

Truth but No Consequences: Why Philosophy Doesn't Matter

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Introduction

When in the wake of September 11 a number of commentators began to draw lines of cause and effect between what had happened and the “rise” of postmodernism, a new chapter was opened in a very old story. It is the story of the supposed relationship between philosophy at its highest reaches and the events of history. The governing thesis that makes the story go is that philosophy matters and matters both at the societal level—the actions of a society will in some sense follow from the philosophical views encoded in its institutions—and at the level of the individual who will think or do something as a consequence of the philosophical views to which he or she is committed. My counterthesis is that philosophy doesn't matter and that when faced with a crisis or choice or decision you and I will typically have recourse to many things—archives, consultations with experts, consultations with friends, consultations with psychiatrists, consultations with horoscopes—but one of the things we will not typically consult (and if we did it wouldn't do us any good) is some philosophical position we happen to espouse.

Let me make clear what I do and do not mean by *philosophical position*. I don't mean a substantive idea, like the idea that gender differences justify discriminatory practices or the (opposing) idea that they don't. Ideas like those most certainly matter and have real world consequences as the history of the twentieth century amply shows. Moreover if you are committed to one of those ideas, you will be inclined to act in certain ways in certain situations. You say to yourself (for example), “since I believe that gender differences do not justify differences in compensation, I will take care that men and women receive equal pay for equal work.” But if you say to yourself, “I believe that what is true is what corresponds to the independently specified facts,” or, alternatively, “I believe that truths are internal to

historically emergent and revisable frames of reference or interpretive communities,” nothing follows with respect to any issue except the issue of which theory of truth is the correct one. That is to say, whatever theory of truth you might espouse will be irrelevant to your position on the truth of a particular matter because your position on the truth of a particular matter will flow from your sense of where the evidence lies, which will in turn flow from the authorities you respect, the archives you trust, and so on. It is theories of truth on that general level that I refer to when I say that philosophy doesn't matter.

An example of the opposing view is a statement by Larry Hickman in a draft of an essay presented at the conference for which the present paper was written: “As long as it is accepted that the mind and the body are distinct, . . . insurance companies will appear to have rational grounds for insuring the health of the body while ignoring the health of the organism as a whole.”¹ The suggestion is that were the mind/body distinction to become discredited in philosophy, insurance companies would change their ways. But the rational grounds insurance companies have for their practices are derived from actuarial tables and other relevant statistics, not from any philosophical doctrine, whether self-consciously or unself-consciously held. In the unlikely event that insurance company executives believed anything about the mind/body distinction, that belief would be irrelevant to their decisions about what and what not to insure. In this essay I will raise that irrelevance to the status of a general proposition and argue, first, that nothing of any consequence follows from one's philosophical positions of the abstract kind I have instanced,² and, second, that the philosophical position someone is known to hold tells us nothing about his or her views on anything not directly philosophical and tells us nothing about his or her character or moral status.

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I propose to begin somewhat obliquely by introducing two arguments made by Matthew Kramer. The first argument is about truth, and the

1. Larry Hickman, “Dewey: Modernism, Postmodernism, and Beyond,” a symposium sponsored by the Behavioral Research Council, a division of the American Institute for Economic Research, July 2001.

2. I should add that nothing follows from the general proposition that nothing follows from general propositions in general. That is to say, if you are persuaded by my argument, you will not be directed either to do something or to refrain from doing something. On this point, see Stanley Fish, “Theory Minimalism,” *San Diego Law Review* 37 (Summer 2000): 761–77.

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second is about the relationship between one's philosophical position on truth (or any other metaphysical concept) and one's performance in particular (or as Kramer puts it, "mundane") situations. Kramer's argument about truth is that the valuing of one's particular assertions because they are true does not commit one to valuing truth *in general*; conversely, he argues that one's general account of truth or of any other abstract, overarching notion (foundationalism, antifoundationalism, neopragmatism, social constructedness) does not direct one to act in any particular way when the issue is not general, but local, empirical, and mundane. These two interrelated theses, which neatly summarize arguments I have been making for some time now, at once clarify the claims and scope of a strong pragmatism and show why normative schemes for organizing political and social life—Habermas's communicative reason or discourse ethics will be my example—are incoherent and unworkable.

Kramer's argument about truth unfolds in the context of a critique of a chain of reasoning offered by John Finnis. Finnis begins with the unexceptionable proposition that if I assert "that P," I am implicitly committed to anything entailed by that assertion. He then argues that two of the things I commit myself to by asserting "that P" are, first, that I believe P to be true and that, second, I believe P to be worth asserting. Moreover, he adds, one of the reasons I believe P to be worth asserting is that I believe it to be true. That is to say (and here I quote Kramer's gloss), "one's ascriptions of desirability to one's statements will have flowed at least partly from one's sense that one is stating the truth."³

Kramer has some problems (as do I) with the sequence so far, but his main difficulty is with Finnis's next step, which he sees as an unwarranted leap. Finnis concludes from the propositions I have already rehearsed that one of the things entailed by my asserting "that P" is that I believe truth to be a good worth pursuing or knowing. That is, the combination of my asserting "that P," believing that "that P" is true, and valuing my assertion "that P," adds up to my having committed myself to the value of truth in general, that is, as a metaphysical good to which I pledge allegiance independently of either my substantive convictions or my political/social situation. It is here that Kramer gets off the train (and I with him) because, as he puts it, "the fact that a person X must commend the knowledge of the truth of her own assertions does not *per se* justify our holding that X must commend the value of truth . . . in general" (R, p. 16). Kramer's point is that X might well regard the truthfulness of her assertions as a bonus property added to their *substantive* goodness; she thinks, for example (the example

3. Matthew Kramer, *In the Realm of Legal and Moral Philosophy: Critical Encounters* (Cambridge, 1999), p. 16; hereafter abbreviated R.

is mine), that asserting “that P” at this moment is good because it furthers the objective of moving her target audience to act in a way she finds desirable—to cease quarreling, or to adjourn a meeting, or to come to a dinner party—and she is happy to assert the truth of P (in which she does believe) because she knows or suspects that her target audience will find in P’s truth status an additional reasoning for acting in the way she desires. Asserting “that P” in this spirit will “involve no commitment to the belief that truth-in-general is good—in much the same way that one’s ascription of goodness to rhetorical vigor for the crafting of one’s own assertions will involve no commitment to the presumption that rhetorical verve is always estimable” (R, p. 17).

Indeed, there are plenty of occasions on which someone who commends the truth of her own assertions might find the truthfulness of an assertion made by someone else objectionable and morally flawed. Kramer’s example is the hard-core truth teller who “truthfully tells a murderer about the hiding place of a victim.” Surely, “one’s commending of the truth of one’s own assertions will decidedly not entail one’s commending of the truth of the informant’s disclosures” (R, p. 17). The example need not be so extreme and can even be commonplace. “It is good always to tell the truth” is a disastrous prescription for the health of any marriage. Doctors routinely withhold the truth from their patients because they deem it good to do so, even though in other contexts they will regard the truthfulness of their statements as a chief recommendation of them. And one can advise others to tell the truth without thereby having committed oneself to the goodness of truth in general or to *any* general view of truth whatsoever. I would advise politicians always to tell the truth because efforts to mislead or stonewall the public usually backfire and produce more harm than would have been produced by letting it all hang out. (Richard Posner remarked to me in conversation, however, that this conclusion rests on a skewed sample because it is reached in ignorance of all the cover-ups that have succeeded.) Politicians, addicted as they are to cover-ups, never seem to learn this lesson, but the lesson they don’t learn is not a philosophical lesson about the general goodness of truth or the value of truth telling; it is a practical lesson about the likely empirical consequences of engaging in one form of behavior rather than another. Let us assume (against all the available evidence) that a politician actually learns that lesson and acts accordingly. Would he now have or be implicitly committed to a general account of truth and its value? Obviously not. Such an account is a very special achievement available only to those who have undergone a long and arduous training in those traditions of inquiry in the course of which large abstract questions about truth (and other metaphysical matters) have been posed and (variously) answered. It is not an achieve-

ment that comes to one simply because, in the course of everyday thought and action, he has asserted the truth of something and meant it.

That's the first half of Kramer's argument (and mine). The second half is simply, or not so simply, the flip side. If metaphysical theses and positions do not flow from mundane utterances and actions, the formulation by an actor of a metaphysical thesis commits him to no particular form of mundane utterance or action, nor does it rule out any form of mundane utterance or action. It has more than occasionally been said that the way one will behave in particular local contexts will be at least in part a function of one's metaphysical commitments or anticommitments. Thus we are told on one side that those who make antifoundationalist arguments—arguments asserting the unavailability of independent grounds for the settling of factual or moral disputes—cannot without contradiction assert their views strongly or be trusted to mean what they say (on the model of the old saw “if there is no God, then everything is permitted”); and we are told on the other side that those who make foundational arguments—arguments identifying general and universal standards of judgment and measurement—are inflexible, incapable of responding to or even registering the nuances of particular contexts, and committed to the maintenance of the status quo. Kramer responds (and again I am with him) by warning against the confusion of two levels of consideration and against the mistake (resulting from the confusion) of drawing a direct line from one to the other. It is a mistake because on one level—the level of metaphysical or general propositions such as “all things are socially constructed” or “all things are presided over by a just and benevolent God”—the point is to describe the underlying bases of reality, those first principles that rather than arising from particulars confer on particulars their shape and meaning. Such principles or basic theses or all-embracing doctrines are, Kramer says, “ultimate in their reach and are thus fully detached from any specific circumstances and contexts.”⁴ It is because they are fully detached from specific circumstances—that is how they are derived, by abstracting *away* from specifics—that metaphysical doctrines like the social constructedness of everything or the God-dependent status of everything can be neither confirmed nor disconfirmed by specifics:

A metaphysical view can hardly undergo either confirmation or refutation through empirical methods. Precisely because a metaphysical doctrine must abstract itself from specifics . . . in an effort to probe what

4. Kramer, “God, Greed, and Flesh: Saint Paul, Thomas Hobbes, and the Nature/Nurture Debate,” *Southern Journal of Philosophy* 30 (Winter 1992): 51.

undergirds all specifics of any sort, it retains its lesser or greater cogency regardless of the ways any specific facts . . . have turned out.⁵

The cogency it does have for those persuaded of it is a philosophical or theoretical cogency, a cogency fashioned in the course of philosophical argument where the typical questions are, What is the nature of reality? or, Where do facts come from? questions the answers to which will not be found in the observable facts; when the answers *are* found (to the satisfaction of one or more of the participants) the observable facts will have been explained (at least within the framework of particular general theses), but they will not have generated or confirmed or falsified the perspective that explains them. For example, the doctrine that a benevolent God presides over all things will not be disconfirmed by the existence of poverty, war, oppression, injustice, genocide, and so on; for it is precisely the claim of the doctrine to account for these and other facts in its own terms (which typically will include attendant doctrines like the doctrine of original sin and the doctrine of the mysteriousness of God's ways), and that claim will be made good (if it is) by abstract theoretical arguments and not by empirical investigation. Someone defending the benevolence of God in the face of the Nazi Holocaust will be trafficking in theological concepts like sin, redemption, retribution, suffering, patience, the last days, and so on. He will not be considering whether its perpetrators were the unique products of a virulent German anti-Semitism or exemplars of a bureaucratic mentality found everywhere in the modern world; he will not be poring over diagrams of gas chambers or assessing the effects either of resistance movements or of the failure to resist. His is a thesis not about how a particular thing has happened but about how anything—of which this particular is an instantiation and an example—happens, and happens *necessarily*. His job is not to precipitate an explanation of the event out of the examination of documents and other sources but to bring the fact of the event into line with an explanation already assumed and firmly in place. (The master teacher of this skill is Augustine who, in his *On Christian Doctrine*, advises those who find biblical passages that seem subversive of the faith to subject those passages to “diligent scrutiny until an interpretation contributing to the reign of charity is produced.”)⁶ He is, in short, a theologian, maintaining and elaborating an ultimate perspective, and not a historian who has set himself the disciplinary task of relating a historical, mundane occurrence to its contingent and multiple causes. (I know that there are those who argue that the Holocaust is not an appropriate object of ordinary historical

5. *Ibid.*, p. 7.

6. Augustine, *On Christian Doctrine*, trans. D. W. Robertson (Indianapolis, 1958), p. 93.

analysis; but this merely means that they have switched jobs and become philosopher/theologians rather than historians.)

This independence of metaphysical doctrine from empirical or mundane matters (in the sense that empirical mundane matters have nothing to say about the cogency of metaphysical doctrine, although they provide the materials on which metaphysical doctrine works itself out) goes in both directions: those who are immersed in mundane and empirical problems will get no help from metaphysical doctrine. Historians concerned to trace out the historical causes of the Holocaust will not be able to do anything with the declaration that everything happens under the dispensation of a benevolent God. They may even believe it on the metaphysical level, but this belief will not aid them with the questions historians ask by virtue of their membership in the discipline and answer with the tools—archives, testimonies, dated events, and so on—that same discipline authorizes. Neither will the belief they may have in an all-powerful and benevolent deity rule out any answers or discredit the search for answers altogether. This latter is another instance of confusing the two realms of consideration and thinking that there must be a connection between them, thinking that if you really believe in a benevolent all-powerful deity, you couldn't possibly engage seriously in ordinary historical investigation. But a God who is ultimately benevolent (whether we can see the springs of his benevolence or not) can in his unsearchable benevolence allow or direct all kinds of mundane things to happen, and those mundane things, when they happen, will have mundane (in addition to ultimate) causes of which one might want to give an account independently of what one believed on the level of eschatology. The questions, How is the universe ultimately disposed? and, How, in the context of the cause-and-effect patterns within which our mundane lives are lived, did this happen? are entirely different questions, and the answers we might give to the one have no necessary relevance to our attempts to answer the other. (This is a truth known and lived out by those many scientists who are at once good, dedicated researchers and deeply religious bearers of a faith, even of a fundamentalist faith.)

Perhaps an example where the stakes are not cosmic might help. Currently in the small world of Milton studies, there is a controversy about the authorship of a large theological treatise, *De Doctrina Christiana* first discovered in an archive in 1823. The person who found it and almost all of those who were made aware of it (including the King of England) believed it to be the work of John Milton. There was at least one early dissenter from this view, but Milton's authorship was long assumed as a matter of undoubted fact by everyone in the field, and it is only in the last ten years that a challenge to that attribution has been mounted, a challenge that has

sparked considerable debate. One of those who has been persuaded to become at least an agnostic on the subject has recently written a lengthy essay tracing in detail the history and provenance of the manuscript (which he is one of the few to have examined) and flagging the many points at which the line of transmission is blurred or broken. He is, in short, doing the usual work one does when arguing a case for or against attribution, and he comes to the conclusion that on the evidence now available the question cannot be settled and must remain open.

Twice, however, he thinks to support this conclusion by invoking arguments made by Roland Barthes and Michel Foucault, arguments that call into radical question the very notion of an author or of a singular voice that owns its utterances. But these arguments (as I told him) are too general to suit his purpose. Not only do they not support his conclusion; they take away its interest because they dictate it in advance and dictate also the reaching of the same conclusion in all cases, including those in which there is no controversy about authorship at all. That is, entering into a debate about authorship only makes sense if you believe that there are in principle facts the discovery of which could settle the matter one way or the other; but if what you believe is that attribution of a work to a single author will always be a mistake—not an empirical mistake but a metaphysical mistake—because the idea of an individual voice is myth and an artifact of bourgeois culture or because authorship is always and necessarily multiple, that belief can have no significance or weight in relation to empirical questions (did Milton write it or did someone else write it?) it renders meaningless. The general account of authorship put forward by Barthes and Foucault is of no use to someone trying to figure out who wrote something (or who didn't) because it tells you that figuring out who wrote something is a task both impossible to perform and evidence of a large philosophical error. I accordingly urged my friend the Miltonist (who does believe that there is a fact of the matter but that we are not now in a position to determine what it is) to drop the references to Barthes and Foucault if he wanted to be taken seriously by parties to the dispute, and I am pleased to report that he has done so.

To summarize the argument thus far: considerations on the metaphysical level and considerations on the quotidian, mundane level are independent of one another; you can't get from one to the other; the conclusions you come to when doing metaphysical, normative work (if you are one of the very few people in the world who perform it) do not influence or constrain you when you are concluding something about a mundane matter; and the fact that you have concluded something about a mundane matter and said so in a form like "that P" commits you to no normative/theoretical

presuppositions. The two levels of consideration are different practices or, if you prefer, different games; and your ability or inability to play the one says nothing about your ability or inability to play the other.

2

So what? What follows? Well, one thing that follows is that the normative project of the Enlightenment—the project, generally, of abstracting away from practical contexts to a context or noncontext from the vantage point of which you might bring back to practical contexts normative help—is a non starter because if Kramer and I are right there is no commerce between the two contexts and therefore no way to get from what Jürgen Habermas calls pragmatic discourses—discourses formed by the intersection of already in-place interests, goals, and value systems—to the realm of normative discourse where present interests are suspect and under scrutiny and the only interest in place is the interest in searching for interests that would be acceptable to everyone, interests that would be universal. And if you can't get from the pragmatic to the normative, you can't make a return journey and bring back to local mundane practices the universal perspective that would constrain and guide them, and the entire normative project is dead in the water.

Habermas is quite aware of what is required, and in these two passages from *Between Facts and Norms* he stipulates the conditions that are necessary for the advance of his project:

In moral [that is, normative] discourse, the ethnocentric perspective of a particular collectivity expands into the comprehensive perspective of an unlimited communication community, all of whose members put themselves in each individual's situation, world view, and self-understanding, and together practice an ideal role-taking.

Entrance into moral discourse demands that one step back from all contingently existing normative contexts. Such discourse takes place under communicative presuppositions that require a break with everyday taken-for-granted assumptions; in particular it requires a hypothetical attitude toward the relevant norms of action and their validity claims.⁷

The reasoning here is familiar to anyone schooled in the tradition of political theory that includes Hobbes, Locke, Kant, Mill, and continues in our

7. Jürgen Habermas, *Between Facts and Norms*, trans. William Rehg (Boston, 1998), pp. 162–64; hereafter abbreviated *BFN*.

time in the writings of Berlin, Rawls, Ackerman, Guttman, Nagel, Dworkin, Kymlicka, Korsgaard, and others. It goes like this: Contingently existing normative contexts equip those who live within them with values that are themselves contingent, in that they flow from the historical accident of having been born into a certain culture and geographical location or from the rhetorical authority of a charismatic leader, or from the entrenched power of a religious orthodoxy, or from the apparently pressing priority of a political goal (to defeat an enemy, to stabilize the economy, to maintain the purity of the collectivity, and so on). How, then, do you get to a place where the partisan and parochial visions that have so immediate an appeal for embedded subjects can be countered and corrected by a vision that belongs to no one but includes everyone? The general answer to this question is also Habermas's: you've got to break with the existing normative contexts with their "taken-for-granted assumptions." But the recommendation begs the real question: how exactly do you do that? One strategy often urged is implicit in Habermas's mention of a "hypothetical attitude toward the relevant norms of action and their validity claims," that is, an attitude toward the norms and claims now yours by virtue of your historical situation that renders them hypotheses—things to be entertained and probed—rather than accepted truths. In the words of Thomas Nagel, "from the perspective of political argument we may have to regard certain of our beliefs, whether moral or religious or even historical or scientific, simply as someone's beliefs, rather than as truths—unless they can be given the kind of impersonal justification appropriate to that perspective, in which case they may be appealed to as truths without qualification."⁸ But again the question is how do we do *that*? (There is also the question of why should we, why should anyone, do that, but for the moment I will lay it by). You can't simply strike the Nike stance and say, just do it, because the ability to do it—to "break" with the norms and assumptions that currently fill your consciousness and move to a level more universal—is what the project of discourse ethics is supposed to produce; and if you assume that the ability is one we already have, you render the entire project unnecessary and superfluous. There has to be some bite to the problem—there has to be somewhere to go, some place you're not yet at—and there has to be some route by which you can get there.

Habermas claims to provide both when he asserts (and this is an argument he has been making for some time now) that the universal perspective we must rise to if the ideal speech situation of the public forum is to be

8. Thomas Nagel, "Moral Conflict and Political Legitimacy," *Philosophy and Public Affairs* 16 (Summer 1987): 230.

realized is already implicit in the speech activities we perform in the very contexts that are to be transcended. An early strong statement of this thesis is found in the essay "What Is Universal Pragmatics?": "I shall develop the thesis that anyone acting communicatively must, in performing any speech action, raise universal validity claims and suppose they can be vindicated [or redeemed: *einlösen*]." ⁹

The key word here is "must", and it is a *must* independent of any speaker's conscious intention. The intention belongs to the communicative context in general. Merely by stepping into that context, the argument goes, a speaker commits himself or herself to everything that communication as an action implies, which includes, according to Habermas, the goal of bringing about "an agreement [*Einverständnis*] that terminates in the intersubjective mutuality of reciprocal understanding, shared knowledge, mutual trust, and accord with one another" (C, p. 3). "Our first sentence," Habermas declares in another place, "expresses unequivocally the intention of universal and unconstrained consensus."¹⁰ We may think that we are merely making a point or asserting a truth, but if we are serious and not insincere or basely instrumental we are doing much more:

Whoever makes natural use of a language in order to come to an understanding with an addressee about something in the world is required to take a performative attitude and commit herself to certain presuppositions; . . . natural language users must assume, among other things, that the participants pursue their illocutionary goals without reservations, that they tie [the possibility of] their agreement to the intersubjective recognition of criticizable validity claims, and that they are ready to take on the obligations resulting from consensus and relevant for further interaction . . . That is, they must undertake certain idealizations—for example ascribe identical meanings to expressions, connect utterances with context-transcending validity, and claims, and assume that addressees are accountable, that is, autonomous and sincere with both themselves and others. [*BFN*, p. 4]

So, for example, if I say to some discourse partner, assisted suicide is immoral or inflation is an unreliable index of the health of an economy, I commit myself not only to the truth of what I've said but to the giving of reasons should it be challenged and to the desirability and possibility of reaching an agreement rooted for both of us (and for all other potential

9. Habermas, *Communication and the Evolution of Society*, trans. Thomas McCarthy (Boston, 1979), p. 2; hereafter abbreviated C.

10. Habermas, *Knowledge and Human Interests*, trans. Jeremy J. Shapiro (Boston, 1971), p. 314.

discourse partners) in the recognition and acceptance of universal norms of validation. In short, and to return to Kramer's vocabulary, by asserting "that P" I have committed myself to future discourse actions, to a belief that such future actions will participate in and help bring about an intersubjective mutuality of reciprocal understanding, and to a normative theory of how autonomous agents can achieve a transparent consensus in a communicative context that is free and undistorted. In the words of William Rehg, the translator of *Between Facts and Norms*, by making the simplest of statements, I have bought into "the strongly idealizing, context transcending claims of reason."¹¹

I believe this to be at once false and mildly insane, an exemplary instance of the mistake of thinking that mundane, pragmatically situated utterances contain and (implicitly) declare theoretical presuppositions. I will agree that (except in specifiable strategic contexts like parenting, marriage, faculty meetings, job interviews, automobile purchases, classroom teaching, talk shows, labor disputes, legal proceedings, party politics, psychoanalysis, real estate transactions, medical procedures, and international negotiations) when I assert something I commit myself to its truth. But that's about it. Other commitments might follow if I am a certain kind of person or have a certain job (philosopher, facilitator, experimental scientist) or a certain local goal, but those commitments would be contingent, not necessary. Among the commitments I would *not* have bought into simply by asserting "that P" is the commitment to give reasons and the commitment to bring about an agreement. I could very well assert "that P" just because I was pleased to have worked it out or because I knew it would irritate my enemies, and I might not care a whit if anyone agreed with me, and I would therefore feel no obligation at all to give reasons to those I had no interest in persuading in the first place. And even if I were to care about persuading someone or persuading everybody, I would not simply by making the effort to persuade commit myself to any likelihood that my effort will succeed (it might or it might not, but that's the chance you always take); nor would I be committed to the reasonableness of my target audience or to its possession of communicative norms just like mine; and, in the event that my persuasive effort were to fail, I will not have committed myself merely to a reconsideration of my assertion in the name of "mutual and reciprocal intersubjective agreement" or any other fancy concept that never entered my head and was no part of either my hope or my aspiration. I could simply chalk my failure up to the blindness of those who will not see and go on to other more rewarding pursuits. So when Habermas declares that the motivation toward reciprocity—to mutual agreement rooted in universal

11. William Rehg, introduction, *BFN*, p. xii.

norms—"belongs *eo ipso* to the interactive knowledge of speaking and acting subjects" (C, p. 88), or that, in the gloss of a commentator "the motivation toward (cognitive) consensus" is "always embedded in the very possibility of speech,"¹² he is flat wrong and philosophically inflationary. The only things that belong to the interactive knowledge of speaking and acting subjects—to competent speakers in the world—is the knowledge first of what they mean to say and second of what is *locally* at stake in saying it; and the only motivations built into speech are the motivations that come along with the pragmatic contexts in which speech is uttered.

3

Another way to put this is to say that there is no such thing as an orientation toward understanding as such, as a general rather than a local and particular goal. A general orientation toward understanding is not (as Habermas sometimes asserts) the basic or original communicative impulse of which all other impulses—strategic, instrumental, persuasive—are derivative fallings-off; it is rather a very special impulse, indeed so special as to be impossible. The oddness of the notion of an orientation to understanding as such is apparent as soon as we ask the question, Orientation to the understanding of *what*? From Habermas's perspective this is exactly the wrong question because it is *freedom* from substantive, local, context-bound concerns and issues that distinguishes this orientation from the orientation—more or less the content of practical conscious activity—to understand what your wife is saying or what the Republicans are proposing or the benefits and dangers of genetically altered foods, or the benefits and dangers of allowing prayer in the public schools, or any of the other questions raised in the course of ordinary domestic and civic life. When you are oriented just to understanding *in general* (if that were a possible attitude of mind, and I am saying that it is not), no specific matter occupies your attention; rather, your attention is focused solely on the normative conditions within which the experience of ordinary understanding and concluding and justifying occurs or should occur. The elucidation of those conditions is your goal, and when that goal has been achieved (or at least furthered), you can then return to the precincts of context-bound, discourse-specific understanding, at once better equipped and more confident in the rightness of your assertions. "The firmly retained orientation to truth [to understanding *as such*] permit[s] the *translation back* of discursively justified assertions into reestablished behavioral [mundane] assertions."¹³

12. Mark E. Warren, "The Self in Discursive Democracy," in *The Cambridge Companion to Habermas*, ed. Stephen K. White (Cambridge, 1995), pp. 180–81.

13. Habermas, "Richard Rorty's Pragmatic Turn," in *Rorty and His Critics*, ed. Robert Brandom (Oxford, 2000), pp. 48–49; hereafter abbreviated "RR."

The distinction between the two orientations—one to understanding within the values and norms given to you (without your self-conscious and deliberative assent) by the discursive context in which you happen to live, and the other to understanding within the values and norms so general as to be pertinent, applicable, and probative no matter what local, historical context you inhabit—is for Habermas also a moral distinction that affords reflective actors a choice:

For self-interested actors, all situational features are transformed into facts they evaluate in the light of their own preferences, whereas actors oriented toward understanding rely on a jointly negotiated understanding of the situation and interpret the relevant facts in the light of intersubjectively recognized validity claims.

The binding energies of language can be mobilized to coordinate action plans only if the participants suspend . . . the immediate orientation to personal success [i.e. to having your views prevail and be accepted] in favor of the performative attitude of a speaker who wants to *reach an understanding* [and not to prevail] with a second person [and if a second, why not a third and a fourth, and so on] about something in the world. [BFN, pp. 27, 18]

Obviously, this is a ramping up of the argument about single assertions into an argument about contexts of discussion and inquiry. Just as every assertion (according to Habermas) raises universal validity claims and commits the speaker to acts of investigation and justification implied by those claims, so does everyone who enters a discussion or debate commit himself or herself to seeking out in the company of others those general, intersubjectively recognized norms of understanding that will then constrain all interlocutors—that is, check any orientation to “personal success”—and guide the subsequent (and now radically cooperative) process of coming to agreement.

My critique of this picture is implied in what I have already said: (1) speakers in ordinary contexts commit themselves only to the interests thought to be at stake in those contexts and not to a more general interest; and (2) there *is* no more general interest. There is no more general interest because all orientations toward understanding, including those that advertise themselves as context-transcending, are context-bound. This does not mean that there are no moments like those Habermas describes in which participants in discussion or debate step back and consider the premises within which they have been operating. Such moments when, as Habermas puts it, actors temporarily adopt “a reflexive attitude in order to restore a

partially disturbed background understanding" occur all the time ("RR," p. 47). What they mark, however, is not a movement away from mundane pragmatic contexts to a normative, transcending context, but another stage in the unfolding of a pragmatic context that has not been (even temporarily) transcended at all. You can label that stage the "orientation to understanding stage," but only in the sense that you (and/or your partners) are trying to get agreement on some basic definitions and presuppositions before returning to the specific matter at issue.

In short, the "orientation to understanding" move is strategic, not normative. I might be oriented to understanding—that is, to foregrounding the assumptions implicit in our discussions to date—because I want to keep the conversation about our marital problems alive. Or, I might be oriented to understanding—to stepping back and surveying the forensic field—so that I might better gauge what arguments are likely to persuade you to vote a certain way in a committee meeting. Or, I might be oriented to understanding—to uncovering the deep anxieties producing your surface behavior—so that I would have a better chance of bringing you into a healthy relationship with your neuroses. But in all of these instances, and any others that might be imagined, I would be moved (as would you if you joined me) to seek mutual understanding because of, and within the purview of, some mundane purpose that gripped me and rendered what I was doing intelligible. This holds too even for those contexts in which the realm of the normative is the primary focus—philosophy seminars where the community effort is precisely to discover and formulate intersubjectively recognized and mutually shared norms of agreement and validity. For that too is a mundane, pragmatic space, the space of philosophy, not as a natural kind, but as an academic/institutional discipline with its own special history, traditions, exemplary achievements, canonical problems, honored and scorned solutions, holy grails, saints and sinners. Those who work (usually professionally but not exclusively so) within that history and tradition join in the search for context-transcending norms because that is what the local, professional, pragmatic context they belong to directs them to do, in the hope (never to be realized) that if they do it, they will, in an act of noblesse oblige, provide normative help to all of us who are not philosophers.

The mistake—made by Habermas in spades but made by many others, too—is to think that normative philosophy is not a local, pragmatic practice like any other, but is a special practice in which the local and pragmatic have been left behind. From this mistake follows the mistake of thinking that the conclusions arrived at in the course of doing normative philosophy can be imported back into the local and pragmatic where they will function as guides and constraints; and this is part and parcel of the self-inflating

mistake of thinking of philosophy as a master discipline whose definitions, formulations, and criteria are pertinent to all disciplines, even though practitioners of these other disciplines don't seem to realize it; this is just an indication of how much they need philosophical help.

It is in the context of philosophy's self-embraced mission to bring us normative help that Habermas comes up with the idea of the orientation to a general understanding or understanding as such. The idea is his response to the usual objections lodged against the program of reasoning downward from normative insights, objections that show, as he says, "that an idealization of justificatory conditions cannot achieve its goal because it either distances truth too far from justified assertibility or not far enough" ("RR," p. 45). That is, the ideal formulation is either so high above ordinary contexts of practice that you can't get from here to there (and vice versa), or traces of the ordinary already reside in the idealization, which is thus contaminated by what it claims to transcend.

Either [the idealizations] satisfy the unconditional character of truth claims by means of requirements that cut off all connection with the practices of justification familiar to us, or else they retain the connection to practices familiar to us by paying the price that rational acceptability does not exclude the possibility of error even under these ideal conditions. ["RR," p. 45]

If you take this objection seriously (as Habermas does) and yet wish to continue the normative project, you must come up with a notion of the universal that neither scorns particulars and therefore has nothing to say about them nor is so responsive to particulars that its status as a universal is called into question. Habermas's solution, as we have seen, is to locate the universal *in* the particular, to assert that a claim to universal validity is presupposed by every mundane act of communication. The imperative of making good on that claim produces the program of discourse ethics that, if followed, will generate the ideal speech situation participated in by discourse partners wholly committed to the universal norms now filling their consciousnesses. Habermas's claim is that this claim to universal validity is unavoidable, but in fact it is avoidable by everyone except those philosophers for whom presupposing it is necessary if the project of discourse ethics is ever to get started. The directions that accompany that project—directions like "start with concrete speech action embedded in specific contexts and then disregard all aspects that these utterances owe to their pragmatic functions"—are impossible to follow and themselves presuppose the ability (to transcend the local and mundane) the project is supposed to generate

(C, p. 31). If you disregard all aspects that utterances owe to their pragmatic functions, what remains will not be the kernel of the universal, but nothing.

Habermas would no doubt respond by saying that the universal *must* reside implicitly in the particular, else it would be difficult to understand why anyone ever says anything or enters into debate; speakers must assume (at least as a hope and a general outline) a normative communicative structure into which their utterances step. But, as I have already argued, speakers need assume no such thing and can enter into conversations for all kinds of reasons and in the absence of universal hopes. Habermas's "must" belongs entirely to his theory of discourse ethics; he and his fellow rationalists must presuppose a normative structure of understanding; it is an artifact of their scheme and not a necessary component of every particular act of assertion or debate. Particular acts of assertion or debate never mention or refer to it; those who engage in particular acts of assertion and debate feel themselves under no obligation to comport themselves according to its requirements (by giving reasons, by regarding their interlocutors as free and equal, by self-consciously seeking a shared intersubjective form of understanding), and if you were to insist that they fulfill those requirements, they would look at you as if you were crazy.¹⁴

In short, the entire program is both unnecessary and unworkable; an orientation to general understanding moves no one (except as an artifact of a professional desire); claims of universal validity are no part of any ordinary assertions; the only presuppositions built into discourse are those on the surface, and they are the only presuppositions utterers need; the first step in the supposedly unavoidable agenda—the step of abstracting away from specifics and toward the universal—cannot be taken because there is nothing that would give it traction. If an orientation to understanding as such is not built into every communicative act and thus cannot function as a bridge to itself, if intersubjective norms name a desire but not a possible human achievement, then there is no Habermasian project, nowhere to start, nowhere to go, and no possible payoff except the employment of a few rationalist philosophers.

4

But, say those who cling to normative hopes, if what you say is so, the basis for our decisions and the confidence we might have in their rightness

14. Habermas might reply—on the model of Chomsky's deep and surface structure distinction—that the fact that normative presuppositions aren't mentioned and that speakers do not ordinarily live up to the normative implications of their speech acts only marks the degree to which they are insufficiently aware of what they are doing and remain trapped in distorted forms of communication; but that would be a *moral* judgment made against those who are quite happily getting along without all the normative machinery he wants to saddle them with.

is entirely eroded, and we are left to stand on the shifting sands of custom, opinion, accidental and contingent configurations of power and authority, with no defense against the suspect persuasiveness of arguments that just happen to mesh with the temper of the times. This is Habermas's point against Richard Rorty when he complains, first, that "in losing the regulative idea of truth, the practice of justification loses that point of orientation by means of which standards of justification are distinguished from 'customary' norms," and, second, that "without a reference to truth or reason . . . the standards themselves would no longer have any possibility of self-correction and thus would . . . forfeit the status of norms capable of being justified" ("RR," p. 51). These comments owe their apparent force to an assumption that Habermas apparently thinks self-evident, the assumption that the norms and standards built into everyday practices are deficient and in need of support from transcontextual norms and standards. This, however, is the very assumption contested so vigorously by the pragmatist/post-modernist thinkers against whom he writes. Their thesis is that the norms and standards to which we have an unreflective recourse most of the time are by and large up to their job, which is not the job of being transcontextual and universal, but the job of helping us in our efforts to cope with and make sense of the exigencies of mortal life and to shape and alter those exigencies in accordance with our human needs. For these thinkers the fact that a norm or a standard or an evidentiary procedure cannot be justified down to the ground (whatever that would mean) is less significant than the fact of whether or not it is useful to us in finding a cure for the common cold, or in fashioning a tort reform that would protect consumers without bankrupting industry, or in coming up with a policy that would enhance minority opportunities without flying in the face of ordinary notions of fairness and equality, or in devising a method of literary evaluation that would not force us to choose between canonical works and works that are innovative and even occasionally indecorous. And should it happen that a norm or standard we have been deploying no longer helps us to do these things, we respond, say pragmatists, by trying to come up with another one (perhaps by borrowing the vocabulary of a neighboring discipline or by seizing on a generative metaphor) and not by trying to come up with a norm or standard detached from any and all possible situations of use. In this picture "self-correction" is not forfeited but located in the very goal-driven context within which the norm or standard is expected to do its work; the fact that something is not working—not helping us to get on with the job—is the self-triggering corrective mechanism, and no other more general or abstract mechanism is necessary.

Now whatever one might think of this argument (which has its modern

roots in the writings of Dewey and James), it gives an account of everyday norms that shows them emerging from the crucible of mundane situations of practical problem solving, and it also shows them maturing, and failing and becoming tired, and being replaced in that same crucible. In Habermas's account this thickness is lost and everyday norms and standards are reduced to the status, as he says, of the "customary"—in place only because they have been there for a long time or because they serve the interests of entrenched authorities. In effect he turns the pragmatist's detailed and historicist account of how things work and don't work into an assertion of the will to power, and with this diminished target in place he aims and fires his normative guns, and—surprise, surprise—scores a hit.

The diminished target is useful not only because it affords an easy victory but because it is crucial to the raising of the fears in the context of which victory seems necessary in the first place; it is only if a world without transcendent norms and intersubjectively agreed upon standards of validity is a world without constraints, without warranted direction, without any operative sense of right and wrong, legitimate and illegitimate, better or worse that you will be moved to take philosophical arms against it and believe yourself to be carrying out a high moral purpose. But if a world without transcendent norms and intersubjectively agreed upon standards of validity leaves us in possession of all of these things (albeit in quotidian, not eternal forms) and provides us with all the equipment we shall ever need (or be able to recognize) for the solving of problems and the making of judgments, then there is nothing to be bothered about and no reason to search for what we shall never find, and every reason to continue with our projects, dedicate ourselves to their success, and make do (as we always have before the normative project was ever invented) with the resources our traditions and histories afford us.

Not only does nothing dire follow from the fact (if it is a fact) of a world—the world of human discourse—bereft of transcendent norms, nothing follows of either a psychological or epistemological kind for the thinker who believes in a human world bereft of transcendent norms and says so. This is the other fear and accusation hurled at the strong pragmatist by his or her rationalist opponents: if you proclaim the unavailability of regulative ideals and independent grounds, you lose the right and ability to be confident in your own assertions; and, what's more, by strongly asserting the unavailability of the independent grounds that would underwrite that very assertion, you fall into the dreaded performative contradiction, declaring certainly that certainty is not to be had. It is in this spirit that Habermas declares, "we would step on no bridge, use no car, undergo no operation . . . if we did not hold the assumptions employed in the production and

execution of our actions to be true" ("RR," p. 44). In the same spirit, historian James Kloppenberg declares that historians face a choice between the older pragmatic traditions of Dewey and James, and "newer varieties of . . . pragmatism that see all truth claims as contingent," and declares too that the choice is crucial for historians because the newer pragmatists (Rorty, Fish, and company) would undermine "the legitimacy of our practice in studying the past" and saying true things about it.¹⁵ Thomas Haskell, another historian, counsels that people who disbelieve in an independent reality that underwrites our assertions are not to be trusted, for "if nothing at all constrains inquiry, apart from the will of the inquirers, . . . if there is nothing real for one's convictions to represent, then they . . . may as well be asserted with all the force one can muster."¹⁶ Susan Haack sharpens Haskell's point: "if one really believed that criteria of justification are purely conventional, wholly without objective grounding, then, though one might conform to the justificatory practices of one's own epistemic community, one would be obliged to adopt an attitude of cynicism towards them, to think of justification always in covert scare quotes."¹⁷ And Alan Sokal takes this line of reasoning to its inevitable conclusion when he crows, in his infamous exposé of his infamous hoax, that new pragmatists, postmodernists, and social constructionists of any stripe would, presumably, feel no hesitation at stepping out of a window in his twenty-first-floor apartment.

Linking all these (and similar) statements is the assumption that the theory you have about fact, truth, evidence, justification, and so on, is a part, and a crucial part, of the equipment you bring with you when you enter the world (and leave off theorizing); and were that assumption true, it really would matter which of the range of theories—realist, foundationalist, anti-foundationalist, conventionalist, pragmatist, relativist, nihilist—you held. But the assumption is false because of what it itself assumes: that ordinary mundane actions are performed within, or in the company of, beliefs about their underpinnings or lack thereof. But ordinary mundane actions are not

15. James Kloppenberg, "Pragmatism: An Old Name for Some New Ways of Thinking?" in *The Revival of Pragmatism: New Essays on Social Thought, Law, and Culture*, ed. Morris Dickstein (Durham, N.C., 1998), pp. 116, 84.

16. Thomas Haskell, "Justifying the Rights of Academic Freedom in the Era of 'Power/Knowledge,'" in *The Future of Academic Freedom*, ed. Louis Menand (Chicago, 1996), pp. 69–70. In order to reach this conclusion, Haskell must assume, falsely, that inquiry is a willful activity in need of an external constraint. In fact, inquiry is only possible if constraints—the constraints of some particular discipline or interpretive community—are already in place and have been internalized by the inquirer who proceeds within them. Constraints, in short, are constitutive of inquiry—were there none in place, inquiry would be directionless—and need not be sought in some external authority.

17. Susan Haack, "Vulgar Pragmatism: An Unedifying Prospect," in *Rorty and Pragmatism*, ed. H. J. Saatkamp, Jr. (Nashville, Tenn., 1995), p. 136.

underwritten or accompanied by *any* metaphysical beliefs and receive both their shape and warrant from the pragmatic contexts that call them into being. You don't step on a bridge because you could produce some theoretical account of the relationship between its construction and the weight it can bear, but because you know that a bridge isn't opened until some state agency has certified it as safe, and the faith you have (which can certainly be shaken in the event of a disaster) is in that agency, and not in some realist notion of truth. Your confidence in the methods of historical research does not flow from your assent to a foundational argument about the bottom line reality of facts, but from the training you received in graduate school, training that taught you how to find archives, how to read them, and what to do with the data you derive from them. You don't inhabit the routines, including the routines of justification, of your practice loosely and with metaphysical reservations or cynicism because you are unable to ground them in some independent calculus; the grounding of their own soil—the soil of their histories, hierarchies, received authorities, standards of achievement, and so on—is more than sufficient to sustain them and you, and the question of some further abstract grounding only comes up when philosophers ask impertinent questions. And you don't refrain from jumping out of a window in Sokal's twenty-first-floor apartment *because* you are a foundationalist, but because you don't believe you can fly and because you've seen what happens when flowerpots or air conditioners fall from twenty-first-floor windows and are smashed to bits.

Consider, as an example, the ordinary mundane action of writing an historical account of an event, say the execution of Charles I of England in 1649. What will determine the statements you might make about that event will be the archives you consult, the predecessors you respect, the conversations and disputes you have engaged in, the weight you give, respectively, to religious factors, to economic factors, to geopolitical factors, to the personality and character of various key figures, and a host of other *disciplinary* considerations the knowledge of which has been internalized by every historian. What will not determine the statements you might make is your theory of fact, truth, and evidence, should you happen to have one, or your self-identification as a new or old pragmatist, should you have ever hazarded one. You might for example hold to the general belief that facts only emerge and are perspicuous within particular, contingent and revisable frames of reference and that therefore, as some have said, history is through and through textual; but when you are asked or ask yourself, What exactly happened in 1649? your belief in the textuality of history will not be a component of your answer because it is a component of another game, the game of theorizing history as opposed to doing history.

Similarly, I might have a radically textual view of literary interpretation and believe that the establishment of literary meaning is at bottom a matter of rhetoric, but when I open my copy of *Paradise Lost* and begin to read it, meanings—definite, clear, perspicuous, undoubted meanings—just leap out of the page at me; and if someone who saw other meanings thought to argue against me by reminding me of my general belief about the bottom-line rhetoricity of literary readings, I would dismiss his argument as being beside the point because the meanings I saw would have been the product, not of my general belief, but of the disciplinary and institutional investments that are the literary equivalent of the disciplinary and institutional investments internalized by historians. To be sure, someone could ask me to defend my specification of the meanings in Milton's text, and I might well respond, and I might even respond by rehearsing some general assumptions; but they would be assumptions about what kind of poet Milton thought himself to be or assumptions about the relationship between a poet's art and his strong religious convictions or assumptions about poetic conventions in the Renaissance or assumptions about the degree to which poets in the mid-seventeenth century were drawn into the political maelstrom, even if politics was not the specific subject of their work. They would not be assumptions about whether or not interpretation is grounded because at that moment I would not be theorizing about interpretation, but doing it; and were I to have a theory about whether or not interpretation is grounded, there would be no way to get from it to the particulars of any interpretive act; or, rather (and it amounts to the same thing), my theory of interpretation at that level would accommodate any and all interpretive acts, neither approving some nor rejecting others. I might believe that interpretation is grounded in, say, the author's intentions, but I still have to *argue* for the meanings I see as intended by the author, and it will not be an argument if I just keep saying that interpretation is grounded in the author's intention. And, conversely, I might believe that interpretation rests on nothing firmer than the historically emergent and always challengeable conventions in place in the discipline at any moment, but, again, I still have to *argue* both for the precise shape of those conventions and for the meanings they render perspicuous, and it will not be an argument—that is, it will not help make my case for a specific meaning—if I just keep saying that literary interpretation is not grounded in an extraconventional reality.

The point is the one we began with: there is no relationship between general metaphysical accounts of human practices and the performance of human practices. There is no relationship in *any* direction. If I am a foundationalist, my foundationalism directs me or inclines me to no particular acts, nor does it forbid any. If I am an antifoundationalist (in the sense that

when asked certain philosophical questions I give antifoundationalist answers), my antifoundationalism neither tells me what to do in particular situations nor tells me what I cannot or should not do. (It certainly doesn't tell me to jump out of Sokal's twenty-first-floor window.) Moreover my declaration that I am a foundationalist does not mean that it would be inconsistent for me to say that I am radically uncertain about something; nor would my declaration that I am an antifoundationalist mean that it would be inconsistent for me to say that I am absolutely certain about something, for my certainty or uncertainty would have emerged from whatever mundane context had given rise to the question at hand and not from the context of metaphysical talk. (That is why general accounts of interpretation—say the strict constructionist or originalist theories of interpretation in the law—often migrate from one side of the political divide to the other, as partisans find them more or less useful to the substantive interests they wish to further.) And, in the other direction, you cannot tell from my particular performance whether I hold to foundationalist or antifoundationalist views. You cannot say that since Fish believes that the last line of many of Milton's sonnets is indeterminate in meaning, he must be an antifoundationalist, and you cannot say that since Fish believes that the overriding message of *Paradise Lost* is clear and absolutely unambiguous, he must be a foundationalist and a believer in the capacity of texts to constrain their own interpretations. (I might have to explain why I thought that Milton was ambiguous in one place and unambiguous in another, but the explanation would take the perfectly mundane form of specifying different intentions for Milton or of elaborating a generic distinction between epic and lyric conventions, or of declaring that Milton's poetic practice changed from one period of his career to another.) There just is no commerce between the mundane and metaphysical levels, no bridge except the contingent and strategic bridges constructed by those who wish to make rhetorical use of general theories for either psychological reasons (they wish there to be a homology between their most abstract commitments and the commitments they enact in everyday life) or political reasons (they know that a certain theoretical vocabulary will have resonance with those they wish to influence).

Now, if there is no commerce between the mundane and theoretical levels (which is where we began with the arguments of Kramer), then there is no performative contradiction. A performative contradiction occurs (we are told) when someone asserts that there are no shared intersubjective norms of communication (either already available or waiting to be realized), yet implicitly relies on or presupposes just such norms in making that very assertion. You are doing what you are saying cannot be done. But it

depends on what you are in fact doing when you say something like “there is no independent, metaphysical backup for assertions of fact; there are only the backups available and in place in our various contexts of practice.” What you are doing is making (or performing) a claim and initiating a discussion the shape of which follows from the claim. The claim is that there are no independent backups; the discussion, if there is one, will begin when someone puts forward a candidate for the status of independent backup, giving you the assignment (in some sense you have given it to yourself) of showing that it is not independent or freestanding, but local and tied to some historical, contingent, and mundane discursive structure.

Note that the antifoundationalist does open himself up to challenges by saying what he says; if he cannot contextualize his opponent’s candidate for independent ground, his assertion that there is no independent ground is compromised, perhaps fatally. But the assertion is compromised because he has failed to make good on the claim implicit in it, not because it has the internal flaw of a performative contradiction. It would have that flaw if it were made in a foundationalist spirit, if the claim were that there are no foundations or backups *at all*. That is how a foundationalist understands (or, rather, misunderstands) the antifoundationalist’s assertion (a foundationalist is an all-or-nothing creature: give me independent ground or give me relativist death); but the antifoundationalist understands himself to be saying that there are plenty of grounds or backups—in the elaborated structures of disciplines and practices—just no independent ones and no need for independent ones.

That is how the notion of a performative contradiction gets its apparent force: the foundationalist rewrites the antifoundationalist’s assertion so it has the form it would have if he (the foundationalist) made it and *then* declares it (a transubstantiated it) to be a contradiction of itself. The foundationalist is simply unable to imagine serious discourse absent the independent grounds that in his view must underwrite it, and he can only think of discourse as serious if it links up with or desires to link up with intersubjectively established communicative norms that have the character or aspiration of being universal. If assertions are untethered to such norms or do not aspire to be so tethered, what is the point of making them? Well, in making an assertion I might just want to get it off my chest or make someone mad or put it on the record, so that when someone looks at the record later on I will be seen to have stood up for what I believe to be true. And I might perform that act of testimony even though I thought there to be almost no chance it would persuade anyone, and even if it were not clear at all that anyone in the future would note and approve what I had done.

It is in this spirit, and in the conviction that his cause is lost, that John

Milton writes a pamphlet in 1660 against the imminent restoration of the monarchy and declares at its end, "Thus much I should perhaps have said though I were sure I should have spoken only to trees and stones; and had none to cry to, but with the Prophet, *O earth, earth, earth!*"¹⁸ That is, I am saying this and I am saying this seriously even though I don't think that anyone will hearken to me, even though I have no faith in a community of speech partners who will join with me in a search for truth undistorted by instrumental motives (everyone in England, he says, is busily choosing for themselves a "captain back to *Egypt*")¹⁹ and even though, as far as I can tell, the light of universal reason has been extinguished. Nor is this necessarily a (self) counsel of despair. The fact that Milton disbelieves in the existence of any universal communicative norms and assumes that the lines of communication are massively distorted does not mean that he (or someone like him) proceeds without any hope and therefore without a reason for speaking. There is always the possibility, although not the certainty or even the likelihood, that something said will touch a nerve in a listener, even a listener who is for all intents and purposes on the other side, but who hears something (what that something might be is not predictable) and pauses to re-think. In a world where persuasion is always a contingent matter because there is no rational procedure for achieving it, speakers necessarily take their chances, hazarding speech even in the absence of intersubjectively shared norms in the hope that *something* shared with some members of a potential audience (it's not all or nothing) will advance the conversation in a productive way. It's not perfect, and it doesn't hold out the possibility of becoming perfect in some future state of communicative grace, but it does sometimes succeed—people do get persuaded and come to agree—and that is enough to motivate those who lack the presuppositions Habermas thinks unavoidable and who yet utter and debate and do so without falling into any performative contradiction.

In fact, as I have been arguing throughout, there are no consequences whatsoever to lacking the presuppositions Habermas thinks unavoidable. Of course a foundationalist is committed to believing that there are consequences (that's what it means to be a foundationalist) and to believing that they are disastrous. Hence another version of the performative contradiction argument in which the antifoundationalist, by declaring independent grounds to be unavailable, deprives himself of the right to do or say anything sincerely and with vigor, on the reasoning that a metaphysical

18. John Milton, "The Readie and Easie Way," *Complete Prose Works of John Milton*, ed. Robert W. Ayers, 8 vols. (New Haven, Conn., 1974), 7:462.

19. *Ibid.*, 7:463.

shadow—the shadow of his unfortunate antifoundationalist convictions—hangs over everything he utters or does. If you say the antifoundationalist thing about truth or fact or evidence in our theoretical debates, then you will be unable to say that something is true or stipulate something as a fact or invoke a piece of evidence when you turn to doing history, or anthropology, or law, or literary criticism, or the living of everyday life. But it has been my thesis all along that no metaphysical shadow—foundationalist or antifoundationalist—hangs over our everyday lives and that the commitments we profess in metaphysical discussions (such as there are or are not normative backups for our assertions) do not follow us when we leave those discussions, but remain where they are, waiting for us should we leave the context of some mundane practice and return to the practice of debating metaphysical points. In short, and to repeat a point made many times, your general metaphysical position commits you to nothing outside of the limited sphere in which such matters are debated (so that it *would* be a contradiction to say simultaneously or serially that you think facts can be grounded in independent normative structures and that you think that they cannot be), and therefore there cannot be a contradiction (or for that matter a relation of homology) between your general metaphysical position and anything you say or do when you are not discussing and debating general metaphysical positions. Different games are different games, and your performance in one is independent of your performance in another. Ty Cobb had a theory of how to hit a baseball that was anatomically impossible, but hit the baseball nevertheless and hit it better than anyone in the history of the game, the game not of theorizing baseball but of playing it. A theorist may be right or wrong about his foundationalism or antifoundationalism, but his assertion of one or the other will neither enable him nor disable him when he sets himself the task of doing something other than theory.

It should be obvious that pulling the sting from the charge of performative contradiction is part of my effort to explain why antifoundationalism—the thesis that independent grounds are unavailable (which doesn't mean that there are none in some suprahuman realm, only that they are unavailable *to us* as limited creatures)—has none of the bad consequences often attributed to it by Habermas, Haskell, Haack, Kloppenberg, and many others. Antifoundationalism does not leave its proponents unable to assert anything strongly. It does not amount to relativism because the flip side of the unavailability of extracontextual/universal norms is the firmness of our attachment (too weak a word) to the norms of everyday practices and the impossibility of our having a distance from those norms that would allow us to relativize them (relativism is the name of a position in philosophy, not a possible program for living). Antifoundationalism does not lose hold of

objectivity, for, as Rorty once said, objectivity is the kind of thing we do around here, by which he meant that within the pragmatic worlds in which we live and move and have our being, the distinction between what is objective and what is not is always alive and fairly perspicuous (what is not alive, at least not for us, is a standard of objectivity entirely removed from any of our pragmatic worlds; what would it be like and how would we recognize it?). Antifoundationalism does not deprive us of the hardness of facts, for facts are all around us at every moment, and we are always and already registering them. We are *not*, however always and already *believing* in them; that is, it is not a requirement of our encounter with facts that we believe in them in the sense of having a theory of them *first*; that requirement is just one more version of the mistake of thinking that you get your theory in place and then everything follows (you do or do not jump out of Sokal's window). The truth (a word I do not shrink from) is that everything—facts, decisions, judgements, justifications, evaluations, and so on—is already in place and configuring the landscape, and theory is sometimes brought in to provide a high abstract gloss to what was going on and getting along quite nicely without it. No one gets up in the morning and has to decide whether or not to believe in facts; you just open your eyes and there they are.

5

But if antifoundationalism leads to none of the bad consequences often attributed it, neither does it lead to any of the good consequences sometimes claimed for it. Holding antifoundationalist views does not make you more generous and less absolutist (generosity and absolutism are possible modes of engagement within local contexts, and whether you are one or the other in no way depends on what account you would give, if you were asked to give one, of general contexts). Holding antifoundationalist views will not make you less judgmental (you will be judgmental, if you are, in relation to the local norms and standards to which you are attached). Holding antifoundationalist views will not make you more open; you will be more or less open to the extent that your opinions on some specific matter of concern or debate are or are not settled; there is no *general* stance of openness, and therefore the resolution to be open in a general way is empty (for the same reason that being oriented to understanding as such is empty). The only advantage you will have as an antifoundationalist is the advantage of believing that you have the better argument, but your foundationalist opponent will have the same advantage, and there will be no further cash value for either of you.

This is, I think, the only point, or half a point, Habermas scores against Rorty in their exchange. Rorty, says Habermas, can provide no normative

reason for anyone to move in the directions he thinks good—a more and more inclusive sense of us, breaking out of parochial contexts, reaching beyond our peer groups, becoming less dogmatic, leaving behind more and more forms of cruelty and discrimination. “As soon as the concept of truth is eliminated in favor of a context-dependent epistemic validity-for-us, the normative reference necessary to explain why a proponent should endeavor to seek agreement for ‘*p*’ *beyond the boundaries of her own group* is missing” (“RR,” p. 51). My criticism of Rorty, however, is not that his desire for a more inclusive sense of us lacks a normative backup but that he sometimes thinks it has one in the antinormativism he preaches. He thinks that if you give up on context-transcending norms, stop worrying about them, and learn to do without them—that is, if you become a Rortian—you will thereby become a better, less dogmatic, more open-minded person. This is more than implied when he says, “I see pragmatism, and the neo-Darwinian redescription of inquiry it offers, as part of a . . . general anti-authoritarian movement” and opposes it to the project of “universal rationality” which he derides as a “relic of patriarchal authoritarianism.”²⁰

This is just wrong and wrong in ways Rorty of all people should recognize. Someone who holds pragmatist views (as opposed to just acting pragmatically in real-world situations) can be as authoritarian as anyone else (I am living proof), if, in the mundane context he presently occupies, he is absolutely sure of the rightness of his position (not the normative rightness, but the context-bound rightness). In another mood, a philosophical mood, when the pragmatist was asked if anything could ever be absolutely certain, he would, as a pragmatist, answer no; but in mundane contexts he’s not being asked or asking himself questions like that; he’s being asked to come down on one side or the other of a particular dispute, and if he is strongly convinced of his position and of the danger of the opposite position (a strong conviction in no way unavailable to him because of his *general* pragmatist views), he might well stick to his guns fiercely and give no quarter at all to the opponent. And, on the other side, nothing bars someone who holds to the existence and necessity of a universal rationality from arguing against parochialism and in favor of openness if he sees that the consideration of his ideas is being blocked by the powers that be or by entrenched custom.

Rorty ends his response to Habermas by declaring that persons brought up to accept pragmatist, quasi-Humean beliefs would “end up being just as decent people” as “the ones who were brought up to understand the term ‘universal rationality’”;²¹ but, as the sentence itself indicates, this goes both

20. Richard Rorty, “Response to Jürgen Habermas,” *Richard Rorty and His Critics*, p. 62.

21. *Ibid.*, p. 63.

ways. Decency, like all the other virtues invoked in discussions like these—tolerance, straightforwardness, sincerity, accuracy, reliability, honesty, generosity, objectivity, truth telling—is a quality independent of the metaphysical views you happen to hold, if you hold any. Indeed, *everything*, except for your profile in the narrow world of high theory, is independent of the metaphysical views you happen to hold. As Keats said of something else, that's all there is to know on earth and all you need to know; but I know that very few on either side of this philosophical divide will be satisfied with an argument so parsimonious and minimalist.