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Title	The contemporary Habermas: towards triple contingency?
Authors	Strydom, Piet
Publication date	1999-05-01
Original Citation	Strydom, P. (1999) 'The contemporary Habermas: towards triple contingency?', European Journal of Social Theory, 2(2), pp. 253-263. doi: 10.1177/136843199002002008
Type of publication	Article (peer-reviewed)
Link to publisher's version	https://doi.org/10.1177/136843199002002008 - 10.1177/136843199002002008
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Download date	2026-11-05 23:38:21
Item downloaded from	https://hdl.handle.net/10468/7900



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Published in *European Journal of Social Theory* 2(2): 253-63.

Review Essay

The Contemporary Habermas: Towards Triple Contingency?

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Jürgen Habermas *A Berlin Republic: Writings on Germany*, translated by Steven Rendall and introduced by Peter Uwe Hohendahl. Cambridge: Polity Press, 1998 (original German edition 1995). 187 pp. £?/£?. ISBN 0-7456-2044-2 (hbk)/0-7456-2045-0 (pbk).

Jürgen Habermas *Die Einbeziehung des Anderen: Studien zur politischen Theorie*. Frankfurt: Suhrkamp, 1996. 404 pp. DM64,00/DM36,00. ISBN 3-518-58232-1 (hbk)/3-518-58233-X (pbk). (translation to be published by Polity Press)

Jürgen Habermas *Vom sinnlichen Eindruck zum symbolischen Ausdruck: Philosophische Essays*. Frankfurt: Suhrkamp, 1997. 156 pp. DM 22,80. ISBN 3-518-22233-3 (hbk).

The three books under review are all collections of essays and occasional pieces that date from the years between 1990 and 1996, but largely after 1992 since the original publication of *Between Facts and Norms*. It is unsurprising, therefore, to discover traces, even substantial ones, of this most recent major work of Habermas in all of them. Of the three, the 1996 publication on *The Inclusion of Others* is the most important and comes closest to the kind of work that the English-language reader would expect of Habermas. Usually, the former is at a disadvantage in that he or she has to wait, often many years, for a translation. In this case, in fact, the reverse is virtually true. More than half of the essays in this book have seen the light of day in the English-speaking world before or simultaneously with their original German publication. On the other hand, it does contain three previously unpublished, most interesting essays to which I shall come back below. The earlier *A Berlin Republic*, in German the eighth volume of his so-called 'small political writings', shows Habermas in his lesser known role of the passionate and engaged intellectual who incisively intervenes in public controversies through contributions to newspapers, interviews given to both German and foreign newspapers, speeches delivered on symbolically charged national commemoration days in equally symbolically charged venues, contributions to parliamentary commissions of inquiry, and letters to prominent culture creators, and so forth. The third book on the list literally called *From Sensory Impression to Symbolic Expression* brings together philosophical essays and addresses for the most part written in a highly readable, at times purely literary style. Here we meet Habermas in a guise that is far removed from the familiar but not always fair complaints about his difficult, sometimes impenetrable and virtually always wearisome prose.

Die Einbeziehung des Anderen largely serves Habermas' systematic concern. It takes the form either of drawing out the implications in the area of political theory of his more general theoretical claims, or of defending the latter against opposing points of view deriving from postmodernism, communitarianism, and German conservatism. The status of universalism is at the centre of the book, but perhaps of more interest to the social theorist are the constructivist-epistemic position that Habermas has begun to develop in the 1990s and particularly his implicit yet clearly emerging attitude towards the theorem of 'double contingency'.

The opening essay, 'A Genealogical Look at the Cognitive Quality of Morality', proceeds from the breakdown of the religious-metaphysical world view and the transition to pluralistic societies in which the irretrievably lost transcendent point of view can at best be reconstructed as the inner-worldly moral point of view. Far from compelling the participants to adopt an instrumental mode of behavioural control, this situation prompts them to continue the moral language game on a different basis than that traditionally provided by religion. Already the religious assumption of a personal God contained a reference to two aspects of morality that are intelligible only in terms of the double structure of communication, i.e., the social bond raising the problem of solidarity and individual accountability signifying the egalitarianism of justice. This became explicit when intersubjectivity took the place of the transcendent pre-given, and reflection on the conditions of mutual understanding and agreement appeared as the only remaining source for justifying a morality of mutual respect and solidary responsibility. The normative import of justice and solidarity cannot be justified by moral theories that deny or overlook its cognitive quality, but requires an approach that is capable of getting at the epistemic grounds presupposed and drawn upon by participants in practical discourses. Here enters Habermas' reconstructive approach that avoids losing its way among the preferences and goals of individuals by focusing on a reflexive retrieval of the pre-theoretical, practical knowledge that is shared by all in a socio-cultural form of life. Like the social perspective that participants in practical discourses assume when they raise awareness about and appropriate some aspect of the practical knowledge of their culture and society, the strong cognitivist approach involves a third perspective that allows the theorist to reconstruct the perspective taken at least intuitively by the members of post-traditional societies themselves when they are compelled to deal with a breakdown of shared assumptions. For Habermas, discourse is structured by rules in such a way that it can be said to be an epistemically steered process. For the purposes of reconstruction, therefore, pragmatic and ethical grounds in the sense of the motives and values of individual actors are not ignored but treated as epistemic contributions to discourse. The reconstructive approach thus presupposes a constructivist-epistemic model, what Habermas since *Between Facts and Norms* more substantively calls 'the model of self-legislation': on the one hand, the participants create their own reality by making individual contributions to the process through which this is achieved (i.e. they make their own laws), and on the other they are all without exception subordinate to the rules that thus become established (i.e. they are the addressees of the law). It is on the basis of the epistemic dimension of discourse, the formal features, rules or structures of performatively shared situations, that Habermas holds that discourse ethics is able to justify the moral point of view. The universalistic thrust of the epistemic dimension should not be misconstrued as an inconsiderately assimilating and equalizing universalism, as is typically done by postmodernism, for this is tantamount to overlooking the relational structure of otherness and difference. He insists that what he has in mind is an egalitarian universalism that is sensitive to difference. It has the sense of including others in their otherness in a manner that neither levels differences nor snuffs out the particular. What Habermas defends here is equivalent to a constructivist universalism, but one with an epistemic scaffolding.

In '"Reasonable" or "True" - or the Morality of World Views', a rejoinder to Rawls, Habermas pursues virtually the same line of argument yet with significant clarification of a number of crucial and social theoretically interesting matters. Among them are the epistemic sense and role of practical discourse, and the third perspective beyond ego and alter which coincides with the public use of reason and makes possible the impartial evaluation of intentions and policies. Both are developed as a critique of Rawls that sheds light on the fundamental difference between the two authors: whereas Rawls operates with a sharp

distinction between the private and the public, Habermas emphasizes public communication. Rawls argues that justice as fairness, like liberalism itself, is a neutral political conception upon which an overlapping consensus exists in modern pluralist societies. Contrary to this, Habermas shows that an overlapping political consensus can be expected only if the citizens adopt a moral point of view that is independent of all world views, but not when they remain within the confines of their respective world views and embed a given political conception therein. When Rawls talks of a consensual political conception, he broaches something possessing epistemic authority. But whereas for him this means that the overlapping consensus rests on the different moral grounds or reasons deriving from the various world views of the participants, Habermas argues that epistemic authority is established in quite a different way. To appreciate this, one has to take into account the epistemic sense and role of practical discourse. Private points of view, personal interests and values indeed enter deliberation in the form of motives, but in the course of the process both their role and meaning undergo a change. Something individual is transformed into something shared by all the participants. Only then can motives acquire the epistemic role of arguments, rules or situational structures and come within the purview of the moral standpoint. Only then can epistemic authority, post-metaphysical authority independent of all world views, be established. In his second line of critique, Habermas raises the issue of the third perspective. According to Rawls, an overlapping consensus comes about when citizens abstract from their world views so as to filter out all elements that would be unacceptable to reasonable people and to take other citizens into account as having world views that endorse a given political conception. The stabilization of a neutral political conception is thus possible only when citizens are able to shift from the perspective of adherents of communities of belief to the perspective of observers who register the emergence of a consensus overlapping the different world views. To this Habermas objects vehemently that Rawls takes only two perspectives into account and thus lacks the most important third one - the 'third perspective…from which "we", the citizens, together and publicly engage in deliberation'. Instead of accepting the public use of reason in the strict sense and thus acknowledging the perspective of impartial evaluation taken by citizens in public discourse, he maintains, Rawls insists on the private use of reason for public political purposes. Elaborating on the critique he developed in *The Journal of Philosophy*, which appears as the second essay in the book under review, Habermas argues that Rawls' position is entirely in keeping with his liberalism. This doctrine regards freedom as the legally guaranteed arbitrariness of private persons, with rights thus being equivalent to liberties. To this Habermas contrasts his own 'Kantian republicanism' that proceeds from the intuition that nobody can be free at the cost of someone else's freedom. Instead of negative freedom, it adopts the model of collectively exercised self-legislation.

Of particular interest in the above essays is the social theoretic thrust of Habermas' argument and the implications it has for his well-established position. What I have in mind here is the so-called 'third point of view' that he locates in the sphere of public communication and ties to the public. The energetic defence of this proposition makes one wonder about what is new in his position, and soon it becomes clear that Habermas is here actually arguing for something new that not only remains unnamed but also contradicts a long-standing position of his which he shares with other neo-classical social theorists such as Parsons and Luhmann. Whereas the theoretical proposition he shares with them goes by the well-known name of 'double contingency', to which he emphatically still subscribes in *Between Facts and Norms*, the position he implicitly argues for in the essays under review is what may be referred to as 'triple contingency'. Under current conditions of communication societies in which the public

plays a crucial role, it is obvious that this concept could prove to be of great social theoretic significance.

The third of the hitherto unpublished essays entitled something like 'Inclusion - Having Regard to All and Relating or Surrounding and Confining?' - the word play in the German '*Inklusion - Einbeziehung oder Einschließen*?' being rather difficult to translate - forms the heart of the third part of the book which deals with the controversy about the concept of the nation and the transition to post-national forms of society. Habermas' understanding of universalism obviously provides the guideline not only for his critique of the fashionable ethnological concept of the nation, the substantialist concept of people or popular sovereignty and the collective right to national self-determination, but also for his concomitant critique of the rehabilitation of Carl Schmitt, the leading Nazi political theorist. Most important, however, is his elaboration of the notion of a universalism that is highly sensitive to differences and thus allows the inclusion of others in a relational sense. Habermas' reference point is a communication theoretically interpreted Kantian republican position according to which 'people' and 'nation' are interchangeable concepts designating the citizenry who is equiprimordial with the democratic political community itself. Since the citizenry is here regarded not as a pre-political ethnic entity - an imaginary nation of nationalistic compatriots - but rather as an association of free and equal members of a legal community - a nation of citizens with the same rights - whose political freedom coincides with its constitution creating practice, he is able to conceptually connect popular sovereignty, human rights, democracy and the constitutional state in a manner very different from currently fashionable Schmittian and communitarian positions. Instead of conceiving of democratic self-determination in the collectivistic and exclusive terms of national independence and the realization of national uniqueness, he stresses the inclusiveness of a self-legislative practice that has an equal regard for all citizens and relates them to each other. Inclusion for him means that a political order maintains an openness towards creating equality for the discriminated and the establishment of relations with the marginalized, without locking them up in the uniformity of a community characterized by some pre-political similarity. He therefore does not tire from attacking the Janus-faced nation that opens itself internally and closes itself off externally and thus obliterates the principle of voluntary agreement. State membership is not an immutable, ascriptive characteristic admitting no alternatives, but a freely chosen or at least implicitly accepted membership of a politically constituted community guaranteed by subjective rights. The implications of this position are far-reaching. For one, the right to national self-determination, far from involving a collective right, can be justified only in terms of the realization of basic individual rights. Another implication is that the prohibition against intervention in the internal affairs of an internationally recognized state, which is based on an emphasis on external sovereignty, cannot be upheld in the face of the principle of the protection of human rights. Humanitarian intervention in favour of a democratization of the internal order of a state is not only justified, but also underlines the current trend of the transformation of the law of nations into the law of world citizens. A final implication is that the formation of the European Union, which Euroskeptics seek to halt on foot of unjustifiable premises, exhibits a process of integration that leads from nations consisting of ethnically similar people who know each other to a post-national political unit based on the solidarity of citizens who do not know one another yet nevertheless cultivate mutual recognition and solidary responsibility. The functional requirements of this integration process, which depend not on a European people but on the communication network of a Europe-wide political public sphere, are to be found in the public communication of associations of citizens that is mediated by the press and television in such a way that the public is able to form politically relevant and effective opinions.

These communication theoretic themes are further pursued in two significant essays. In 'Does Europe Need a Constitution?', originally published in 1995, Habermas argues that a European constitution could serve as a much needed starting-point for a Europe-wide public sphere. The latter is necessary to avert the imminent danger of the fragmentation of public consciousness by independent global networks and markets and hence the revival of the fatalism of the ancient empires under modern conditions. Were such a public sphere not realized, then developments would come to pass that would confirm the doctrine of 'the democratic illusion' preached by some today according to which it is impossible for societies any longer to work in upon themselves with awareness and political will. In the very important 'Kant's Idea of Perpetual Peace - From an Historical Distance of 200 Years', the transition from the law of nations to the law of world citizens, which in Habermas' estimation characterizes the current world situation more than the return of nationalism, is centre stage. Starting from the different dimensions of globalization that have transformed the world and compel us today under the conditions of a stratified world society to reformulate Kant's diagnosis and proposal, from the world market through the communication network to the risk society, Habermas registers a 'civilizational break' in the sign of which we are proceeding today. Marked by the mid-century total war strategy and Holocaust, it facilitates the transition from the law of nations, still rooted in the Peace of Westphalia of 1648, to the law of world citizens envisaged by Kant at the end of the eighteenth century. Not only did states, the subjects of the law of nations, for the first time lose their generally assumed innocence within the state of nature, but criminal law has been extended to cover crimes against humanity. By the same token, a world-wide or global public sphere, equally perspicuously anticipated by Kant, has also begun to take on shape. The fact that it is still largely mediated via national public spheres does not detract from this development, as is indicated by the emergence of supporting structures, from the United Nations and its various conferences to non-governmental organizations such as Greenpeace and Amnesty International that mobilize an internationally networked civil society. It is within this context that Habermas defends his own version of Kantian universalism - in this case human rights politics - against conservative and communitarian criticisms to the effect that 'the rhetoric of universalism' leads to a pernicious 'moralization of politics'. By no means denying the danger of the overt moralization of power politics, he argues that the critics operate with an unclear concept of human rights - one that is confused about the distinction between law and morality. Human rights, in Habermas' view, are not moral rights but legal rights, and the legal code does not call for an immediate moral evaluation in terms of the criterion of 'good' and 'bad'. The state of world citizenship that is taking the place of the state of nature entails precisely that human rights infringements should not immediately be evaluated and combated from a moral point of view, but should be prosecuted like criminal deeds within the framework of an established legal order. Far from the exclusion of morality from politics, the answer to the moralization of politics lies in the democratic transformation of morality into a positive system of rights backed by legal procedures. And this, according to Habermas, would be equivalent to a transformation by means of the law of world citizens of the state of nature between states into a legal state.

The English-language edition of the second book under review here, *A Berlin Republic: Writings on Germany*, contains an excellent introduction by Peter Uwe Hohendahl who stresses two things as capturing the spirit and major concern of the book as a whole. The first is Habermas' continuing concern with the public sphere, and the second is that Habermas' systematic concern, his general theoretical claims, shine through everywhere despite the fact that the pieces making up the book are all geared toward particular situations and occasions.

To illuminate another side of the book, I propose to take a different tack in the following comments. The most significant thrust of the book, in my view, is Habermas' attempt to mediate between his theoretical claims and the historically specific situation. This, it should be emphasized, is by no means untypical of his political writings, and throws a different light on an author who is often alleged to persist in emphasizing the general and thus in riding roughshod over the particular. But first a selective overview of the content.

In this book, as the subtitle suggests, Habermas is largely involved in public controversies touching in one way or another on post-Wall Germany. Of first importance is the relation of the Germans to their past and the problem of its interpretation, particularly from the viewpoint of the maintenance and extension of a democratic order. These issues, which come up again and again, are dealt with at length in 'Can We Learn from History?', 'What Does "Working Off the Past" Mean Today?', and 'Replies to Questions from a Bundestag Investigative Commission'. The related question of German identity, particularly what Habermas regards as the pernicious tendency to value the reputed German 'sense of being special', is raised in a pointed way in interviews with *Le Monde*, the left-liberal *Frankfurter Rundschau*, and the *Kölner Stadtanzeiger*. But Habermas is also concerned with the cultural and intellectual traditions that feed into publicly relevant interpretations of history and identity. In this vein, he takes up the problem of the interpretation of the German cultural tradition in 'A Letter to Christa Wolf' where he disagrees with her exhortation to return to the deep roots of German culture. From 'Carl Schmitt in the Political Intellectual History of the Federal Republic' it is apparent, however, that he reserves his wrath for the conservative and authoritarian strand in the German intellectual tradition that had been given a new lease of life by the 'two great yea-sayers of 1933', Carl Schmitt and Martin Heidegger, and was subsequently nurtured by such well-known authors as Ritter, Kesting, Spaeman, Gehlen, Lübbe and Koselleck. But Habermas' interrogation of the German intellectual tradition goes still further. Locating himself in 'the Adorno tradition of critical self-assessment', he opposes to the conservative school of thought a self-critical investigation of his own tradition of Critical Theory in '*Das Falsche im Eigenen*: On Benjamin and Adorno' in order to demonstrate that what is important is to face up to ambiguity and to criticize sensitively yet relentlessly the false element within what is one's own. At the centre of the book, as the title in reference to the final essay ('1989 in the Shadow of 1945: On the Normality of a Future Berlin Republic') intimates, is the interpretation of such crucial dates as 1945 and 1989. Here Habermas indicates from what history the Germans can in his judgment learn today. For him, the decisive turning point in German history is not 1989, which after an interlude of almost half a century according to many allows Germany to normalize itself by returning to its own indigenous tradition, but rather 1945. On this date, in the wake of the Allied victory, West Germany was compelled to renounce the unique German path and instead to link up with the West and to adopt a Western orientation, which meant that the West German political culture had to appropriate the central humanitarian and political ideas of the Enlightenment. A normalization of a German Republic, if there were to be any, is possible only on this latter basis. What such normalization would look like is illuminated by the main argument that runs like a golden thread through the book. Whereas a strong revisionist argument exhorts Germany to take on the role of a normal nation state that is not afraid of power, the fact of the matter is that the nation state at the end of the twentieth century is an anachronism the potentially damaging consequences of which can only be averted if the democratic legacy of the nation state is pursued and maintained at the European level.

The question that remains regarding *A Berlin Republic* is: What does Habermas' combination, so unusual for an academic, of passionate participation in controversies with a

general theoretical orientation signify? Above I have suggested that it can be regarded as a attempt to mediate between his theoretical claims and the historically specific situation. Indeed, it is a misunderstanding to see his work as being exhausted by an emphasis on theoretical claims or lofty communicative principles in the form of idealizations. It is a misunderstanding both of his reconstructive approach and of the overall architecture of his position, which includes not only a reconstructive but also a critical hermeneutic dimension. Above all, it is a misunderstanding of the constitutive role he ascribes to the public as a vehicle of the third point of view. This book demonstrates that, far from maintaining a purely normative position, Habermas remains true to the inspiration he originally drew from Critical Theory, Adorno in particular. Not only does he proceed from a disillusioned outlook and skeptical evaluation of the conditions under which we live, but he also has a finely developed sensibility for the nuances of the historically specific discursive situation. Rather than acting as paternalistic philosopher who knows what is right, and rather than giving himself out as expert who knows it all, he insists on the universality of non-expertise in public communication: there are no experts in the discourse of citizens but only participants who engage in disputes about the correct public interpretation on the basis of competing value orientations. Not just abstract moral principles count, but ethical-political self-understandings inserted into public communication as well as the collective identity emerging from it are crucial. It is for this reason that the working through and public interpretation of significant events in the history of the German nation, including his own participation in it, is so important to Habermas. No citizen can in the abstract achieve self-understanding and an understanding of how moral principles could be realized unless he or she relates interpretatively to the collective understanding that is reached in public communication in the face of collective challenges.

The profusion of evaluations, theoretical and methodological insights, criticisms and even an example of artistic imagination that Habermas offers in *Vom sinnlichen Eindruck zum symbolischen Ausdruck*, a book of essays and addresses on five philosophers, an historian, a theologian and an author-film maker, paradoxically makes easier the selective approach necessary here. The book takes its title, which refers to the deep significance of symbolization for being human, from an appreciation and critical discussion of Ernst Cassirer's philosophy of symbolic forms. That Habermas regards Cassirer's semiotic transformation of Kant's transcendental philosophy as his original contribution is unsurprizing in that he shares a similar position with Karl Otto Apel, his famous friend, greatest influence and former colleague at whose retirement in 1990 he delivered an address that is also included in the book. Two implications of this position are brought out in the Cassirer address that are undoubtedly of relevance both today and to the theme of this review essay. On the one hand, Habermas' highlighting of Cassirer's rejection of the philosophy of life in favour of stressing that the symbolic relation to the world is broken by words and instruments and that the relation to the self is an indirect one requiring a detour through symbolic structures, throws a critical light on the contemporary obsession with an unmediated processual view. It introduces a dimension of contingency to which this obsession is blind. On the other, his interpretation of Cassirer as accepting reality as being what is valid in terms of grammatically fixed rules of practice places a question mark over the contemporary attempt, exemplified for instance by William Outhwaite, to present Habermas as though he is a supporter if not of ontic then at least of ontological realism. It demands a more rigorous grasp of the mediated structure of our relations to the various dimensions of our world.

The focus on the conflict of cultures, discursive competition and an appropriate model of intercultural communication lends much contemporary interest to the lecture that Habermas presented on the occasion of his receipt of the Karl Jaspers prize of the city and university of Heidelberg. Not only the assimilatory model proposed by MacIntyre and Rorty falls back behind Jaspers, in his view, but so too does the hermeneutic dialogical model. In addition to the conditions of communication observed by the latter, Jaspers takes into account also the goal of communication. His model of existential communication is limited, however, by its exclusive existential-ethical focus. Different cultures or communities of faith are able to reach agreement only in the form of mutual respect acquired in the face of the authenticity of another form of life whose self-understanding they do not share. By contrast, Habermas insists that intercultural understanding and agreement can come about only when the participants allow each other symmetrical freedoms and reciprocally adopt each other's perspectives. Independent of their respective evaluations of other traditions and forms of life, they have to acknowledge that they are equal participants in the same discourse. By nevertheless interpreting Jaspers as having defended 'the will to communicate', Habermas not only achieves a new stylization of his own position, but implicitly also complicates the fashionable stress on 'the will to power'. Formally, the same argument is pursued in the address delivered at the retirement of Johann Baptist Metz, Catholic theologian of the unity of the multicultural or polycentric world church. Metz places Habermas on the defensive by claiming that hellenized rationalistic philosophy (ratio) needs to be grounded in 'anamnetic reason' (memoria) guarded by theology in the form of the Judaic legacy. He counters that communicative reason is the outcome of a confluence of Greek and Judaeo-Christian ideas, and that philosophy through its normative orientation precludes forgetfulness. Moreover, since Christendom is not able to expect the same kind of universal recognition for its ethically shaped ideas of creation and salvation as is claimed by constitutional principles and human rights, both the internal organization of the multicultural church and the mediation of its external relation with non-Christian churches require clarification that can be provided only by the philosophical ideas of the Enlightenment.

In the essay on Michael Theunissen, a philosopher who introduces a Kierkegaardian concept of communicative freedom into the critical theory of society, Habermas extends the position taken in opposition to Jaspers and Metz by analysing the structure of communication somewhat more closely. The essay is interesting in particular as a critique of dialogical philosophy, but it also contains a questioning of Theunissen's Protestant theological bent. Against the background of the sign-mediated nature of communication and the full system of personal pronouns, Habermas concludes that dialogical philosophy operates with a selective reconstruction of the structure of communication. Replacing the reflexion model of the epistemological subject-object relation with a communicative model of reciprocal self-understanding, it focuses on the I-Thou relation. The result is a narrowing of the structure of understanding to the existential self-experience of the participants consequent on felicitous communication. Felicitous communication, however, involves more that the ego-alter relation. It presupposes the integration of the performative attitude of the participating first and second person with the third person attitude toward something in the objective world. In the case of public communication, this third point of view is embodied by the public.

Summarizing the theoretical position informing this book in particular and his work in general, Habermas here once again touches on the limits of double contingency and points to what was earlier called triple contingency - that is, without recognizing it as such, not to mention giving it a name and drawing conclusions from it.