

Using Speech to Disturb Consensus: Or, Taking Rhetoric (and its Agonistic Roots) Seriously

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Abstract The aim of this paper is to discuss and criticize – from Aristotle, through Perelman, to Mouffe – the traditional view of rhetoric as a “peace” of words. The principal purpose is to show that it is necessary to understand how rhetoric, and its practice, can represent a real opportunity to question consensus, to disturb it, and that this can be good for the social process and the political space. Democracy cannot be well practiced without rhetoric, without a transmission of rhetorical tools with which individuals can raise their voice with, but also against, others – and their consensus. A well-understood use of rhetoric could rightly be seen as a “school” for practicing disagreement, and how to accept the vulnerability that results from this.

Keywords: *agôn*, conformism, decision, democracy, disagreement

Received November 2015; accepted April 2016.

A half-man (or, rather, half-person) is not someone who does not have an opinion, just someone who does not take risks for it. [...] If you take risks and face your fate with dignity, there is nothing you can do that makes you small; if you don't take risks, there is nothing you can do that makes you grand, nothing. And when you take risks, insults by half-men (small men, those who don't risk anything) are similar to barks by nonhuman animals: you can't feel insulted by a dog. (TALEB 2012: 379-380)

0. Introduction: The Dominance of Conformity

In the 1950s, Solomon Eliot Asch conducted a series of well-known psychological experiments with a group of American college students. The goal of these experiments was to explore the role of social pressure in shaping people's opinions and attitudes. More specifically, the intention was to show how a subject reacts when he is faced with a unanimous group and in particular when this group makes a mistaken choice. They help demonstrate the power that unanimity can have to change a person's judgement on something that – without social pressure, and under normal circumstances – would be considered absolutely self-evident and non-controversial. The Asch experiments on conformity are important for two reasons. Firstly, for what they directly show: on the one hand the social fear of discord, and on the other hand, the tendency to respect groupthink; that is to say, to feel that the group's views are correct and on the right track. Secondly, the experiments matter because of certain conclusions drawn by Asch

regarding democracy and its practice. They constitute a significant exploration of the limits of consensus, and perhaps an opportunity to revise our conception of rhetoric and its deep functions.

The test consisted of between seven and nine male college students (sometimes less, sometimes more) who were gathered in a room for a supposed psychological experiment in visual judgement. Among them, there was only one real participant or “naïve subject”. All the others were in league with the experimenter. They were shown two white cards: one card with one black line, and a second with three black lines of different lengths. The purpose of the test was to identify, on the second white card, with three black vertical lines, the line that corresponded in length to the one presented on the first white card, and the two identical lines were easily recognizable. It was very difficult – unless one had very poor eyesight – to doubt this. For this uncomplicated procedure, under ordinary circumstances (for example, if the “naïve subject” is alone or only with a single opponent), the error rate was less than one percent. However, when the majority of the other students in the room were wrong, and when the “naïve subject” found himself alone against all the others, in 36.5 per cent of cases, he chose the wrong line. That is to say, it was very difficult for him to maintain an independent judgement and to be sure of his own senses. As the exercise proceeded, he began, step by step, to revise his judgment, to challenge his own good views, and to join the group’s erroneous consensus. The “naïve subject” usually ended up endorsing the general consensus by saying: “I am wrong, they are right”, often blaming his own poor eyesight.

Now, it must be recognized that it takes a lot of psychological courage, a lot of self-confidence, and also a lot of experience (of contradiction, of free thinking and freedom of speech) to risk disturbing the peace of unanimity. Indeed, some test variants showed that when the “naïve subject” had an ally, the force of the majority was much reduced (ASCH 1955, 1956). The ally clearly helped the “naïve subject” to accept and preserve his independent judgment. However, when the (supposed) ally left the room, and even more when he switched to the majority view, the conformity rates of the “naïve subject” increased significantly. As a result, Solomon Asch invites us to question the implications and consequences of this:

When consensus comes under the dominance of conformity, the social process is polluted and the individual at the same time surrenders the powers on which his functioning as a feeling and thinking being depends. That we have found the tendency to conformity in our society so strong that reasonably intelligent and well-meaning young people are willing to call white black is a matter of concern. It raises questions about our ways of education and about the values that guide our conduct (ASCH 1955: 5).

Here, Asch speaks about “ways of education”, and the deep meaning of our “values”, but also about the conditions under which these “values” can really be respected and practiced. In fact, it is not enough to have fine principles if, at the same time, «reasonably intelligent and well-meaning young people are willing to call white black». We still need to be able of enforcing them and of transmitting the tools so that individuals do not abdicate their freedom and “surrender [their] powers”. We must take seriously this remark concerning the inordinate and excessive value given to consensus in our modern societies, and also the deficient practice of argumentative and rhetoric tools to challenge or disturb this consensus. The point is not to reject completely the value of consensus or its necessity in certain political cases, but to see how not to pollute

“the social process” by raising the defence of consensus to an absolute ideal of democracy and our *peaceful coexistence*.

If we start from Martha Nussbaum’s arguments, this phenomenon may be closely linked to something that has developed in our political Modernity namely, a fear or apprehension of criticism, of conflicts of opinions, and of disagreement in general – that is to say of a certain tension, difficulty or misunderstanding in the social group. In a certain sense, these are seen as a primary source of anguish, and as a stain that reflects human weakness, as well as our fragile relationship to ourselves, others and the world. The ambition of communication, management, political science, moral philosophy, in particular, is, at first, to reduce uncertainty, and to manage conflicts of any kind. There is an instinctive and deep fear of conflicts, because, in a sense, we do not have the tools to meet them *ad hoc*. To *meet* and not to *resolve* them; the difference is important. Thus, in looking for and defending the consensus we hope to overpower our human vulnerability. Nussbaum was really influenced by the work of Solomon Asch and pleads for «a culture of individual dissent». For example, she explains in her book *Political Emotions*:

As Asch himself concluded, all decent societies have strong reasons to nourish and reward dissent and critical thinking, both its intrinsic importance and for its effects on others. [...] Asch’s [research] gives us good reasons to predict that schools teaching reasoned dissent and critical thinking would create bulwarks to terrible acts (NUSSBAUM 2013: 193-197).

A well-understood use of rhetoric could rightly be seen as a “school” for practicing disagreement, to contest the tyranny of *doxa* (THIMSEN 2015), and how to accept the vulnerability that results from this. To do this, it is necessary to trace a line from Aristotle, through Chaïm Perelman, to Chantal Mouffe.

The principal purpose of this paper (between history and social criticism) is to show that it is necessary to understand how rhetoric, and its practice, can represent a real opportunity to question consensus, to disturb it, and that this can be good for the social process. Democracy cannot be well practiced without rhetoric, without a transmission of rhetorical tools with which individuals can raise their voice with, but also against, others – and their consensus.

The aim is to discuss and criticize the traditional view of rhetoric as a “peace” of words. Instead, this paper sets out to defend the idea that the exercise of powerful words, that is to say rhetoric, takes place in a dual relationship between attack and defense; in the use of “sword and shield” and in the argumentative confrontation. In accordance with ancient treatises, the rhetoric that points towards an agonistic paradigm (*agôn*: the struggle, the fight, the competition, the contest), is essentially polemical (ALBERT, NICOLAS 2010; AMOSSY 2010, 2012, 2014; ANGENOT 1982, 2008; KERBRAT-ORECCHIONI 1980). It embodies a battle of evidence and arguments with, and against, an opponent. This dimension is not accidental but, in fact, the purpose and meaning of the rhetorical enterprise. Instead of subsuming controversy under rhetoric as a possible event of discourse, the goal is to relate polemical activity directly to rhetoric, thus restoring a lost connection.

The polemical side of rhetoric is not fortuitous but the mainspring and the heart of the Aristotelian approach (*Rhet.*, I, 1355b 1-2). Rhetoric is an invitation to take charge of reciprocal “violence”, and to accept conflict by words: not by nihilism but, above all, to build a common world and a “community of spirits.” It is always a right occasion, that is to say a *kairos* (TRÉDÉ 1992; SIPIORA, BAUMLIN 2002), to escape a dilemma between preaching to the converted and preaching in the desert: two ways not to get

involved and to refuse a struggle of evidence and arguments. Under the agonistic paradigm, disagreement is a really chance to start looking for arguments and to test its argumentative ability. Here, the agreement is no more rational than disagreement, and there is always an infinite number of ways to be reasonable.

In accordance with Chaïm Perelman, the techniques and tools of rhetoric are a way to experience freedom: freedom of speech, freedom to join, and freedom to refuse adverse arguments. They provide the means to deepen disagreements; to confront doubts – not to “live together” in peace of words or in the silence of compromise. Perelman strongly denounced an excessively naïve view of rhetoric and argumentation. For him, the action of one who seeks to persuade constitutes an aggression and disturbs the peace of the world. In the argumentative approach one runs the risk of being contradicted, criticized, or even to be persuaded by opposing arguments – this is never excluded. By engaging in the argumentative space, the political space, the public space, opponents know they have something to lose in the exploration of their rivalry. This potential loss gives meaning and depth to their concurrent pursuit of persuasion and victory.

1. The Rhetorical Way, between *Agôn* and Commitment

At the beginning of his treatise, between two reflections about the function and the goal of rhetoric, Aristotle (I, 1355b 1-2) confronts speech and the body in order to underline that «it would be absurd if it were considered disgraceful not to be able to defend oneself with the help of the body, but not disgraceful as far as speech is concerned, whose use is more characteristic of man than that of the body» (ARISTOTLE 1957: 13). He consequently establishes a strict hierarchy between: on the one hand *physical* force, which is useful but degraded by the fact that it goes beyond the field of what is human; and on the other hand, *verbal* force, the force of words, which works, in this case, as an alternative to, or political substitute for, the former, *physical* force. Indeed, it is a substitute, but at the same time, a *superior choice*, as this force signals an ability to do which transposes victory into a space that is properly symbolic. Certainly, Aristotle knows of the inherent dangers of practising political rhetoric. He does not deny the possibility of misuse or corruption of this *technè*, but he affirms that one cannot use this argument to discredit this discursive activity, which alone is capable of shading light on disputable questions and engaging a decision-making process founded on practical reason. Otherwise, all that is useful such as medicine, physical force and wealth should be belittled because they also may turn out to be potentially harmful, as Aristotle explains in the first book of *Rhetoric* (1355b 13).

The use of speech as a weapon and as a shield is at the heart of our humanity and our political condition. This is why Aristotle considers it even more “disgraceful” not to be able to use the resources offered by powerful speech, when the opportunity arises to take risks and to commit oneself. Let us admit then, that it is not only “disgraceful” but also “absurd” – with regard to our political condition – not to be able to use speech except for in situations *without danger* and *without risk*. In other words: to preach to the converted or to preach in the desert. To be able to defend oneself by means of efficient and effective speech and not only by using the physical resources of the body is the first characteristic of a human in the full sense of the term. For Aristotle, particularly in his *Politics* (1253a 10-12) this human, more «than bees or any other gregarious animals», is precisely a *zoon politikon*. Because nature has generously “endowed” humans “with the gift of speech”, the human has not only the ability (as other animals) to make sounds to express «pleasure or pain». The human has much more, namely a “power of speech” which «is intended to set forth the expedient and inexpedient, and likewise the just and

the unjust». The power to express but also to discern: the useful and the harmful; the just and the unjust; good and evil; moral beauty and ugliness. So, “this naturally political animal”, the human, is endowed with a *logos* that implies both practical reason and speech; only he «has any sense of good and evil, of just and unjust, and the association of living beings who have this sense makes a family and a state» (ARISTOTLE 1920: 28-29).

Logos represents, then, the only means to realize oneself in the *polis*, in other words to identify oneself as a citizen; to distinguish oneself from all those who do not have access to speech as a political tool, as a “power” (including women, children, barbarians, slaves and servants, etc., all those who are not free), and to use it as a particular way for living in the world of decisions and deliberations. In summary, a man does not become a *zoon politikon* unless he makes use of speech in a rhetorical manner. To live as a *zoon politikon* is to learn to use the “powers of speech” in a reasonable fashion with the goal of conserving one’s political condition. This is why Aristotle firstly anchors rhetoric in the concept of *agôn*, the political space for struggle. For him, rhetoric aims, above all, to investigate the means of living but also to protect one’s status as a free man, and as a citizen.

To speak effectively is to avoid a return to physical struggle and to drop out of one’s political condition, falling into a sort of animal condition without *logos*. Rhetoric teaches one to develop competencies and a knowledge secured in the practical, thanks to which it becomes possible to fix one’s choices as a free spirit, and to orient oneself in the contingent world of human affairs. In accepting to commit oneself to a space of argument, a political space, a space of conflicts, adversaries know that they have something to lose in the exploration of their rivalry. Furthermore, it is this potential loss that gives meaning and density to their competitive striving to persuade, and to victory. This victory, in Athenian psychology, constitutes a true source of pleasure; a mark of bravery and of superiority. In this psychosocial context seeking victory and revenge is both noble and pleasurable. As David Cohen, a specialist of law and mentalities in Classical Athens, explains:

The same principle [of interest for victory] applies in [all] spheres of life as well, for example, disputation in the law-courts and eristics. In other words, for those skilled in such activity, litigation provides a competitive setting where one seeks the pleasure of victory in a way comparable to gambling, hunting, or athletic competition. Fittingly enough a lawsuit, like an athletic and poetic competition, is referred to as an *agôn*—a competitive struggle or contest (COHEN 1995: 66).

For Aristotle, in his *Rhetoric* (I, 1370b 30-34) «if it is painful to be unsuccessful, it is pleasant to succeed». Moreover, the appetite for “victory” does not imply evil intentions or dark designs, to the contrary. The act of winning is above all judged «pleasant, not only to those who love to conquer, but to all; for there is produced an idea of superiority, which all with more or less eagerness desire» (ARISTOTLE 1957: 121). So, it would be truly undignified for a citizen not to seek victory or to use speech in the political space. According to the values and psychology of Athens, the *agonistic* spirit (DUCHEMIN 1968; DEBRA 2002; KALIVAS 2009) is attractive in that it offers the happy occasion of a victory founded on risk taking and on measuring oneself and one’s arguments against others. Since they take risks, the adversaries accomplish a kind of journey to the land of possible arguments and experience freedom: the freedom to agree or not to agree, the freedom to argue and to invent in a real sense. This is very

confusing and problematic for the Moderns that we are, as write Johann P. Arnason and Peter Murphy in the introduction of their book *Agôn, Logos, Polis*:

The political structures that thus came to play a decisive role in Greek history were more open to rivalry, debate and reasoning than the regimes based on varying mixtures of kingship and priesthood. *Agôn* and *logos* were, in other words, integral components of the *polis* (ARNASON, MURPHY 2001: 10).

The rhetorical way does not reject (political) violence or conflict in attacking and criticizing, but it regulates it in order to avoid that this violence slips into injustice by removing the obligation to argue – an obligation in whose name rhetorical proof is applied. The idea of (a certain) violence of speech, as well as the principle of reciprocity, which supports and justifies it, is also very present among the Latin orators. Here it is worth citing Cicero who, in his *De Oratore* (II, XVII) recalls how the «battles of the law-courts involve really great difficulty» where one has to face «a panoplied antagonist (*armatus aduersarius*) who must be smitten as well as countered»¹. Cicero tries to confirm, following Aristotle, the place of conflict and of a certain form of ritual violence at the heart of rhetorical activity. As Marc Baratin says, the «reference to *armatus aduersarius* places the warrior metaphor [...] at the heart of eloquence, thus rhetoric» (BARATIN 2003: 256). After Cicero, Marcus Aper, a Gaulish lawyer and protagonist of *A Dialogue on Oratory* (V, 5) by Tacitus, considers that eloquence «is useful in life [and] safer than to practise an art armed». He judges eloquence, in a certain sense, as «both a shield and a weapon; [that] you can use [...] alike for defense and attack, either before a judge, before the senate, or before the emperor»². Let us recall also Quintilian, in *Institutio Oratoria* (V, 12, 21-22), for whom teaching rhetoric made it possible to participate in the “battles of the forum”, that is to say to «strive for victory [and] learn how to strike the vitals of his foe and protect his own». This is why Quintilian thought it necessary that the orator should possess «weapons [and not] timbrels» (QUINTILIAN 1977: 309-311).

¹ «But the battles of the law-courts involve really great difficulty and, I rather think, by far the most arduous of human enterprises; for here ignorant people commonly judge an orator’s power by the test of a triumphant result, and a panoplied antagonist confronts you who must be smitten as well as countered, and often he who is to adjudge the victory is ill-disposed and angry or even friendly to the other side while hostile to yourself, when he has to be convinced or undeceived, or reined back or spurred on, or managed by eloquent suggestion of every consideration befitting the occasion or the circumstances (in which process goodwill has often to be transmuted into hatred and hatred into goodwill), or he must be alternately swung round, as though by some machinery, to hardness and to gentleness of heart, to melancholy and to gaiety» (CICERO 1967: 251-253).

² «If, indeed, what is useful in life should be the aim of all our plans and actions, what can be safer than to practise an art armed with which a man can always bring aid to friends, succour to strangers, deliverance to the imperilled, while to malignant foes he is an actual fear and terror, himself the while secure and intrenched, so to say, within a power and a position of lasting strength? When we have a flow of prosperity, the efficacy and use of this art are seen in the help and protection of others; if, however, we hear the sound of danger to ourselves, the breast-plate and the sword are not, I am well assured, a stronger defence on the battle-field than eloquence is to a man amid the perils of a prosecution. It is both a shield and a weapon; you can use it alike for defence and attack, either before a judge, before the senate, or before the emperor. What but his eloquence did Eprius Marcellus oppose the other day to the senators in their fury? Armed with this, and consequently terrible, he baffled the sagacious but untrained wisdom of Helvidius Priscus, which knew nothing of such encounters. Of its usefulness I say no more. It is a point which I think my friend Maternus will be the last to dispute» (TACITUS 1942: 737-738).

In this regard, the *agôn* that is present in the language and speech does not represent a sort of «clandestine story» (DECLERCQ 2003: 16) or a marginal element that we should eliminate at all costs. It is important to be sceptical of simplistic rewritings of the history of rhetoric as a history of the art of looking for and creating consensus; of producing agreement; of making pretty speeches; of negotiating the differences between individuals and social groups; or of pacifying the political world. But, in fact, the agonistic dimension of rhetoric is not its “dark side”, the “bad other” which needs to be concealed, removed, channelled or domesticated in one way or another. On the contrary, it is at the heart of its own efficacy, the beating heart of its own history.

Indeed, in a recent book, Ruth Amossy (2014) presented a vibrant defense, an apology of polemic, choosing to reconcile it with rhetoric, and even more to place it at the basis of rhetoric – against a large part of the disciplinary field.³ In fact, she shows how polemic, this way of being, and way of living as citizens in verbal confrontation, testifies to what is the deepest element of the democratic experience: citizens practicing and exercising their freedom. In particular, polemic makes tangible the existence of problems for which nobody can make a final and universal determination; in other words, problems that require practical judgment, and not knowledge of things. Let us recall, in this regard, a strong idea advocated by Perelman: «The contempt for rhetoric and the eclipse of the theory of argumentation have led to the negation of practical reason». In this way, «problems of action [have been] sometimes reduced to problems of knowledge, that is, of truth or probability, and sometimes considered as completely irrelevant to reason» (PERELMAN 1982 [1977]: 7).

2. Escaping Conformism: Deciding without Consensus

In the understanding of rhetoric which goes from Aristotle and even more so, from the Sophists, all the way to Perelman, decisions are not conceived theoretically but practically. They are not born when there is only an agreement between adversaries. Indeed, the value of decisions is not inscribed in agreement or in the nature of things. The process of decision which takes part in the rhetorical paradigm does not flow from, and probably excludes, the requirement of consensus, which permeates the well-known Habermas’s “discourse ethics”. Nevertheless, the mechanism of opposition which, in a rhetorical manner, occurs between two concurring instances is not in any way a synonym of disregard for the opponent or a negation of otherness. By contrast with a *consensualist framework* which levels or denies opposites, the decision offered by the rhetorical way does not suppose in any way the definitive suppression of disagreement to impose its legitimacy nor its rationality. At the same time, the decision which is taken is certainly not arbitrary. As noted by Chaïm Perelman and Lucie Olbrechts-Tyteca, it does not emerge from an “intellectual void”, but it nourishes itself by “not compelling reasons” (PERELMAN, OLBRECHTS-TYTECA 1969 [1958]: 514) put forward by the adversaries.

In the perspective of the *New Rhetoric*, a decision does not resolve a disagreement, but, on the contrary, it accepts it. The decision is taken as seriously as the disagreement itself. It does not aim to ignore or assimilate disagreement in a unanimous façade. The goal is not to dissolve the disagreement into a fictitious common sense and to silence opposition

³ For example, the Pragma-dialectic perspective and the Informal logic approach (without exclusive) think that the major function of rhetoric / argumentation, its deep value and its rational heart is, at first, to resolve conflicts and to override disagreements. See, respectively: VAN EEMEREN, *et al.* 1996; VAN EEMEREN, GARSSSEN 2008; WALTON, 1985, 1998.

for always. More concretely, conflict will appear or return, not as a drama but as an opportunity for society, to argue with and against others. It is a horizon of hope, and moreover, an expression of uncertainty that allows the expression of our freedom to adhere or not to adhere. This idea is significant, in particular in the work of Perelman and Olbrechts-Tyteca, because for them no argumentative undertaking can «destroy the conditions preliminary to future argumentation». Indeed, «rhetorical proof is never compelling, [and] the imposed silence [related to the decision] is not to be regarded as definitive, if, in other respects, the conditions permitting argumentation are fulfilled» (PERELMAN, OLBRECHTS-TYTECA 1969 [1958]: 59). In other words, a decision is never the end of the road. Openness to refutation, that is to say, to new reasons and to new proofs, represents a condition of political liberty and its exercise in a world where there is permanent uncertainty produced by a contestation that is always possible. If rhetorical argumentation leads often to decision, this decision is not a definitive conclusion. The decision is a step on the road and not the endpoint. Argumentation avoids ultimate answers, which would render it meaningless, and extinguish the flame of argumentation. That is why the conflictual relation inscribed in the argumentative process is not accidental. It does not represent a break with an ideal order; it is certainly not an interruption in the good organization of reality, such as in the thought of Plato or Descartes and their successors. This conflictual relation translates, properly speaking, «the scientifically or dogmatically non-decidable character of the public good». Indeed, there is no «place where this good can be perceived and determined in such an absolute manner, that discussion can be taken for closed» (RICŒUR 1999 [1990]: 167, my translation).

Perelman would return to the question of disagreement that constitutes the heart of his work. His *Realm of rhetoric* exemplifies this approach, but all his reflection (with or without Lucie Olbrechts-Tyteca) goes in this direction. While he is interested in the criterion to distinguish between “conviction” and simple “persuasion” proposed by Immanuel Kant in his *First Critique*, Perelman (1982 [1977]: 34-35), he ends up saying that agreement with another does not give, in itself, any guarantee of objectivity or universality of the opinion which is the object of the agreement between these persons. In other words, a firmly consensual opinion can also be subjective and as non-universal as any other opinion which is the object of a profound and enduring disagreement. Moreover, the existence of a consensus can be the result of pure and simple social conformism, as we have seen in Solomon Asch’s experiment. A conformism that can reduce dissenting voices to silence, because a simple opinion has been transformed into an indisputable truth⁴. Recalling an idea of Pareto’s, Perelman and Olbrechts-Tyteca underline in this context that when «universal consensus [is] invoked [it] is often merely the unwarranted generalization of an individual intuition». It turns out, according to them, that «[t]he concepts that men have formed, in the course of history, of ‘objective facts’ or ‘obvious truths’ have sufficiently varied for us to be wary in this matter»

⁴ As says Margaret Thatcher in an article for the *Daily Telegraph* (1969), with an obvious politic edge: «A democratic system of government rests in some measure on the consent of the governed. But consent will never be unanimous. There will be a majority for and a minority against. Consent does not therefore require that the Government be the Government of one’s own choice. But it does require that a periodic choice be made. This in turn necessitates the development and discussion of rival philosophies and policies, and the free play of conflicting opinions. Now apply the consensus theory. If the parties between whom the choice is made become substantially similar the differences dwindle to insignificance and so there is no real choice. There could be no change of policy. Only a change of people responsible for those policies. But the majority reacts against policies as well as against politicians. [...] To adopt the consensus theory would be to do nothing».

(PERELMAN, OLBRECHTS-TYTECA 1969 [1958]: 33), that is to say above all sceptical about consensus, which presents important risks. It is, quite often, a brake on (social and intellectual) progress; a brake on the fruitful experience of disagreement; a brake on practice, and so on experimentation and argumentation.

However, we have a social and political tendency to value agreement over disagreement. We consider the former more rational, and often the only rational state with regard to the latter. It is as if, by agreeing, we reveal our objectivity, our rationality, our humanity, and our democratic spirit. It is as if we would be able to banish the traces of our individuality and our egoism in order to invoke only “universally valuable criteria” (PERELMAN 1990 [1966]: 417, my translation). This is a typically Platonist view. An opinion which is well anchored in the «Western philosophical tradition, which seeks to resolve all practical problems by comparing them to problems of knowledge, scientific problems, and above all mathematical problems» (PERELMAN 1990 [1966]: 417, my translation) We know well, through Perelman, that:

All who believe that they can disengage truth from opinion independently of argumentation have a profound disdain for rhetoric, which relates to opinions: they grant, at best, only a rhetoric which serves to propagate the truths guaranteed to speakers through intuition or self-evidence, but not a rhetoric which seeks to establish these truths (PERELMAN 1982 [1977]: 7).

3. Sense and Value of an Agonistic Democracy

The philosopher and political scientist Chantal Mouffe developed, established and systematized a fruitful distinction between: (1) “deliberative democracy”, based on consensus and on a “rationalistic conception of communication” (deeply derived from the legacy of the Moderns) and (2) the “agonistic pluralism”, which recognizes that “relations of power” are the essence and, in the highest degree, the heart of democratic life. The first conception has a scrupulous and rigid compliance for the procedures, rules, Cartesian rationality, and hard principles for deliberation and for conflict management. The second, on the contrary, much more flexible and creative, accepts and takes on board “relations of power” through a real and embodied practice of rhetoric. The work of John Stuart Mill (STUART MILL 1978 [1859]; TURNER 2010), and his influence on British mores and laws, coming out of the Victorian area, seem like a very relevant example of *agôn* in action. Furthermore, if the search for *ad hoc* agreements «as temporary respites in an ongoing confrontation» (MOUFFE 2005 [2000]: 102; MOUFFE 1999; LASSMAN 2011; APFEL: 2011) can be useful – for instance, in order to accept or to implement certain decisions – the constant search for consensus as an end in itself, and at all costs, is a major mistake and a huge risk for the democratic balance. This view points towards what Mouffe calls, following Constant, “freedom of the Ancients.” She writes:

Since Benjamin Constant, in effect, it has generally been admitted that the “liberty of the moderns” consists in the peaceful enjoyment of private independence and that this implies the renunciation of the “liberty of the ancients”, the active participation in collective power because this lead to a subordination of the individual to the community.

This same thesis has been reformulated in a celebrated article by Isaiah Berlin, who distinguished between the “negative” conception of liberty, known simply as the absence of coercion, and which requires that a part of human existence remains independent of the sphere of social control, and the “positive” conception of liberty,

which stems from the desire of the individual to be his own master and implies the idea of realization and accomplishment of a true human nature (MOUFFE, 2005 [1993]: 37).

Mouffe, who is very critical of the political foundations of liberalism, and instead developed a theoretical framework that gives prominence to rhetorical concepts of *doxa*, the sense of the likely, *ethos*, and *phronèsis* – the prudence of the Ancients. For Mouffe, politics is a universe of apodicticity and struggles which is entirely inaccessible to scientific demonstration. Hence, she takes a firm stand against rationalist and universalist approaches defended by the likes of Jürgen Habermas and John Rawls. Chantal Mouffe's critique of these approaches echoes those previously formulated by Perelman, who clearly showed how Rawls – more precisely, the latter Rawls, the one of *Political Liberalism* (1971), and not the one of *Theory of Justice* (1993) – saw disagreements as a sort of “pathology” of thought and politics. For Rawls, as interpreted by Perelman, there is no doubt that rational beings, with the same general information, and ignoring what may differentiate them, must necessarily come to the same conclusion. The existence (and *a fortiori* the persistence) of disagreement between two persons regarding a solution to the same problem or question is an unmistakable symptom of this pathology. Again, in this interpretation of Rawls, disagreement means that they do not have the same information and have different interests or that they are moved by passions, explaining unreasonable behavior (PERELMAN 1990 [1984]: 291). However, to qualify this reading, we can say that, if there is certainly in Rawls a requirement of agreement, it is perhaps only on the thinnest of beliefs, the principles of justice that ground the fundamental rights that allow different, and often conflicting, groups to freely flourish. With that being said, Perelman rejects the idea that only one – nothing more and nothing better – reasonable solution for a problem can exist in the political arena at large.

It is important to understand that, for Perelman, both, Rawls and Habermas, nourish the final hope of a definitive extinction or dissolution of political otherness, and the advent of harmonious unity and consensus. The goal is to seek to remove the decisive element from the political space – namely conflict. However, as explained by Chantal Mouffe, it is quite unrealistic and probably fatal to want to completely eliminate fuzzy, critics, force and violence – even a symbolic force or violence – from this space. Political space, which shows a permanent tension between *polis* and *polemos*, is penetrated by the manifestation of dissent, the clash of contradictory opinions as befits “agonistic pluralism”. The goal is neither to control or eliminate uncertainty, nor to domesticate opposition and criticism. It is, instead, to allow democracy to be built through its own irreducible division of views and aspirations. Mouffe, against the illusions or expectations of consensus and unanimity that nourish the “anti-political” vision of an apathetic democracy, defends a radical approach to citizenship based on a shared sense of struggle. This approach is largely inherited from Perelman. The conclusion she gives in her essay *On the Political* is very penetrating:

It is not in our power to eliminate conflicts and escape our human condition, but it is in our power to create the practice, discourses and institutions that would allow those conflicts to take an agonistic form. This is why the defense and the radicalization of the democratic project require acknowledging the political in its agonistic dimension and abandoning the dream of a reconciled world that would have overcome power, sovereignty and hegemony (MOUFFE 2005: 130).

According to Mouffe, the conditions for healthy and sustainable democracy call for «a vibrant clash of political positions and an open conflict of interests» (MOUFFE 2005

[1993]: 6) driven by the different parts involved. However, it is clear that our Modernity has largely discredited and delegitimized the taste of struggle that is nevertheless the foundation of our human and political condition. Against this trend, Mouffe has developed a very Greek and very rhetorical conception of democracy and freedom that rediscovers, obviously, the primordial category of the “adversary”, which is not to be confused with the “enemy”. While the second one is described in moral terms, moving towards destruction and annihilation (following Carl Schmitt’s well-known opposition, “friend” vs. “enemy”), the first one, that is to say the “adversary”, points above all towards persuasion, opposition and opportunity to practice rhetoric. This is a political figure, «somebody whose ideas we combat but whose right to defend those ideas we do not put into question» (MOUFFE 2005 [2000]: 102). Mouffe clarifies, from this perspective, the benefit of another distinction:

Introducing the category of the “adversary” requires complexifying the notion of antagonism and distinguishing it from agonism. Antagonism is struggle between enemies, while agonism is struggle between adversaries. We can therefore reformulate our problem by saying that envisaged from the perspective of “agonistic pluralism” the aim of democratic politics is to transform antagonism into agonism. This requires providing channels through which collective passions will be given ways to express themselves over issues, which, while allowing enough possibility for identification, will not construct the opponent as an enemy but as an adversary (*Ivi*: 102-103).

Modernity, for its part, has substituted for the figure of “adversary”, another, very poor and mediocre replacement – that of the “partner” (of discussion, negotiation, exchange, etc.), or “competitor” – two metaphors that are primarily drawn from economics and not politics. Blinded by their fear of conflict, disorder, disunity, “antagonism”, the supporters of liberal thought have not realized that agonistic confrontation is not a risk to democracy, but, on the contrary, the condition of its existence. In this perspective, as Mark Wenman notes even if it is very difficult to accept it, «conflict, suffering, and strife are endemic in social and political life and not a temporary condition on a journey towards reconciliation or redemption» (WENMAN 2013: 35).

However, the problem is clearly here, fundamental, (NICOLAS 2015a, 2015b, 2015c); the major tragedy of modern democracy. This tragedy derives from the fear of risks linked to words, and from the refusal to transmit by education the powerful tools of argument and rhetoric. Everyone must have access to these tools to defend oneself and to accuse; to commit oneself or to refuse the commitment; finally, so as not to be left with no voice other than that of violence. When one is no longer able to seize and manage those tools, speech becomes an empty shell that is practiced only in a haphazard way, without any method, and especially without conscience.

Of course, in the words of the Belgian philosopher, «it is usually easier to obey than to decide for oneself. It is also often easier to fight [physically] an opponent, than to convince him [by the words], because it is not at all certain that we [will succeed]» (PERELMAN 2009 [1949]: 146). Nevertheless, to engage oneself without tools and without knowledge of art, is like joining a lost battle, or at least, abandoning oneself to chance and good fortune. Perelman knew that. He also knew that the art of the words, the art of fighting with words is the work of all citizens, rather than that of self-proclaimed experts and their language of specialists.

4. Conclusion

To conclude, there is a tension between two poles at the heart of our political modernity, in particular after Hobbes. On the one hand, there is the desire to preserve the civil peace and the defence of the minimal agreement on which it is based. On the other hand, there is an obligation to extinguish or, at least, to moderate, strong disagreement, because we never know where this disagreement can take us. There is a risk that a minor disagreement (a detail or a trifle) can escalate, step-by-step, to a total and insurmountable disagreement. A disagreement in which conflict and uncertainty could only be overcome by arms – and not arguments.

Modern democracies are built not *on* the practice of dissent, as we might believe, but really *against* the “disease” of dissent, and even more against the actual or potential power of words to express this dissent itself. The political space as we know it has been emptied of its authentic opponents and collective passions (membership, commitment, sense of belonging, pleasure of victory), which feed the contest of opinions. This new political arena of speech aims to accomplish a chimera: a convergence of interests to achieve a general agreement. An agreement that is obtained, in many cases, at the cost of abandoning our «beliefs and [our] ideals», that is to say «with the sacrifice of our spiritual freedom» – to summarize Perelman (1989 [1968]: 255, my translation). This agreement is presumed capable of founding a world that is completely pacified; a world without politics, in the sense of Chantal Mouffe, a postmodern world perhaps; a world where no one would need to persuade anyone or to engage in any verbal struggle. In this way, the idolatry of consensus is certainly the most important danger for consensus itself.

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