

separate rhetorically constructed worlds of proponents and opponents of ERA led to a communicative impasse, but that the progressive atrophy of the public sphere led to the creation of these separate worlds.

To relate this history of this decline is not to reach the pessimistic conclusion that democratic politics has reached the point where, as a result of the transformation of the public sphere, rationality can never prevail. To the thoughtful, the failed ERA campaign took the political temperature of America and Americans on the issue of the place of women in society. On the whole, Americans clearly preferred what they got: the status quo. But this did not mean that changes in the status of women were not in the offing; it meant simply that radical had been rejected in favor of gradual change. One can regret that this did not represent the triumph of the better argument, but the case cannot be made that, had the force of the better argument prevailed, the result would have been different. Apparently, American democracy is more robust than we might have thought; the shrinking of political opportunity in the public sphere, so well documented by Habermas and others, does not allow us to infer that the resources for the continued survival of democracy have also shrunk, rather than altered.

In all cases, to understand Habermas aright, it behooves rhetorical critics focused on the public sphere to criticize the distortions that undermine deliberative democracy and to discover and encourage arenas in which rational public debate exists despite the well-known pressures against its formation and persistence.

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WHAT IS HABERMAS'S "BETTER ARGUMENT" GOOD FOR?

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As defined by Aristotle, rhetoric is "the faculty of observing in any given case the available means of persuasion" (Rhetoric I:2 rev. Oxford trans., 1355b:27-28). The inquiry on the means of persuasion is the very purpose of rhetoric since this discipline emerged from the

needs of the citizens to win their cases in the new democratic institutions of ancient Greece (Kennedy, 1998, pp. 191–214). The problem, as Perelman and Olbrechts-Tyteca (1958) put it, is that the force of an argument is not only uneasy to define (is it a normative or a descriptive concept?) but it also would be difficult to study since it depends both on the aim of the discussion and on the nature of the audience (pp. 610–617).

In the introduction of his *Theory of Communicative Action*, Habermas (1984) uses several times the concept of the “force of the better argument” (e.g., pp. 24, 25, 28, 36, 42). One might therefore expect Habermas’s reflection on argumentation to be of great help for rhetoricians. However, as conceived by Habermas (1984), the “force of the better argument” refers not only to a rhetoric-free force but also to a force that can only exist in the absence of rhetoric. The aim of this paper is to reflect on this incompatibility between rhetoric and argumentation in the Habermasian approach.

A “CONSTRAINT-FREE FORCE”

Although Habermas does not clearly define the “force of the better argument”, it is the only “force” he seems to tolerate in his ideal speech situation:

Participants in argumentation have to presuppose in general that the structure of their communication, by virtue of features that can be described in purely formal terms, excludes all force—whether it arises from within the process of reaching understanding itself or influences it from the outside—except the force of the better argument (and thus that it also excludes, on their part, all motives except that of a cooperative search for the truth). (Habermas, 1984, p. 25)

It seems that the idea of “the force of the better argument” relies on a dissociation between a “force” that is acceptable and a “force” that is not. Behind this dissociation lies the long lasting opposition between “convincing” and “persuading”, that is, following Perelman & Olbrechts-Tyteca (1958, p. 36), between a force that would convince any rational being and a force that would only persuade a given audience in a given context. But for the force of conviction to exist, the communication should, in Habermas’s view, be free from any other kind of “forces”: The force of the better argument is a “constraint-free force” (Habermas, 1984, p. 28). This “constraint-free force” is opposed to another kind of force that has to do with rhetorical technic. This appears, in my view, in Habermas’s (1970) article “Toward a Theory of Communicative Competence.” In this article, he stresses the importance of insuring symmetry between the arguers for an ideal speech situation to be optimal:

Pure intersubjectivity exists only when there is complete symmetry in the distribution of assertion and dispute, revelation and concealment, prescription and conformity, among the partners of communication. As long as these symmetries exist, communication will not be hindered by constraints arising from its own structure. (Habermas, 1970, p. 371)

It seems that some of the unacceptable force has to do with the influence an arguer might exercise through his or her authority, that is, his or her *ethos*, one of the technical proofs of rhetoric. One might therefore define the “force of the better argument” as a force that might exist if communication was rhetoric-free (i.e., without force of conviction originating from the technic of speech itself). Now that we have an idea of the nature of the acceptable side of the force, I would like to ask what is this “force of the better argument” good for.

Indeed, it has sometimes been argued that Habermas’s view on argumentation might be counterfactual with the way people actually use argumentation in the public sphere. Joseph W. Wenzel (1979) notably raised this point in the issue of the *Journal of the American*

Forensic Association that was dedicated to Habermas. He nonetheless concluded that Habermas's work might offer a "standard of rationality" against which argumentation should be measured (Wenzel, 1979, p. 93). I would like here to argue for a different perspective. My claim is that once one takes into account the kind of issues citizens have to deal with in the public sphere, one might have to reconsider the usefulness of the force of rhetoric.

THE FORCE OF RHETORIC

Aristotle's definition of deliberation offers, in my view, a relevant insight into the nature of argumentation in the public sphere:

The subjects of our deliberation are such as seem to present us with alternative possibilities: about things that could not have been, and cannot now or in the future be, other than they are, nobody who takes them to be of this nature wastes his time in deliberation. (Rhetoric I:2 1357a:4-7)

This definition of the field of deliberation might be still relevant for most of the questions that we have to deal with as citizens (i.e., "should we raise taxes?", "should we invest in innovation?", "should we vote for X or Y?", etc.). Nonetheless, Aristotle's claim on the kind of issues there is a point in deliberating about (i.e., issues that present us with alternative possibilities) might be puzzling. Indeed, isn't it as much a waste of time to deliberate about obvious things than to deliberate about things for which one might never find a conclusive reason to ground his/her opinion?

In order to answer this question, one might have to depart from Habermas's conceptions of the force of the better argument. Indeed, when people have to deal with the field of the things that "might be other than they are", one can doubt the usefulness of a "constraint-free force" since a cooperative quest for a consensus might lead nowhere. The kind of force citizens might rather need is a force to reach opinions and to make decisions in spite of indeterminism. This force refers to the Greek concept of *mètis*, a practical intelligence that was well described by Detienne and Vernant (1974). Considering the nature of the issues we have to deal with in the public sphere, one might argue that, when deliberating, people should be looking more for motivations to ground their decisions than for consensual truth. And the skills that are required for this exercise to be useful should have more to do with flexibility, dodge, craft, or trick than with logical calculation. Rhetoric, as practiced and taught by the Sophists, was supposed to train citizens to those skills. But this kind of practical intelligence has been devalued by Plato's conception of philosophy as a search for certainties (Detienne & Vernant, 1974, p. 304). The influence of the condemnation of rhetoric by Plato is still visible today, notably in Habermas's conception of argumentation.

THE RATIONALITY OF RHETORIC

To conclude, I would like to go back to the reasons why Habermas has to imagine an ideal speech situation as a rhetoric-free situation. At the roots of this incompatibility between rhetoric and ideal speech situations, there is a conception of rationality associated with clarity and mutual understanding. This appears in the introduction of Habermas's *Theory of Communicative Action*.

There are, in my view, three steps in his reasoning. The first step is to define a rational action or a rational opinion with regard to one's ability to give sound reasons in support of it (Habermas, 1984, p. 8-17). The second step is, in turn, to define argumentation as the means by which one can evaluate the rationality of his/her opinion and action (Habermas,

1984, p. 18–22). The third step is to consider that this evaluation can only happen if the argumentative process were conducted in respect of certain rules, such as symmetry between the arguers (Habermas, 1984, p. 25–26). Those rules are supposed to ensure the compliance with the force of the better argument. In other words, Habermas explains his conception of rationality by using an *ad hoc* conception of argumentation. In turn, he tries to study argumentative situations as laboratories for observing rationality at work. But the rationality he might observe then risks to be far from the way people actually reason in the public sphere.

Another approach, which is experienced by Emmanuelle Danblon (2002, 2005, 2013), is to try conciliating our conception of rationality with the way citizens actually use argumentation in the public sphere. This implies to study rhetorical means of persuasion not as derailment from an ideal speech situation, but as relevant clues to understand the way we reason. Indeed, in the public sphere, it might be as much rational to practice argumentation as a means to persuade and to be persuaded than to practice it as a cooperative quest for the force of the better argument that might not exist at all. And the ability to be persuaded might therefore be as important a feature of our rationality as our ability to be convinced.

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THE ORIENTATIONAL TRANSFORMATIONS IN ANY PUBLIC SPHERE: DEWEYAN THOUGHTS ON HABERMAS, HABITS, AND FREE COMMUNICATION

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Jürgen Habermas's conception of the public sphere has been of doubtless importance for those interested in the intersection between communication, argument, and the ideal sort of community we ought to form. In *The Structural Transformation of the Public Sphere*, Habermas (1962/1989) recounts the devolution of the public sphere from free-wheeling and politically