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Judging justice

The strange responsibility of deconstruction

Abstract This paper demonstrates that when the concept of ethical-political responsibility is taken in its modern sense as a decision or outcome based on the protocols of reason, responsibility is neither simply possible nor simply impossible. Paradoxically, it appeals to a demand that it cannot fulfil; responsibility is thus (im)possible. Moreover, insofar as a deconstructive demonstration of this aporia is itself a response to reason's own demand, deconstruction cannot be characterized as simply responsible *or* irresponsible. Rather, deconstruction inscribes itself as the interior limit of the order of ethics, of responsibility, as such. Deconstruction is thus characterized best as an (ir)responsible interrogation of the very principle of reason *to* which political philosophers such as Habermas appeal when they invoke responsibility. To this extent deconstruction enacts the strange responsibility of interrogating critically precisely what is deemed 'just'.

Key words critique · deconstruction · Derrida · Enlightenment · ethics · Habermas · justice · modernity · reason · responsibility

Introduction

This essay is an extended meditation on the paradoxical question, what can be the status of a responsible inquiry into responsibility, a rational inquiry into reason, or a critical inquiry into critique? Jürgen Habermas has notoriously argued, for example – with respect to Horkheimer and Adorno, to Nietzsche and, in their wake, to virtually every poststructuralist he has ever read – that any inquiry that puts its own conditions of possibility into question can only be understood as a totalized one. On his view, inquiries such as those just listed cut down the whole tree,

including the branch one is standing on, and this is simply a performative contradiction.

In this essay I develop a different view in four stages. I first explain just what it is that Habermas and his colleagues find so problematic, and indeed so 'irresponsible', about deconstruction. In the second section I reflect on the term responsibility itself, particularly as it tends to be understood and mobilized by political theorists. I argue that 'responsibility' is in fact a much stranger and much less straightforward kind of beast than it might otherwise appear. This returns me, in the third section, to the question of the relationship between responsibility, justice, and deconstruction. Properly understood, I propose, deconstruction qualifies as a certain (an [ir]responsible) mode of critique. In the fourth section, I draw out some of the implications of this deconstructive form of criticality with respect to Habermas's own procedural approach to justice. I conclude with some remarks about the ethical-political significance of deconstruction when it is taken as a mode of ideology critique as I propose.

1 (Neo)Modernist responses to deconstruction

Numerous political theorists, including Jürgen Habermas (1987), Amy Gutmann (1994), Axel Honneth (1992), and Seyla Benhabib (1986), regularly complain that 'postmodern' social theory undermines the possibility of a responsible, ethical-political act. Indeed, there is perhaps no objection to contemporary continental philosophy that has been more prevalent, or more quickly taken to speak for itself, than that there is nowhere left to stand, and nothing legitimate with which to judge, the morally and politically unjust act. Deconstruction (or 'postmodernism', depending on one's terminology), it is said, gives rise to the untenable political position that there is nothing one can (rightfully, or responsibly) do.

This accusation is leveled with particular force against those such as Derrida, Lyotard, Foucault and Lacan, theorists who have undertaken a series of complex, careful, and often quite pointed critiques of the transcendental, rational subject. This subject, with its critical, political agency, is the *sine qua non* of the modern epic of emancipation and political progress. Thus, if one accepts, with Derrida, that determinate claims may depend on a certain logical undecidability, if one perceives, with Lyotard, that the disintegration of the metanarrative of modernity has given way to a series of conflicting, temporary, and ultimately much less convincing *petits récits* or local 'language games' (Lyotard, 1984: xxv), if one acknowledges with Foucault that there may be an insidious relationship between knowledge and power, or if one

agrees with Lacan that unconscious desire may guide, block, direct, or even contradict one's conscious intentions – if, in short, *any* of these is given – then one must concede as well, in each case, that the possibility of a justified, unconditional political claim is at once put into radical doubt, just as Habermas *et al.* have complained.

Specifically, if there is no subject, so the argument against 'post-modernism' goes, and if there is therefore no legitimate, rational ground for ethical-political beliefs, the only remaining options are nihilism, relativism, or political quietism. This apparently inescapable conclusion is just why something like the charge that deconstruction aestheticizes philosophy, or the contention that the deconstructionist turns the difference between legitimate and illegitimate claims into an infinite 'free play' of textual semiosis, can be taken as sufficient grounds on which to dismiss an entire body of literature. It is because, for a majority of political philosophers, nihilism, relativism, or political quietism are simply unacceptable moral and political positions.

The worry is understandable enough. Strangely, however, it often goes unremarked that, among the theorists cited here, Honneth relies on only a few scant references to Jean-François Lyotard's *The Post-modern Condition* and Jean Baudrillard's *Die Agonie des Realen* to support the claim that a Nietzschean, 'aesthetic model of human freedom is what underlies, in one way or another, *all* versions of a theory of the "postmodern"' (Honneth, 1992: 167; emphasis added). Similarly overlooked is that Gutmann neglects to cite a single theorist in support of her charge that 'deconstructionism' is a 'dangerous', 'anti-intellectual, politicizing threat' to academies of higher learning (Gutmann, 1994: 19, 20), or that Habermas's own treatment of Derrida (a treatment that has been enormously influential with respect to the negative reception of deconstruction by English-speaking political philosophers) is largely given over to a discussion of literary critics Jonathan Culler, Hillis Miller and Geoffrey Hartman. Habermas's justification for this secondary approach, he says, is that Derrida 'does not belong to those philosophers who like to argue', and that the discussion between Derrida and John Searle is 'somewhat impenetrable' (Habermas, 1987: 193, 194).¹

This pervasive inattention to the scholarly protocols of rigor and care should be remarked upon. In particular, what cries out for comment is that the problem with refusing to think through the validity of a political theoretical argument on the grounds that one does not accept its putative consequences is that one risks overlooking the ideological – and indeed, the potentially harmful – effects of one's own view. To be more precise, the theorists identified above object to the *epistemological* implications of 'postmodern' thought – they object, that is to say, to the implication that it is impossible to establish objective, or unconditional, truth – because of its *ethical* and political consequences – because, that

is to say, the revelation of this impossibility puts into question the claim that we can know what is legitimately 'good' and what we ought, therefore, to do. This implication and this objection go to the very heart of the debate. But the dismissal of deconstruction on these grounds presupposes, rather than establishes, that it *is* possible to identify the responsible, ethical-political act in the first place. Modernists and neo-modernists presuppose, in other words, that it is possible to act responsibly because it is possible to know, unconditionally, what one ought, morally, to do. To suggest otherwise, they therefore imply, is by definition to act *ir*responsibly, or in bad academic faith. Thus, it would appear, deconstruction is rightly dismissed.

2 Responsibility and its deconstruction

In their accusations against deconstruction, modernists and neo-modernists give pride of place to reason, to epistemological grounds, in the moral domain; they appeal rhetorically to the truth status of ethical claims.² Yet the very assumption that moral goodness hinges on rationally established truths would seem to suggest that it is incumbent upon those theorists who dismiss the analyses in question to face unflinchingly the question of whether solid, epistemological grounds are actually there to be had with respect to moral action. One can hardly repudiate a philosophical inquiry simply because it has become politically uncomfortable. To refuse to ask after the reason *for* reason by dismissing deconstruction out of hand, in other words, is ironically to close off the very inquiry into the grounds of knowledge that has characterized critical political thought since its inception in the 17th century, and that was intended (as indeed it still is) to protect against the merely dogmatic assertion of right.

For it remains that, for the modern era, ethical and political responsibility presupposes reason. What is right, what is in good conscience, what is morally legitimate, or what is politically just is so precisely to the extent that reason *is* or *can* be rendered. Specifically, one is responsible insofar as one renders reason in the form of giving an account, explaining to an other, or before an other, in one's own name. This, as Derrida says, is 'the most classically metaphysical definition of responsibility' (1992b: 10). To give an account that is reasonable, in other words, is 'to explain effects through their causes, rationally; it is also to ground, to justify, to account for on the basis of principles or roots. . . . [T]he response to the call of the principle of reason is thus a response to the Aristotelian requirements, those of metaphysics, of primary philosophy, of the search for "roots", "principles", and "causes"' (Derrida, 1983: 8). Insofar as it is 'responsible', one's act,

claim, or intervention – one’s practice (in the Kantian sense) – is grounded.

How, exactly, is this grounding achieved? It is achieved, in a phrase, by virtue of the subject’s capacity to know. More precisely, Thomas Keenan explains:

Grounding and subjectivity figure each other, thanks to the essential assumption of the subject’s capacity to ‘master its discourse,’ to ‘author its acts or ideas’ – in other words, its capacity to be an author by virtue of the articulation of ideas with acts, the coordination of cognition with performance in a subject. The signature (of an ‘author’) marks the connection of knowing with doing, the mastery of the linguistic field (discourse) in which they can come together, and the ability to sign is what is called responsibility. (Keenan, 1997: 135)

Keenan is pointing here to the commonplace assumption that authorship entails the conjunction of intention and action. For example, those deemed mentally incompetent are not considered legally or morally responsible for their actions. This indicates clearly that the law does presuppose the possibility of moral responsibility, and that it defines responsibility as the ability to act intentionally on the basis of reasons one has formulated or accepted for oneself, along with the ability to comprehend the nature of those reasons and the actions they are said to justify. If one can neither formulate nor understand the reasons for one’s actions, one is deemed *not* responsible for one’s acts and, therefore, incapable of autonomous judgment with respect to *any* aspect of one’s own life. In this case one is not, and is in fact legally barred from becoming, responsible for oneself. Reason and responsibility are thus two sides of the same coin. Together, they constitute that authorship, the moral and legal authority, that qualifies one as the signatory of one’s own life.

If it is agreed that responsibility entails the capacity to act intentionally on the basis of reasons, however, it must also be conceded that there is a tighter connection between formal logic and ethical responsibility than might otherwise be supposed. For, since the Enlightenment, the concept of ‘reason’ has been defined largely in terms of the protocols of mathematical logic. Recall the view of René Descartes, for example – who refers in the *Discourse on Method* to geometry as an ideal model for thinking – or, for that matter, the view of Descartes’s contemporary Thomas Hobbes, who was thunderstruck when he accidentally came across the writings of Euclid for the first time, because in them he found an example of mathematical truth he felt was ideally suited to the study of the human world. Hobbes defined reasoning as ‘reckoning’ (or counting) and, even more interestingly, insisted that neither truth nor universality can exist without language, because it is

only in language that we find the possibility of generalization that is needed to make universal claims, and the logic of precedence and subsequence that is needed to make truth-claims.

Paul de Man highlights just this congruence between mathematics, language and philosophical reason when he explains:

In the history of philosophy, this link is traditionally, as well as substantially, accomplished by way of logic, the area where the rigor of the linguistic discourse about itself matches up with the rigor of the mathematical discourse about the world. Seventeenth-century epistemology, for instance, at the moment when the relationship between philosophy and mathematics is particularly close, holds up the language of what it calls geometry (*mos geometricus*), and which in fact includes the homogeneous concatenation between space, time and number, as the sole model of coherence and economy. . . . This is a clear instance of the interconnection between a science of the phenomenal world and a science of language conceived as definitional logic, the pre-condition for a correct axiomatic-deductive, synthetic reasoning. . . . [T]his articulation of the sciences of language with the mathematical sciences represents a particularly compelling version of a continuity between a theory of language, as logic, and the knowledge of the phenomenal world to which mathematics gives access. (1982: 13–14)

Hobbes offers a clear example of de Man's point, for Hobbes insisted that the logic of an argument must completely overwhelm its rhetoric, its tropological features, if there is to be any hope at all of creating a properly scientific theory of politics. In this context, John Rawls's definition of rationality as 'the most effective means to given ends' is particularly interesting as well, for it rehearsed in the 20th century the strictly instrumental understanding of reason, reason as logical calculation, that was first established in the 17th (Rawls, 1999: 12).³ From the beginning of the modern period through to the present day, one thus finds an emphasis on the mathematical, strictly logical characteristics of 'reason', and an insistence on the exclusion of the rhetorical, the fictional, and the trope. A mathematical concept of reason, reason as the discursive practice of *logic*, persists.

Moreover, it is not merely scientific or 'theoretical' knowledge (as Kant called it) that relies so closely on reason; ethical-political responsibility too depends essentially on the primacy of logic over what for the ancient Greeks was understood as rhetoric and what we might now refer to as the bothersome ambiguities of language. For, to the extent that the capacity to engage just those powers of reasoning, or reckoning, that Hobbes had in mind is precisely what qualifies the properly responsible subject, responsibility is essentially tied to the protocols of scientific logic; it is tied to that science of correct reasoning that is premised on the law of non-contradiction through which it is possible to decide absolutely the distinction between this and that. From this point of view,

moreover, the idea of ‘justice as fairness’ (to evoke Rawls’s famous phrase) is revealed as another formulation of the requirement of mathematical consistency, only this time expressed in the idiom of an ethical-political discourse.

By this token, the subject’s capacity for correct reasoning, its capacity to ‘master the linguistic field’, as Keenan puts it, is a necessary condition if responsibility is to obtain. This is precisely the stake of that distinction between truth and appearance, fact and fiction, or philosophy and literature, that has been underlined with such insistent force. It is precisely why, as well, deconstruction is seen as such a threat by so many political philosophers. Since it is the very calculability of justice that writers like Derrida have thrown into doubt, it seems to follow most surely that deconstruction, in contrast to reason, to truth, and to justice must perforce be over ‘there’, on the other side of the wall. In allegedly undermining the supremacy of logic over rhetoric, ‘post-modern’ philosophers, if they are not ruled to have gone beyond the boundaries of reasonable discussion altogether, are deemed to spell the end of any kind of normative or critical political engagement.

It is therefore enormously significant that, in his exploration of the meaning of justice, Derrida has provided compelling *epistemological* reasons to submit that the responsible, ethical-political act, strictly speaking, is not possible although, in a strange way, it is enacted nonetheless. For, on one hand, as he argues in ‘Force of Law: The “Mystical” Foundation of Authority’ (1992a), the just decision is enacted in the here and now, but it can only ever be, it is only ever justified *as* just, retroactively. The decision, whether it is one that qualifies an act as responsible, establishes a state as legitimate, or authorizes a law as just, is determined *as* ‘just’ only by virtue of a *coup de force* (for example, ‘Let there be light’ or, more to the point, ‘We hereby declare that from this point forward, the rule of law shall prevail’). As he explains,

The very emergence of justice and law, the founding and justifying moment that institutes law implies a performative force, which is always an interpretive force . . . in the sense of law that would maintain . . . [an] internal . . . complex relation with what one calls force, power, or violence. [The] very moment of foundation or institution [of justice ‘in the sense of *droit* (right or law)’] (which in any case is never a moment inscribed in the homogeneous tissue of a history, since it is ripped apart with one decision), the operation that amounts to founding, inaugurating, justifying law (*droit*), making law, would consist of a *coup de force*, of a performative and therefore interpretative violence that in itself is neither just nor unjust and that no justice and no previous law with its founding anterior moment could guarantee or contradict or invalidate. (1992a: 13)

Derrida’s insight is that the status of an originary or founding act is itself

indeterminable in ethical terms. If, for instance, a group was to say, 'From this moment forward, all members of government are to be elected by a democratic vote', then by what authority – since it is clearly not by that of a democratic vote – did 'we' institute this new mode of just representation? Is the institution, the founding, the justifying moment itself 'just' *in* the very moment, at the very instant, that it is undertaken? It is impossible to specify, since there is no anterior, or prior, or more original mode of legitimacy that is continuous with this new one, and so is positioned to authorize it. This, for Derrida, is where the discourse of law 'comes up against its limit: in itself, in its performative power itself'. It is what he proposes to call 'the mystical' (1992a: 13–14). From this point of view, no decision is ever *strictly* legitimate and, in this sense, the adequately just act is indeed (im)possible.

On the other hand, however, ethical-political responsibility is enacted nonetheless. For each time one does qualify an act as responsible, establish a state as legitimate, or authorize a law as just – all decisions that one simply cannot forgo – the decision will *appear* as legitimate. It will appear as legitimate because, as Derrida succinctly summarizes,

A 'successful' revolution, the 'successful foundation of a state' (in somewhat the same sense that one speaks of a 'felicitous performative speech act') will produce *après coup* what it was destined in advance to produce, namely, proper interpretive models to read in return, to give sense, necessity and above all legitimacy to the violence that has produced, among others, the interpretive model in question, that is, the discourse of its self-legitimation. (1992a: 36)

The violence that has produced the discourse of its own legitimation, in other words, can then itself *retroactively* be read *as* a legitimate, founding act. It would seem that, with respect to political justice and moral responsibility more generally, we continue to refer to a mode of legitimation that lays claim to reason, all the while that it bears an inner violence or irrationality, and all the while that it is founded on a fictional 'as if'.

Thus the subject's capacity to be an author, its capacity to act freely, as Kant would have put it, by legislating *to* itself a logical principle (of 'autonomy') for itself and its acts, *has* come into question now. However, it is important to underscore that this is not because 'post-modernists' such as Derrida have simply rejected truth, rejected reason, or rejected logic out of hand. On the contrary. It is because theorists writing in the wake of Enlightenment take the modern formulation of the principle of reason at its word.

Significantly, as Heidegger recalls, the principle of reason was formulated for modernity nowhere more succinctly than in the writings

of Leibniz (another mathematician). He postulated that, together with the law of non-contradiction, all reasoning rests on the principle that '*nihil existere nisi cuius reddi potest ratio existentiae sufficiens . . .* nothing exists whose sufficient reason for existing cannot be rendered' (Heidegger, 1991: 32). Heidegger continues:

Reason, which insists on being rendered, at the same time requires that it, as a reason, be sufficient, which means, completely satisfactory. For what? In order to securely establish an object in its stance. In the background of the definition of sufficing, of sufficiency (of *suffectio*), there is the guiding idea of Leibnizian thinking – the idea of *perfectio*, that is, of the completeness of the determinations for the standing of an object. Only in the completeness of the conditions for its possibility, only through the completeness of its reasons is the status of an object through and through established, perfect. Reason (*ratio*) is related to the effect (*efficere*) as cause (*causa*); reason itself must be sufficient (*sufficiens, sufficere*). This sufficiency is required and determined by the *perfectio* (*perficere*) of the object. (1991: 33; translator's insertions omitted)

Two points should be underlined here. The first is that sufficiency, in the form of mathematical completeness, is a fundamental logical requirement (and, consequently, a political-theoretical ideal) with respect to the subject's capacity to know, to thereby master his or her rhetoric with logic, and thus to sign authoritatively, *as* an author who bears full responsibility for his or her words. For it is only by virtue of completely determining the object in its fullness, only by providing the *sufficient* reason for the object, that we know fully and clearly what we mean when we say, 'it is'. From this point of view, it emerges that our capacity to achieve knowledge in the ideal mathematical sense that Leibniz had in mind is precisely what qualifies us as subjects who are authorized to sign, which is to say, as responsible.

The second point is that, as Heidegger elaborates elsewhere in the same text, 'the principle of reason is, as a principle, not nothing. The principle is itself something. Therefore, according to what the principle itself tells us, it is the sort of thing that must have a reason. What is the reason for the principle of reason? The principle itself behoves us to ask this question' (1991: 11). In other words, insofar as reason itself functions as a subject in Leibniz's principle, it is incumbent upon us to ask after the reason for reason itself. Notwithstanding appearances to the contrary, then, it would seem that insofar as they are indeed asking after the reason for reason, Heidegger and in his wake Derrida (e.g. 1983) have most certainly *not* rejected truth, reason, or logic out of hand. Rather, they have remained vigilantly faithful to the classical protocols of critique – the demand to render reason in the form of causes, roots, or principles – even in the face of the very real possibility that this demand may well give rise to an *incompleteness*, an *insufficiency*, on the

part of reason itself. Responsibility, insofar as it does presuppose reason, paradoxically both demands and renders (*im*) possible its own realization.

3 Deconstruction as a certain mode of critique

With this radical gesture of inquiring into the reason for reason itself, this inquiry that heeds the call of reason ‘faithfully’ (Derrida, 1983: 9) rather than rejecting its imperative for fear of the consequences, the strange responsibility of deconstruction (the strangeness of it) begins to emerge. For it is with this recursive move of turning reason back on itself that a constitutive *undecidability* – an ultimate limit with respect to our capacity to render an absolute distinction between logic and rhetoric, philosophy and literature and, most importantly, between this (good) act and that (bad) one – emerges as irreducible. This limit of discourse is, as we have seen, what Derrida calls the ‘mystical’: the performative limit of speech.⁴

Derrida himself has made the argument on many terrains, and with respect to a great number of texts, that logical undecidability emerges from rigorous critique. For example, he has investigated the pre-logical conditions of logic, the pre-scientific conditions of science, the pre-discursive conditions of speech, and the pre-legal conditions of law.⁵ By the same token, one might turn, for example, to the Hegel of the *Phenomenology of Spirit*. There we find the argument that the divine law of the family rules over the positive law of the state (thereby rendering it just), *and* that the positive law of the state (positive justice if you will) is and should be the final arbiter of those familial relationships and norms that emerge in the context of private life (thereby rendering them legitimate). The recursive question that poses itself here, therefore, concerns what one might call the pre-judicial conditions of justice. One is prompted to ask, ‘What is the nature of that law which, in turn, governs *this* relationship – the one *between* the two forms of law? How is one to adjudicate *between* divine justice and positive law, if the totality of law as justice is already encompassed by these two terms?’⁶

Such a law *of* law (what Derrida might call ‘archi-law’ or ‘archi-justice’ to indicate its ordinary, or pre-judicial, status) simply will not be logically determinable. This is not because it has not *yet* been determined, as one is often wont to submit. Rather it is because it could not be decided even in principle. One could not determine the law of law itself in legal terms without having already assimilated or reduced it to the very *forms* of law – positive and divine – it mediates between, and whose intelligibility it makes possible to begin with. Clearly, the law *of* law therefore cannot itself simply be (an)other (legitimate) law. But nor

can it be, simply, the other *of* law, the illegitimate other, either – not if Hegel will maintain that there is a legitimate mode of relation between two forms of justice (divine justice and positive or legal justice) that are otherwise incommensurable.

Consequently, the law of law would have to fall, impossibly, both within *and* without the circles of legitimation that it mediates; it would have to lie at the nexus of the two, and thus would not itself qualify as either strictly legitimate (inside) or strictly illegitimate (outside). The law of law is neither positive nor divine. Rather, it exceeds each pole, undecidably, in the direction of the other. Again, a paradox emerges not from a rejection of reason but, on the contrary, from a responsible attention to the question that law itself poses recursively, to itself, in order to ensure its own foundations.

Once it is recognized that deconstruction is what happens when the very criteria of rationality, of the decision, or of logic are turned back upon themselves (as the principle of reason itself ‘behoves us to do’), then it also becomes clear that ‘post’-modern philosophy might be best understood as a radicalization of reason as self-critique. To undertake a radical self-critique of reason is to demonstrate that the full and sufficient rendering of reason is logically impossible, because one can turn the principle governing the decision back onto itself, and so can open up the decision to its own constitutive undecidability. And, most importantly, the outcome of this move is the recognition that a moment of idealization, a metaphysical promise of a completeness to come, if you will, is an inescapable dimension of the insistence that one can act, or be, responsible. Something, in short, must be unjustifiably posited as coming, notwithstanding its (im)possibility, in order for ethical or political responsibility to get off the ground. Insofar as deconstructive reading serves to illuminate such potential moments of ideology within critical theories themselves, deconstruction does qualify as a kind of critique of critique – but surely it is not one that could typically be called rational *or* irrational, responsible *or* irresponsible, *per se*.

4 On Habermasian proceduralism

The suggestion that a moment of idealization will inhere in theories that purport to ground or to justify a certain conception of moral responsibility can be borne out in the texts of political philosophy on a case-by-case basis. Here the posited ideal takes the form of the subject presumed to know (as Lacan might put it). What is coming, one might say, is the subject who can master himself or herself – the one who can finally sign (or, one should say, who can sign finally) and so can mark the ‘connection of knowing with doing’, and thus can ‘master the linguistic field’.

This is the unjustifiable posit of any political theory that promises the possibility of a responsible, ethical-political act.

In Habermas's own theory of discourse ethics, for example, we can note two such moments. The first might be called the metaphysical moment. Specifically, the issue is that Habermas has to suppose that his hypothetical discussants in the ethical dialogue are transcendental subjects, not particular, embodied, historically located ones, notwithstanding his insistence to the contrary.⁷ Recall, in the first place, that in order for a legitimate claim to emerge from the ethical dialogue that Habermas envisions, the participants must, in effect, separate themselves from their contingent cultural, local, and traditional beliefs, and put themselves in other people's places. Each discussant is supposed to have the capacity to become what Seyla Benhabib calls a 'generalized' other.⁸ What is specifically required here is that each discussant transcends his or her particularities, and judges solely on the basis of good reasons.

If this requirement is met and gives rise to a consensus, Habermas argues in the second place, the result of the dialogue will be a distinction between ethical beliefs (those that are private, contingent upon one's circumstances, and thus not strictly rational) and moral beliefs, by which Habermas means claims that can be, and indeed that have been, rationally justified. The process through which we engage in what Habermas calls 'ideal role-taking', in other words, is said to ensure that the results, the moral claims that we ultimately agree on, are rationally based and thus just. In Habermas's theory of communicative ethics, the potential production of these 'legitimate' moral claims is, in turn, just what establishes the possibility of a moral sphere – a rational sphere – that is distinct from the contingencies of ethical life.

The problem here is this: if the discussants are to speak and to judge as generalized others rather than as particular, concrete individuals, then we cannot say that we have arrived at a consensus of *different* points of view. Indeed, the strength of discourse ethics over Kantian moral theory and, as far as Habermas is concerned, over Rawlsian theory as well (1990: 66), is that it discards the postulation of a transcendental subject, and that it puts a real discussion, undertaken by real, embodied, concrete individuals, in its place. Actual universality only occurs, Habermas insists, when concretely situated individuals, each of whom necessarily brings his or her own substantive, ethical concerns and perspectives into the discussion, have actually participated in a debate (1990: 65–8, 202, 203). But concrete others, as compared to generalized others, are decidedly partial, not impartial. And this means that no purely 'rational', non-relative, unconditioned sphere of morality can be said to emerge from the procedure itself – unless, of course, we assume, after all, that, in principle, subjects *are* capable of rendering their

substantive, particular concerns fully and completely in logical, rational terms, with no remainder or excess. No such ideals can be recognized as that outcome of practice, in short, unless we assume from the start that justice as the reconciliation of contradiction and as the full rendering of reason *is* actually realizable in its ideal form.

That is the first unjustified idealization: to the extent that the Habermasian theory of discourse ethics grounds moral judgments on the protocols of a strictly rational procedure, it idealizes its subjects as potentially transcendent entities. This is a classically metaphysical move. Conversely, to the extent that it can be shown that it does *not* idealize or abstract its subjects, the theory cannot be said to describe a procedure that will result in strictly rationally grounded, moral claims. For in this case, the dialogical outcome will be imbued with particular, contingent beliefs.

The second problem relates to what might be called teleological suppositions of the theory. By this I mean that if Habermas's strictly formal procedure for determining valid moral claims is as fully rational as he suggests – if ethical beliefs *can* be distinguished from moral claims as sharply as Habermas promises because discourse ethics is strictly a formal, procedural mechanism – then it is not at all clear why we are *morally* bound to undertake it. Why *ought* we to adjudicate our moral claims in this way, if reason is not something that exists in abstraction and to which all rational beings are essentially tied, as Kant postulated, but is instead merely the *outcome* of a certain procedure?

Recall, here, that Habermas's argument is that the principle of autonomy can be seen and known as inherent in the structure of language as it is actually *practiced*; one does not need to posit autonomy as an essential fact about, or as the ultimate moral end of, the subject. If autonomy is simply a feature of certain practices rather than an essential feature of us or, to phrase this differently, if Habermas really has shifted from a philosophy of consciousness to what he calls a 'universal pragmatics' of language as he maintains (cited in Jay, 1992: 265), then it is not clear what is to commend this particular practice as *the* universal, and hence 'moral', one.

Habermas's answer to this question draws heavily, and arguably illegitimately, on Lawrence Kohlberg's psychological theory of childhood development (Habermas, 1990: 119; Gaon, 1998: esp. 710–17). Here too Habermas attempts to expand and substantiate Rawls's account, which merely *postulates* that subjects in the original position would be rational and mutually disinterested (see Rawls, 1999: 12). In effect, Habermas proposes that all human beings have a natural or quasi-natural tendency to develop the capacity for the autonomy and impartiality that ostensibly characterize the moral point of view (1990: 126). But Habermas *also* says that what is needed is the establishment of social institutions that will

allow for and even encourage this particular developmental good. In other words, society *ought* to be structured in such a way so as to ensure the proliferation of the particular values of impartiality and autonomy (1990: 207). Habermas's apparent need for this prescription suggests that without some *external* prompting, our tendency may very well be to develop differently than the way we 'ought' to do.

The second fundamental problem that emerges in Habermas's theory is therefore this: unless one presupposes to begin with that all beings share by necessity the final end or *telos* of developing into autonomous, rational, impartial selves of the western, egoic, late-capitalist kind, the claim that society 'ought' to be structured in such a way so as to encourage these particular developmental goods is not persuasive. On the other hand, if one *does* support the theory on the basis of this presupposition, then one has essentially begged the question of what *is* the common good. To presuppose what is the nature of our *telos* is to impose authoritatively, it is not to ground on reason, one particular (late modern, western) understanding of what *is* our final end. It is these moments of equivocation in Habermas's theory – moments of metaphysics and of teleology that are covered over even while the theory relies upon idealizations that it cannot justify – that are, thus, its own deconstruction.

What emerges through a deconstructive inquiry into the rationality of the imperative of reason itself, therefore, is that there is an ideological quality to what has passed for ethical-political responsibility all along. Paradoxically, a certain *ir*responsibility is attached to the (neo-)modernist insistence *on* responsibility in the wake of these postmodern challenges. For, in these challenges, not only is justice itself taken to account, but, more important, the account that is demanded is none other than the very account that justice, as the promise of a decision or an outcome based on the protocols of reason, demanded all along. In the Habermasian case, quite clearly, the 'justice' at stake is precisely the one that issues from the rational determination of foundational norms. And, as soon as reason in this classic metaphysical sense is mobilized (reason as the search for grounds, for example), one cannot but ask the recursive question: what is the reason *for* the rationality to which they appeal? Is reason sufficient to itself in this instance? The answer here is no. The rationality of norms depends, in the end, on Habermas's fictional evocation, his trope, of an ideal 'if'. *If* subjects could transcend their particularities and judge, as Habermas says, 'solely on the basis of good reasons' then, it would follow, our reasoning would be 'just'. Then our signatures would be 'good'.

Conclusion

There are two general consequences I would like to draw from this argument. The first is that the revelation of the logical (im)possibility of

ethical-political responsibility is neither nihilist nor quietist in its implications. On the contrary, it opens the door to an active and imperative interrogation of the potentially harmful political effects of the modernist discourse *on* ethical-political responsibility and justice. For, in first instituting the abstract subject retroactively as the sufficient ground of concrete acts, in instituting this subject violently and then in retroactively legitimating it through the very decision that distinguishes this good act from that bad one, one simultaneously closes off other subjective possibilities. The site of this foreclosure, whereby the undecidability of the ethical-political decision is erased, and whereby logic is illegitimately promoted to its customary position of primacy over rhetoric, is precisely the site at which Derrida's political critique intervenes.

This suggests, in the second place, that a strange mode of responsibility – a quality of (ir)responsibility that is neither strictly responsible nor strictly irresponsible – qualifies the gesture that exposes the impossibility *of* a responsible, or epistemologically grounded, act. In question here are not the norms themselves upon which agreement is reached, but rather the very manner of philosophical legitimation through which these norms are established as rational. In question here is the legitimacy of the modernist mode of critique. Yet if, as I have been arguing, a deconstructive reading does undermine the modern belief in the possibility of a genuinely responsible act, what remains is that it cannot persuasively do but by mobilizing the same protocols of reason through which responsibility has been determined all along. To this extent, the practice of deconstruction, and its political-theoretical purchase, is that of a *certain* mode of critique. This, at any rate, is how one might answer Derrida's provocative question, 'What could be the responsibility, the quality or the virtue of responsibility, of a *consistent* discourse which claimed to show that no responsibility could ever be taken without equivocation and with contradiction?' (1992b: 9; emphasis added). Its quality, one might say, is that of a *certain* (ir)responsibility; one that is not nothing, but that is not some *thing* – one that does not presume *another* epistemological ground – either. From this point of view, one might plausibly respond to the objection that deconstruction leads to the unacceptable conclusion that there is nothing we can (rightfully) *do*, as follows. Insofar as deconstruction responds to that same imperative of reason to provide grounds and to render an account that modernists themselves uphold, modernists and postmodernists (deconstructionists) alike must relentlessly question the grounds of our ethical-political beliefs about justice. To do anything less *would* be irresponsible, in precisely the sense that we still understand that word today.

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Notes

- 1 With one exception, references to deconstruction in Habermas's influential 'Excursus on Levelling the Genre Distinction between Philosophy and Literature' (1987) are all to secondary, predominantly literary-critical, French and American readers of Derrida; the only citations from Derrida's own work are extracted from the debate between Derrida and John Searle that Habermas professes not to understand (1987: 194, 407, n. 7). For the full text of this exchange in one volume (excluding Searle's rebuttal), see *Limited Inc.* (Derrida, 1988a). For an interesting and careful discussion of why Derrida's work should not be collapsed into that of the 'Yale School' of deconstruction treated by Habermas, see S. P. Mohanty's 'Radical Teaching, Radical Theory: the Ambiguous Politics of Meaning' (1986). It should be noted that Habermas's larger chapter, 'Beyond a Temporalized Philosophy of Origins: Jacques Derrida's Critique of Phonocentrism', to which his 'Excursus' is attached, does reference the Derridean corpus more directly, if only, in the end, to announce that 'all denials notwithstanding, [Derrida] remains close to Jewish mysticism' (1987: 182, 184).
- 2 I use the term 'neo-modernist' in this paper to identify those such as Habermas, Wellmer, Rawls, Honneth, and others who endorse such typically Enlightenment values as universalism and autonomy, but who have tried to modify in various ways some of the more totalizing aspects of Enlightenment thought. They can be distinguished from classic modern philosophers and theorists (such as Kant and Hegel most notably). Terms such as 'quasi-foundationalist' or 'soft foundationalist' might be mobilized in this context as well. I am indebted to David Kahane for identifying these alternative terms in his comments on an earlier version of this paper.
- 3 Because Rawls does define 'rationality' as instrumental, it follows for him that it is arguably 'unreasonable', 'but not, in general, not rational', if 'one merely seems, or pretends, to propose or honour' principles of cooperation, 'but is ready to violate them to one's advantage as the occasion permits' (2001: 7).
- 4 A brilliant example of the undecidability that results from recursivity is provided by Simone Signoret: *La nostalgie n'est plus qu'elle était* ('Nostalgia isn't [or, is no longer] what it used to be') (1975).
- 5 The most well-known version of this argument is given in Derrida's analysis of the difference between speech and writing, and the 'generalization' of textuality as undecidable – what Derrida refers to as 'archi-writing' (1976) – that emerges from it. Elsewhere he has 'generalized' the concept of 'friendship' in his analysis of the distinction between politics and friendship, wherein he shows that 'friendship', properly understood, is undecidable in the sense that it is both what must be excluded from the political domain, and what remains its necessary condition of possibility (see Derrida,

- 1988b). We also find the notion of a ‘generalized’, or undecidable, notion of (archi-)art in Derrida’s unpacking of the art–science dualism in *Of Grammatology*. There he writes: ‘[The outline] cannot give rise to [literally provide space for] art (techné) as *mimesis* without constituting it forthwith as a *technique of imitation*. If art lives from an originary reproduction, the outline that permits reproduction opens in the same stroke the space of calculation, of grammaticality, of the rational science of intervals, and of the “rules of imitation” that are fatal to energy’ (Derrida, 1976: 209; textual insertions and emphases in original). Compare also Rudolph Gasché’s discussion of Derrida’s analysis of the distinction between philosophical truth and literary fiction, where we find the undecidable notion of (archi-)fiction (Gasché, 1995: 116).
- 6 Catherine Kellogg (2003) provides a full discussion of this moment in Hegel. She argues that Hegel circumvents this logical difficulty with a rhetorical move: in the *Phenomenology of Spirit*, the *figure of Antigone* stands in for and simultaneously covers over the undecidable ‘law of law’ (2003: 370).
 - 7 For a thorough and substantial elaboration of the proceeding argument see Gaon (1998).
 - 8 The concept of a ‘generalized other’ signifies for Benhabib the abstract, public persona of modern moral and political thought – it is based, notably, on the male head of the bourgeois household, and it suggests the standpoint of ‘*formal equality and reciprocity*’. The standpoint of the ‘concrete other’, in contrast, is based on the private world of personal and domestic life. This standpoint ‘requires us to view each and every rational being as an individual with a concrete history, identity, and affective-emotional constitution’ (1987: 87).

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