

DIFFERENCE, INCOMMENSURABILITY, DECISION

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The purpose of the paper is to discuss how the possibility of understanding difference relates to political decision making. We will see (in Section I.), using Althusser, it is possible to establish and maintain difference without those differences becoming incommensurable; that it is possible to understand the differences of others. We'll then see that this ability is of little use when it comes time to *act*, for example, making a decision; that many differences are excluded from the process of decision making in the public sphere. In Section II. this outcome is compared with the liberal democratic principle of toleration and found to be in conflict with it. However, we will then discover that although such decisions are 'intolerant' and exclude, this does not seem to illegitimise, or make them intolerable, since the principle of tolerance is, as will be demonstrated, a vacuous principle. Following this, in Section III., we investigate how decisions could be legitimate and find it is merely "a moment of sheer power" and "willing" that legitimised them. We will compare this outcome with current traditional values, deciding we may still maintain them. In conclusion it is claimed that future democracies should be more pragmatic and deliberative.

In many ways the intellectual landscape has been, and still is, sown with an absolute or universal tendency; that there may exist only one rational outcome for a particular situation, problem, etc. This universalistic tendency, what Putnam refers to as the "*critical* conception of reality", stems from "the idea that there is a definite set of *rules of language* and that *these* can settle what is and is not rational".¹ This *conception* barely allows for *difference*; indeed the two theories 'inhabit in different worlds'. But there is great benefit in accommodating difference. As Jeff Spinner-Halev has stated, "Something important in our culture may be lost with [a] decline of difference. While differences cause tensions among citizens, they are often a rich cultural resource as well".² Even so, the tensions they cause raise questions concerning the nature and legitimacy of decision making in an egalitarian democracy.

¹ Putnam, H. (1981). 'Two Conceptions of Rationality' in Reason Truth and History. Cambridge University Press: London, pp. 109-10.

² Spinner-Halev, J. (1995). 'Difference and Diversity in an Egalitarian Democracy', The Journal of Political Philosophy, Vol. 3, No. 3, p. 277.

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I.

There are many types of difference. However, for our purposes we can make the difference of 'identity' (of a group) our focus. That is, "practices that are specific to one group are a mark of difference".³ In the realm of ideology, people that hold significantly different views are said to inhabit different worlds or paradigms.⁴ Many

³ Ibid., p. 262.

⁴ Kuhn, T. (1997). 'Scientific Revolutions' in *The Philosophy of Science* (eds Boyd, R., Philip, G., and Trout, J. D.) The MIT Press: Cambridge, pp. 139-57.

theorists, however, in the process of making room for, and securing, *difference* assert that *it* calls for incommensurability - "that terms used in another culture ... cannot be equated in meaning or reference with any terms or expressions *we* possess".⁵ Lyotard is just one of these theorists supporting the "heterogeneity of phrase regimens". He states that, "[f]or each of these regimens, there corresponds a mode of presenting a universe, and one mode is not translatable into another".⁶ However, if this view were a reality we would be unable to interpret the noises of *others* and we would be in no position to view them (persons of different culture, time period, discourse, theory, etc.) as speakers, thinkers, or even persons, since we would have no grounds to do so.⁷ Incommensurability gives us no grounds for respecting difference; that is, the recognition of *otherness* implies commensurability. Putnam exemplifies this point. He states, "to tell us that Galileo had 'incommensurable' notions *and then to go on to describe them at length* is totally incoherent".⁸ Seyla Benhabib makes a similar attack.

The thesis of radical untranslatability of genres of discourse and phrase regimens is no more meaningful than the thesis of the radical incommensurability of conceptual frameworks. For, if frameworks, linguistic, conceptual or otherwise are so radically incommensurable with each other, then we would not be able to know this; for our ability to describe a framework as a framework in the first place rests upon the possibility of being able to identify, select and specify certain features of these other conceptual networks as being sufficiently like ours such that they can be characterised

⁵ Putnam, *op. cit.*, p. 114.

⁶ Lyotard, J-F. (1988). *The Differend: Phrases in Dispute*. University of Minnesota Press: Minneapolis, p. 128.

⁷ Putnam, *op. cit.*, p. 114.

⁸ *Ibid.*, p. 115.

as conceptual activities in the first place.⁹

It is to this end that I would like to go into bat for identity theorists; differences are not incommensurable and can be understood. However, as Spinner-Halev lucidly argues: "When understanding does take place among conversational partners, then epistemological differences among people decreases".¹⁰ This understanding will require a meta-narrative, the aim of which is to allow for different paradigms to be comparable, not to provide some *ultimate* answer; it is not that a meta-narrative will give the (1) answer, but that through it different answers may be understood.

Our task then, as Richard Rorty has commented, is to demonstrate,

there are people out there whom society has failed to notice. [To] make these candidates for admission [to society] visible by showing how to explain their odd behaviour in terms of a coherent, if unfamiliar, set of beliefs and desires - as opposed to explaining this behaviour with terms like stupidity, madness, baseness or sin...[so they can be] taken as a possible conversational partner by those who shape that society's self image.¹¹

And so, similarities will be required to enable differences to speak with each other; understanding leads to difference sharing: "To change and join those in power, members of subordinate groups need not simply become like the powerful; but they must try to get the powerful to become more like them".¹² This will inevitably involve an expansion of public language given the constantly be addition of 'formations of normatives' to it.

⁹ Benhabib, S. (1994). 'Democracy and Difference: Reflections on the Metapolitics of Lyotard and Derrida', *The Journal of Political Philosophy*, Vol. 2, No. 1, p. 7.

¹⁰ Spinner-Halev, op. cit., p. 275. Note, then, this will be one difference that is lost to the commensurability of difference, whilst maintaining it.

¹¹ Rorty, R. (1991). *Objectivity, Relativism, and Truth: Philosophical Papers I*. Cambridge University Press: Cambridge, p. 206.

¹² Spinner-Halev, op. cit., p. 275.

'Rational', by this perspective, becomes a normative judgment; not to describe an outcome but to express its concordance with a system of norms. That is, "to think an act *rational* is to accept a system of subjectively applicable norms that permit the act in question when applied to the subject's exact subjective circumstances".¹³ It is against a system of norms that judgement is made since it will usually be upon the acceptance of more than one norm that the judgement will be made.¹⁴ And a norm, of course, will be the consequent play of beliefs and desires.

It is here that Louis Althusser provides us with a tool with which we can understand others differences.¹⁵ Althusser makes a distinction between two levels of reading. The first level of this 'double reading' is a literal or manifest reading of a text or discourse - of its 'explicit discourse'. Here the words of a text or discourse can be taken as their immediate semantic meaning.¹⁶ However, according to Althusser, this "is merely a summary of concordances and discordances, the balance of what [the discourse] discovered and what [it] missed, of [its] merits and failings, of [its] presences and absences".¹⁷ The lacunae in the discourses are described as being 'invisible' to the discourses. 'Absences of *vision*' explain and are identical with 'oversights' in discourse, in the same way that 'presence and acuteness of *vision*'

¹³ Gibbard, A. (1990). *Wise Choices, Apt Feelings: A Theory of Normative Judgement*. Harvard University Press: Cambridge, p. 89.

¹⁴ *Ibid.*, p. 86.

¹⁵ This may seem somewhat paradoxical since Althusser, the famed teacher of Foucault, has been read as advancing a theory of incommensurability. I, however, do not read him in this way. See for example Putnam, H. (1997). 'The 'Corroboration' of Theories' in *The Philosophy of Science* (eds Boyd, R., Philip, G., and Trout, J. D.) The MIT Press: Cambridge, p. 127.

¹⁶ Smith, S. B. (1984). *Reading Althusser: An essay on Structural Marxism*. Cornell University Press; Ithica, p. 75.

¹⁷ Althusser, L. [a] (1979). "From Capital to Marx's Philosophy" in *Reading Capital*, Althusser, L. and Balibar, E. (trans. Brewster, B.). Verso: London, p. 18.

explain and are identical to 'sightings' in discourse: "This reduces every weakness in the system of concepts that makes up knowledge to a psychological weakness of 'vision'".¹⁸ Finally, this type of reading is of an inferior status to the second type of reading, with which it has nothing in common.¹⁹

This second type of reading involves observing the deeper latent structures of the text; its 'silent discourse'. Here, Althusser is speaking of "the inaudible and illegible notion of effects of a structure of structures...the discourse of the unconscious".²⁰ This *Freudian* notion of *reading*, and more specifically, the *latent structure* of discourse, which can be seen as a 'decentring' of it, is at the heart of 'the problematic'.²¹ For Althusser, the literal reading has a general oversight in itself; it fails to recognise the problem of the combined existence of both sightings and oversights. He states,

It does not see this problem, precisely because this problem is only visible insofar as it is invisible, because this problem concerns something quite different from given objects that can be seen so long as one's eyes are clear: a necessary invisible connection between the field of the visible and the field of the invisible, a connection which defines the necessity of the obscure field of the invisible, as a necessary effect of the structure of the visible field.²²

By this, Althusser is saying that vision, in a sense, owns non-vision. That is, an oversight is to not see what one sees, or to put it in the rhetoric of Althusser himself, "what [a discourse] does not see, is not what it does not see, it is *what it sees*; it is not what it lacks, on the contrary, it is *what it does not lack*; it is not what it misses...it is *what it does not miss*".²³ But here, Althusser has transferred or 'changed the terrain'

¹⁸ Althusser [a], op. cit., p. 19.

¹⁹ Smith, op. cit., p. 75.

²⁰ Althusser [a], op. cit., pp. 16-17.

²¹ West, D. (1996). *An Introduction to Continental Philosophy*. Polity Press: Cambridge, p. 157.

²² Althusser [a], op. cit., pp. 19-20.

²³ *Ibid.*, p. 21.

from an over sight of *an object* to an oversight of '*the sight* itself', to show that "the oversight is an oversight that concerns *vision*: non-vision is therefore inside vision, it is of a form of vision and hence has a necessary relationship with vision".²⁴ The advantage of this, is that our problem can be positioned in a single domain, in its pure form, and hence be absent of infinite regression.²⁵

However, Althusser wants to go a step further, and it is here that the *problematic* is divulged. He writes,

We must go further than the unmentioned presence of the thoughts of a living author to the presence of his *potential thoughts*, to [their] *problematic*, that is, to the constitutive unity of the effective thoughts that make up the domain of the existing *ideological field* with which a particular author must settle accounts in his own thoughts.²⁶

The *problematic* is precisely this *field*; an *unconscious structure*, which limits or governs the production of the explicit discourse. It is the structure which allows, makes possible, 'internally limits' the ability to think certain things and therefore to not to think certain other things; to ask certain questions and therefore to not ask certain other questions; to say certain things and subsequently, to not say certain other things. It is the structure which determines what can and what cannot be included within a particular ideological, theoretical or discourse paradigm: "It is the overall framework of a system which puts the basic concepts of a theory into relation with one another, determines the nature of each concept by its place and function in this system of relationships, and confers on each concept its peculiar significance".²⁷ Or, in the words of Althusser, it "designate[s] the particular unity of a theoretical

²⁴ Ibid.

²⁵ Ibid.

²⁶ Althusser, L. [b] (1969). "On the Young Marx" in *For Marx* (trans. Brewster B.). Penguin Books: Harmondsworth, p. 66.

²⁷ Smith, op. cit., p. 82.

formation".²⁸ More specifically, for Althusser, discourses "communicate in terms of these of these fixed systems of meaning which limit what they can and cannot say".²⁹

An idea which seems to stem from the work of Ferdinand de Saussure, who purported that,

what gives particular words their meaning is the language as a whole, considered as a structured system of elements. Meaning depends on the differential relations or contrasts between elements, which in the case of language are signs: 'Since the sign has no necessary core which must persist, it must be defined as a relational entity, in its relations to other signs'.³⁰

Indeed, Saussure's account of language, given here, anticipates Althusser's conception of the problematic, though Althusser credits his friend, Jacques Martin, with whom he shared this peculiar psychological disposition, with the concept.³¹

We have now 'sighted' or made 'visible', in light of this *relational* conception of language and the problematic, how it is possible that non-vision is to be found within the whole of vision, and not found outside or *excluded* from it; that is, how vision is not possible without non-vision: 'the necessary connection between the visible and the invisible'. It is due to the relational nature of the framework that is the problematic, that vision (or the *visible*) cannot be defined without reference to (and in contrast to) non-vision (or the *invisible*). Moreover, the invisible is no less dependent upon 'sightings' or vision, than is the visible, within the theoretical, ideological or discourse framework (*problematic*), and thus, is a part of it. In the words of Althusser, "the visible is no more a function of [*the structural condition's*] *sighting*³² than is the

²⁸ Althusser [b], op. cit., p. 32.

²⁹ Smith, op. cit., p. 79.

³⁰ Saussure as cited from West, op. cit., p. 165.

³¹ Althusser [b], op. cit., p. 32.

³² Althusser [a], op. cit., p. 25. Ultimately, Althusser thought that 'sighting' was the

invisible: the invisible is the theoretical problematic's non-vision of its non-objects".³³

That is, "the same connexion that defines the visible also defines the invisible as its shadowy obverse. It is the field of the problematic that defines and structures the invisible as the defined excluded".³⁴ However,

the invisible of a visible field is not generally *anything whatever* outside and foreign to the visible defined by that field. The invisible is defined by the visible as *its* invisible, *its* forbidden vision: the invisible is not therefore simply what is outside the visible, the outer darkness of exclusion - but the *inner darkness of exclusion*, inside the visible itself because [it is] defined by its structure.³⁵

This, then, explains the necessary connection between visible and invisible, with respect to the problematic. It is due to this necessary connection between the visible and invisible that makes differences commensurable.

In this same spirit, although less spiritedly, Allan Gibbard says that any system of norms, N, can be characterised by three predicates: *N*-forbidden, *N*-optional, and *N*-required. "Here, 'N-forbidden' simply means "forbidden by a system of norms N", and likewise for its siblings".³⁶ The advantage of these perspectives is that differing systems of norms can be evaluated directly; a further indication that differences are commensurable.³⁷ That is, the *problematic* of the system of norms is what objectifies, and allows comparisons of, the subjective system of norms. It is a meta-narrative, of sorts, that allows for different answers. It is not a meta-narrative that provides the one

act of structural conditions not of an individual subject.

³³ Ibid., p. 26.

³⁴ Ibid., pp.25-26.

³⁵ Ibid., p. 26.

³⁶ Gibbard, op. cit., p. 87.

³⁷ As Slavoj Žižek claims, "We effectively 'understand' a foreign culture when we are able to identify with its points of failure: when we are able to discern not its hidden positive meaning, but rather its blindspot". Žižek, S. (1997). *The Abyss of Freedom / Ages of the World*. University of Michigan Press: Ann Arbor, p. 50.

answer, and so it junks the universalist tradition. Furthermore, it is the comparative, latent reading of normative structures that differentiates this account from a mere relativistic account, it junks the notion of incommensurability.³⁸ Rather, it is a meta-narrative that allows for the understanding of difference.

It is important that, although difference can be sustained without incommensurability, that others' differences can be understood, understanding leads to a decrease of difference. It leads to, but does not create, a lessening of difference insofar as "equal interaction often leads to a decline in differences".³⁹ That is, beyond the realm of simply understanding another's difference, when some action (for example, decision making) is required *difference* will become diversity if *it* is not excluded altogether. Part of the reason for this is that "public discussions have boundaries; they shape the conversations that take place in them".⁴⁰ That is, public discourse is said to take place within a 'frame' - "a central organising idea or story line that provides meaning to an unfolding strip of events, weaving a connection between them. The frame suggests what the controversy is about, the essence of the issue".⁴¹ More than this, they are "structures of the mind that impose order and meaning of the problems of society...interpretative structures embedded in political discourse".⁴² They are structures that dictate what can or cannot be included within public debate, who can or cannot be regarded as human, and, ultimately, which lives are or are not

³⁸ Relativism here is taken to be the name of the view that states, matter of factly, no universal truths about the world exist, which is a self-refuting claim since it is advanced as a matter of universal truth rather as opposed to relatively being the case.

³⁹ Spinner-Halev, op. cit., p. 264.

⁴⁰ Ibid., p. 268.

⁴¹ Gamson, W. A. and Modigliani, A. as cited in Spinner-Halev, op. cit., p. 270.

⁴² Kinder, D. R. and Herzog, D. as cited in Spinner-Halev, op. cit., p. 270.

greivable.⁴³

Frames, then, are akin to the visible of Althusser's problematic in that they will be structured to allow only certain cultural references and similarities and not others. They "are restrictive by setting the boundaries on political discourse".⁴⁴ It is not difficult to see how the invisible is equated to such restrictions within the context of a problematic. When something is invisible to a particular field of a problematic, the structure of that problematic *fails to see* or *represses* the invisible something since, by virtue of the something's *silence*, its *gaze* is not fixed on the something; the something becomes an 'oversight' since it is outside of the visible, though still remaining within the outer limits of exclusion from its structure. And so, 'frames' necessarily exclude; they have a forbidden vision. This restriction has the pragmatic purpose of allowing public discussions and decision making to proceed without excessive constraint. "It is not possible to deliberate everything, or all the possibilities permitted by a given situation. In highly complex systems, the cost of exploring all situations, even if theoretically possible, would be enormous".⁴⁵ Assumptions will have to be made; some cultural and theoretical references and similarities will be privileged, others will be excluded in the name of economy.

II.

Being heard, however, doesn't ensure that one will be accepted and so the call for

⁴³ See Butler, J. (2006). *Precarious Life: the powers of mourning and violence*. Verso: London.

⁴⁴ Spinner-Halev, op. cit., p. 271.

⁴⁵ Manin, B. as cited in Spinner-Halev, op. cit., p. 270.

increasing our understanding of others difference is often followed by assertions that we ought to have a more tolerant society.⁴⁶ But, "sometimes increased understanding leads to more hatred, not more acceptance".⁴⁷ Hatred aside, the type of exclusion that we have just encountered is hardly going to breed an egalitarian style society, and is clearly incompatible with the liberal principle of tolerance.⁴⁸ But "can we justify toleration as a matter of principle?"⁴⁹ In achieving this it will be of no use appealing to individual autonomy since autonomy is a highly partial conception. How will the principle of tolerance be extended to those communities that prioritise communality or are autonomy-rejecting? A way to avoid this partiality is to claim that the state should be neutral; a neutral state is a tolerant state. But this leaves us with the problem of inertia. That is, "everything the government does will have [an] unequal effect..."⁵⁰; we will be in a position where any decision is unable to be justified.

Also the question may be asked: will "the ideal of neutrality rest on neutral foundations?"⁵¹ For example, are we going to tolerate the nazi? On the face of it would seem absurd to, however, if we don't then we are not adhering to the principle of tolerance. But if we do tolerate them, then we are allowing intolerance to thrive, and so we are not adhering to the principle of tolerance either. It seems as though tolerance is a vacuous term.⁵² The point of this paradox is that "toleration depends

⁴⁶ In particular liberal theorists claim that toleration is virtuous. See Macedo, S. (1996). 'Toleration and Fundamentalism' in *A Companion to Contemporary Political Philosophy* (eds. Goodin, R. E. and Pettit, P.). Blackwell Publishers: Cambridge, pp. 622-28.

⁴⁷ Spinner-Halev, op. cit., p. 271.

⁴⁸ Macedo, op. cit., p. 626.

⁴⁹ Ibid., p. 623.

⁵⁰ Ibid., p. 624-25.

⁵¹ Ibid., p. 625.

⁵² This argument was hinted at during a Political Philosophy lecture, at the University of Queensland, Department of Philosophy, by Dr. Gilbert Burgh.

upon a ranking of ultimate values that support the authority of peace, freedom, and public reasonableness, but that ranking cannot be established through public reason".⁵³ It is simply a "herding instinct" with a particular conception of 'the good' in mind.⁵⁴ "All pigs are equal but some are more equal than others".⁵⁵ Reason gives us tolerance but it also takes it back; "reflective thought can only paint its 'grey on grey'".⁵⁶

III.

According to Richard Flathman,

If human beings could agree on what should and should not be done, then there would be no need for government...We are to obey political authority, surrender our judgment to those who have it, not because we believe or approve what they say but because we have no reliable basis on which to agree concerning questions that must be authoritatively decided.⁵⁷

What legitimises a decision, then, at least according to Flathman, is the authority that *decides*, but what legitimises this authority? According to Benhabib, there are a number of questions to ask?

If the will of the people united is the source of all legitimacy, then whence does this

⁵³ Marcedo, *op. cit.*, p. 625.

⁵⁴ Nietzsche, F. (1923). *Beyond Good and Evil: Prelude to a Philosophy of the Future* (trans. Zimmern, H.) T. N. Foulis, Ltd.: London, pp. 58-9; 125-27.

⁵⁵ Orwell, G. paraphrased in Benhabib, *op. cit.*, p. 12.

⁵⁶ Benhabib, *op. cit.*, p. 2. Also see Nietzsche, F. (1989). *On the Genealogy of Morals & Ecce Homo* (trans. Kaufmann W. and Hollingdale R.J.) Vintage: London, p. 160.

⁵⁷ Flathman, R. E. (1996). 'Legitimacy' in *A Companion to Contemporary Political Philosophy* (eds. Goodin, R. E. and Pettit, P.). Blackwell Publishers: Cambridge, pp. 528-29.

people derive its authority? If it is the constitution which a united people gives itself that forms and declares it as a body politic, whence does the constitution itself derive its authority? The act of foundation seems to send us round in a circle: the revolutionary will of the people is said to be the foundational act which lends legitimacy to the constitution; on the other hand the will of the people is declared to be the highest law of the land because the constitution legitimises it to bear this authority.⁵⁸

Governments, and the decisions made by them, demand justification, but the problem is, any appeal to a universalist legitimisation seems to beg the question. We can give one reason or another, but what justifies this reason or the other? If we are going to appeal to reasons for the justification of legitimacy and authority, where does the justification stop? The need 'for an absolute source of authority and legitimacy' is without foundation. This observation was made by the Ancient Greek sceptic, Sextus Empiricus. He states,

For he who prefers one impression to another, or one 'circumstance' to another, does so either uncritically or without proof or critically and with proof; but [if he were to do it uncritically]...he would be discredited. [So]...if he is to pass judgment on the impressions he must certainly judge them by some criterion...the criterion and the proof are involved in the circular process of reasoning, and thereby both are found to be untrustworthy; for since each them is dependent on the credibility of the other, the one is lacking in the credibility just as much as the other...if he [who is trying to justify the criterion] asserts that the proof is true he will be asked for a proof of its truth, and again, for a proof of this latter proof, since it also must be true, and so on *ad infinitum*. But to produce proofs to infinity is impossible.⁵⁹

The problem of legitimacy and authority is that we can find no reason(s) to justify them, they seem to have no rational foundation, and yet, authoritative decisions are

⁵⁸ Benhabib, op. cit., p. 9.

⁵⁹ As cited in Priest, G. (1995). *Beyond the limits of thought*. Cambridge University Press: Cambridge, pp. 46-7.

made, constitutions are established, and people do (attempt to) justify them. It is "the hermeneutic problem of how, in the absence of clearly articulable and codifiable rules, rule governed activity can result".⁶⁰ Derrida helps elucidate the situation by positing that all power is ultimately arbitrary: "Derrida's point like Nietzsche's, is that in every system (every practice), whether linguistic, cultural, or political, there is a moment or place that system can't account for".⁶¹ Every system has an absence, "an absolute lack", invisibilities built into them.

The logic of identity does violence to those whose otherness places them beyond the homogenising logic of the 'we'...Every act of foundation and every act of constitution of a polity may conceal a moment of exclusionary violence which constitutes, defines, and excludes the other.⁶²

There is a decisionistic streak running through this account of legitimacy. That is, it is consistent with the view "that true political sovereignty is only revealed in the moment of 'emergency' (*Ausnahmezustand*), and that it is neither reason or morality but the capacity of the sovereign to set itself through via its power that legitimises all law and politics".⁶³ In similar spirit, Derrida exemplifies this by suggesting there is an "irruptive violence" supporting the law, "a moment of decision, a moment of sheer power, a moment of violent positing which 'no longer responds to the demands of theoretical rationality'".⁶⁴ In the final analysis power is simply the ability to do a

⁶⁰ Benhabib, op. cit., p. 14.

⁶¹ Honig, B. as cited in Benhabib, op. cit., p. 11.

⁶² Benhabib, op. cit., p. 10.

⁶³ Ibid., p. 4. See Schmitt, C. (2007). *The Concept of the Political* (trans. Schwab, G.). The University of Chicago Press: Chicago.

⁶⁴ Ibid., p. 14. "The unsurpassable violence of law (its aporia) is predicated on the *delay of time*. An act of legislation always arrives too early and/or too late. The

particular thing, to undertake some action or other. And so, in accordance with this view, a legitimate decision is simply a decision that has been able to be made. Of course, there are many forces presently enabled which will act as barrier to certain decisions being made, the democratic process is an example of this. In the end, however, as Hobbes has stated, "And covenants, without the sword, are but words, and of no strength to secure a man at all".⁶⁵

And so it seems as though, "the critique of the universalist political tradition...is so radical that it undermines the rational defensibility of these ideals and reduces them to sheer existential choices for which we cannot give reasons with good grounds".⁶⁶ If we wish to hold on to traditional liberal values we will have to concede that this is merely our 'preference'. That is, we can avoid the problems of liberalism if we think of it "as an ongoing tradition which we have reason to value but that cannot be universally justified through abstract argument...[It will be] a liberalism grounded only in the particularities of our own culture and the specific ways in which it suits us".⁶⁷ This will require us, as Rawls has proclaimed, to "extend the principle of toleration to philosophy itself".⁶⁸ We will have to do for philosophy what Kant did for knowledge.⁶⁹

violence of an act of law therefore reveals, in perhaps exemplary manner, that time is the (self)-deferment of time to itself, or *differance*." See Beardsworth, R. (1998). *Derrida and the Political*. Routledge: London, esp. pp. 98-104.

⁶⁵ Hobbes, T. (1985). *Leviathan* (Macpherson, C.B. ed.). Penguin Books: London, p. 223.

⁶⁶ Benhabib, op. cit., p. 4.

⁶⁷ Macedo, op. cit., p. 626-27.

⁶⁸ As cited in, Rorty, R., op. cit., p. 186.

⁶⁹ Kant's famous dictum, "I have therefore found it necessary to deny knowledge in order to make room for faith". See Kant, I (1985). *Critique of Pure Reason* (trans. Kemp Smith, N.). Macmillan Publishers Ltd: Hampshire, p. 29.

Questions of identity, legitimacy and sovereignty [then] can be perpetually debated and discussed. Only through the perpetual asking and answering of the relevant questions through publicly accessible channels can new identities come to the fore, delegitimation processes be aired and the meaning of sovereignty be re-established.⁷⁰

Benhabib, here, anticipates what, more than a decade later, and in response to the tragedies of 9/11, has become imperative. That is, what is required is to,

interrogate the emergence and vanishing of the human at the limits of what we can know, what we can hear, what we can see, what we can sense. This might prompt us, affectively, to reinvigorate the intellectual projects of critique, of questioning, of coming to understand the difficulties and demands of cultural transformation and dissent, and to create a sense of the public in which oppositional voices are not feared, degraded, or dismissed, but rather for the instigation to a sensate democracy they occasionally perform.⁷¹

In conclusion, it makes sense that future political spheres should aim to be pragmatic deliberative democracies.⁷²

What we have seen is how, using Althusser, it is possible to establish and maintain difference without those differences becoming incommensurable; that it is possible to understand the difference of others. We have also seen that this ability is of little use when it comes time to act, for example, making a decision; that many differences were excluded from the process of decision making in the public sphere. This outcome was then compared with the principle of toleration and found that it was in conflict with it. That such decisions were intolerant and excluded otherness, did not

⁷⁰ Benhabib, *op. cit.*, p. 21.

⁷¹ Butler, *op. cit.*, p. 151.

⁷² I would like to add the disclaimer, if I could, that this is simply how I prefer it to be.

seem to illegitimise them since the principle of tolerance was found to be a vacuous principle. Following this we investigated how decisions could be legitimate and found that it is merely "a moment of sheer power" and "willing" that legitimised decisions. We then saw how this outcome fared with our current traditional values, with the conclusion that we can still maintain them, before concluding that future democracies should be more pragmatic and deliberative.

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BIBLIOGRPAHY

Althusser, L. (1969). *For Marx* (trans. Brewster B.). Penguin Books: Harmondsworth.

Althusser, L. (1979). *Reading Capital*, Althusser, L. and Balibar, E. (trans. Brewster, B.). Verso: London.

Beardsworth, R. (1998). *Derrida and the Political*. Routledge: London.

Benhabib, S. (1994). '*Democracy and Difference: Reflections on the Metapolitics of Lyotard and Derrida*', *Journal of Political Philosophy*, Vol. 2, No. 1.

Boyd, R., Philip, G., and Trout, J. D. (eds.). (1997). *The Philosophy of Science*. The MIT Press: Cambridge.

Butler, J. (2006). *Precarious Life: the powers of mourning and violence*. Verso: London.

Gibbard, A. (1990). *Wise Choices, Apt Feelings: A Theory of Normative Judgement*. Harvard University Press: Cambridge.

Goodin, R. E. and Pettit, P. (eds.). (1996). *A Companion to Contemporary Political Philosophy*. Blackwell Publishers: Cambridge.

Hobbes, T. (1985). *Leviathan* (Macpherson, C.B. ed.). Penguin Books: London.

Kant, I (1985). *Critique of Pure Reason* (trans. Kemp Smith, N.). Macmillan Publishers Ltd: Hampshire.

- Lyotard, J-F. (1988). *The Differend: Phrases in Dispute*. University of Minnesota Press: Minneapolis.
- Nietzsche, F. (1923). *Beyond Good and Evil: Prelude to a Philosophy of the Future* (trans. Zimmern, H.) T. N. Foulis, Ltd.: London.
- Nietzsche, F. (1989). *On the Genealogy of Morals & Ecce Homo* (trans. Kaufmann W. and Hollingdale R.J.) Vintage: London.
- Priest, G. (1995). *Beyond the limits of thought*. Cambridge University Press: Cambridge.
- Putnam, H. (1981). *Reason Truth and History*. Cambridge University Press: London.
- Rorty, R. (1991). *Objectivity, Relativism, and Truth: Philosophical Papers I*. Cambridge University Press: Cambridge.
- Schmitt, C. (2007). *The Concept of the Political* (trans. Schwab, G.). The University of Chicago Press: Chicago.
- Smith, S. B. (1984). *Reading Althusser: An essay on Structural Marxism*. Cornell University Press; Ithica.
- Spinner-Halev, J. (1995). '*Difference and Diversity in an Egalitarian Democracy*', *The Journal of Political Philosophy*, Vol. 3, No. 3.
- West, D. (1996). *An Introduction to Continental Philosophy*. Polity Press: Cambridge.
- Zizek, S. (1997). *The Abyss of Freedom / Ages of the World*. University of Michigan Press: Ann Arbor