discrepant or anomalous findings;<sup>51</sup>
- ?? the existence of conflicting evidence;
- ?? the impossibility of completely separating descriptive from evaluative claims;<sup>52</sup>
- ?? the interpretive component of social knowledge and the plurality of understandings it introduces.<sup>53</sup>

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<sup>49</sup> 'Complexity', as it applies to the object domain of the empirically oriented study of society, has a distinct sense from when it is applied to the way in which the reproduction of particular societies is organized. In the former sense, complexity refers to the difficult to predict interactions between an enormously large number of social relations, individual intentions, ideas, interests, institutions and the like that make up any reasonably large context of social interaction. In this sense most social worlds are complex, even those whose organization does not divide activity between a number of social domains integrated on distinct principles.

<sup>50</sup> The *locus classicus* of the idea that social phenomena are inherently complex and that they therefore can only be meaningfully analyzed by taking up a particular constitutive perspective is Weber, "'Objectivity' in Social Science and Policy," in Weber, *The Methodology of the Social Sciences*, Shils and Finch, eds., (New York: The Free Press, 1949). It is important to separate Weber's account of the interpretive character of social knowledge, which I accept, from his more general skepticism about universal knowledge claims as such, especially his value relativism, which I reject. Obviously, these are logically distinct positions.

<sup>51</sup> See W.V.O. Quine, "Two Dogmas of Empiricism," in *From a Logical Point of View*, (New York: 1953), pp.20-46.

<sup>52</sup> See Martin Hollis, *Models of Man*, (Cambridge: CUP, 1977); and Steven Lukes, *Moral Conflict and Politics*.

<sup>53</sup> See Habermas, *On the Logic of the Social Sciences*, trans. Shierry Weber Nicholsen and Jerry A. Stark, (Cambridge, MA: MIT Press, 1988), Part III, pp.89-170.

Together these six considerations support the conclusion that disagreement and incommensurability in social theory has its sources in the nature of the enterprise itself, not in the defects of particular theories or theorists. This conclusion is supported by recent work in the philosophy of social science that extends the insights of post-empiricist philosophy of science to demonstrate that social phenomena display an indeterminacy that transfers to research methods and paradigms in the social sciences and social theory.<sup>54</sup> As Weber famously concluded, the social sciences enjoy an “eternal youth” since no single approach can conclusively demonstrate its explanatory superiority over others or eliminate the possibility that it will be superseded by a more comprehensive or interesting explanatory framework.<sup>55</sup> Weber did not find this conclusion particularly troubling for the validity or objectivity of social inquiry properly conceived, and I agree that, from the general perspective of empirically oriented social theory, the lack of objectively demonstrable superiority of one conception of society or methodology over its rivals in no way indicates a need to abandon particular research paradigms, though it may indicate that the most encompassing theories of society will need to be methodologically plural (as are Weber’s and Habermas’). But to the extent that the methods or conclusions of social theories serve as substantive premises in normative arguments, they must be judged by the standards of normative and not social theory.

Thus, though it has been largely neglected in recent writings in normative theory, the reasonable controversy between competing conceptions of society is a fairly precise

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<sup>54</sup> For an excellent overview of recent work on the philosophy of social science highlighting the importance of indeterminacy, see James Bohman, *New Philosophy of Social Science: Problems of Indeterminacy*, (Cambridge: MIT Press, 1991).

<sup>55</sup> Weber, “‘Objectivity’,” p.104; see also p.84.

parallel in social theory to the widely accepted idea of reasonable fundamental and incommensurable disagreement between comprehensive religious, moral and philosophical conceptions.<sup>56</sup> A plurality of understandings about the character of society, the perspectives from which it is most fruitfully understood and the best methods with which to study it is to be expected given the nature of the domain to be studied and properties of systematic theoretical constructs, especially when these focus on the social world. This reasonable disagreement pertains to the first subject of political thought itself, the character of the main orders that organize social worlds and the ways they structure the exercise of basic forms of social power, channel opportunities for basic social goods, and create the conditions in which individuals and groups define their identities, values and most important commitments. Of course, this does not mean that normative political ideals cannot rely on empirical generalizations about society, any more than they are barred from relying on substantive value claims in conditions of doctrinal and cultural diversity. But it is still a further and up to this point neglected question how normative conceptions of democracy should react to this additional form of reasonable disagreement, a form that effects its basic subject matter, including the very ideas of diversity and complexity.<sup>57</sup>

This analysis of the reasonably contestable character of social theoretic claims illuminates the character of the second hazard that attends reliance on such empirical

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<sup>56</sup> Rawls views the reasonable controversy between competing reasonable comprehensive doctrines as a product of what he has called, alternatively, the burdens of reason and judgement. (Rawls, "The Domain of the Political and Overlapping Consensus," *New York University Law Review*, Vol. 64, No. 2, [May, 1989], sec. II, pp.235-8; and *Political Liberalism*, II.2.2-3, pp.55-7.) A willingness to accept the consequences of the burdens of reason and judgement for political justification is one of two key aspects of being reasonable. (*Political Liberalism*, II.2.1, pp.54.) The enumeration in the text of the burdens under which social theories operate shows that Rawls' burdens (a) to (d), especially (d), apply in a parallel fashion to conceptions of society and comprehensive doctrines.

<sup>57</sup> I suggest one approach in §§5-6 of chapter one above.

premises in normative arguments. Recall that this hazard refers to the tendency, in setting out unavoidable social theoretic premises, to land oneself in presently irresolvable social scientific controversies that threaten to undermine the normative grounding of a practical ideal.<sup>58</sup> I mentioned above the fact that the question of the nature and extent of cultural diversity remains hotly contested precisely for those social sciences that specialize in the study of culture. I also demonstrated that Rawls' account of the fact of pluralism makes him party to a controversy he ought to avoid. The case is still clearer with Habermas, for he relies much more heavily on a highly elaborate and controversial social theory.

There is hardly any aspect of the social theory Habermas develops in *The Theory of Communicative Action* that has not been subject to sustained critical discussion.<sup>59</sup> And this critical attention surrounds *Between Facts and Norms* as well, often extending lines of the criticism from the earlier to the later work.<sup>60</sup> Strikingly, even among those most sympathetic to his aspiration to revive the tradition of critical theory as a productive empirical and normative enterprise, there are deep reservations about the adequacy of Habermas' methods for accomplishing this project.<sup>61</sup> The fact that a variety of

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<sup>58</sup> Recall also that normative theory requires these premises so that its ideals can be based on fairly precise characterizations of the social circumstances it faces.

<sup>59</sup> For an overview of the criticism, see the following collections: J.B. Thompson and David Held, eds., *Habermas: Critical Debates*, (New York: Macmillan, 1982); Richard J. Bernstein, ed., *Habermas and Modernity*, (Cambridge, MA: MIT Press, 1985); Axel Honneth and Hans Joas, eds., *Communicative Action: Essays on Jürgen Habermas's The Theory of Communicative Action*, (Cambridge, MA: MIT Press, 1989); Axel Honneth, Thomas McCarthy, Claus Offe, and Albrecht Wellmer, eds., *Cultural-Political Interventions in the Unfinished Project of Enlightenment*, (Cambridge, MA: MIT Press, 1992); Axel Honneth, Thomas McCarthy, Claus Offe, and Albrecht Wellmer, eds., *Philosophical Interventions in the Unfinished Project of Enlightenment* (Cambridge, MA: MIT Press, 1992); and Stephen K. White, ed., *The Cambridge Companion to Habermas*, (Cambridge: CUP, (1995), Part III.

<sup>60</sup> See Michel Rosenfeld and Andrew Arato, eds., *Habermas on Law and Democracy : Critical*, (Berkeley: UCP, 1998); and Mathieu Deflem, ed., *Habermas, Modernity and Law*, (London: Sage, 1996).

<sup>61</sup> See especially McCarthy, "Reflections on Rationalization in *The Theory of Communicative Action*," in Bernstein, ed., *Habermas and Modernity*; Id., "Democracy and Complexity;" Id., "Legitimacy and Diversity: Dialectical Reflections on an Analytic Distinction," in *Cardozo Law Review*, Vol. 17, 1996.; Fraser, "What's Critical About Critical Theory?," Wellmer, "What is a Pragmatic Theory of Meaning?," in *Philosophical Interventions*; Honneth, "Moral Development and Social Struggle," in *Cultural-Political Interventions*; Joas, "The Unhappy Marriage of Hermeneutics and Functionalism," in Honneth and Joas,

sympathetic critics find grounds to reject key aspects of his method illustrates the extent to which the construction of systematic social theories generates reasonable controversy that disqualifies its conclusions as the sole and ultimate basis on which to rest practical political argument. Here I want to consider briefly only the most basic respects in which Habermas' theory of complexity is deeply contested.

First, there is abiding controversy surrounding systems theory and its use of biological and cybernetic models to explain the capacities of social institutions. As Thomas McCarthy argues, many working in the sociology and political science of organizations from the action-theoretic perspectives of the ethnomethodological, phenomenological, and symbolic-interactionist traditions demonstrate that the formal frameworks of rules do not by themselves completely constitute formally organized domains of action or completely determine action within them. While these rules must be cited to explain formally constituted contexts, they remain available for self-conscious participants to use with judgment and creativity within these domains. These critics conclude that systems theory operates with strongly idealized models of bureaucracy and market organizations, and that efforts at empirical validation of this perspective falter on the discrepancy between these models and the more complicated reality they represent.<sup>62</sup> These competing accounts explain the extensive complexity and steering capacities generated by organizational setting not exclusively in terms of the role of delinguistified media in functionally interconnecting action consequences but with reference to the

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eds. *Communicative Action*; and Richard J. Bernstein, "The Retrieval of the Democratic Ethos," in Rosenfield and Arato, eds., *Habermas on Law and Democracy*.

<sup>62</sup> See McCarthy, "Democracy and Complexity," §1, especially pp.158-9. For similar criticisms from less sympathetic perspectives see also Jeffry Alexander, "Habermas and Critical Theory: Beyond the Marxian Dilemma?," in Honneth and Joas, eds., *Communicative Action*; and Günter Frankenberg, "Disorder is Possible: An Essay on Systems, Laws and Disobedience," in *Cultural-Political Interventions*.

interaction of formal rules and the varying action orientations and practical competencies of the persons whose interaction these rules regulate.

A second main line of criticism focuses on the narrowness of Habermas' account of action, which starts from the basic dichotomy between action oriented to success and to consent, and limits the latter to the tripartate basic categories of the theory of communicative action. Critics like Wellmer, Joas and McCarthy have noted, first, the way in which these rigid categories neglect important types of action detectable in ethnographic studies of real interaction contexts or philosophical analyses of action (especially forms of expressive, pragmatic and moral-practical orientations). Further, the constriction of action types forces Habermas towards systems theory for both methodological reasons and to account for the complexity generated by certain organizational context.<sup>63</sup> A more nuanced action typology, these critics suggest, better accounts for both the diversity of forms of action present in late-modern societies and the integrative complexity and capacities of non-functional contexts of interaction.

I focus here on these two lines of criticism not because I believe that they are the most decisive, but because I will argue shortly that Habermas' reliance on systems theory to account for main aspects of the growth in complexity and steering capacity that accompanies European modernization leads him to introduce important revisions in the normative theory of democracy. To the extent that these methods and conclusions are reasonably rejectable, the conception as whole is doubly so, for it relies on essentially contestable sociological claims to limit the normative demands of democratic cooperation.

## 7. The Impoverishment of Democratic Discourse

There is a second respect in which Habermas' heavy reliance on his social theory in his theory of democracy is problematic from a normative point of view. Even if his social theory were not the subject of reasonable and abiding controversy (and in this sense was not barred as a source of final reasons by what Rawls terms the requirement of public reason<sup>64</sup>), it is developed in such a way that it is only intelligible to and intended for a highly specialized audience (and therefore fails Rawls' independent test of publicity<sup>65</sup>). Habermas notes at the outset of *The Theory of Communicative Action* that he has "written this book for those who have a professional interest in the foundations of social theory."<sup>66</sup> This approach is appropriate for a work intended as a contribution to systematic social theory, itself a highly specialized field. But, as an approach to developing a normative theory of democracy, it seems objectionable on grounds that Habermas himself diagnosis, namely that it contributes to rather than ameliorating what he terms the impoverishment of everyday communication, specifically, to the impoverishment of democratic discourse.

One of the central paradoxes of modernity, on Habermas' account, is that the benefits of the gain in knowledge and complexity brought about by the partial rationalization of lifeworlds is not fully felt in everyday life contexts, since their symbolic reproduction does not occur exclusively in what Habermas terms the "spontaneous hermeneutics of everyday communication."<sup>67</sup> Instead, it also transpires through a variety

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<sup>63</sup> See the articles listed by these authors in note 61 above.

<sup>64</sup> See Rawls, PL, lecture 6, pp.212-254; and "The Idea of Public Reason Revisited," in Rawls, LP, pp.129-180.

<sup>65</sup> See Rawls, PL, II:4, pp.66-71.

<sup>66</sup> TCA, I, p.xlii. This point is, of course, obvious to any one has read even this far.

<sup>67</sup> "Remarks," p.174.

of highly specialized discourses, often conducted in exclusive institutional settings like universities, law courts or esoteric journals. The contents of these specialized discourses remain impenetrable to non-specialists absent the crucial mediating work of ‘criticism’ and philosophy that aims to ‘dedifferentiate’ or recombine the results of discourses separated along the lines of specific validity claims so that their insights may be appropriated for mundane use.

Thus Habermas concludes that the differentiation and rationalization of separable aspects of the symbolic reproduction of lifeworlds, which result in “an increase in knowledge that is hard to dispute,” leads not to ideally rationalized lifeworlds but to the impoverishment of everyday communication: specialized forms of argumentation carried out by experts in exclusive settings serve to determine the reproduction and transformation of key elements of the lifeworld, thereby rendering these aspects of the communicative reproduction of society unintelligible to non-experts.<sup>68</sup> Because modern societies have for the most part failed to develop modes of reconnecting expertise to everyday practice, that practice does not keep pace with and cannot assimilate the advances made by experts in the reproduction of specific components of the lifeworld. Habermas’ approach to deliberative democracy, however, does not remedy, and arguably contributes to, the impoverishment of everyday communication because its main theoretical constructs are so complex and esoteric as to be of little use in practical political orientation. It is particularly ironic that Habermas is open to this complaint since, in the passages just referred to, he indicates that it is precisely the work of

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<sup>68</sup> Habermas refers to this phenomenon mostly as ‘cultural impoverishment’. I depart from this convention (speaking instead of the impoverishment of everyday communication or the lifeworld) because it requires that ‘culture’ be used to describe both the totality of structural components of the lifeworld and one particular component thereof. For Habermas’ account see TCA, II, VIII.1.C.(c), (pp.326-8).

philosophy, as well as criticism, to serve as an intermediary between specialized knowledge and everyday lifeworld contexts.<sup>69</sup>

#### 8. The Discourse Theory's Distortion of the Normative Content of Democracy

Two lines of criticism have been pursued up to this point—first, that Habermas' discourse theory of democracy is premised on reasonably rejectable social theoretic methods and conclusions, and, second, that the methods employed in developing this conception render it of little practical use to participants in seeking practical orientation everyday life contexts. These lines of criticism call into question the premises on which Habermas' theory is based without directly raising doubts about the substantive conclusions that rest on these premises. I suggested above that Habermas rejects the practical conception of the role of normative political theory on which these criticisms rest, that instead his theory is offered primarily as a theoretical contribution that aims to illuminate democracy and law mostly from the perspective of an observer and not that of a participant. Such an illumination is obviously not practically irrelevant. But if the task of determining its practical relevance is largely left to others who would do the work of mediating its reception to a public not specialized in social theory and formal pragmatic reconstruction, then the burden is on them and not on Habermas to express the

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<sup>69</sup> See Ibid. More generally on the role of philosophy, see "Philosophy as Stand in and Interpreter," in Habermas, *Moral Consciousness and Communicative Action*, (Cambridge, MA: MIT Press, 1991), pp.1-20. For a construal of the role of philosophy that stands in some tension with these descriptions see *Autonomy and Solidarity*, p.202. In conversation, Habermas indicated that what he seeks to avoid is philosophical prescriptivism of the kind Hegel criticizes in Kant. (Personal conversation, Cambridge, MA, October, 1997.) I will argue below that defenders of democracy must be prescriptive and can be so without being utopian in the pejorative sense or abusing the specific competence of *political* philosophy.

conclusions of the discourse theory of democracy in a form that meets the standards of publicity and public reason.

In this section I want to suggest, however, that given its method of construction, the observer perspective so dominates that of reflective participants that the main lessons of the discourse theory of democracy cannot simply be adapted by unpacking its specialized constructs and terminology into forms suited to practical orientation and connecting them to the more particular historical, ethical and cultural understandings of particular societies, as Habermas would seem to suggest. Instead, even after being translated in this fashion, its main conclusions will remain reasonably rejectable to many because its social theoretic premises lead to substantive revisions in the way democracy is understood that are problematic from a normative point of view. This can be appreciated by surveying briefly the extensive changes Habermas introduces to his reconstruction of the normative self-understanding democracy in order to ‘translate’ it so that it fits with the model of society the social theory generates.

There are two distinct and important respects in which the sociological translation of the discourse theory of democracy alters and weakens its normative content: it interprets the political system as distinctly less democratic, and it introduces a model of society as a whole in which the political system has limited influence. To begin with the first, Habermas’ analysis supports the conclusions that a sociologically informed normative theory of democracy must accommodate the fact that the political system seldom operates in the way required for it to be democratically legitimate. This accommodation is justified precisely in terms of the methodological categories of action and systems theory: the contrast between the limited cognitive capacities of discursive

opinion-formation in the public sphere of civil society and the extensive steering capacities of societal subsystem requires that ordinary problem solving be handled in channels influenced by the subsystems. With this accommodation, however, the requirement of the independence of civil society that Habermas, in his reconstructive normative analysis, lists as a central principle for the democratic legitimacy of a constitutional state, is essentially revoked in all but extraordinary cases. Sociological realism requires what the normative self-understanding of democracy prohibits, namely a “tacit conversion of administrative or social power into political influence.”<sup>70</sup>

This sociological translation also largely acquiesces in the instrumentalization of the public sphere: the administrative complex and political parties regularly use the public sphere to secure public validation for outcomes generated not in civil society but in the core areas of the political system. They act on the public sphere from the outside, inverting the official circuit in which indigenously generated public opinion programs parties and the state.<sup>71</sup> It must be noted that, though this is the normal mode of operation of the political system, it is occasionally displaced by the extraordinary mode of problem solving. On Habermas’ model, the public is mostly thus mobilized to defend itself, usually to attempt to ameliorate the socially disintegrative effects of a polycentric “risk society.” Further, when the official circulation of power is mobilized not in defensive efforts but to force the political system to acknowledge the lessons of moral learning that has occurred in civil society, it is still far from clear whether such efforts, understood on this model, can be expected to be generally effective. One of the key questions here, which Habermas does not address, is whether the lessons of these episodes are preserved

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<sup>70</sup> BFN, pp.378-9. See also *Ibid.*, pp.375-6.

<sup>71</sup> *Ibid.*, pp.375-6 & 382.

in the ordinary routines or forgotten once decision-making returns to a mode that resisted the insights to begin with.<sup>72</sup> Leaving this question open, it seems clear that by counseling that a critical theory of democracy acquiesce to the countercirculation of communication, influence and power as the regular mode of politics, Habermas allows sociological considerations not just to translate but to trump normative requirements.<sup>73</sup>

The sociological translation of the discourse theory also conceives of the political system as situated within an overall social context that significantly constricts the normative understanding of the agenda and capacities of democracy. This agenda is to organize a society's basic structure, through the democratic rule of law, so that at least its

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<sup>72</sup> While in another context Habermas demonstrates that *individual* moral learning is difficult to reverse, this conclusion does not apply directly to the political system where learning takes place in the realm of civil society and in the medium of communicative action, marginal forces in the ordinary mode of politics. (See Habermas, "Moral Consciousness and Communicative Action," in *Ibid.*, *Moral Consciousness and Communicative Action*, especially pp.125-7.) The history of civil rights initiative in the United States offers a sad illustration of a deplorable cycle in which episodes of progress are routinely followed by long periods of retrenchment. See Kemberle Crenshaw, "Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscriminatory Law," *Harvard Law Review*, No. 101, (1988). One response that Habermas does not develop is to map the distinction between two tracks of politics onto one between two kinds of law, differentiating ordinary from constitutional law. I can then be argued that the role of a supreme or highest court is to protect the higher law generated by an exercise of the peoples communicative or constitutive power from the competing interests of transient minorities or administrative and social power, a line of thought pursued by Bruce Ackerman and Rawls. (See Ackerman, "Constitutional Politics/Constitutional Law," *Yale Law Journal*, Vol. 99 [December, 1989]; *Id.*, *We The People, Vol. 1: Foundations*, [Cambridge, MA: HUP, 1991], chapter 1, pp.3-33; and Rawls, *Political Liberalism*, Lecture VI, §61.-2, pp.231-235. Rawls' analysis here, however, is closer to Dworkin's in that he endorses a positive and not merely defensive role for the Court: it does not merely register and protect the results of moral learning that take place in the public sphere but also initiates learning by revising the content of higher law to accord with the meaning of the principles of justice that underpin the constitution, as these come to be better understood. Habermas holds that a highest or supreme court exceeds its legitimate authority to the extent that it makes as opposed to interpreting or fine-tuning law, and that the judicial setting is not as conducive to moral learning as is the public sphere of civil society with its close connection to the private sphere in which normative problems are typically first detected. For his criticism of Dworkin, see BFN, 5.2-3, pp.211-237. Finally, it should be noted that, if Crenshaw's identification of cycles of learning and retrenchment not only in popular politics but also in constitutional law is accurate, it raises substantial difficulties for all of the above accounts.

<sup>73</sup> Thus I strongly disagree with the following passage: "From a normative standpoint, the only decisive question concerns which power constellations these patterns [of routine problem solving] reflect and how the latter can be *changed*. This in turn depends on the whether the settled routines remain open to renovative impulses from the periphery. In cases of conflict, that is, processing matters according to the usual conventions is eclipsed by *another* mode of operation." (BFN, p. 357.) I find two further decisive normative questions. First, is it conscionable from a normative perspective to acquiesce in the relegation of

most significant effects conform to what all citizens can and should regard as their shared opinion and will. A social world in which basic social conditions appear as brute facts or alien forces is an affront to democracy understood this way. Democracy pacifies social domination because it realizes a practice of social autonomy in which all can participate in forming a shared will that effectively regulates at least the basic orders that structure social life. The overall conception of society that results from Habermas' theory of modernization, however, supports a dramatic marginalization of the role that can be played by democracy and hence of the ambitions that should attach to it. A late-modern political system, even on those exceptional occasions when it operates according to the requirements of democratic legitimacy, is limited to steering and countersteering other action systems in an environment which it cannot control and over which its influence is internally and externally limited.

The political system is marginalized first because, in a polycentric society, it is but one of many action systems and societal subsystems each with its own relative autonomy. The political system operates in an environment it cannot control: it is strongly limited in its capacity to influence the behavior of markets, cannot produce the civic activism needed to mobilize the public sphere so that it operate as legitimacy requires, and struggles against organized social interest to control its own administrative apparatus. It can only attempt to influence other autonomous systems by steering them, that is, altering the conditions in which they operate with the aim of getting them to produce, according to their own internal operational logic, desired results, or countersteering them to provide disincentives against in case of particularly objectionable

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legitimate democracy to extraordinary episodes? And second, do these episodic awakenings of the discourse of justice continue to have effect when the public returns to its usual restive position?

current outcomes. As efforts in monetary policy, civic education and renewal, and administrative reform all too frequently reveal, the political system's capacities for steering and countersteering other systems and hence for accomplishing its goals are intrinsically limited.

Moreover, not only is the political system limited in its capacity to steer the other action systems that structure the symbolic and material reproduction of a polycentric society, democracy also stands in "indissoluble tension" with the internal logic of the market economy and, I would add, the administrative complex.<sup>74</sup> Whereas the internal normative logic of democracy requires that a functionally differentiated societal subsystem like the market "shall find its limits in the integrity of the lifeworld," the internal logic of a societal subsystem like the market system requires that "the accumulation process be uncoupled from use values," that is that economic growth be pursued irrespective of its consequences for everyday life contexts.<sup>75</sup> The members of a 'mature' democracy, however, recognizes that they cannot use political means to achieve anything like the complexity in the functional interconnection of action consequences accomplished by societal subsystems. They therefore reconciles themselves to relying on societal subsystem that operate according to a logic that is independent from and often opposed to the democratic logic contained in publicly formed opinions and will. But when it is added, first, that these systems cannot be controlled but only steered, and, second, that democracy's capacity to steer these systems is highly attenuated, the democratic reliance on societal subsystems to secure a level of complexity that is

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<sup>74</sup> TCA, II, p.345. I believe everything that Habermas says in this passage about a capitalist market economy applies, *mutatis mutandis*, to the administrative complex of the political system as a functionally differentiated societal subsystem.

<sup>75</sup> Ibid.

politically unattainable appears to be something of a Faustian bargain. Habermas argues that a sociologically informed democratic theory must embrace the “self-limitation” of its own radical normative logic, that the democratic self-understanding should in this way internalize the limits that follow from its own perpetually tense relations to the market economy and the administrative state.<sup>76</sup> But I do not believe he takes adequate notice of extent of the revision that such a self-limitation requires of the normative ambitions of democratic cooperation.

In the effort to adjust the content of normative ideal of democracy so that it fits into a social world that has evolved according to an independent and opposed logic, the overarching framework of *Between Facts and Norms* seems to release modernity from the indissoluble tension between its normative content and its social history, a tension that Habermas lets stand critically in prior works.<sup>77</sup> Habermas’ prior historical analyses of European modernization ended on ambivalent notes, with modernity’s genuinely emancipatory potential systematically thwarted by intransigent social forces and its utopian energies close to exhaustion. In these works Habermas furnished the normative standard by which to judge the outcomes of this historical process by projecting counterfactual images to retrieve the normative contents of modernity, the latent but stymied potential contained in the modernization process. Two such projections furnish the critical standards that I find most compelling in his work. The first is the idea of a dissolution of political and social domination through the democratic rule of law, an idea I described briefly above.

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<sup>76</sup> See BFN, pp.371-2.

<sup>77</sup> I should note here that the tentativeness of this sentence reflects real uncertainty, and not just an effort to soften the blow of a sweeping indictment. Given the unifying sense of tragedy I detect in his earlier works

The second projection of the normative content of modernity is contained in the idea of an ‘utopia of reason’—or, more prosaically, a fully rationalized lifeworld—in which humanity is for the first time free to exercise its reason so that each aspect of human knowledge develops without restraint according to its own logic in the medium of unhindered communication.<sup>78</sup> In such utopian lifeworlds, the reproduction of culture, the integration of society and the psychological development of persons each contributes to its members’ self-consciousness, self-determination and self-realization, resulting in “the critical dissolution of guaranteed knowledge, the establishment of generalized values and norms, and self-directed individuation.”<sup>79</sup> Fully rationalized lifeworlds find their complement in social structures that make possible the balanced pursuit of all aspects of human reason, allow individuals the structural space to combine different pursuits in self-directed and balanced ways of life, and create social space for the development of an ‘undisturbed intersubjectivity’ or sociability.<sup>80</sup> Habermas claims repeatedly that these two central modern aspirations are not mere fantasy or ideology, but represent the unrealized truth of modernity, a truth that is frequently expressed in modern philosophy, literature and art and that fuels the utopian energies that drive gradual and imperfect efforts to redress the imbalances that put paid to modernity’s initial aspirations.<sup>81</sup>

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and the complicated and difficult argument of the present work, I am not completely confident that I am interpreting it correctly.

<sup>78</sup> On the ideal of a fully rationalized lifeworld or a non-selective pattern of cultural modernization, see TCA, I, pp.219-221 & 238-242; TCA, II, pp.327-329; and PDM, pp.344-347. The contrast here is with a selectively rationalized lifeworld, a social context that encourages certain forms of reason and knowledge while suppressing others and hence fosters one-sided ways of life. The major example for Habermas is the way that a capitalist economy fosters purposive rationality and the scientific mastery of the natural world while stymieing moral-practical rationality and the development of post-traditional ways of life and forms of sociability.

<sup>79</sup> PDM, 345.

<sup>80</sup> Peter Dews, ed., *Habermas: Autonomy and Solidarity: Interviews with Jürgen Habermas*, (London: Verso, 1986), p.125.

<sup>81</sup> The idea that modern ideology contains an historically counterfactual element of truth recurs in Habermas’ three most important works. See STPS, pp.48 & 88; TCA, II, p329; and, more weakly, BFN,

Though the normative implications of these two ambitions are never systematically developed, their presence as critical counterweights to the social history of modernization in Habermas' works up to *Between Facts and Norms* provides a sense of tension and tragedy, a pathos that seems absent in a work that does not develop this normative content in its own term but instead seeks to adjust it internally and externally to a reality that poorly reflects these aims. Particularly relevant here is the sociological adjustment of the normative meaning of democracy. Whereas in the earlier works the ideal of a domination free, radically democratic rule of law is described as containing basic "truth" that is "in accord with reason" and reveals the "objective meaning" of the political institutions of constitutional democracy,<sup>82</sup> in the latter work the validity of this idea is restricted to naïve normative self-understandings that must undergo a sociological translation that hollows out most of its radical ambitions. "The development of the constitutional state can be understood as an open sequence of experience-guided precautionary measures against the overpowering of the legal system by illegitimate power relations that contradict its normative self-understanding. From inside the legal system, this appears as an *external* relation between facticity and validity, the familiar tension between norm and reality that again and again provokes a normative response."<sup>83</sup> From the more encompassing perspective of a sociological translation of this normative self-understanding, however, reconciliation to an on-going tension between norm and fact is warranted: "Even on its own self-understanding, deliberative politics remains a

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pp.88 & 54. On the paradoxes engendered by belated and partial efforts to institutionalize freedom, see TCA, II, pp.356-373.

<sup>82</sup> Ibid., pp.88 & 54.

<sup>83</sup> BFN, p.38.

component of a complex society, which as a whole resists the normative approach practiced in legal theory.”<sup>84</sup>

Habermas ultimately concludes that, since democracy does not and cannot control the political and social environment in which it must be realized, a mature democracy must reconcile itself to externally imposed constraints on its own internal logic. The revision of the self-understanding of democracy to accord with a political system that accommodates the regular influence of social and administrative power and with a social context in which it is but one of several mutually conditioning and competing action systems in a differentiated and polycentric society—this revision hollows out its normative core. Political and social domination persist in the forms of a political system that makes law independently from communicatively generated public opinion and a social world that not only resists but at points commandeers democracy. If one accepts the appropriateness of this revision, a similar sociological adjustment of the normative ideal of a fully rationalized lifeworld seems in order. In light of such revisions of its normative standards, however, one is left to ponder the question: how critical is this critical theory?

Habermas’ tremendously capacious synthetic analysis in *Between Facts and Norms* results in a sociological account of democracy that is singularly impressive in its scope and its power to illuminate both the potential and paradoxes of the partially democratic politics of many late-modern societies. But I am led to conclude that, despite

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<sup>84</sup> BFN, pp.301-2 [translation modified]. The passage continues: “On the other hand, because it assumes the responsibility for the solution of problems that threaten social integration, politics must be able to communicate through the medium of law with all other legitimately ordered spheres of action, however these happen to be structured and steered.” (Ibid, 302, [translation modified].)

its virtuosity and relevance *as a piece of social theory*, the discourse theory of democracy fails at least as a normative conception of democratic cooperation that aspires to practical relevance. It is beyond the purview of the current argument to assess Habermas' methodological contributions to social theory, the conclusions of his historical account of the growth of complexity in the course of European modernization, or the social theoretic merits of the conception of democracy that results from his effort to sociologically translate a normative reconstruction. Instead my purpose here has been to demonstrate the extent to which the discourse theory of democracy relies on the methods and conclusions of Habermas' social theory and the difficulties this raises for this conception viewed as a practical normative ideal. I have also tried to show that Habermas seriously compromises the normative content of democracy in the effort to adjust its meaning so that it comports with what I would term a state-centered conception of politics.

In Part III of this essay I offer an alternative defense of democratic cooperation in circumstances of cultural diversity and social complexity, and, given the strong contrasts with Habermas' account, it seems appropriate to anticipate some of my main conclusions here. First, a normative conception of democratic cooperation that can reasonably orient practical politics and public justification must rely on a restricted core of rather abstract substantive claims about political values and social conditions. Second, to move from this core to more specific political decisions requires a form of democratic deliberation, conducted against the background of the shared but abstract core, in which persons test their more specific understandings of justice, society and the good to determine their acceptability as bases for joint action. And, third, the success of this mode of deliberation

requires widespread and direct participation in democratic forums empowered to make decisions. If these conclusions to my larger argument are correct, they serve to further highlight how much of the normative content of democracy is sacrificed in Habermas' effort to adjust it so that it comports with a state-centered conception of politics. I will suggest in the final chapter that this approach is misguided even if it is evaluated on social theoretic and not normative grounds, since there are forms of democracy that create the social and institutional space for direct and deliberative participation, while rivaling or even surpassing centrally enacted administrative law in their capacity for dealing with and generating complexity.