Characters in the Middle of Public Life: Consensus, Dissent, and *Ethos*

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ISMENE:
I, for one, I'll beg for the dead to forgive me—
I'm forced, I have no choice—I must obey the ones who stand in power.
Why rush to extremes?
It's madness, madness.

ANTIGONE:
I won't insist, not even if you should have a change of heart,
I'd never welcome you in the labor, not with me.
So, do as you like, whatever suits you best—
I will bury him myself.
And even if I die in the act, that death will be a glory.
I will lie with the one I love and loved by him—
An outrage sacred to the gods!
I have longer to please the dead than please the living here:
In the kingdom down below I'll lie forever
Do as you like, dishonor the laws the gods hold in honor.
—Sophocles, *Antigone* 65–78

The central dilemmas of public life are inherited, passed unresolved from generation to generation. Prohibited from burying their brother, Antigone and Ismene step outside the gates of the city to speak in private. Caught between the force of law and the faith of love, they argue over whether dissent can remake the collective order in the name of justice. Their disagreement is familiar. As bequeathed by modernity, the concept of the public sphere refers broadly to a deliberative arena in which individuals employ consensual forms of communication to develop a collective political will. This construction of the commons is both important and troublesome. Public deliberation can yield norms of material equality, democratic representation, and justice. However, experience teaches that public consensus-building is not always realistic or desirable. For one, modern society is not

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a "natural" wellspring of mutual agreement. Among others, James Bohman (1996) in a recent study of public deliberation finds that "deep conflicts" frequently challenge the ability of citizens to find common ground, engage in deliberation, and reach consensus. What's more, principled commitments to consensus have been used to buttress a public sphere that trades human creativity, expression, and pluralism for rigidity, silence, and ideology.[1]

Antigone's chorus is left to weave the "laws of the land, and the justice of the gods." Similarly, scholars of the public sphere are increasingly concerned to plot the relationship between principles of consensus and practices of heartfelt dissent. In an essay that has yet to receive much attention, Thomas McCarthy argues that the consensual orientation of public deliberation finds its limit in "disagreements stemming from divergent conceptions of the 'good'" (1994, 204). Such disputes are not the end of public life. They do, according to McCarthy, warrant the development of a "multifaceted communication process that allows for fluid transitions among questions and arguments of different sorts" (214). Many scholars have pursued this agenda.[2] As "neither dissent nor dissensus abnegates a shared reference world," Gerard Hauser counsels us to "recognize and theorize the differences among the range of rhetorical domains that have emerged historically as public spheres and the character of their relationships to one another as sources of influencing the production of society" (1997, 279). More directly, Thomas Goodnight argues, "Public discourse is characterized most fundamentally by controversy, not consensus, and so is shown to give rise to on-going struggles over practice with constitutive stakes" (1997, 274). On a similar road, Nancy Fraser and Axel Honneth have each examined how dissent expands the range of public deliberation and enhances democratic pluralism. To this end, they argue that public life entails a "struggle for recognition," a process of dispute that prefigures and motivates mutual agreement (Fraser 1992; Honneth 1997).

These lines of study suggest that dissent is a moment of conflict in which taken-for-granted rules, topics, and norms of public deliberation are contested, opposed, or transgressed. Moreover, the positions each hold that some acts of dissent produce or generate constructive dialogue. This claim raises several interesting questions: When is dissent an appropriate response to the consensual formation of collective interest? Under what conditions does dissent contain the potential (*dunamis*) for open and consensual deliberation? How is this potential realized? Is there a point at which opposition bursts the normative bonds of discourse, leaving public deliberation to do the bidding of violence? Addressed to the possibility that public deliberation is a composite of consensus and dissent, these questions ask how

oppositional and intersubjective modes of speech are related and whether such a relationship is an important factor in the formation and development of collective interest. In this essay, I will contend that such inquiry is an invitation to see and study the middle of public life.

From an early age, we are taught that every story has a beginning, middle, and end. Later, captivated by the creativity of beginnings and the judgments rendered by endings, we sometimes devote less attention to the weight carried by the middle of a narrative. In his novel, *If on a winter's night a traveler* (1991), Italo Calvino demonstrates with remarkable genius that as the middle goes unseen, shared meaning is rendered paradoxical. That is, communication proceeds without the ability to see or interpret the *form* of human interaction. Brought to a public context, Calvino's suggestion is rather important. Public life places us in the midst of things, people, experiences, powers, conversations, and arguments. Upon entering the commons, intent on announcing our presence, we discover that things are not so simple. Deliberative choice is rendered difficult as we find ourselves caught *between* conflicting impulses: personal motivation and collective need; desire for change and institutional stability; concern for the just and interest in the good. To resolve these tensions, however, we frequently turn from this middle to contemplate the formative conditions and political outcomes of public life. This reaction is not altogether unjustified. Everywhere and nowhere, middles are hard to define. They promise moderation, but often seem to lack principle. Sometimes, the middle is no more than a pleasant synonym for mediocre. Still, there are costs to this evasion. Committed to the ideal beginnings and endings of public life, civil society becomes vulnerable to extremism and insensitive to the nuances of public interaction. Models of deliberation become more important than examples. The problem of how public communication moves between moments of uncertainty, opposition, and agreement is left aside in favor of principles and abstract negations that are increasingly difficult to use. Outside the middle, the public problem of unity's relation to difference is relegated to the domain of mythology (Rose 1992).

In this essay, I argue that a manifold exploration of the middle of public life may help to unravel the puzzle of how public transgression and opposition facilitates dialogue and mutual agreement. More precisely, the essay contends that the middle of public life is a useful heuristic that contains (and is contained by) the problem of how dissent contributes to the formation of consensus. This idea has three interlocking meanings. First, the middle is a space. Evident in both rhetorical and critical theories of the public sphere (if I can be permitted this distinction on a temporary basis),

the middle is the space of deliberation that contains both opposition and agreement. Second, the middle of public life is a movement between transgressive and intersubjective modes of communication. If studied at both conceptual and practical levels, this movement contains a rhetorical dynamic that illustrates some of the ways in which dissent facilitates or creates reasons for consensus-building. Third, the middle is a figure. Concerned with the risks embedded in the potential and actual relationship between dissent and consensus, this figure contains a norm that moderates but does not mediate the dynamic elements of public deliberation. Here, I contend that one name of this figure is *ethos*.

In the middle(s) of public life, we may discover that the simultaneous appearance of dissent and consensus inaugurates a dynamic in which the negativity of transgression rhetorically constitutes a motive for intersubjective dialogue. I will develop this thesis in four stages. In part one, I introduce and clarify "the middle of public life." I argue that the middle is a space that appears when contemporary theories of the public sphere claim that deliberation involves both consensus and dissent. However, theories that skirt the question of how these forms of communication are related sometimes have trouble describing the terms of the public's development and its contribution to democratic politics. From this dilemma, the second and third sections of the essay are linked in a subtle but important way. Both are concerned to plot the movement that composes the middle of public life, the relationship that exists between moments of dissent and consensus. In the second section, I take up this issue in theoretical terms. I argue that the young G. W. F. Hegel's account of the "middle" of consciousness formation offers a rhetorical explanation of how transgressive opposition invents the grounds of intersubjective understanding. Through a short reading of an essay in which Vaclav Havel defends and performs the value of dissent, I consider, in the third section, the practical dimensions of this same movement. In the final section, I turn to the risks that come when dissent is included in the register of "legitimate" public communication. In a speculative argument, I posit that the figure of *ethos* enacts a norm of accountability that stabilizes the dynamic movement of the public's middle without closing it down.

Much has been said and written about the public sphere. Definitive solutions and negations have proven counterproductive. If we want to know more about public life, the going is likely to be slow, the payoff provisional. With this said, I believe that study in the middle of public life yields three small benefits. First, it sheds a bit of light on the question that Richard McKeon (1971; 1990, 97) left behind: What is the relationship between

rhetorical creativity and deliberative judgment? In the middle of public life, the desire to author a new beginning sometimes initiates a process of symbolic transgression that is itself a reason to engage in principled argumentation. At the end of compromise, the human imagination may discover the will to meaning from within the risk of opposition. Second, inquiry into the middle of public life may have some political relevance. Frequently concerned with questions of accountability and representation, public deliberation is often addressed to both institutional bodies and private citizens. Within the public, social movements and subaltern communities appear, issue challenges, and prompt debate. In either case, public deliberation involves movement, opposition, translation, and reconciliation across domains of discourse. Each relevant to the question of whether and how the public contributes to the democratic dream of a "unity in difference," the middle of public life is a place and frame through which we can study these operations. Finally, the present investigation steps into an interdisciplinary ambiguity that deserves fuller discussion. To put the matter bluntly, I think that we have made too much and too little of the differences that exist between critical-theoretical and rhetorical interpretations of the public sphere. Take the work of Jürgen Habermas, for instance. Previously, I have argued that his writings display a basic distrust and misunderstanding of rhetoric. For this, Habermas's theory of communicative action has been dismissed and vilified. It has also been appropriated. Both moves carry risks. Do we know how much a "rhetorical" theory of public life can borrow from Habermas's position before it collapses for lack of a non-contradictory premise? Do the historical commitments of Habermas's work challenge the conclusion that critical social theory can only bring us into a conceptual and political cul-de-sac? One example illustrates the relevance of these questions. Habermas has long held that the *telos* of language is the achievement of understanding (1971, 314). In *The Structural Transformation of the Public Sphere*, this ideal was implicit although not fully developed. However, it is not entirely accurate to say that Immanuel Kant, the enlightenment father with little good to say about rhetoric, is the inspiration for Habermas's theory of intersubjective communication. In the sequel to the book on the public, *Theory and Practice*, Habermas derives the key philosophical (not sociological) premises of communicative action from Hegel's Jena writings (Habermas 1973, 142–69). Still relevant, this turn is intriguing. There is an obvious rhetorical quality to Hegel's early appeals to the concept of the middle (*Mittel*). Here, I pursue this idea in the hopes that we might discern an additional way of moving between so-called philosophical and rhetorical dimensions of the public sphere.

1. Middle space: The (theoretical) occasion of dissent

Has the dream of public life ever matched its reality? A form of political association that existed for the "sake of a good life," Aristotle's *polis* was an exclusive domain, open to those who could master the "art of the household" (*Politics* 1252a–b). Much later, Kant's hope for the public was confounded by his inability to decide whether the enlightened freedom of the commons was a historical inevitability or a practice of human interchange (Kant 1983, 41–45). In our time, set within a multicultural society, the public is caught between the need to represent particular ways of life and the need to fashion and sustain a collective interest. Respectively, the two sides of this dilemma require the public to create and presuppose the form and content of its deliberations. In this section, I show that many theories of the public sphere have interpreted this burden to mean that public deliberation involves both dissent and consensus. Examined closely, these attempts to push the conceptual boundaries of deliberation support the claim that the public contains a sort of middle space. Most obviously, the middle appears when the public endeavors to bridge a perceived gap between private need and institutional power. In addition, the middle is evident when deliberation given to the formation of collective interest must balance appeals to the good with principles of the just. Furthermore, the public's middle can be seen as deliberation moves between subaltern and majoritarian domains. In all cases, study of this middle may provide clues as to how dissent contains opportunities for consensus-building.

The public sphere is energized by a basic contradiction. To form a collective interest that might enhance the political autonomy of all citizens, the public depends on a process of deliberation that excludes many voices and interests. This discrepancy between principle and practice is not easily resolved. On one side, it represents an ideological attempt to sever the public from the private. Those with "different" experiences and ways of life are excluded from the domain of collective decision-making and "subjected" to the violence of those who claim to have the "proper" point of view (Young 1987; Pitkin 1981; Dewey 1954). On the other side, the exclusivity of collective interest is a key enabling condition of the political power that checks the expanding and sometimes draconian designs of the state. The public is not the public when it is all things to all people. This could be for the better. Until we transcend the design of the "sovereign" state or recover a much stronger sense of political representation, the "privatization" of the public will appear to institutional systems as a kind of social fragmentation that deserves intervention and management.[3]

Critical social theory has often resolved the characteristic tension of public life in a one-sided manner. In his early study of the public sphere (*Offentlichkeit*), for instance, Habermas argues that the public is both an expression of private interest and a counterbalance to state power (1989, 30). However, he does not devote himself to both sides of this equation. At the cost of theorizing private life, Habermas has repeatedly defined the public sphere as a principle of discourse, a structured forum in which citizens use rational-critical debate to establish a collective interest that can enact justice and stand against the forces of institutional "colonization." This interpretation leaves Habermas's position vulnerable on two fronts. The first is well known: the theory of communicative action may endow public opinion formation with a discourse ethic that presupposes the value of consensus. To many commentators, this risk is significant because consensus-building is egalitarian only in a counterfactual society that has not erected material and experiential barriers to political participation (Benhabib 1986; Young 1990; Fraser 1985). Second, Habermas has yet to offer a convincing account of how deep-seated political and ethical conflicts can give way to mutual agreement. Goodnight has explored the roots of this problem. As a "creature of the between," public controversy is an event in which individuals contest prevailing norms of communication and renounce those "authorities charged with resolving debate." While this challenge to the "available means of communication" may hold generative possibility, Goodnight's position suggests that we cannot take the possibility of consensus-building for granted (1991, 2–3). In *The Theory of Communicative Action,* Habermas claims that when participants lack the ability to engage in discourse, they can "reasonably" resort to a process of "strategic repair work" (1987, 121). I have argued that this solution introduces a vicious circularity into Habermas's position (1993). In addition, McCarthy has contended that Habermas's more recent accounts of public deliberation remain untenable to the degree that they abstract ethical disputes onto a moral plane (1994, 223). With the "right" forever trumping the "good," procedural norms of discussion provide citizens with few ways to enter and resolve moments of "live" conflict (Bohman 1988; Wood 1985).

With obligations in both private and institutional domains, and faced with the persistent appearance of dispute, the public sphere seems to defy *singular* definition.[4] In his early work on public argument, Goodnight has addressed this issue, arguing that the "sphere" of the public sphere is best understood as a "branch(es) of (argumentative) activity" that is subject to revision and "combinatory relationships" with personal and technical forms of argumentation (1982, 216, 220). Fraser's recent studies of public life

and deliberative democracy begin from a similar premise. Fraser finds Habermas's position wanting on two fronts: the (bourgeois) public is a utopian and "masculine ideal" (1992, 117). In public, she finds that norms of open or rational-critical deliberation obscure the public's conflictual history and serve as a "mask for domination" (119). This claim does not mark a turn to antifoundationalism. Rather, Fraser's argument is that the public is a plural good, a collection of numerous "subaltern counterpublics" that circulate outside, within, and underneath a "dominant" public. What's more, these groups produce oppositional arguments. They "invent and circulate counterdiscourses" that both transgress taken-for-granted norms of public communication and challenge the dominant public's "construction of consent" (123). As this work aims to revise the terms of social and political representation, Fraser hints that subaltern opposition is a relational good. It refashions, but does not negate, the procedural norms that underpin collective deliberation: "In my view, the concept of a counterpublic militates in the long run against separatism because it assumes a *publicist* orientation. Insofar as these arenas are *publics*, they are by definition not enclaves, which is not to deny that they are often involuntary enclaved" (124; emphasis in original). What is a "publicist orientation" and how is it distinct from Habermas's claim that public life rests on a procedure of rational-critical debate? Fraser holds that subaltern counterpublics use opposition to overcome marginalization and expand the terms of public deliberation. However, in light of her claim that a theory of public deliberation should reflect "actually existing" practice, this claim obligates Fraser to explain *how* subaltern challenges generate dialogue. Such an account does not appear. Instead, Fraser employs what can only be called a "weak" version of Habermas's idealism. Counterpublics transgress standing codes of public deliberation but depend, to an unspecified degree, on exactly those norms of consensus-building that provoke subaltern opposition in the first place.

When rendered plural, the public sphere may enhance the ability of citizens to contest standardized norms of deliberation and argue successfully from personal experience and need. However, this narrowing of the divide between the private and the public remains ideal if we cannot explain the details of its development. Fraser's position, for instance, offers an important description of subaltern counterpublicity, but remains silent on the question of how oppositional arguments actually facilitate the creation of mutual and sustainable agreements. Fraser has responded to this difficulty by calling for "a critical theory of recognition . . . which identifies and defends *only* those versions of the cultural politics of difference that can be coherently combined with the social politics of equality" (1995, 69).

Here, our curiosity is piqued. Now, it would seem that collective interest develops as individuals forge the terms of public life by both expressing and sublimating personal experience.

Can the concept of recognition be used to clarify the means by which oppositional argumentation gives way to mutual agreement? In a study that rereads a selection of Hegel's early writings, some of which are germane to Habermas's theory of communicative action, Honneth takes up this question. Here, I can do no more than sketch his position. To start, Honneth argues that humans seek recognition from others so that they might "know themselves to be both autonomous and individuated beings within their socio-cultural environment" (1997, 163). A process and an outcome, recognition involves opposition. As individuals feel disrespected, displaced from the world, and uncertain of their own agency, they transgress standing definitions of the common good.[5] With Hegel, Honneth holds that this transgression is an act that "releases potentials for subjectivity" and inaugurates a "struggle for recognition." In it, an individual's expressed willingness to accept rejection and punishment (symbolic death) exposes contradictions in and warrants the revision of taken-for-granted norms of equality and justice.[6] Apparent in the domains of the family, law, and the state, and actualized in grammars of love, rights, and esteem, Honneth hints, language is the linchpin of this (transformative) moral logic of conflict:

> The breeding grounds for these collective forms of resistance is prepared by subcultural semantics in which a shared language is found for feelings of having been unjustly treated, a language that points—however indirectly—to possibilities for expanding relationships of recognition. It is the task of the envisioned interpretive framework to describe the idealized path along which these struggles have been able to unleash the normative potential of modern law and esteem. (170)

What is it in language that unleashes the normative potential of transgression? Like McCarthy, Honneth claims that this problem places social theory in a bind. Borne of a transgressive attitude, the "enabling conditions" of intersubjective understanding run the risk of becoming either an "interpretation of particular, historically unique visions of the good life," or a teleology in which norms of communication are established outside the domain of human choice (173).

In Honneth's estimation, this dilemma calls for an account of the movement between transgressive and consensual speech. But, Honneth does little to explore this so-called "semantic bridge." With a turn to the work of George Herbert Mead, justified by the claim that an empirical-psychologi-

cal account of consciousness overcomes the metaphysical quandaries that come with Hegel's notion of recognition, Honneth imports a functional idealism into the realm of socio-political life. Replaced by the idea that individuals transgress collective norms only because they are *internally* compelled to join and unify the ranks of society, Honneth's concern for language all but disappears.[7] As a result, the problem presented by Fraser remains: How do oppositional speech-acts foster interaction and motivate agreement?

Critical and rhetorical theory has increasingly embraced the idea that the public sphere cannot be reduced to a single forum of consensual communication. In turn, this move has spurred inquiry into the ways in which opposition is productive of collective interest. It is just this theoretical move that allows us to imagine and glimpse the middle of public life. In the crudest sense, the middle appears as a space. It is the space where public spheres touch and perhaps mediate institutional power and private interest. It is the space that exists within and between subaltern counterpublics. Caught between disrespect and mutual support, the middle is the lexical domain in which struggles for recognition are initiated and played out. What is interesting about these spaces is that each seems to hint that there is a relationship between transgressive and consensual modes of communication. What do we know of this relation? What can we know? Without succumbing to teleology or a hidden idealism, is it possible to look into these middles and observe something of how oppositional arguments facilitate the production of mutual agreement? I would suggest that these questions ask whether the apparent contradictions of public deliberation are not better seen as a productive movement.

2. Middle movement: Discerning the potential of dissent

In the middle of public life, critical theory appears pitted against itself. Idealistic accounts of public communication, like the one tendered by Habermas, see dissent as a transitory problem, best resolved when individuals abstract themselves from particular disputes and embrace a procedural ethic of consensus-building. In response, many theorists, like Goodnight, Fraser, and Honneth, have developed powerful conceptual and historical arguments as to why opposition is an important or even constitutive element of public deliberation. How do we sift these claims? While

Habermas's theory introduces a necessary moral element into public deliberation, it leans on a sense of collective interest that is somewhat distant from those it claims to serve. The more pragmatic view finds an important set of voices in the practice of dissent, but is not always clear about what prevents opposition from devolving to partisan fragmentation.

Read together, these positions intersect: the strength of each is the limit of the other. Thus, instead of debating which line of argument is correct, I believe that we might try to explore and perhaps cultivate their admittedly awkward relationship. To this end, it seems important to clarify how public dissent contributes to the achievement of consensus. Further thinking about the middle of public life bolsters such inquiry. More than a space, the middle marks a movement and interaction between oppositional and intersubjective forms of communication. In this section, I attempt to discern something of this movement and its heuristic value. To begin, I return to Hegel. In the *First Philosophy of Spirit* (1803/4), a fragmentary text that has not received substantial attention, Hegel argues that human consciousness develops in a middle (*Mittel*) that is characterized by an ongoing interplay of transgression and mutual recognition. A bit more than a mode of synthetic mediation, Hegel contends, the form of this movement is evident in the communicative activity of naming.[8] The production of the name is "speech work," in which the self is constituted through communication that is both oppositional and intersubjective. Today, I believe that the metaphorical quality of this position is more important than its validity as a philosophy of language. Hegel's middle represents a mode of rhetorical invention in which transgressions are creative acts that build platforms for mutual dialogue and principled judgment. An account of this dynamic may prove useful in reading and analyzing some practices of public deliberation.

In *First Philosophy of Spirit*, Hegel charts the formation of individual and collective consciousness in relation to a world "aether." Hegel's thesis is that "[c]onsciousness is the ideality of the universality and infinity of the simple in [the] form of opposition" (1979, 214). By definition, this consciousness is a formal coherence and an act of division, a "unity of antithesis." The antithesis is *intuitive*: Individual development involves a relation between that (being) which is self-conscious and that of which a being is self-conscious. To Hegel, humans are creatures of a middle that they both find and create:

> Consciousness is the ideality of the universality and infinity of the simple in the form of opposition; as universal it is undistinguished unity of both. But, as infinity it is the ideality in which its opposition *is*; and the two [aspects of universality and infinity] are distinct and external to one another in con-

> sciousness, they separate themselves; their unity thus appears as a middle between them, as the work of both, as the third whereby they likewise distinguish themselves. (214)

This notion of the middle marks several ideas. First, humans gain self-awareness in a middle. In anticipation of Heidegger's account of the poetic conflict between earth and world, Hegel casts the middle as an ontological opposition: the middle is that which is simultaneously interior and exterior to the self (1971, 60). The appearance of the middle—as consciousness—enacts the first encounter between subject and object (Hegel 1979, 209–14). In turn, second, this experience (*Erlebnis*) of self lends form to the oppositional space of the middle. The middle is an epistemic ground of self-constitution. This means that the development of consciousness proceeds as a differentiation of self from middle (as the space in which the world's unity of opposition first appears). This self-ful activity is a form of labor in which the middle is eliminated but then recast as a subjective consciousness with oppositional intent: "[T]he conscious being distinguishes this middle from himself, just as he distinguishes himself from what is distinguished in consciousness; but with the difference that he also relates both [himself and the object of consciousness] to this middle" (214). Third, Hegel holds that determinate being (subjectivity) is a potential power to act over and against others. This power is first evident in the production of the name. In speech, Hegel claims, the subject cultivates and confirms its own presence:

> Infinite as it is in its simplicity, speech thus interrupts itself as infinity of consciousness within itself, it organizes and articulates itself; and it becomes a manifold of names. But it recovers itself out of the absolute manifold likewise. The name as such is just the name of the single thing; speech is the relating of names, or once again it is the ideality of the multiplicity of names, and it expresses likewise this relation, the achieved universal (*das gewordene Allgemeine*); in other words it becomes understanding. (222)

Note Hegel's claim that speech initiates, moves through, and emerges from an oppositional form of self-consciousness. The expression of the name is empirical evidence of agency and a basis for communicative reference; the ability and motivation to name grants individuals a freedom of privacy and a power of determinate attribution (226–27). In these terms, the independence of existence is first confirmed by the production of a non-intersubjective relation, an "authoring" of an Other to the end of self-certainty.[9] With this oppositional form, however, the name expresses a desire for approval, but isolates the individual; instrumental speech secures indi-

vidual consciousness only as it transgresses the Other and breaches the limits of shared meaning. To Hegel, this "injury of speech" is a motive for the self to concede its dependence on an Other. Put differently, the oppositional production of the name contains a human interest in recognition. This interest, again, appears as a middle. In it, Hegel claims, consciousness is an "eternal movement of the one coming to itself in another, and [a] coming to be other within itself" (241). By this account, the relational potential of speech appears when the name denotes a "unity in difference." In the movement of the middle, the possibility of understanding develops as the oppositional quality of the name is redirected against the self.

In *First Philosophy of Spirit*, Hegel places particular weight on the idea that the transgressive form of the name contains the potential for mutual recognition. Speech emerges when humans sense both totality and spatio-temporal flux. Between these subjective and objective experiences, the self grasps its own presence, but lacks an ability to act. This paradox of beginnings is the occasion of naming. In the face of ambiguity, the name expresses a choice that is both cognitive and practical. It is a self-declared orientation to the world in which consciousness transforms experience into an apparent basis for control. In this way, naming is the invention of reference and a power of attribution that has discernible consequences. But, this speech-action resolves one opposition (between self and world) only to create another (between self and Other). As a capacity for choice, the name refers to that which the self desires but cannot master. Thus, the name becomes a risk. Without it, the self is empty. With it, the desired Other is subsumed and negated. Viewed at once, however, the choice and risk of speech motivate collective interaction: Mutual recognition develops from the production, appearance, and reconciliation of transgression. The oppositional quality of the name is a warrant for dialogue.[10]

Hegel's middle is a dynamic one, a movement in which the human urge to name moves between a transgressive and intersubjective orientation. In the final passages of the *First Philosophy of Spirit*, Hegel claims that the operations of the middle—now embodied in the "speech of a people"—are evident in the development of civil society. However, Hegel details this jump from the formation of individual consciousness to collective interest only in later works, most of which trade an analysis of speech for the mediations of *Spirit* (Hardimon 1994). We need not take this path. As explained by Hegel, in the *First Philosophy of Spirit*, the middle is a rhetorical operation that has interesting implications for how we might read the development and dynamics of public deliberation.

Rhetorical theory has long been concerned with the problem of how transgressions yield collective understanding.[11] Aristotle, for one, claimed

that rhetoric is an art of persuasion and a search for its available means. Rhetoric is both *techne* and *dunamis*, a practical art of speech that appears at the limits of dialectic but in relation to ethics. In moments of uncertainty, facing the need to act without perfect information or justification, rhetoric finds the potential for choice from within contested topoi of common living arrangements (Aristotle, *Rhetoric* 1344b–57a; Farrell 1993, 39). Furthermore, Paul Ricoeur (1996) has argued that, beyond its historical reduction to stylistics, rhetoric has a metaphorical quality in which *poesis*, the creative truth of imagination, transgresses the logical structure of language and fashions human experience into a "resemblance" that both challenges and reconstitutes standing networks of meaning. Related, Kenneth Burke suggested that rhetoric appears precisely when individuals are confronted with the need to plot a connection between conflict and agreement. In his words, we hear a clear echo of Hegel's position:

> In pure identification there would be no strife. Likewise, there would be no strife in absolute separateness, since opponents can join battle only through a mediatory ground that makes this communication possible, thus providing the first condition necessary for their interchange of blows. But put identification and division ambiguously together, so that you cannot know for certain where one ends and the other begins, and you have the characteristic invitation to rhetoric. (1969b, 25)

This position warrants a bit of caution. To Burke, the ambiguity of the middle is the occasion of rhetoric, its movement a practice of rhetorical speech. However, if our concern is to discover the nature of this movement, in order to understand how acts of dissent facilitate the development of strong agreements, it is vital that we be specific in our thinking. We need to ensure that the mysteries of idealism are not replaced with an equally troublesome "word magic."

Relieved a bit of its commitment to *Spirit*, Hegel's middle shows a rhetorical quality. More specifically, I would contend, the middle's movement in language embodies a process of rhetorical invention in which spatiotemporal constraints occasion creative transgressions that both perform human agency and motivate the decision to engage in dialogue. The relevance of this idea to public deliberation is best worked out in stages. To begin, recall Hegel's claim that the natural rhythms of space and time both prompt and constrain human agency. In a perceived moment of choice, self-presence in the face of external opposition, speech opens spaces of action and the time of human history. A similar dynamic may exist in public. According to Goodnight's rhetorical formulation, in a situation that

has been "rendered invisible by existing custom," public deliberation "seeks out and fashions common temporal experience and structures that enable public action" (1987, 430). Focused on the spatial dimension of the problem, Thomas B. Farrell has argued that the tensions between the "form, content, and context" of rhetorical communities open arenas of deliberation, "a potential normative horizon, an avenue of mediation among discourses that might otherwise be self-confirming, incommensurable, or perhaps not even heard at all" (1991, 197). Thus, a shade more dialectical than Lloyd Bitzer's sense of the rhetorical situation (1968), the presence (imposition) and absence (ambiguity) of time and space constitutes an experience (*Erfahrung*) that is nothing short of the *desire* to speak.

In the second stage of his argument, Hegel considers how the human ability to actually shape time and space develops in the oppositional process of naming. At a public level, this speech is a mode of rhetorical invention. Among others, McKeon spoke to this idea when he claimed that rhetoric is an "architectonic art, an art of structuring all principles and products of knowing, doing, and making" (1971, 45). Concerned to understand how humans find, label, and classify experience, McKeon explained his post-metaphysical claim by arguing that rhetoric is a situated practice of modification that affords the means of discerning, formulating, and expressing the terms of "existence and possibility" (55). Most evident in his discussion of the paradox of substance, Burke held that this sort of inventional process both emerges from and performs a kind of negativity. In the face of opposition, definition and identity formation represent the creation of unity *through* the enactment of difference (1952; 1969a, 21–50). At several levels, this negativity is an important aspect of public deliberation. For one, the formation of collective interest may be spurred by a perceived encroachment on autonomy. Or, as McKeon suggested, it may "emerge from oppositions of opinion in communication" (1990, 97). At the level of consciousness, however, Hegel took care to note that, while the oppositional-creative function of the name signals the onset of human symbolic action, it does not fate mutual recognition. Alone with its agency, the self must turn against itself and discover the grounds of intersubjective understanding. A similar turn is evident in McKeon's work when he connected his vision of rhetorical creativity with norms of deliberative judgment. A pluralistic society, he noted, must "use unity to promote diversity, and diversity to strengthen unity" (97). In these terms, McKeon's position points to the idea that the negativity of rhetorical invention can contain the potential for shared meaning and agreement. Rhetorical creativity is a transgression. This speech-work brings the self into the world, installs identity, and con-

firms an ability to act. In a social setting, however, it also risks the collapse of meaning. But, to the degree that this risk is either a threat to the individual or shared as an opposition in common, it is a place and motive to begin dialogue. At stake in this dialectical rhetoric: How do humans use communication to move from a unity through difference to a unity in difference?

I want to summarize the argument as it stands and attach a caveat. The middle of public life appears initially as a space. It is a site of inquiry that can be found in theoretical discussions about how the public develops between private and institutional domains and the ways in which subaltern counterpublics create bridges with their mainstream counterparts. Also evident in struggles for recognition, the middle contains complex forms of communication, interactions that appear to involve both opposition and agreement. Hegel observes that these interactions have form. They are movements between generative-transgressive and principled-intersubjective speech acts. My suggestion is that this middle movement affords us a rhetorical vocabulary with which to approach and describe an important dilemma in the process of collective interest formation. Specifically, the middle represents a way to explain how the negativity of opposition can create the grounds of mutual dialogue. However, this process is not the "ideal" case, in any sense of the word. At the level of method, it is less a model than a heuristic. Politically, the study of the middle provides a partial register with which to account for what may happen when citizens are subjected to the limits and exclusions of public deliberation. In addition, the precise "how" of this process may appear fully only as we consider whether the middle of public life is evident in the practice of public deliberation. At the close of his introduction to *Negative Dialectics*, Theodor Adorno made a startling turn that underscores the significance of such practical inquiry:

> In philosophy, rhetoric represents that which cannot be thought except in language. It holds a place among the postulates of contents already known and fixed. Rhetoric is in jeopardy, like any other substitute, because it may easily come to usurp what the thought cannot obtain directly from the presentation. It is incessantly corrupted by persuasive purposes—without which, on the other hand, the thought act would no longer have a practical relation. (1973, 55)

If the public cannot be thought except in language, theories of public life may both participate in its construction and be subject to its contingency. To escape this linguistic dependence, an "allergy to expression," idealism has rendered the public abstract. Explaining its development in terms of

teleology or a system of ahistorical mediations, philosophy produces an "excluded middle" that might otherwise explain how public deliberation changes over time. To Adorno, the recovery of this middle requires what Hegel went on to forget: a rhetorical concern for the concrete particularity of human expression. Among other things, this means that the middle of public life is only as important as the examples of deliberation that betray its movement.

3. A middle voice: The case of Vaclav Havel

In the middle of public life, opposition appears to contain some potential for consensus. At a theoretical level, this potential is best described as a rhetorical movement in which transgressions create risks that motivate principled dialogue. Does this movement exist in practice? Do some actual examples of dissent, for instance, show this kind of relationship to the formation of collective interest? There are many ways to pursue these questions. The study of argumentation between public bodies and institutions, for instance, could be designed to test how political criticism reshapes norms of representation. Brought into a counterpublic, rhetorical criticism and ethnography might yield insights into how strategies of contestation contribute to the formation of both subaltern identity and collective interest. Further examination of civil disobedience might provide clues about the often-fine line between violence and reform. In any case, the point would be to focus on instances of "live" dissent in order to examine whether and how they change the deliberative form and substance of the public sphere. Made practical, the middle of public life is a composite of examples that illustrate the ways in which opposition and consensus interact.

Concerned to explore whether the middle has an "actually existing" quality, to borrow Fraser's phrase, this section is a practical counterpart to my rhetorical reading of Hegel's middle. In it, I provide a short reading of a text that helped define Czechoslovakia's struggle for recognition. In 1978, Vaclav Havel wrote "The Power of the Powerless." In it, Havel—the dissident—argued that dissent is a communicative opposition that uses the "forgotten" obligations of politics to build a sense of shared interest that has the wherewithal to challenge the legitimacy of state institutions. A commitment to "living in truth," dissent both invites citizens to recover their life experiences and opens a space for social and political interaction. In this "parallel polis," Havel claims, the generative qualities of dissent are

embodied in a process of naming that opens, questions, and remakes norms of civic life. In its own terms, then, Havel's position provides a useful illustration of how the middle of public life appears in a form of speech that has both transgressive and consensual character. However, I do not claim that Havel's position is a prototype for dissent. In fact, at the conclusion of the section, I will examine the limits of Havel's position and argue that they warrant an amendment to our theoretical account of the public's middle.

Some thirty years after Prague Spring, Vaclav Havel's personality and politics retain a basic appeal. A dissident, a founding member of the Czech resistance movement (Charter 77), a playwright, and now president, Havel's concern for the design of public life is longstanding.[12] In 1978, faced with the continuing presence of Soviet forces in Czechoslovakia, Havel began "The Power of the Powerless" with a call for political critique: "A spectre is haunting Eastern Europe: the spectre of what in the West is called dissent. This spectre has not appeared out of thin air. It is a natural and inevitable consequence of the present historical phase of the system it is haunting" (1990, 44). While the system of concern is Soviet Communism, Havel's claim is that the larger problem is a "post-totalitarian" form of power that has emerged at the nexus of dictatorship and consumer society (43–48).

How do such regimes develop? To Havel, post-totalitarian systems produce authority by establishing meaning above the heads of citizens (45). This occurs as systems appropriate the power to name. They replace the interplay of individuality and world with a prototypical identity. According to Havel, this means that contingent communicative relations, dedicated to the constitution of the self, are usurped by formal and abstract modes of talk. In this web, the appearance of reality is replaced by images that maintain loyalty and serve a "people" whose interests are nothing if they are not consubstantial with the state (52). Key to this conversion, post-totalitarian institutions distort history in order to constrict the time and space for talk. They sever the connection between interest and expression and replace it with a "semantic loyalty" that "provides people, both as victims and pillars of the post-totalitarian system, with the illusion that the system is in harmony with the human order and the order of the universe" (53). To Havel, this justification for power breeds political inwardness. Linear continuity overwhelms synchronic reflection through a "metaphysical order" that legitimizes instruments of discipline as it "integrates its communication system and makes possible the internal exchange and transfer of information and instructions" (53). The political cost of this development is staggering. Institutions sponsor a civic "adaptation to the status

quo" such that "everyone in his or her own way is both a victim and supporter of the system" (50). The system is sustained only as a guilt-producing "lie" that disconnects experience, expression, and moral integrity (60).

The state's "defense of the people" confounds self-development by deterring expression. In opposition to this power, Havel advocates a drama in the "theatre of spirit and conscience." In it, citizens announce their alienation, recover experience, and question the state's legitimacy. This work reconstructs the ability of individuals to communicate. It is a "living in truth":[13]

> The singular, explosive, incalculable political power of living within the truth resides in the fact that living openly within the truth has an ally, invisible to be sure, but omnipresent: this hidden sphere [of human openness to truth]. It is from this sphere that life lived openly in the truth grows; it is this sphere that speaks, and in it that it finds understanding. This is where the potential for communication resides. (64)

Consider how this idea resonates with Hegel's view of the middle. In post-totalitarian society, living in truth is the reconnection of life experience and speech. The potential for this recovery appears in the practice of dissent.

Havel claims that dissent grows "out of the world it addresses: the everyday human world, the world of daily tension between the aims of life and the aims of the system" (85). Dissidents speak in order to expose the contingent experiences of individual life. This work produces a performative denial that "the system has an absolute claim on the individual." By drawing from a "hidden sphere" of experience, dissidents invent provisional vocabularies of political action that withdraw the "tacit consent" that sustains the state. Initially, they appeal to goods that transgress the "technical execution" of institutional power—love, respect, and solidarity—in order to recover a potential for public communication from within private interest (123). In turn, this opens a parallel polis that has the wherewithal to contest the terms of state representation. Parallel because it takes shape in relation to institutional norms of social stability, Havel's polis is a space in which citizens form a collective interest that lies between private and state domains. It offers citizens a forum in which to voice their identity, material needs, and opinions about how to best resolve the tension between preserving a well-ordered society and achieving political autonomy.

To Havel, the parallel polis is a pragmatic manifestation of living in truth. It is also a platform from which to launch a public critique of law. In post-totalitarian regimes, Havel claims, the law defines norms of appropriate behavior and justifies its power by appealing to both ideal standards of

justice and public interest (102). To Havel, this declaration betrays a generative paradox: The purported necessity of legal force contains the terms of its resistance. Havel explains the significance of this paradox in some detail. First, he argues that institutions use the medium of law to trump the interests of citizens even as they claim to support those same interests. This behavior requires that institutions invest legal norms with a universal standing or endow them with an ahistorical telos (102). Once accomplished, the law claims a logical-temporal priority to the formation of public interest. As explained by institutions, law is that which creates the conditions for collective life. This claim yields a performative contradiction: Institutions define law as a natural good while they justify it on the grounds of a constructed public interest. Here, dissent finds an opening, a moment of speech that reads institutional arguments in order to expose the tension between how the law defines and justifies its power. At several points, Havel stresses that the language of institutions is a key focus for the dissident interested in reconstructing the terms of public deliberation:

> Here, there is truly nothing but words, words, words. Yet even that part of the code is of immense importance to the system, for it is here that the system established its legitimacy as a whole, before its own citizens, before school children, before the international publics and before history. The system cannot afford to disregard this because it cannot permit itself to cast doubt upon the fundamental postulates of its ideology. (103)

> To assume that the laws are a mere facade, that they have no validity and that therefore it is pointless to appeal to them, would mean to go on reinforcing those aspects of the law that create the facade and the ritual. It would mean confirming the law as an aspect of the world of appearances and enabling those who exploit it to rest easy with the cheapest (and therefore most mendacious) form of their excuse. (105)

If Havel's dissident understands the law correctly, post-totalitarian systems are threats to both the public and themselves. When their definitions and justifications of law contradict, institutions can retain legitimacy only by co-opting the grounds of speech. But, institutions can rarely acknowledge this appropriation. Thus, the potential of political dissent: A dissident incites institutions to employ the force of law in order to demonstrate how the law's "stabilizing" effect on society is inconsistent with its appeal to justice. In Havel's words, "Demanding that the laws be upheld is thus an act of living within the truth that threatens the whole mendacious structure at its point of maximum mendacity" (104). Dissent reinvigorates public life by producing an occasion for debate that can be stopped only if institu-

tions are willing to abdicate the very norms of political representation that they claim to respect.[14]

In "The Power of the Powerless," Havel advocates and enacts a nuanced account of how dissent can motivate public deliberation. At first, dissent is warranted as institutional interpretations of time breed social stability by constricting opportunities for speech. Against this violence, the dissident brings an appeal to private experience and justice. This transgression reveals a set of contradictions that justify the formation of a parallel polis in which citizens negotiate the terms of a collective interest and begin a critique of state power. It also reveals something about the middle of public life. In Havel's position, the public is a space for political action that appears between private citizens and the state. In this space, deliberation is a composite of both dissent and mutual agreement. However, the movement between these modes of communication is not limited to a transgression that rhetorically invents the basis for consensus. Havel's essay claims that the practice of dissent issues a challenge to both the form and content of politics. Thus, the movement between consensus and transgression cuts both ways. Simultaneously, Havel's dissident invokes consensual norms of democratic decision-making against institutions and draws from the reservoirs of experience to advance substantive reinterpretations of the good life. However, there is a chance that these appeals cut against one another: Arguments from moral principle may trump ethical discussion of how to live while ethical interpretations of the good life may run roughshod over procedural norms of fairness, inclusion, and equality. If so, this ambiguity requires that we discern whether there are features within the middle of public deliberation that illumine and check its movement.

4. Middle figures: Assessing the risks of dissent

The public is not all things at all times. The creation of shared meaning, collective identity, and norms of "civil" politics require that public deliberation exclude some interests and voices. In the early stages of this essay, I reviewed a set of theories, each of which held that opposition and transgression work to offset this tendency. Within an ambiguous "limit," dissent is a way to ensure that the collective identity remains in conversation with human experience. From this claim, drawing on both theoretical and practical accounts of dissent, I have argued that the public contains a space in which we might observe whether and how oppositional arguments fa-

cilitate the development of dialogue and mutual agreement. I now want to contend that while the critical study of this movement, cast as a concern for the rhetorical creativity embedded in transgression, expands the register of what counts as "legitimate" public communication, it also raises a problem of accountability. If dissent checks the exclusionary nature of consensus-building procedures, what features of public deliberation illumine the risks of dissent?

The obvious answer to this question catches us in a circle: The dangers of dissent appear only as we appeal to precisely those norms of consensus that motivate and justify dissent. Put differently, presumptive appeals to the value of consensus seem to demean the practice of dissent while strong commitments to dissent appear to negate valuable principles of consensus. In this section, I want to plot one way out of this loop, the "excluded middle" of public deliberation. To begin, I return to Havel's essay in order to delineate a few of the basic risks that accompany the practice of dissent. To the degree that these problems cannot be resolved by imposing ideal standards of public argument, I then suggest that we look for a figure of public deliberation that allows a "relative" or relational assessment of oppositional and intersubjective modes of communication. By this, I mean a feature of speech that "turns" the risks of dissent and consensus toward one another without forcing the reduction of one into the other. There may be many such figures. One of them is *ethos*, the character of speech given to both individuality and audience.

In "The Power of the Powerless," Havel claims that dissent is a performance that relates individual experience and collective norm. In it, the self is both expressed and given away for an Other. On one side, dissent is a process of self-constitution. Dissidents draw from individual experience to recover and fashion the grounds of speech. On the other, this same act of dissent entails a relinquishment of self. In public, the speech-act, "I dissent," is a self-ful action only as it recognizes, relates, and submits to the interests of others. This feature is what distinguishes dissent from the ideologies of separatism and revolution. An example of the middle voice, the rhetorical-creative power of dissent is premised on the necessity of its own demise (Jay 1993; White 1992). Thus, the success of opposition is the possibility of collective interaction in which there is no need for dissent.

From this position, Havel claims that the dissident does not occupy a position of political leadership. In a practical way, this argument recalls the *aporia* in Fraser's theory of subaltern counterpublicity. Dissent is not risk-free. If launched in language, a truly radical form of dissent may bring the end of politics. Set squarely against the terms of collective life, the call

to difference can only remain outside the discursive domains of purpose, choice, and, most certainly, audience. As pertinent, dissent that operates with slightly less intensity may harbor important ambiguities and unexpected consequences. The desire for reform may hide a will to violence. Appeals to justice may serve only to advance the interests of the enclave. Several of these problems are evident in Havel's account of dissent. First, productive dissent may culminate in state co-option; the dissident can appropriate the symbolic terms of the legal system in order to challenge and remake standing norms of justice and political representation, but fail to differentiate the aspects of the law that encourage public interest formation from those that colonize it. Second, Havel makes no mention of those who would choose not to challenge the law. Like the first, this is a problem of representation. Dissent brackets a concern for those who believe that the benefits of the system outweigh its costs.

In a struggle for recognition, the dissident may universalize norms of justice against the experiences of individuals or celebrate certain interests at the expense of opportunities for participation. If so, and if we believe that public deliberation should involve nonintersubjective elements (transgression or dissent), then we need to know how far this activity can go before it devolves to abstract subjectivism, alienation, or violence.[15] No matter how creative, opposition is not the sole basis, ends, or means of public interaction. But, if there are times when dissent is appropriate and justified, public deliberation cannot proceed strictly under the banner of mutual understanding. When the public's form is fixed by a presupposition of consensus, the creative and generative elements of opposition are squandered before they ever appear. The citizen wakes up in a public, but has nothing to say.

By what means do we assess the relative value of dissent and consensus? Observing that we cannot conduct the measure by imposing one form of communication onto the other, McCarthy has argued that we need an "account of how discussion under one aspect is *internally related* to discussion under the other" (1994, 223; emphasis added). To discern such an immanent connection, we must first relax our concern for whether deliberation is motivated by conflict or agreement. In one beginning, Hegel's moment of naming—in which the self expresses its will *against* the flux of world but *with* an Other—it is both. Our acceptance of this rhetorical ambiguity, a willingness to exceed the logic of noncontradiction without negating the value of concepts, is a moment when we can begin to look for elements of public speech that link consensus and dissent in a way that moderates their respective risks. Thus, what is called for, what we rarely

see in philosophies of public life that synthesize or disjoin transgression and intersubjective understanding, is a figure that reflexively turns the creative and normative elements of public deliberation toward one another. Foucault was right to suggest that this dimension of communication is more an attitude than a structure: "And by 'attitude,' I mean a mode of relating to contemporary reality; a voluntary choice made by certain people; in the end, a way of thinking and feeling; a way, too, of acting and behaving that at one and the same time marks a relation of belonging and presents itself as a task. No doubt, a bit like what the Greeks called an *ethos*" (1997, 309). Cast from within a view of modernity, this idea offers an important insight into the development of a struggle for recognition. The impulse of critique, our attempt to work within the "perpetual movement" of the contingent to discern the terms and condition of our relationships, bears fruit when we cultivate an *ethos* that relates the generative and normative elements of deliberation. In the middle of public life, *ethos* is a ligament or hinge that allows movement and extension without the collapse of form.

How does *ethos* relate the consensual and oppositional elements of public deliberation? In both the *Rhetoric* and the *Nicomachean Ethics*, Aristotle offers that *ethos* is a composite of good sense, good moral character, and goodwill (*Rhetoric* 1356a, 1377b, 1388b–91b; *Nicomachean Ethics* 1105b–6b). A precondition and expression of *phronesis*, *ethos* is a relational good that binds creative proposals for political change with the deliberative norms that support collective life. With *ethos*, opportunities for collective choice appear when an interlocutor works between the impulses of desire and the principles of reason. In the *Nicomachean Ethics*, Aristotle seemed to address this relation when he noted:

> What affirmation and negation are in thinking, pursuit and avoidance are in desire; so that since moral virtue is a state of character concerned with choice, and choice is deliberate desire, therefore both the reasoning must be true and the desire right, if the choice is to be good. . . . [C]hoice cannot exist either without reason and intellect or without a moral state; for good action and its opposite cannot exist without a combination of intellect and character. (1138b)

In public deliberation, confronted with the plural commitments of political life, the substance of *ethos* is the appearance of character. This character is composed of desires, habits, situational interests, and normative rules that spur, hinder, and stabilize human interaction. In moments of collective uncertainty or conflict, these elements of character may express motives through a performance of representation. More than a concern for public

opinion or the intention of a speaker, *ethos* is a mode of risk in which the authority to speak or name is both used and deferred.[16] In other words, the rhetorical and dialectical elements of the *polis* are linked by *ethos* such that speech both constitutes the self and renders it contingent. Relevant to Hegel, the *ethos* of naming is the productive negativity (risk) that appears between the self-expression that inaugurates instrumental agency and the self-objectification that allows mutual recognition. It is the turn in which the self moderates its power to allow for a consideration of the Other.

Mindful of the risks embedded in the middle of public life, *ethos* has a practical value. As rhetorical expressions of dissent challenge and revise the form and content of collective interest, the *ethos* of an advocate marks these oppositions with a concession: the merit of the dissident's proposal turns on whether an audience is able to see why and how the speaker is willing to bear the risk of her own transgression. Recalling McCarthy's concern to plot the immanent characteristics of public deliberation, this can be assessed in several ways. First, does the dissident provide evidence that she is willing and able to efface her own self-interest in the name of promoting collective deliberation in which it is uncertain who will have the last word? Second, does the expression of opposition indicate that the speaker is willing to live in the future world she proposes? With either question, *ethos* is a figure of accountability (a mean) that offers some insight into the relation between the improvisation of creative reasoning and the procedures of intersubjective dialogue.

Ethos does not guarantee the success of a struggle for recognition, ensure an appreciation of subaltern voices, or render the public more flexible. Much less grand, it is a guide for those who seek to cross the semantic bridge between opposition and consensus. At the nexus of the public and private, for instance, the idea of *ethos* provides a way to question whether appeals to individual experience risk the collapse of shared meaning and if norms of dialogue are being used to limit participation. Also, it may afford some grasp of the problems that emerge when publics interact with institutional systems. A key part of Havel's argument is that dissent transgresses both the law and given forms of collective life. In this opposition, dissidents call the law "out."[17] Rhetorically, they force institutions and publics to justify the relationship between individual need, standing interpretations of public interest, and taken-for-granted norms of justice. An appreciation of *ethos* shows that the dissident's challenge involves self-risk. It invites shunning, sanction, and punishment. The communicative transgression of the law places the voice and body of the dissident in danger. If punishment ensues, however, it is accompanied either by an institutional justification

for why the punishment is necessary or by a silence that runs afoul of claimed norms of political representation. In either case, this moment is an institutional response to the dissident and those she represents. It demonstrates whether and how the law distorts the individual experience that it claims to serve. The appearance of this contradiction is one political value of dissent. The systemic appropriation of the citizen's ability to speak warrants opposition that rescues and remakes the terms of collective interest. At the same time, however, this dissent concedes and abides by the power that it opposes.

In the end, the idea of *ethos* illumines something important about the nature of public struggles for recognition: Collective interest can be an open, but not formless, dialectic of rhetorical opposition and principled consensus. When citizens are unable to forge relations with those without whom they cannot live, communicative opposition establishes a risk that serves as a referent with which to reconstruct channels of dialogue. Itself, this risk is a middle in which individuals consider what resources for communication are available and situate the space and movement of public life in time. Evident in Havel, the result is a kind of dissent that relies on both rhetorical and intersubjective speech to mediate past experience, present need, and future expectation. The dividend of this dissent is a self-ful commitment to inventing the terms of public life in the face of institutional assimilation or majoritarian exclusion and a simultaneous commitment to objectify this same sense of self to the benefit of the Other. This moment is the formation of collective interest within an abiding middle: a space for talk, a movement between interests, and a turning figure of accountability.

5. Middles not known

I want to conclude by suggesting that we expand rather than close the middle of public life. In this essay, I have aimed to provide a theoretical and practical account of how dissent might contain the potential for mutual agreement. To this end, I have suggested that it is important to open and study a kind of middle. In public arenas given to the development of a collective interest that is both exclusive and representative, this middle is a space where oppositional and intersubjective forms of communication meet, interact, and reflect back on one another. More precisely, I have argued that the middle of public life appears when individuals, standing between various interests, desires, and discourses, enter into a struggle for recognition.

Considered through Hegel's account of consciousness formation and Havel's rendering of dissent, this struggle begins as spatio-temporal constraints motivate a practice of rhetorical invention in which creative transgressions both perform the connection between experience and speech and warrant the onset of dialogue. In some cases, this dynamic turn from opposition to agreement is stabilized by a figure of *ethos*.

At the outset of the essay, I suggested that the middle of public life is important to the degree that we wish to know more about the "how" of public deliberation. At a theoretical level, the heuristic value of the middle is that it provides *topoi* that allow us to imagine, read, and assess changes in the form and content of public deliberation. My naming of this middle is an attempt to develop a perspective of analysis—a line of sight—more than an effort to define a requisite feature or element of the public sphere. A key part of my argument is that the middle of public life is an occasion to study the particular movements of deliberation. In short, the middle may be a conceptual metaphor that can guide further inquiry into how publics stand and negotiate between private and institutional domains. Faced with specific controversies or disputes, how do citizens move from discussions of private need to arguments about the limits of political representation and back again? By what means do subaltern counterpublics form and interact both with themselves and with the "larger" public? Here, I have suggested that these dynamics may involve forms of rhetorical invention that motivate discussion by threatening its collapse. Such potential deserves fuller investigation. Does the potential of dissent reside only in the human ability to invent the negative? Likely not. There may be many ways that public deliberation is transformed over time. My point is simply that we should continue to seek out and detail the movements of collective interaction. How do publics move between imaginative and reasonable aspects of communication without mediating one into the other? This is the question that appears when the middle of public life remains open.

Finally, an interest in the middle of public life need not be limited to a concern for the relationship between dissent and consensus. We should find other middles and investigate their communicative qualities. Gillian Rose, for example, saw that political representation may develop at the nexus of love and society. Unwilling to accept the simplistic divide between modern and postmodern forms of life, hers was a sensibility that deserves greater attention. Similarly, Judith Butler (1997b) has recently defined the problem of subjection (subject formation) between the development of conscience and the risk of death. Concerned to understand the productive dimensions of paradox, and against the trite equation that power equals knowl-

edge, she offers an opportunity to think about how language might turn to yield both desire and understanding. In any case, I would suggest that the middle of public life is a rhetorical risk that philosophy cannot *live* without. The reverse is also true. Adorno sensed this. So did Burke. Each saw how Kant's evasion of rhetoric froze the hinges on judgment's door and made it easy to forget that public life is mature when it has the courage to concede that that it may never fully grow up. This provisionality opens the public sphere as a constellation of creativity and judgment. Its risk is that life in the middle can breed mediocrity and legitimize the institutional maintenance of social equilibrium. However, these problems may be a productive antidote to our present cynicism. They may call us to the place where Antigone's chorus learned that norm and difference, creativity and judgment, politics and poetics move in precise but not predetermined relationships.

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Notes

1. There are a vast number of works that explore how opposition and dissent contribute to the formation of public life. For the general contours of the issue, see Blaug (1996). For work that addresses the problem of dissent in relation to the writings of Habermas, see Habermas (1989) and McCarthy (1991). For a flavor of the debate as it stands across several disciplines, see Goodnight (1991), Goodnight and Hingstman (1997), Hauser (1987), Mansbridge (1996), and Young (1997). The feminist critique of public life has shown convincingly that procedural norms of public deliberation often contain hidden access requirements, impose substantive restrictions on conversation, and bolster institutional efforts to sanction those individuals who would choose to question and remake the "public good." However, the feminist critique of the public sphere is not monolithic. Landes (1998) has compiled many of the key inquiries into the historical concept and practice of public life.

2. Recently, work by Phillips (1996) has produced heated debate on this matter (Goodnight 1997; Hauser 1997). The discussion has featured both a general and a particular dimension. The latter contains issues of citation strategy and representation. Goodnight's and Hauser's positions stand for themselves. The general issue revolves around whether, and to what degree, we are ready to give up on the public sphere. At various intervals, the historical limitations of the public sphere have buttressed calls for social theory to abandon the concept of the public sphere. The dream over, we can only arise from modernity's slumber and face facts: The unity of public life is a dangerous fiction. Far less certain, I see this

conclusion as a misreading and potential replication of the problems at hand. At a philosophical level, negative metaphysics is not the antidote for a philosophical idealism that may well be guilty of taking public life to the clouds and divorcing it from the human experience of politics. On this point, Rose (1996) seems quite correct. At a political level, recent democratic transitions indicate that the world is not such a postmodern place after all. Recent events in South Africa, for instance, show that the public sphere played a central role in a "revolution" that did not entail wholesale violence. Thus, relative to the position taken by Phillips, my view is that we need to spend less time celebrating dissent and more time plotting the "how" of what he calls the "potentials of contemporary resistance" (1996, 245).

3. Rose (1996) addresses this problem directly. For a criticism of the public sphere that perhaps obscures the risks of institutional co-optation, see Butler's analysis of the Gulf War (1991). For a discussion of the form of "political power" that energizes the public, consult Arendt's work (1958; 1970). For a somewhat contrasting view, see Habermas (1996).

4. In part, it is difficult to define the public because of the tripartite role that it plays in the development of modern society. First, the public sphere constitutes an ontological axis along which humans differentiate necessity and choice. This idea is evident in Arendt's claim that the public sphere contains the possibility of history; collective development begins as the fulfillment of private necessity sustains a will to create. Second, the public sphere has an epistemic function. According to Habermas, the public sphere is a network and principle of communication in which citizens use rational-critical debate to build consensus, establish common identity, and coordinate action. Third, the public is a site of political action. A product of the liberal state, the public depends on communication to enact the norms of consent and representation that stabilize relations between institutions and citizens.

5. Explaining the choices that are involved in the onset of a struggle for recognition, Honneth claims, "The feeling of being unjustly treated and the experience of being disrespected, both of which are relevant for the explanation of social struggles, no longer appear only as motives for action but also come to be examined with regard to the moral roles that must be attributed to each of them in the development of relations of recognition. As a consequence, moral feelings—until now, the emotional raw materials of social conflicts—lose their apparent innocence and turn out to be retarding or accelerating moments within an overarching developmental process" (1997, 168).

6. It is useful to see how such transformations occur. At a central moment, Honneth writes, "Because crime represents an individualistic act of injury to the universal will, the universal will's reaction must, conversely, be aimed at re-establishing its intersubjective power over the breakaway individual. But this 'inversion of the injured universal recognition' must take the form of the punishment of the criminal, by which his act is avenged in such a way that the destroyed relationship of legal recognition is ultimately re-established. With the exacting of punishment, the moral norms that have underlain social life, up to this point, only as a spiritual element enter the world of external appearance" (1997, 55). This appearance, in turn, becomes the basis for a critique of institutional-social power, a set of normative demands that "forces societal development as a whole to adapt to the process of progressive individuation" (84).

7. In this space, I can point only to a few of the problems that come with Honneth's turn to Mead. Honneth begins his argument by working through one of Hegel's accounts of language. In turn, however, he abandons Hegel's case that language has a practical role in the formation of subjectivity in favor of Mead's position that subjectivity must be grasped cognitively. However, it is not clear how language figures into Mead's account. The dynamic of I-me that Mead posits seems to stand on an underlying idealism. In his discussion of society, Mead argues for the existence of universal human society. At one point, in the "Fragment on Ethics," Mead writes, "Man is a rational being because he is a social being. The universality of our judgments, upon which Kant places so much stress, is a universality that arises from the fact that we take the attitude of the entire community, of all rational

beings. We are what we are through our relationship with others" (1962, 379). While unproblematic in some ways, this argument does seem to fate what Honneth claims has to develop through opposition. It might be possible to recover such an account through Mead's idea of a game. But, one is still left to wonder how language is involved in the transformation from opposition to recognition. To this end, it might be useful to compare Gadamer's (1994) sense of "play" with Mead's notion of a "game."

8. All references to Hegel's essay are from the Knox translation (1979). In German, the word *Mittel* has a variety of connotations, beyond the intuitive middle. Variously, it can refer to a mean, a median, a means (as to an end), and a medium. In some cases, it may connote mediation, although the preferable term for this idea seems to be *Vermittlung*. To be sure, Hegel's idea of the middle is apparent in his later work, particularly as he endeavors to chart the mediations of *Spirit*. However, as Honneth points out, it is in his early work that this idea is most closely attached to the problem of speech. Thus, I am concerned to work this relation out in the *First Philosophy of Spirit*. This work may then serve as a basis for comparison with his later position. For accounts of how we might look to Hegel outside the concern for *Spirit*, see Butler (1997b) and Benhabib (1986).

9. This claim is made most clearly in an early draft of Hegel's text. Hegel writes, "And this injury must occur, for consciousness must advance to this recognition, the single agents must injure one another, in order to recognize whether they are rational" (1979, 237 n. 46). On a related note, Butler (1997a) has attempted to reverse the relation between name and recognition by appealing to Louis Althusser's idea of "hailing."

10. Bernstein's work (1996) on confession shows that Hegel's communicative sense of recognition challenges how critical theory conceives the public sphere: neither ideal deliberative communities nor sheerly authentic-artistic ways of life can exhaust or fulfill the claims of conscience. On one side, procedural views of consensus formation depend on a "judging consciousness" that is, paradoxically, self-sufficient beyond justification. On the other, advocates of creative negativity, romantic irony, worship the content of human life but foreclose its production. Between these alternatives, however, is a language of confession, a movement of transgressive and intersubjective communication. In confession, interlocutors reconcile their particularity in a way that does not simply transcend opposition. Rather, the presence of transgression represents a shared experience of nonidentity. A provisional basis for interaction, this shared but negative relation turns the risk of the name inward: The self concedes its dependence on Other by admitting that its own particularity is no longer sacrosanct. If it occurs, however, the ensuing process of forgiveness neither extracts nor demands self-negation. Thus, in confession, the injury of the name provokes a "causality of fate" in which transgressions yield the possibility of shared understanding. Historically, the philosophy of rhetoric has concerned itself with the question of how such transformation occurs in collective-public contexts. In his early writings in Christianity, Hegel (1948, 224–41) develops this "causality of fate" in detail. Also, Benjamin's provocative discussion of naming (1996) offers a similar perspective.

11. In some ways, Hegel's account of speech resembles an important classical definition of rhetoric. Although I lack space to trace its exact lineage, the definition develops from the claim that the aesthetic experience of ambiguity (*poesis*) in time and space presents an occasion (*kairos*) for humans to fashion a name (*logos*) that transforms the contingent appearances (*phainomena*) of political life into a basis for collective judgment (*phronesis*). For background on this idea, see Nussbaum (1986; 1990) and Anscombe (1965).

12. Kriseova (1993) provides interesting background on Havel's work. Both Farrell (1993, 266–72) and Kane (1998) offer insightful rhetorical perspectives on Havel's politics.

13. Havel concedes that the idea is itself uncomfortably vague and his argument has been criticized as a kind of mystical existentialism. But, as Matustik (1993) points out, these criticisms are often misdirected. Havel's existential turn, if there is one, does not retreat from the burdens and necessity of collective life. To the contrary, it explicitly lays the foundation for a dialectical interpretation of politics based on a human interest in expression.

14. In sum, dissidents challenge institutions in order to provoke reaction. The provocation, in turn, creates a performative obligation on institutions to explain how the law functions and why it is just. This institutional argumentation induces a legitimation crisis that grants the dissident a standing to speak. If they are subject to the force of law, and if the law is just only in relation to both individual and collective interest, then dissidents are subject to sanction only as institutions make one of two claims. First, institutions can hold that dissidents are not citizens. That is, they are external, invasive threats that do not have standing to appeal for just treatment. Or, institutions can claim that dissidents are citizens who have threatened the order of society and hence deserve punishment. Either case concedes that dissent is a public good: The law strategically carves an exclusion that it has already defined as illegal. In many ways, this dynamic is parallel to the one described by Bernstein (1996).

15. The problem is visible elsewhere. Mansbridge, for instance, claims that coercion is a necessary element of deliberative democracy. But, Mansbridge is unwilling to reduce public communication to its coercive function. Thus, like nostalgic readings of Aristotle's polis, the majoritarian impulse floats willy-nilly. This result can only support Habermas's position that public will formation is something that "overcomes the subjectivity of individual participant's perspective without becoming disconnected from the performative attitude of the participants" (1993, 13). The difficulty, of course, is that while Habermas reaffirms critical theory's commitment to open dialogue, he cannot account for the generative value of transgression.

16. Beiner's work (1983) is an impressive attempt to reconcile the relationship between Aristotelian and Kantian renderings of judgment. In a separate piece (1989), this work is developed through an appeal to *ethos*. The difficulty, however, is that Beiner rejects Habermas's procedural rendering of the public even as he overlooks how ethos might constitute a means of bridging Habermas's disagreements with Gadamer. I take this to mean that Beiner has neglected the question of how character appears in speech.

17. Sloop and Ono (1997) have offered an interesting materialist interpretation of this dynamic.

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