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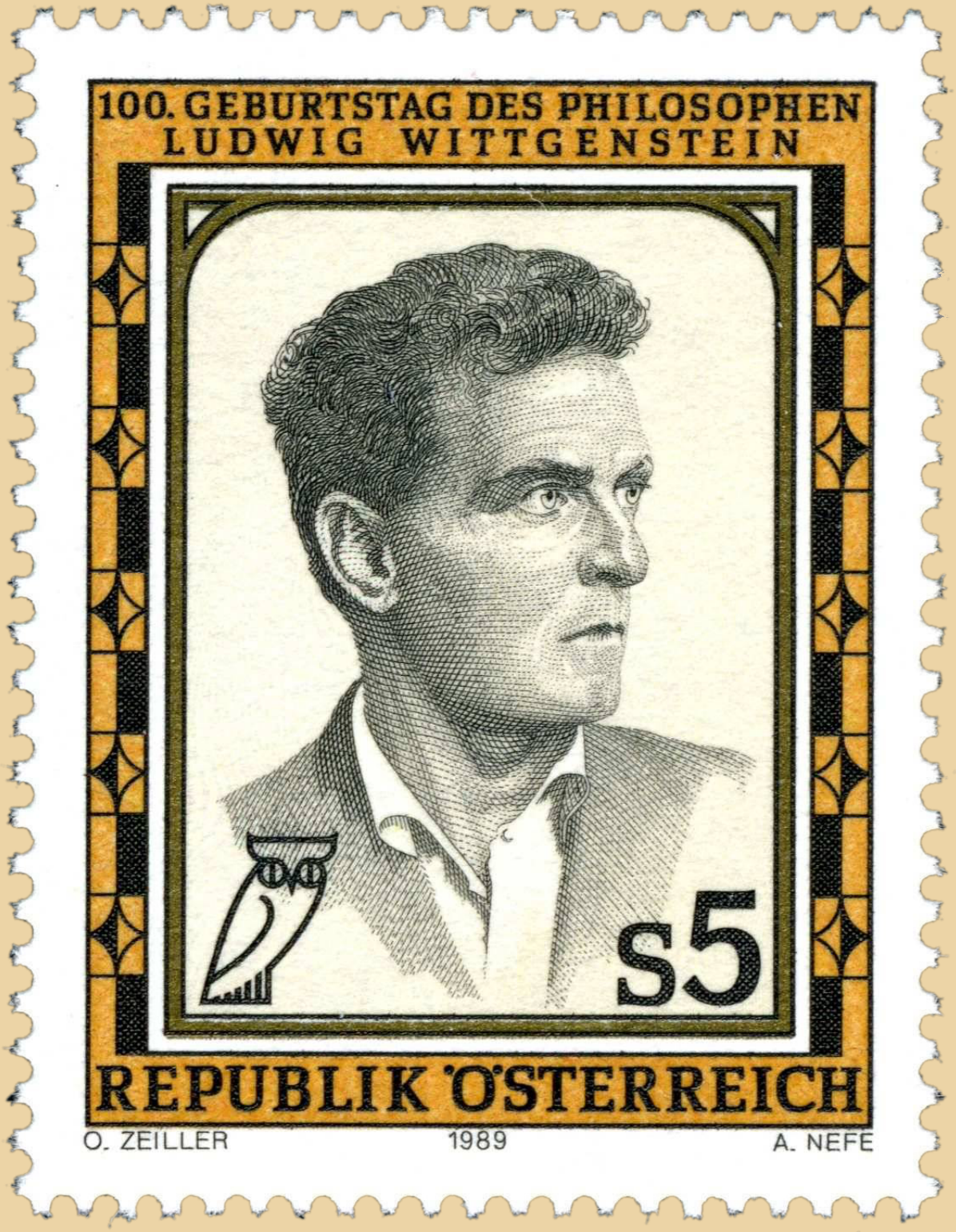

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IN THIS ISSUE

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Introduction: Wittgenstein's Vision of the Human Subject and its Contested Implications for Social Understanding and Social Philosophy

RICHARD ELDRIDGE
University of Tennessee, Knoxville

It is widely held that in *Philosophical Investigations* Wittgenstein somehow forwarded a view of the human subject that is radically at odds with more traditional, explanation- or justification-seeking metaphysics, epistemology, philosophy of mind, and philosophy of language. "We say only of a human being and what is like one that it thinks" (§360), we find there. There is no *res cogitans* that is separable from the body and that houses primitive representational contents. Meanings are instead originally laid down in linguistic practices that are interwoven with bodily activities. Human beings must make a contribution to their mastery of language: they must 'get it' with respect to what can correctly be called what, and there is more to doing that than simply responding to stimuli in a regular way. But the learning of language is not itself a feat of intellectual theorizing, and understanding language is not a matter of being in causally effective material states alone, stripped of any relation to broader matters of mood, sensibility, interest, and feeling. In Peter Hacker's phrase, we find at the center of Wittgenstein's thought "the human being, … a living creature in the stream of life," (Hacker 1999, p. 4) along with all the complexities of that life. Distinctively human practices, linguistic and otherwise, are normatively saturated, and this normative saturation cannot be unpacked as either caused or justified by any 'third entity' (besides human beings and the objects they engage with) such as Platonic forms, medieval universals, Cartesian innate ideas, or a language of thought. Nor can norm-governed, distinctively human practical life be explained under causal laws. As Goethe's famous epigram has it, "Im Anfang war die Tat": in the beginning of human, concept-mongering life was the deed, not the thought or idea, and not simply the course of the law-governed physical world. Or so at least runs the story.

What is less clear, however, are 1) the details of the contributions to language learning (as Wittgenstein sees them) that the individual human subject must make, 2) the arguments in favor of this *praxis* view of meaning (as well as whether they are sound), and 3) the positive implications of this view for how we are to understand human actions within normatively saturated practices. The first topic is a difficult exegetical matter, with answers ranging from Hacker's flat view that *mastery of a technique within a practice* on the part of a human being is necessary and sufficient for normative competence to Cavell's richer emphases on the standing contestation of some norms, on the endlessness and groundlessness of achieving understanding (of language and of the others who use it), and on the anxieties, resistances, and imaginative leaps that are bound up with this achievement.[1] The second topic is, if anything, even more vexed, with at

least Quinean naturalists and Chomskyan cognitivists arguing strenuously against Wittgenstein's vision of language and understanding.

Despite these unsettled exegetical and argumentative matters, Wittgenstein's vision, under one sense of it or another, has proven compelling enough for many to pursue the third topic, undertaking to extend that vision and to defend it. These further undertakings fall into two broad classes. A) There are works on the explanation of human action (for example, G. H. von Wright (1971), John Hyman (2015) and on the distinct, hermeneutic 'logic' of social scientific understanding (for example, Peter Winch 1958). Here the emphasis is typically on the difference between elucidations of actions that appeal to agents' points of view, beliefs, desires, and other attitudes, understood as commitments they have taken on within their cultural lives (rather than as 'internal entities') and explanations of natural events under law-formulations. B) There are works that develop what is taken to be a Wittgensteinian view about normative matters (for example, Paul Johnston (1999), Hanna Pitkin (1972), Raymond Geuss (2017, pp. 250-73). Typically, this work has displayed some resistance against ideal theory and a contrasting emphasis on situated, ongoing critical reflection on specific forms of contemporary moral or political practice.

Robert Vinten's (2020) new study, *Wittgenstein and the Social Sciences: Action, Ideology, and Justice*, takes up both A and B. Following generally along the lines of Hacker's reading of *Philosophical Investigations*, according to which philosophy is "not in any way theoretical," but is instead concerned only with "descriptions of norms of representations" (p. 15). Vinten proposes that Wittgenstein's work can be useful in "overcoming confusions" (p. 2) about both social scientific understanding and political theory.

Following Winch, Vinten argues that the social sciences, in focusing on actions, reasons, and motives rather than habitual behavior and causes, employ methods of investigation that are essentially different from the uses of experimentation, measurement, and law-formulation that are central to the natural sciences (Ibid.). Yet the social sciences, Vinten holds, are also genuine sciences (in a broader sense of "science," following John Dupré (1992), not simply varieties of humanistic, hermeneutic interpretation, insofar as they may be systematically practiced and involve attention to phenomena other than texts and utterances.

In political theory, Vinten suggests that Wittgenstein can help us to challenge the "dominant liberalism" of our day as a form of ideal theory (p. 6). Given Wittgenstein's *praxis*-based view of meaning and the ubiquity of contestations both among and within practices about what is to be done (or said) when,[2] we would do better to accept "the ubiquity of the possibility of disagreement" (p. 192), and thence to make concrete, specific judgments of comparative injustice without appealing to ideal theory (p. 188).[3] No ideal theory could fulfill the irenic philosophical dream of fully reconciled social life founded on reasoned argument.

Each of the commentators on Vinten's book takes up a crucial aspect of his position. Paul A. Roth questions the quickness of Vinten's reliance on a Wittgensteinian *praxis* understanding of meaning: he proposes that we need more attention than we get to topics 1 and 2. He goes on to worry about the absence of focused attention to specific methodologies and achievements in the now quite developed and articulated natural and social sciences, as well as a parallel lack of attention to the specific methodologies of the putatively autonomous social sciences. He finds Vinten's suggestions about how to do non-ideal political theory likewise too schematic. Daniel Little argues against Vinten's 'austere', Hacker-derived picture of philosophy as conceptual analysis that is *toto genere* separate from empirical considerations. (Like Roth, he points to the need for more attention to topic 2). This separation has the unfortunate effect of separating metaethics from substantive normative ethics (in a way that may be at odds with a *praxis*-based account of meaning). He suggests that some forms of causation may be at work within the social world: we can be anti-positivist without being anti-explanation, and Little points to some specific cases of successful social explanation in structurally oriented and field oriented sociology. Like Roth, Little wishes for more specific details about how to derive normative ethical and political content from an understanding of human beings as essentially animals embedded in norm-saturated practices.

Where Roth and Little seek largely to qualify and rein in Vinten's argument, Rupert Read, Richard Raatsch, and Rafael Azize all wish to push it further than Vinten himself does. Read takes Vinten's defense of forms of social science that are distinct from natural science to be itself too much "in thrall" to the cogni-

tive prestige of the natural sciences. In light of Wittgensteinian ideas, we would do better to practice more explicitly hermeneutic social *studies* and in doing so to wean ourselves from the dominance of technological-instrumentalist stances that both inform the practices of the natural sciences and distort our social life. Richard Raatsch is even more skeptical than Vinten about any form of political *theory*. Turning to Bertholt Brecht and Robert Gernhardt (with dashes of Marx and Adorno), Raatzsch proposes that some poems might help us really to *see* the falsity or incorrectness, or unfulfilling, mechanical, less than whole-hearted character, of our contemporary lives. Like Read, Raatzsch finds that the cultural situation is grave, and he looks to something other than either science or theory—if not to save us, at least to alert us to the perils posed by our current forms of social and cognitive life. Based on reading of *Philosophical Investigations* inspired by Cavell, Rafael Azize develops a picture of human life as pendular in being posed, always, between acknowledgment of immersion in the common and its values, on the one hand, and assertions of independence and self-reliance in value stance and commitment. This thought about the situation of the human subject leads him to endorse a form of political liberalism that includes patience, courage, and engagements with and against others as a means of keeping open the possibility for the fruitful development of lived practices in the direction of freedom.

Explanation vs. understanding; the *Naturwissenschaften* vs. the *Geisteswissenschaften*; theory vs. poetry; liberalism (and neoliberalism) vs. some more 'open', non-ideal, critical post- or neo-liberalism;—these are heady and significant themes. Vinten's book, the criticisms put forward by his commentators, and his replies present a number of vital yet contentiously opposed ways of making use of Wittgentein's mature work in relation to contemporary social and cognitive practical life.

NOTES

1 For a summary and assessment of the range of exegetical options regarding Wittgenstein's view of what rule-following competence consists in, including Dummett, Stroud, Taylor, Rorty, Kripke, and others along with Hacker and Cavell, see Eldridge 1997, pp. 199-241.

2 It is not that every norm is everywhere contested on every occasion—far from it. Rather, the claim is that no practice is ever unfreighted with some contestations on some occasions.

3 For my part, I wonder whether some comparatively ideal theory is required in order to make specific judgments of comparative injustice that have some chance of being broadly accepted as justified. In some forms of ideal political theory—for example, in Rawls' mature account of justice for societies characterized by moderate scarcity, toleration of fundamental religious and metaphysical disagreement, and commitment to fair cooperation and competition—both the objects of study (modern societies) and the ideal used to assess them (the theory of justice) are historically developed and situated, not static or Platonic, while also having very broad scope. This point is compatible with further wondering whether current large-scale social life and its local sub-forms in all or most parts of the world continue to display the features to which Rawlsian theory responds.

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Wittgenstein, The Radical?

PAUL A. ROTH
University of California-Santa Cruz

Vinten entitles section 0.3 of his book "Wittgenstein, The Radical." As his remarks there make explicit, Vinten worries less about whether or not Wittgenstein the person had a particular philosophical outlook (though he comments on evidence one way or the other regarding this question). Rather, he claims to establish that a style of philosophizing that he imputes to Wittgenstein's later work can be used to transform some key debates in social and political philosophy:

> I will argue in this book that Wittgenstein's radical philosophy could also be useful in developing the radical politics and social theory that we need around the world now… We face enormous threats from climate change, rising authoritarianism, bigotry, and war. [1] Wittgenstein's philosophy is useful in challenging the dominant liberalism of today, which does not seem to be up to the task of rising to those challenges, and in developing a clearer, more radical alternative to it. [2] It can help us to get clearer about the nature of disagreements, about what justice requires, and about the justifications given for various forms of society. Wittgenstein himself may not have been a radical in his politics but [3] his philosophy can help radicals to get clearer in their political thought (p. 22, numbering added).

1-3 above articulate the chief claims that Vinten's book undertakes to explicate and defend. The primary goal will thus presumably be to marshal the sort of critical insights one finds in Wittgenstein's thought as he recoils from his earlier views so as to show how these can be fruitfully applied to mounting a specifically *radical* critique social and political philosophy.

Since the post-*Tractatus* Wittgenstein goes to heroic stylistic lengths to avoid offering anything that looks like a systematic philosophy, Vinten sets himself no small exegetical task. How does Vinten take himself to have made good on this promise? One of many unsettling features of this book concerns how discussions of what Wittgenstein's position on this or that topic might be veers in every case into a discussion of how this or that monograph on Wittgenstein's thought takes it to be. Nowhere in Vinten's work does one find a detailed consideration of Wittgenstein's own work in a sustained effort to stitch together exactly what position might most plausibly be extracted from Wittgenstein's scattered notes on various topics. Too often, alas, one finds only

a single passage quoted, as if crystalline in its intent and so its implications, and so as underwriting a particular view an author imputes to Wittgenstein.

Vinten adds to the problem of comprehending his rationale for positions by all too often offering "argument" formulations that make one gasp. Consider the following:

> It is fair to say that calling social disciplines 'sciences' is the way that we ordinarily talk about them. A divergence from ordinary use requires more than just showing that social disciplines differ from natural sciences in significant ways, since this is recognized by many of those who quite happily talk about social sciences. So, I conclude that social sciences deserve to be called sciences because they are empirical, knowledge-producing disciplines which, done properly, involve analytical rigour and responsiveness to evidence (p. 47; see also p. 46).

One might just chuckle if an undergraduate suggested as a reason for accepting a discipline as a science the fact that that "is the way that we ordinarily talk about them." As the conclusion of the above cited argument—what follows the 'So' in the last sentence of the quote—makes explicit, Vinten assumes what he needs to prove. For what Vinten appears to offer as an actual reason for taking the social sciences to be genuine sciences assumes the very point at issue: that they are empirical, knowledge-producing disciplines that involve analytical rigor and responsiveness to evidence. Vinten does provides no evidence or argument in favor of *that*. Indeed, one would expect that in order to make any philosophical sense of Vinten's assertions here a discussion of what makes for a science follows. None does.

Unfortunately, the previous citation typifies what the book retails as arguments. Adding to the puzzle of what Vinten's procedure could even possibly prove is the fact that Vinten himself insists on this very point, i.e., that the usual indices of a science such a successful law-like explanations turn out be absent from the social sciences. "No laws of human behaviour or of human psychology have been discovered and we have no good reason to think that they will be" (p. 40). But, having said that, Vinten does not hesitate to insist that nonetheless, e.g., psychology, can count as a science. "However, none of this implies that psychology is not a science at all. Psychology can be said to have an empirical subject matter, to engage in systematic gathering and accumulation of knowledge, and psychologists might engage in experiments and gather data from those experiments" (p. 44). But the foregoing provides neither a necessary nor a sufficient standard for what makes an activity a science. If mathematics counts as a science, then what Vinten says is not necessary. Clearly what he says is not sufficient, since if it were coaches of sports teams as well astrologers would fit his characterization. But about either what he assumes science to be or what follows from his views about science Vinten passes over in silence.

Debates about the status of the study of the social as scientific took their canonical form given certain philosophical views about the nature of scientific explanation, and relatedly attempts to formulate a demarcation criterion between what to count as science and what not. Formulations of the debate in terms of these issues have largely faded from the philosophical scene. Some who still oppose "the idea of a social science" typically do so in the spirit of preserving some special status of the *Geisteswissenschaft*. Also there exists no shortage of proposals as to how social sciences can be made more scientific.[1] Yet one will not find in Vinten a recognition of this literature, much less an engagement with it.

Those looking for Vinten to make good on those claims enumerated at the outset will be continually frustrated by what the book provides. One can sidestep, in this regard, the various attempts that Vinten canvasses in Chapters 3-6 to politically pigeonhole Wittgenstein the person or Wittgensteinian philosophy. For purposes of assessing the more general claims Vinten makes, the action lies in Chapters 7, "Wittgenstein and Freedom of the Will" and 8, "Wittgenstein and Justice." For here one expects the earlier promises to be redeemed inasmuch as the very chapter titles suggest that at long last the substance of Wittgenstein's thought will be carefully examined and Vinten's favored account clearly extracted.

But one waits in vain. Consider Chapter 7, the shortest in the book—15 pages. Vinten reasserts in it one goal—[2]—identified at the outset, viz., "My purpose is to demonstrate the usefulness of a Wittgensteinian

approach to social and political philosophy" (p. 163). As laudable an end as this may be, any mention of Wittgenstein's views does not occur until halfway through the chapter. And as throughout this book, Wittgensteinian aphorisms here are merely invoked, not explicated. In mounting a critique of a view championed by Churchland and Suhler on consciousness—the primary focus of discussion in this chapter, Vinten takes it as philosophically sufficient to note that:

> As Wittgenstein points out, 'only of a living human being and what resembles (behaves like) a living human being can one say: it has sensations; it sees; is blind; hears; is deaf; is conscious or unconscious'". The processes underlying control do not resemble or behave like human beings in the relevant respects… Contrary to what Churchland and Suhler say, it is not a virtue of their account that they are agnostic about whether processes underlying control are conscious, it is a sign of confusion (pp. 168-9).

Q.E.D. Or perhaps not. Does it suffice to show that an account of consciousness such as the one Vinten opposes seemingly does not square with a particular remark by Wittgenstein? What was the context in which Wittgenstein makes this remark? Can a reader be assured that the issue as understood by Churchland and Suhler actually conflicts with whatever point one could take Wittgenstein to be making? And since the remarks in the *Philosophical Investigations* rarely prove to be self-interpreting, including of course the question of when or if Wittgenstein is speaking in his own voice, much more needs to be said. Nothing is.

Rather, Vinten deepens the irony of how to match up his (implied) reading of Wittgenstein with the position that he (Vinten) takes as his foil. For within of a page of the remarks just quoted Vinten acknowledges "That is not to say that Churchland and Suhler are wrong, of course.… Given that Churchland is an eliminativist, presumably she thinks that our ordinary concept of consciousness is to be eliminated and replaced by a concept from neuroscience. But the fact remains that it is not clear at all what Churchland and Suhler mean by 'consciousness' and so it is, at best, unclear whether they are correct" (p. 170). Since Vinten has chosen to critique the position in question, one might expect that he would do his best to clarify whether they are correct, particular by Wittgenstein's lights as Vinten reads him. He does mount a particular critique of the position, to the effect that Churchland and Suhler "have replaced mind body dualism with brain-body dualism" (p. 174). But Vinten offers no careful analysis of Churchland's many writing to substantiate this. Indeed, the only appearance of Wittgenstein in this chapter other than that previously cited occurs on p. 174, and this simply repeats the quote cited at p. 168. But the criticism neither requires nor presupposes anything that Wittgenstein says. Granting the characterization Vinten offers of the position he criticizes, it is sufficient unto the day to note the adversion to what Vinten terms "brain-body" dualism. Whatever Wittgenstein thought, that criticism if correct stands on its own feet. The chapter concludes at p. 175, and with it ends any expectation that on one will learn from Vinten anything regarding how Wittgenstein transforms the debate about free will.

As the title of Chapter 8 suggests, Vinten takes his lead from Pitkin's well-known 1972 book, *Wittgenstein and Justice*. Against Pitkin's suggestion that etymology might be key to understanding a concept, Vinten maintains:

> So, in summary, Wittgenstein might be of help in philosophical discussions about justice by helping us to achieve clarity about our concepts. We can do that in various ways: by being sensitive to the fact that philosophers in the past may have used words differently to the way we do now, by being aware that we should not look for a single common element in all instances of justice, by being sensitive to the fact that 'justice' has a role in different language games, by examining the etymology of the word, and by producing an overview of the word 'justice' in relation to words like 'fairness', 'impartiality', 'judge', 'judgement', and so on (pp. 182-3).

But this could as easily be Austin as it is Wittgenstein. Additionally, Vinten's remarks hardly suggests a basis for a transformation of philosophical thinking about social and political theory, much less a distinctively Wittgensteinian one. Vinten appears to acknowledge this. "Wittgenstein himself had very little to say about justice in particular, although he did make remarks about both political and ethical matters that might help to point us in the right direction" (p. 184). So what pointers does one find as a Wittgensteinian guide through these philosophical thickets? Ironically, Vinten himself criticizes Rupert Read's supposedly Wittgensteinian criticisms of John Rawls' account of justice in the very terms that I use in taking Vinten to task:

> One thing to notice about these problems is that although they have been introduced here in the context of Wittgensteinian concerns about making unwarranted assumptions these criticisms have been made by non-Wittgensteinian philosophers in the past and there is nothing particularly Wittgensteinian about them (p. 186).

Unsurprisingly, I concur. But this still leaves hanging what contribution Wittgenstein can be thought to have made in this philosophical niche.

The discussion found in Chapter 8 again exemplifies a problem endemic to Vinten's book. Having begun by trumpeting the view that Wittgensteinian thought has particular value and relevance to political issues, the chapter veers off into extended discussions of thinkers who, *unsuccessfully* on Vinten's account, tried to establish such relevance. In the case of Chapter 8, he shifts focus to works by Rupert Read, Jose Medina, and Chantal Mouffe. Vinten's considered judgment of Read's efforts have already been noted. Yet as guides to a Wittgensteinian political philosophy, Medina and Mouffe fair no better by Vinten's lights:

> Medina and Mouffe's political vision is not supported by Wittgensteinian philosophy but it is not obviously in conflict with it either and the fact that remarks from Wittgenstein's philosophy do not justify Medina and Mouffe's political outlook obviously does not imply that they are wrong to hold the positions that they do" (p. 200).

But a reader of Vinten might find reason to become particularly anxious at this point. For the last quoted remark occurs at p. 200, and the book concludes at p. 202. Do world enough and time remain for demonstrating how Wittgenstein's philosophy provides *inter alia* a basis for showing how radicals could "get clearer in their political thought"?

For Vinten, apparently so. The *deus ex machina* that Vinten rolls out to save his account at the last possible second invokes mentions of so-called hinge epistemology:

> Understanding the role that prejudices play in our societies can help us to understand oppression and should make us open to those who raise, what initially seem like unreasonable doubts. We should be open not only to the possibility that we might be wrong about matters of fact that can be supported with evidence but also about the beliefs we hold fast to—sensitive to the fact that they can shift. So, it seems clear that tools from Wittgenstein's later work can help us to understand and combat oppression, although it certainly does not go all of the way in formulating ways to tackle oppression. Determining strategies for fighting oppression relies on thinking about the current concrete circumstances and so it goes beyond the kind of Wittgensteinian philosophizing we have been discussing here but Wittgenstein's work can complement the work of people fighting oppression by giving us tools to help us to understand epistemic injustices better (p. 201).

The first two sentences assert what can be taken at best as truisms, although the trick as always concerns a way to sort doubts that are "unreasonable" from those that are not. The sentences owe nothing in any case to Wittgenstein.

But how then to understand the third sentence? Beginning as it does with 'So,' one might once more expect or imagine that it precedes a statement of a conclusion of an argument. Yet what argument has Vinten made? One has the assertion that a label used for certain propositions "might" be of use, though instead of substantiating this claim about this way of reading Wittgenstein, Vinten characteristically undercuts it. "Working on developing a feminist hinge epistemology would help to broaden the range of problems dealt with by hinge epistemologists and so would help to overcome this problem. But the narrow focus of much of contemporary hinge epistemology is not the only problem. Ashton thinks that many hinge epistemologists have failed to take pragmatism sufficiently seriously" (p. 202) So Vinten sees at best a yet to be realized potential. And then, the end.

Having begun with a promise to show the relevance of Wittgenstein's later philosophy to post-liberal radical thought, Vinten baldly asserts that the promise has been fulfilled:

> So, despite the fact that Wittgenstein's work cannot be easily pigeonholed in terms of ideology, and despite the fact that it does not support a particular political programme, it can be used to help untangle conceptual knots in the work of social scientists and can be used to help us to understand other cultures, the ways in which people are oppressed, and the nature of prejudice, as well as many other things (p. 202).

But no conceptual knot has been untied anywhere in this book. Much less will a reader find even the beginning of a case for how in some serious philosophical way Wittgenstein could be of use in doing this sort of work.

Even more oddly, recent work that does do this, or does this in a related way, is dismissed or ignored. For one, Bernard Williams's discussion of left and right Wittgensteinianism is dismissed in barely a sentence (p. 88, fn. 5).[2] For another, although Vinten lists Miranda Fricker's book *Epistemic Injustice* in his bibliography, it otherwise receives no mention or discussion in the body of his work. More generally, those now working on what has come to be called in the analytic tradition "philosophical genealogy"—this includes works by Williams and Fricker noted above—attempt to do in fact what Vinten only offers by way of empty promises. Many would welcome a serious attempt to evaluate how philosophy when brought down from the Platonic heavens might fruitfully engage in evaluating or, to use a formulation favored by Queloz, "reverse engineer" epistemic and normative concepts. That would be a discussion well worth having.[3] Vinten, however, remains mute on all substantive topics. How this book ends illustrates why it never really begins.

NOTES

1 Works by Charles Taylor and Hubert Dreyfus exemplify the former view. For a range of options regarding the latter position, a variety of interesting and provocative proposals can be found in the works such as those by Jared Diamond, Peter Richerson and Robert Boyd, and Alexander Rosenberg.

2 For a sustained discussion of how the debate on the political implications of Wittgenstein's thought appears from this angle, see Queloz and Cueni 2021.

3 Fricker 2007; for a more general exploration of genealogical method as a tool for the normative assessment of concepts, see Queloz 2021.

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Vinten's Sociological Wittgenstein

DANIEL LITTLE
University of Michigan-Dearborn

Robert Vinten's *Wittgenstein and the Social Sciences* (2020) is one of a small handful of books that have tried to take seriously the idea that Wittgenstein's philosophy is relevant to the task of understanding the social world, and perhaps relevant to the social sciences. Peter Winch (1963) and Hanna Pitkin (1972) offered views on this topic decades ago, but Vinten's approach is distinctive and substantial, and he discusses a literature that did not exist at the time of Winch's or Pitkin's writing. The book has three main thrusts. Part I is devoted to philosophical issues that arise concerning the social sciences. Part II is on the topic of "political philosophy", or what Vinten calls somewhat misleadingly "ideology". He asks whether there is a distinctive ideology that is expressed or implied in Wittgenstein's work—whether conservative, liberal, or progressive or socialist. Part III addresses two substantive topics in the human sciences to assess the relevance and value of a Wittgensteinian perspective on the social world (freedom of the will and the problem of justice).

Vinten is emphatic, clear, and unwavering about his view of Wittgenstein's understanding of philosophy. Philosophy has only one mission, and this is the task of conceptual clarification. It is not derivative from the empirical sciences, and it does not depend upon the methods of the empirical sciences. It is relevant to the sciences, however, because scientists often suffer from conceptual confusions. Philosophy can help let the fly out of the fly bottle (Wittgenstein 1967, paragraph 309)—it can help to resolve those conceptual confusions.

I will be equally explicit here: I do not believe that this is a good way of understanding the task of philosophy. Further, if one persists in this approach, then it is all but guaranteed that the results of philosophical inquiry will be entirely irrelevant to the challenges of social-science investigation of the social world.

Let us begin by examining more closely Wittgenstein's distinction between philosophy and science. Vinten attributes to Wittgenstein a strong view of the relationship that exists between philosophy and science, and he endorses that view himself. Vinten writes:

> Wittgenstein was clear throughout his career that philosophy was a different sort of activity to disciplines which seek knowledge of the world around us (Vinten 2021, p. 16).

The view is that philosophy is concerned only with conceptual matters and has no involvement in the empirical or experimental investigation of the world—no relation to science. (Vinten sometimes refers to this dichotomy as the dis-

tinction between "cognitive disciplines" and "conceptual disciplines"; p. 4.) Philosophers have the job of clarifying concepts; scientists have the job of observing the empirical world and developing theories to explain its workings.

> In order to produce good work in social science we must achieve some clarity about the concepts we are using. To say something true about social phenomena we must make sense. The kinds of confusions that Wittgenstein was so skilled in identifying in his philosophical work are confusions that are still rife among social scientists (p. 3).

This position suggests adherence to the distinction preferred in ethical theory in the 1940s and 1950s between metaethical philosophy and substantive ethics. The former is the appropriate terrain for the philosopher, whereas the latter is for the social reformer or the politician. This is unfortunate, however, because it means that all the content of a philosophical treatment of the social sciences is necessarily entirely distinct from the reasoning and assumptions of the social scientists themselves. Another view, more credible in my view, is that the philosophy of social science should be understood as simply the most abstract end of a continuum of reasoning within the social sciences about theory, ontology, methodology, and the like. On this view, philosophy is not an independent and apriori source of insight into the social world; it is rather itself informed by the ways that we have developed to understand the workings of the social world within theory formation and conceptual development within the sciences (Little 2021).

The stance that philosophers serve to "clear away confusions" that other disciplines are prone to fall into is unfortunate for another reason: it makes communication between philosophy and sociology or political science much more difficult. It makes the intellectual exercise a contest between "confused" empirical researchers and "clear-sighted" philosophers who can set matters right. But this is not a good basis for communication or collaborative progress on substantive intellectual issues.

A second concern arises from the fact that Vinten conjoins social philosophy and philosophy of social science. These may sound like cognate areas of thought that can be treated together. In fact, Vinten subsumes the philosophy of social science under "social philosophy":

> What I will do in this book is take a look at some of the issues in social philosophy that I take to be central—(i) issues about the nature of social sciences, whether they can be properly called scientific; (ii) the issue of reductionism, whether social sciences can be explained in terms of the (perhaps more fundamental) natural sciences; (iii) the issue of the proper form of explanation in the social sciences (if indeed there is a proper form of explanation in the social sciences); (iv) the issue of relativism, whether social scientists should contemplate some form of relativism about truth, justification, knowledge, existence, or concepts; (v) the issue of ideology—whether Wittgensteinian philosophy favours a particular ideological standpoint; (vi) the issues of freedom of the will and responsibility; and, finally, (vii) the issue of justice (p. 2).

But this conflation is misleading. Social philosophy is a branch of normative philosophy, concerning itself with topics like freedom, rights, authority, justice, and sovereignty. The philosophy of social science has a completely different domain. It is concerned with ontology, epistemology, methodology, and explanation. Each of these topics requires discussion in full dialogue with working social scientists. There are normative questions that arise here, but they are norms of rationality rather than norms of justice.

It might be suggested that there is a dichotomy contained in "social talk" to be explored here, but not the one that Vinten sketches. Instead, we might ask about whether Wittgenstein's philosophical ideas are relevant to the *philosophy of society* as well as the philosophy of social science. The former set of questions have to do with how we should conceptualize the social world around us. What are some important metaphysical or ontological features of social life that might be uncovered through careful philosophical investigation of our experience of social life? The second family of questions concerns how we should investi-

gate and explicate the social world, based on methods of observation, hypothesis, and conceptualization of social phenomena. This dichotomy corresponds to a distinction that can be found in Aristotle between the philosophy of nature and the philosophy of our knowledge of nature. It seems clear that Wittgenstein presupposes a view of human social relationships in the *Philosophical Investigations*—for example, that these relationships are mediated by language, and language possesses inherent imprecision and variation. Wittgenstein's focus on rules and rule-following constitutes another line of thought that is relevant to the question, how does society work? So it is credible that Wittgenstein has something to contribute to the "philosophy of society". Vinten does not pursue this question, but I will return to it below.

In his chapters on topics relevant to the philosophy of empirical social science, Vinten considers several issues that have been of concern in this field. One of those topics is whether a social science is possible at all. Vinten follows Peter Winch (1963) in suggesting that the idea of a "scientific" understanding of social life is unappetizing to Wittgenstein:

> In his book *The Idea of a Social Science* Peter Winch developed Wittgenstein's ideas about action, behaviour, language, and rules into a critique of the idea that the disciplines known as the social sciences are scientific in the manner of the natural sciences (p. 26).

In a single compact paragraph Vinten casts doubt on the idea that Wittgenstein could support the idea of a "scientific" treatment of the social world at all (p. 27). He argues that there are at least three ways in which a framework for understanding the social world might be called "scientific". It might demonstrate that features of the social world can be reduced to facts about the natural world—social psychology or neurophysiology, for example. It might reject reductionism but maintain that the explanations offered in the social framework are fundamentally the same in structure as those in the natural sciences. And it might be held that the methodologies of research and assessment are the same in the social and natural sciences. (He also considers the question of whether there is progress in the state of knowledge in the social sciences.) Vinten argues that Wittgenstein would reject each of these claims of parallel between social studies and natural science. Wittgenstein was explicit in rejecting the idea of reducing one set of facts to another set of facts. Second, Vinten believes that natural-science explanations require causal hypotheses, whereas Wittgenstein's understanding of human action involves subjective reasons rather than objective causes. Third, Vinten believes that Wittgenstein would reject the methodological-unity criterion because he identifies natural-science methodology with Vienna Circle doctrines (positivism, verificationism, unity of science).

This line of thought amounts to a theme of anti-positivism and anti-naturalism that is very appropriate to the social sciences (Little 1993). However, it begs a crucial question: is there an evidence-based approach to the study of the social and historical world that does *not* pursue a positivist, naturalistic, and generalizing model of science? A survey of social science over the past half-century makes it apparent that the answer is yes. In the field of comparative historical sociology, for example, several generations of sociologists have investigated the causes and contingencies of revolution, economic change, and knowledge systems without engaging in positivistic or naturalistic models of scientific knowledge and explanation. The view that the social sciences should seek out concrete social-causal mechanisms has contributed greatly to a non-positivistic social science that is fully engaged in empirical and evidence-based investigation of social life. (See Adams, Clemens, and Orloff 2005 for a rich collection of essays on post-positivist sociology.)

A second major topic that Vinten explores in Wittgenstein's thought is the view that "action" is the key idea that distinguishes the social world from the natural world. Human beings act on the basis of motives and reasons, which distinguishes them fundamentally from molecules and planetary systems. This leads Vinten to follow Winch and like-minded interpreters of Wittgenstein to suggest the familiar distinction between explanation and understanding, causation and interpretation (von Wright 1971). By implication, then, Wittgenstein's version of "social studies" would involve critical hermeneutics rather than generalizations and causation. There is a long history of thinking about social and historical inquiry that is raised

by these observations: nomothetic versus ideographic or historicist approaches to the social world, causal versus interpretive approaches, and objective observation versus *verstehen* approaches. Essentially Vinten takes sides around these dichotomies on Wittgenstein's behalf: social "science" cannot be nomothetic, it cannot be causal, and it cannot be objective. However, it is invalid to infer from the fact that "actors make the social world" to the conclusion that "causation is not relevant to the social world". In fact, the focus on social-causal mechanisms in the philosophy of social science in the past two decades usually embraces the idea that the "substrate" of social causation is "social actors within concrete institutional arrangements". But this view of the social world is entirely compatible with the contention that social causes are at work in events such as financial crashes, outbreaks of civil strife, or the pace of economic development in different cultures. Hedstrom and Ylikoski (2010) provide an excellent survey of current thinking about concrete social-causal mechanisms in terms that are entirely compatible with an actor-centered view of the social world.

In fact, it is entirely possible to formulate a view of the social sciences that rejects positivism, crude reductionism, the insistence on generalizations, the idea that the social sciences should resemble the natural sciences, and the idea that scientific knowledge depends on pure observation for its empirical content. It is possible to acknowledge the unmistakable fact that human beings are cultural, meaningful, and intentional actors, and that social events depend on the actions that actors undertake. And it is possible to argue for a coherent view of "social causation" that is consistent with the basic facts about socially constituted, socially situated actors (Little 2014). Such a framework for thinking about scientific studies of the social world does not depend upon assumptions about reducibility from the social level to the psychological or biological levels. And it does not adopt a positivist or neo-positivist view of the nature of theory confirmation, based on a range of pure observations, deductions from hypotheses, and testing of hypotheses. In place of that positivist model of confirmation, an alternative basis for the philosophy of social science can rest confidently on a conception of piecemeal empirical investigation and inference in the context of a contingent, actor-centered social world.

An example: sociologists' use of "structure"

It might be useful to consider a concrete example that would be of interest both to Wittgenstein and to sociologists. Are there high-level concepts that are frequently used in sociological theory but that reveal an important degree of conceptual unclarity or confusion? Are there concepts where a Wittgensteinian analysis along the lines described by Vinten would be substantively helpful to future developments in the discipline? There are, and an especially important example is the idea of a "social structure".

The term "social structure" is used in a very loose and flexible way across many strands of theory in sociology. Examples of social structures that have appeared in sociological theory include:

- The Protestant ethic
- The capitalist mode of production
- The Chinese peasantry in the Qing period
- The world trading system
- The Jim Crow system
- The Chicago police department
- American racial segregation in housing
- White supremacist ideology
- The University of Wisconsin

We could extend the list. Here is the important point to observe: each of these "social entities", these social structures, works differently; each has a different scope of application; each appears to have a different relationship to individuals in society; and so forth, for a large number of distinctions. The idea of a social

structure seems to have much of the conceptual openness that Wittgenstein found in the idea of a game in *Philosophical Investigations*. Wittgenstein's observation about "tools" seems appropriate to "structure" as well:

> Think of the tools in a tool-box: there is a hammer, pliers, a saw, a screw-driver, a rule, a glue-pot, glue, nails and screws. —The functions of words are as diverse as the functions of these objects (PI 11).

This semantic and pragmatic diversity across uses of "tool" is not harmful—until our use of the term leads us to imagine that there is an underlying essence of "tools" that all tools share. This is the error of reification: the inference from the use of a term to the idea that there is some existing thing to which it always refers.

> A picture held us captive. And we could not get outside it, for it lay in our language and language seemed to repeat it to us inexorably (PI 115).

In the examples of social structures mentioned here, each theorist would be able to provide a further explication of what he or she intends to refer to; but by using the term "social structure" to refer to all these diverse social arrangements, we are at risk to the possibility that we will imagine that the social world consists of "actors" and "structures".

It is crucial to be reasonably specific in our use of general terms like structure, relationship, power, or class. The theorist should be prepared to paraphrase his or her intended meaning in using the concept. More radically, a Wittgensteinian sociologist might propose, perhaps, that we ought to forego the language of social structure except in circumstances where we can specify with some exactness what we mean by the use.

So in this instance, it would be helpful to engage in a Wittgensteinian act of conceptual clarification with various social theorists, in order to distinguish the features and assumptions each is attributing to the system he or she refers to. Further, without that clarification, when Marx and Merton refer to structures, their readers may incorrectly assume that they refer to the same kind of social entity.

Several ideas appear to be core features in our ordinary understanding of the concept of a social structure. A social structure consists of rules, institutions, and practices. A social structure is socially embodied in the actions, thoughts, beliefs, and durable dispositions of individual human beings. A social structure is effective in organizing behavior of large numbers of actors. A structure is coercive of individual and group behavior. A social structure assigns roles and powers to individual actors. A social structure often has distributive consequences for individuals and groups. A social structure is geographically dispersed. Social structures can cause social outcomes involving both persistence and change.

We might try to reduce these intuitions to a definition: a social structure is a system of geographically dispersed rules and practices that influence the actions and outcomes of large numbers of social actors.

Now let us turn to an important question: do such things exist in a Wittgensteinian social world? Wittgenstein accepts the existence of social practices without question. Rules, games, institutions, conventions, and persistent arrangements among individuals are all taken at face value by Wittgenstein. But is there any suggestion on Wittgenstein's part that these social features "depend" upon some set of facts about individuals? Is there a basis for postulating that Wittgenstein could be persuaded to defend an "actor-centered" social ontology, where social practices depend on facts about individuals and their mental states? Vinten's reprise of Wittgenstein's anti-reductionism suggests that the answer is negative. Wittgenstein is not interested in the sociologist's statement: "The social practice of communal barn-building depends on the acceptance by a large number of individuals of the norms of mutual aid." Moreover, he is disinterested in this claim, not because he would believe it to be false, but because he is fundamentally uninterested in

the question that it is intended to answer: "Why does the social practice of communal barn-building persist in some communities and not others?"

Compare that view with the view taken by most philosophers of social science today: social entities, processes, forces, and structures depend entirely on the behaviors and mental frameworks of the individuals who compose them (Little 2016). This view is described as ontological individualism. Any social entity must possess microfoundations in human mentalities and actions. There is no such thing as a social entity that lacks human embodiment—any more than there are works of art that lacks material embodiment.

Several of the instances offered above as examples of social structures fit the terms of our provisional definition. They are large complexes of rules and practices that influence behavior and outcomes. And it is straightforward to begin to provide a description of the microfoundations upon which they exist: the social components through which these structures are embodied and through which they exercise influence on individuals and groups.

Several of the examples mentioned above appear to fall outside the category of social structure, however; for example, "Chinese peasantry". These examples appear to be large factors that play a role in large social structures, but are not themselves "structures". They are more akin to elements than systems. So the structure that defines "Chinese peasantry" is the system of property, agriculture, and kinship that defines the peasant's role and opportunities in society; the category of "peasant" identifies one node within that system or structure.

This example suggests that conceptual analysis is indeed useful for sociology and other social sciences. We gain clarity by formulating our concepts more precisely. However, this should not be thought of as a purely philosophical process, distinct in principle from the ordinary work of social-science theorizing. Instead, it is an instance of a more disciplined approach to theory formulation than sometimes the great sociological theorists have pursued.

WITTGENSTEIN AND THE SOCIAL WORLD

Let us now return to the idea mentioned above that Wittgenstein makes a contribution to the philosophy of the social sciences through his implicit "philosophy of society". A Wittgensteinian theory of society might potentially serve as a valuable contribution to the topic of social ontology. It is important to emphasize that such a contribution would not be different in kind from the *theorizing* done by a Merton, Marx, or Durkheim. It is not pure philosophy, but rather an abstraction from Wittgenstein's observations of the workings of various social practices. It is a version of abstract "folk" sociology. On this view, there is a potentially valuable way of reading Wittgenstein's relevance to the social sciences: as a contribution to sociological theory, with valuable substantive concepts such as "family resemblance", forms of life, the language game metaphor, and so forth for a number of insightful metaphors and ideas about the social world.

Along these lines we might emphasize Wittgenstein's understanding of language as a deeply social product; his criticism of naive ideas about "meaning" in language; his idea of language games; his critical discussions of "following a rule"; his thoughts about the interpretation of behavior; his idea of a set of social practices setting a context for action and meaning; his notion that learning a language is learning a way of life; and other suggestive ideas as well. All these threads have some suggestive implications for how to think about social behavior and the social world.

Hanna Pitkin explores Wittgenstein's metaphors and insights into the social world in *Wittgenstein and Justice* (1972). Pitkin's central goal is to contribute to the foundations of political theory by thinking carefully about Wittgenstein's philosophy of language and behavior. Along the way she provides a sketch of a Wittgensteinian social ontology. Here is how she begins:

> It is by no means obvious that someone interested in politics and society needs to concern himself with philosophy; nor that, in particular, he has anything to learn from an obscure, misanthropic, enigmatic philosopher like Ludwig Wittgenstein, who never wrote about such topics at all.

> Wittgenstein's interests were philosophy itself, language, and the relationship between the two. Yet his investigations can yield insights of the most fundamental significance for social science or political theory.... What he has to offer is something like a new perspective, a new way of seeing what has always been visible, what has gone unnoticed precisely because of its familiarity (p. 1)

Perhaps most immediate contribution to social ontology in the *Philosophical Investigations* is Wittgenstein's emphasis on social practices and his umbrella concept of "forms of life" as a totality of practices, regularities, bodily circumstances, and rules within which we behave. Pitkin describes the concept of "forms of life" this way:

> That notion is never explicitly defined, and we should not try to force more precision from it than its rich suggestiveness will bear. but its general significance is clear enough: human life as we live and observe it is not just a random, continuous flow, but displays recurrent patterns, regularities, characteristic ways of doing and being, of feeling and acting, of speaking and interacting. Because they are patterns, regularities, configurations, Wittgenstein calls them forms; and because they are patterns in the fabric of human existence and activity on earth, he calls them forms of life. The idea is clearly related to the idea of a language game, and more generally to Wittgenstein's action-oriented view of language. "The speaking of language," he says, "is part of an activity, or of a form of life" (p. 132).

This is an important idea. It provides a different way of locating individuals and their subjectivity within a broader social, inter-subjective context. Neither individual nor collectivity is privileged; instead, we have a conception of a mutual "society-making" through the intentional and oriented actions and thoughts of multiple social beings. We can also ask whether Wittgenstein imagines one form of life or many, corresponding to the circumstances of different historical and cultural settings. Answering this question goes a way towards deciding whether we need a single social science or multiple inquiries, attuned to unique cultural settings in different societies.

Another line of thought is also helpful: Wittgenstein's deep critique of the search for philosophically simple theories (of language, meanings, or concepts). In place of logically simple analysis, Wittgenstein suggests that we conceive of social life as an overlapping set of practices without a single underlying essence. This is the most obvious contrast between the *Tractatus* and the *Investigations*; the former tries to give a single, logically austere definition of language and meaning; whereas the latter understands language more along the lines of an old, medieval city, with criss-crossing layers and paths—a messy, complex, and somewhat contradictory reality.

So there probably *are* new insights to be gained from Wittgenstein about society. It is worthwhile undertaking a careful re-reading of the *Investigations* asking a new question: what is the framework of thought in terms of which Wittgenstein thinks about social relations, social interpretation, and social action? How can some of these ideas give us some new insights into the task of framing an adequate social science? And how would some central tenets of current philosophy of social science look when treated from the point of view of the *Investigations*?

WHO MADE WITTGENSTEIN?

I will close by turning Vinten's question on its head and asking a sociological question about Wittgenstein himself: who made Wittgenstein a great philosopher? Why is the eccentric Austrian now regarded as one of the twentieth century's greatest philosophers? What conjunction of events in his life history and the world of philosophy in the first half of the twentieth century led to this accumulating recognition and respect?

This is a question that finds natural application in the "new sociology of knowledge," championed by sociologists such as Charles Camic, Neil Gross, and Michelle Lamont (2011).

There is an old-fashioned approach to intellectual history that presumes something like this: talent inevitably rises to prominence in intellectual life. The young man Wittgenstein was indeed exceptionally talented and original, and the meritocratic approach to intellectual history posits that talent eventually rises to the attention of the elite in a discipline or field of knowledge. But this is implausible in even more ordinary circumstances. Further, the circumstances in which Wittgenstein achieved eminence were anything but ordinary. His formal training was in engineering, not philosophy; his national origin was Austria, not Britain; his early years were marked by the chaos of the Great War; his personality was prickly and difficult; and his writings were as easily characterized as "peculiar" as "brilliant". (Ray Monk's 1990 biography of Wittgenstein sheds a great deal of light on his philosophical itinerary.)

The idea of a *field* introduced by Bourdieu in *The Field of Cultural Production* (1993) is particularly helpful in addressing this topic. The heart of Bourdieu's approach is "*relationality*"—the idea that cultural production and its products are situated and constituted in terms of a number of processes and social realities. Cultural products and producers are located within "a space of positions and position-takings" (Bourdieu 1993, p. 30) that constitute a set of objective relations:

> The space of literary or artistic position-takings, i.e. the structured set of the manifestations of the social agents involved in' the field—literary or artistic works, of course, but also political acts or pronouncements, manifestos or polemics, etc.—is inseparable from the space of literary or artistic positions defined by possession of a determinate quantity of specific capital (recognition) and, at the same time, by occupation of a determinate position in the structure of the distribution of this specific capital. The literary or artistic field is a field of forces, but it is also a field of struggles tending to transform or conserve this field of forces.

This description highlights another characteristic feature of Bourdieu's approach to social life—an intimate intermixture of objective and subjective factors, or of structure and agency. Bourdieu typically wants to help us understand a sociological whole as a set of "doings" within "structures and powers." This is captured in the final sentence of the passage: a "field of forces" but also a "field of struggles". The field of the French novel in the 1890s established a set of objective circumstances to which the novelist was forced to adapt; but it also created opportunities for strategy and struggle for aspiring novelists. Emile Zola is an interesting example of a novelist who both existed within the field and extended its scope.

Fundamental to Bourdieu's view is that we cannot understand the work of art or literature (or philosophy or science, by implication) purely in reference to itself. Rather, it is necessary to situate the work in terms of other points of reference in meaning and practice. So he writes that we can't understand the history of philosophy as a grand summit conference among the great philosophers (Bourdieu 1993, p. 32). Instead, it is necessary to situate Descartes or Russell within his specific intellectual and practical context, and likewise Martin Knutzen and Alice Ambrose Lazerowitz—both talented philosophers who did not become household names in the profession.

These comments give us a better idea of what a "field" encompasses. It is a zone of social activity in which there are "creators" who are intent on creating a certain kind of cultural product. The product is defined, in part, by the expectations and values of the audience—not simply the creator. The audience is multiple, from specialist connoisseurs to the mass public. And the product is supported and filtered by a range of overlapping social institutions—galleries, academies, journals, reviews, newspapers, universities, patrons, sources of funding, and the market for works of "culture." It is also important to observe that we could have begun this inventory of components at any point; the creator does not define the field any more than the critic, the audience, or the marketplace. This conception provides a valuable scheme in terms of which to try to situate Wittgenstein, and to account for his ascendancy within the discipline.

The field of a sub-discipline of philosophy at a given time, then, is an assemblage of institutions, personages, universities, journals, social networks, and funding agencies. The question of whether an aspiring young philosopher rises or languishes is a social and institutional one, depending on the nature of his or her graduate program, the eminence of the mentors, the reception of early publications and conference presentations, and the like. Indicators and causes of rising status depend on answers to questions like these: Are the publications included in the elite journals? Are the right people praising the work? Is the candidate pursuing the right kinds of topics given the tastes of the current generation of talent-spotters in the profession? This approach postulates that status in a given profession depends crucially on situational and institutional facts—not simply "talent" and "brilliance". And in many instances, the reality of these parameters reflexively influence the thinker himself: the young philosopher adapts, consciously or unconsciously, to the signposts of status.

Neil Gross's (2008) biography of Richard Rorty provides an excellent example of careful analysis of a philosopher's career in these terms. Gross provides a convincing account of how the influence of the field's definition of the "important" problems affected Rorty's development, and how the particular circumstances of the Princeton department influenced his later development in an anti-analytic direction. Camic, Gross, and Lamont provide similar examples in *Social Knowledge in the Making* (2011).

By locating various individuals within the network of institutions, journals, scholars, and funding sources it is possible to attempt to piece together the ways in which their own research agendas unfolded (responding to incentives created by their field) and the influence they exerted on other scholars. What all of this seems to support is the idea that the academic disciplines are in fact highly contingent in their development, and that there is no reason to expect convergence around a single "best" version of the discipline. This implies that a discipline like sociology or philosophy could have developed very differently, with substantially different ideas about research questions and methods. Wittgenstein's rise as an influential voice and expert was not inevitable.

What, then, was the "field" into which Wittgenstein injected himself in his visits to Frege and Russell in 1911 and following years? Here is a point that seems clear from the perspective of the present: the "field" of analytic philosophy in 1905 was substantially less determinate than it was from 1950 to 1980. This fact has two contradictory implications: first, that this indeterminacy made it more possible for an "oddball" philosopher to make it to the top; and second, that it made it more unlikely that talent would be consistently identified and rewarded. The relative looseness of the constraints on the field permitted "sports" to emerge, and also made it possible that highly meritorious thinkers would be overlooked. (So a brilliant young philosopher studying logic and language at the Tbilisi State University in 1925 might never have gotten a chance to move into the top reaches of the discipline.)

What were some of the situational facts that contributed to Wittgenstein's meteoric rise? One element seems clear: Wittgenstein's early association with Bertrand Russell beginning in 1911, and the high-level entrée this provided Wittgenstein into the elite circles of philosophy at Cambridge, was a crucial step in his rise to stardom. And Wittgenstein's status with Russell was itself a curious conjunction: Wittgenstein's fascination with Frege, aspects of the *Tractatus* that appealed to Russell, and Wittgenstein's personal intellectual style. But because of this association, Wittgenstein was not starting his rise to celebrity in the provinces, but rather at the center of the emerging field of British analytic philosophy.

Another element is one that was highly valued in Cambridge culture—the individual's conversational skills. Simply being introduced into a circle of eminent thinkers does not assure eminence. Instead, it is necessary to perform conversationally in ways that induce interest and respect. Wittgenstein was apparently charismatic in an intense, harsh way. He was passionate about ideas and he expressed himself in ways that gave an impression of brilliant originality. He made a powerful impression on the leading philosophers of his environment.

And then there are his writings—or rather, his peculiar manuscript, *Tractatus Logico-Philosophicus* (1961). One could easily have dismissed the manuscript as a mad expression of logicism run wild, with its numbered paragraphs, its dense prose, and its gnomic expressions. Or one could react, as Russell did, with

understanding and fascination. But without the reputation created by Russell's reception of the *Tractatus*, Wittgenstein would never have gotten the chance to expose the equally perplexing and challenging thinking that was expressed in *Philosophical Investigations*. In fact, almost all of Wittgenstein's later written work is epigrammatic and suggestive rather than argumentative and constructive. When there is insight, it comes as a bolt from the blue rather than as a developed line of thought. And significantly, much of it was published posthumously.

So let us test out this idea: a verbally brilliant man, a charismatic interlocutor, a person with original perspectives on philosophical topics and methods—but also a figure who benefited greatly from some excellent marketing, some influential patrons, and some situationally unusual lucky breaks. Had Russell been less patient, had publishers found the *Tractatus* too strange for their liking, had Moore been less open-minded about Wittgenstein's PhD defense—then analytical philosophy might no longer remember the name "Wittgenstein". This interpretation of Wittgenstein's stature suggests something more general as well: there is an enormous degree of arbitrariness and contingency in the history of ideas and in the processes through which some thinkers emerge as "canonical". Wittgenstein's career seems to bear out that impression.

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The importance of overcoming scientism, if we are to bring light to the darkness of this time

RUPERT READ
University of East Anglia

It is an honour to be asked to write in response to Vinten's sober, useful and thorough book.

He does me the honour of treating my work (on the areas under discussion in his book) very respectfully and often fertilely. On my work on Rawls and on care ethics and future generations (including that co-authored with Makoff), and on my joint work with Harkin (critiquing Temelini), we are in fundamental agreement. I will therefore focus my remarks here upon his fairly in-depth and partly critical treatment of my book authored along with Hutchinson and Sharrock (2008).

Specifically, I will focus on one moment in that treatment, which I found revealing; of a lack of ambition and self-confidence in the vision of 'social science' Vinten offers. It is this, from p. 45 of his book:

> In contrast to Hutchinson, Read and Sharrock, I want to stand by the claim that social sciences are indeed scientific - that there is such a thing as a social science. …One reason to claim that social studies are, or at least can be scientific is that calling something 'scientific' plays a role in legitimising that discipline. …[T]he term 'unscientific' is used as a term of criticism and we live in a world where social sciences and humanities come under attack for being unscientific. The mere fact that social sciences are unlike natural sciences in various ways does not imply that they are illegitimate courses of study or that they are any less valuable than the natural sciences.

Vinten says "one reason" here, but in fact this turns out to be the core explicit criticism that he makes of our approach. It is an extremely weak one, and moreover counter-productive. Yes, calling something 'scientific' plays a privileged role in legitimising that discipline (or activity or result)—*in a scientistic society*! Vinten in effect gives away the store, when he allows the image of science to dominate canons of epistemic legitimation.

It is as Wittgenstein remarks:

> Science: enrichment and impoverishment. The one method elbows all others aside. Compared with this they all seem paltry, preliminary stages at best (1980, p. 69).

The impoverishment which exclusive reliance on science and the wish to ape science creates is a central feature of a scientistic society/worldview. It is above all what Wittgensteinians should aim at overcoming.

Yes indeed, we live in a world where 'social sciences' and humanities come under attack for being unscientific. The only long-term sustainable answer to such criticism is to stop bowing down before the idol of science. Hard though it is, we have to campaign for the humanities to be recognised as legitimate *in their own right.* And for the social *studies* to *be*.

So long as the 'social sciences' seek to be legitimated by reference to the epistemic and methodological canons of the (natural) sciences, they are bound to come up short; because of the way that any would-be social understanding overtly or covertly obliterates or at least ignores the self-standing nature of the understanding of those one is seeking to understand, insofar as it tries to ape the character of natural science (in which of course there is no analogue to the self-understanding-in-action of subjects). Such an approach will always produce inferior results, precisely insofar as it seeks to confine itself to the approach of the (natural) sciences. 'Go forth and quantify' is a terrible maxim, if by doing so one is fantasising hard 'data' where none exist, and occluding the rich, founding, qualitative understanding that subjects and collectives have of the social worlds they co-create.

In social study, one needs as it were to stand *under* those one is seeking to study, not over them. If one is actually serious about understanding.

Here is how I put the matter some time ago:

> Those who feel a need to argue that their discipline is as good as the natural sciences (or at least could be, if only it had a paradigm) are ipso facto still utterly in thrall [to] the prestige of the natural sciences…
>
> The alternative of course is for 'the social sciences' to regard themselves as truly sui generis—as not needing to look to methodological aspects of the sciences with paradigms in order to validate themselves (Read 2001, p. 99).

The passage from Vinten than I have quoted reveals a truth about his approach: that, for all the many excellences of his approach, he is still in such thrall.

Rather than seeking a paradigm that would enable them allegedly to start to function exactly on a par with actual sciences, 'social sciences' ought to seek out the constellations of belief and practice that are already somewhat akin to paradigms *in* the actual human behaviour upon which they are parasitic. That is the burden of the argument I make in the paper of mine from which I have just quoted.

This will never be a properly executable strategy until the ambition of producing social *science* is set aside, and until the social studies instead come to align themselves closer with human action itself, and with the humanities (especially, as Winch implicitly pointed up in the very title of his great first book, philosophy). There have of course been versions of the social studies which have done just this. As Hutchinson, Sharrock and I point out, perhaps the most brilliant is ethnomethodology, which recognises that it is the methods of people/peoples themselves (as one might put it: the *ethos* of the *ethnos*), and not of 'social scientific' 'experts', which must always be one's starting point — and in a way, criterially, one's ending point — if one is serious about wishing to avoid misunderstanding human action. The same point is present in the culmination of Winch's argument, at III:6 of his 1990, "Understanding social institutions" (and in the Preface thereto), for instance when he stresses that any "reflective understanding must necessarily presuppose, if it is to count as genuine understanding at all, the participants unreflective understanding. And this in itself makes it misleading to compare it with the natural scientist's understanding of his scientific data." (p. 89). It is also present at the greatest moments in the salient work of Collingwood (especially his 1984), in Henry (2012), and in Merleau-Ponty (2002). And it is of course present over and over in Wittgenstein's philosophy.

It is (of course) completely understandable that any discipline may try to characterise itself as 'scientific' in a desperate manoeuvre simultaneously of puffing itself up *and* of bowing and scraping (to the ideal of

'Science!')—in a scientistic society. It is a potential way to popular acclamation and to larger funding-pots, at least for a while. But it is also selling out, and giving up on the ambition to inhabit a *culture*. Somewhere where one doesn't have to pretend to be able to theorise or quantify, in order to be taken seriously.

At the very heart of Wittgenstein's philosophy was his fervent wish to contribute toward creating a world that is (much) less scientistic than that that we inhabit. A world which created a proper, central place for the arts and humanities, which saw the social studies as best begotten deliberately and humbly from philosophy, and in which the richness of self-understanding *already present* in human action is properly recognised as super-ordinate to the attempts of social scientists to theorise or reproduce it. I can't help thinking that, relative to this ambition, Vinten's book, for all its undoubted virtues, on which I have briefly commented, falls some way short, as (to be fair) most Wittgensteinians (and *soi-disant* 'Wittgensteinians') do most of the time. Wittgenstein is a severe critic of culture; and our civilisation demands severe such criticism. And reconstruction.

The times are incredibly dark (their greatest darkness is vested in the ironic and deadly fact that most people aren't willing to see how dark they are (Read 2019)). We are lurching, on balance, at the present time, yet further *away* from having a culture in Wittgenstein's sense; further towards crude techno-scientific delusions of comfort and control, even as those delusions knock our very planetary life-support-systems further out of control. And yet (and partly of course because of that spiral out of control): We might conceivably be headed for a world that is closer to what in Wittgenstein's philosophy is dreamt. For techno-science is going to struggle to continue to rule the world, in an era in which it will increasingly come to be understood that it has basically devastated the world, by ending the Holocene. John Michael Greer has compellingly argued in a series of books that the entire edifice of techno-science, including, sadly, the good bits (such as research into genuinely renewable energy), may become tarred, if the future slouches roughly into the landscape of collapse for which on current trends we are headed.

Roy Scranton (2015) famously points out that what our time calls for, more even than it calls for green tech, is philosophy. Being willing to face personal and civilisational mortality. Being willing to look into the abyss, so that we might yet avoid it or at least descend into it with some grace and integrity.

Perhaps then the 21st century might even yet turn out to be Wittgensteinian. But if it is to do so, then we are going to need a good dose of courage, self-confidence and self-belief. We are going to have to quit the fake comforts of scientism more thoroughly than Vinten has been willing, as yet, to do.

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Wittgenstein, Brecht and (the Philosophy of) Politics

RICHARD RAATZSCH

1. INTRODUCTION

In his book *Wittgenstein and the Social Sciences. Action, Ideology, and Justice*, Robert Vinten has shown that Wittgenstein was not a conservative, nor a liberal, neither a Marxist or anything of that kind. As far as I can say Wittgenstein has never been accused of being a fascist thinker, and Vinten does not defend him against that claim either. (I will come back to that later.) Of course, there are a number of reasons to attribute to Wittgenstein conservative, liberal and even Marxist views, convictions etc. But, as Vinten highlights, and many would agree, making remarks which are typical for conservatives (liberals, Marxists, ...), does not make Wittgenstein a conservative (liberal, ...). For instance, and as Robert Vinten argues (see p. 81f. of his book), the fact that Wittgenstein quotes a remark from Grillparzer that conservatives might easily agree with—a remark according to which it is easy to "move about in broad distant regions" but "hard... to grasp what is individual and near" (and the fact that Nietzsche expresses similar thoughts at the beginning of *Menschliches, Allzumenschliches*)—does not prove that Wittgenstein was actually a conservative. That is, of course true. However, I think that Vinten's argument against the claim that Wittgenstein was a conservative is not radical enough. Indeed, there may be a need for a more radical theory than the ones in circulation, even a theory as radical as the one Vinten envisages. Sure, if there are theories which incorporate prejudices, for instance by not acknowledging certain groups of people the way other groups are acknowledged, then something like a "critical theory" may very well be needed, "critical" with regard to the state of the art or, perhaps better, the Herrschende Meinung. (There may be all kinds of such "non-critical theories", some of them as simple as pharmaceutical theories primarily or even exclusively looking at white adult males. Of course, not everything is as "innocent" as this bias may be.) There can also be no doubt that in order to arrive at such a "critical theory" (or, as may be a better name, a "sober theory") a lot can be learned from Wittgenstein. As perhaps the case of psychology shows most clearly—but one may as well point at Heinrich Hertz's remarks on physics—there may also be all kinds of conceptual confusions, and perhaps others too, embodied in scientific theories.

Yet, for Wittgenstein, the problem might just be the theory, however radical. In that sense, to be more radical might mean to have no theory at all, but something else. In the best of all worlds which we might arrive at, this "something else" might actually help us in a way even the best, most radical theory might not allow us to achieve—if, in such a world

help will still be needed (on this, see below). Anyway, it is exactly for the reason that Wittgenstein was neither a conservative, nor a liberal or an adherent to any other comparable political creed that Wittgenstein was actually able to approvingly quote a conservative passage form Grillparzer, or any other conservative for that matter. For if there would not be anything right in all of these different views (conservative, liberal, Marxist, and so on), none of them would actually be a view. There has to be something plausible and attractive in each and any of these views in order for them to be views in the sense in which this word is used here. (The way I use that word here, it is not to be understood in such a way that only full-blown philosophies fall under the respective concept, though these actually do fall under it.) Furthermore, it was just because Wittgenstein was not adhering to any of these views that he was able to quote approvingly in an unconditional way. For, say, a liberal might of course also feel that this or that remark which typically counts as conservative also brings forward or expresses their view, but the liberal's approval must be conditional in the sense that he claims to know better what that remark is actually saying (than the conservative or even the author of the remark). To put the same thought the other way round: for a philosopher, if we might call him that, like Wittgenstein, all these expressions of creeds are material to be philosophically investigated, and none of these expressions has a higher status than any other as expressing the truth directly. They are all material.

There is something else to be mentioned here, and this is something everyone might agree with: the very fact that Wittgenstein made remarks like the one just hinted at indicates that he was indeed quite interested in political affairs. In addition to himself making, or quoting, such remarks there is enough further evidence to prove that point, be it the fact that he broke off relations with a pupil for quite some time due to the fact that this person made a quite stupid remark on politics, as well as the fact that Wittgenstein once wrote a letter to the editor of an English newspaper complaining about someone making propaganda in Britain, and beyond, which closely resembled that of Goebbels. However, Wittgenstein was not only interested in politics, but also at least to some extent knowledgeable. For, after all, he became friends again with his pupil—this way acknowledging that the stupid remark made by his friend was a remark countless people make—and he did not actually send the letter to the editor—this way acknowledging that such a latter would not change a bit in the political arena, not even the way the newspaper would "work" in the future.

Now, as we know from many other subjects, Wittgenstein was almost physically unable to not look at anything he cared about, or at something which attracted his attention, from a philosophical point of view—or, to be perhaps more correct, from what might be called "that heir of a philosophical point of view given birth to by Wittgenstein". So, adding this to the points made above results in a good reason to look for something like a Wittgensteinian political philosophy or, if you prefer, political "philosophy". (If one takes as a paradigmatic case of a political philosophy what has been the most discussed "theory" of the last half century, coming from a professor in Harvard, then, I suppose, it would be an insult to Wittgenstein to attribute to him even only the seed of such a political philosophy. It seems to me that if Wittgenstein had known this "theory", his comments on it might easily have been as harsh as those Marx made on Mill. The fact that for many contemporaries this rather speaks against Wittgenstein and Marx would make things even worse for both of them, though also something to be considered—see the remark about Wittgenstein again welcoming his once abandoned pupil.)

In addition to that, and more of an argument in favour of the idea of there being a "hidden political philosophy" in Wittgenstein waiting to be excavated is the fact that the intellectual activity we call "political philosophy" usually entails, leads to, or depends on views on subjects Wittgenstein did actually write about. And yet, as much as Wittgenstein did, for some time, influence Western philosophizing on action, intention, reasoning, emotion, language and other topics, as little did this influence show up in political philosophizing of that time. (Wittgenstein's remarks on rules and rule-following may be an example for some kind of influence.) This, then, seems to be another reason to look for or try to develop a Wittgensteinian political philosophy or something similar to that.

There can, of course, be no doubt that at least some of Wittgenstein's remarks give at least argumentative hints at what might be problematic in the current Herrschende Meinung(en) in political philosophy.[1] For instance, the very idea that philosophy is in the business of providing Grundlegungen (Groundworks) is attacked by Wittgenstein with different arguments, most of which are of considerable force. This, if it carries over to the domain of the political, obviously goes against the grain of at least some of the most influential political philosophies of our days. The fact, then, that there is no agreement about how a Wittgensteinian political philosophy could look like an indication of something deeper: there can be no such thing (if one really wants to be true to Wittgenstein). If philosophy is indeed not concerned with providing Groundworks, if this very idea is itself a source of philosophical confusion, then there can be no Wittgensteinian political philosophy, since whatever Wittgenstein does say, it cannot function as a premise; it is not a foundation upon which one can build a political philosophy. We may have a perfectly clear picture of what an action, an intention or a rule is, and yet have no idea of what politics should look like beyond those ideas we already have before we start engaging in philosophizing about politics. At best, clarity regarding actions, intentions and rules might help us to see what is wrong with our initial ideas. But picking all the wrong ideas out of the basket does not mean that the one and only true idea will be left in that basket. If the slogan is "Don't think, but look!", as section 66 of the *Philosophical Investigations* has it, then one just has to look. One cannot predict what one will see when looking at politics, and whatever one might see, it will not allow one to deduce the next thing to be seen. And in that sense, Wittgenstein might not even show us what is wrong with this or that idea in political philosophy. Why, after all, should what is true of actions, intentions and rules (as far as they matter with regard to those things Wittgenstein considered when writing about actions, intentions and rules) also be true regarding the things Wittgenstein did not consider? As this "radically destructive" reading of Wittgenstein goes, he is instead concerned with showing us how confusions arise in relation to statements which others claim to be true or false. Now, by having shown how these confusions arise, they are already gone or, as the point is sometimes put, the problem is dissolved, rather than solved. This, in turn, means that there never really was a problem in the first place. Indeed, if we are really supposed to stop thinking and start looking, this very slogan itself is something one should rather not make. For why should we believe that something which turns out to be useful in one area will also be useful in another area? And now it looks as if, given that one wants to be true to Wittgenstein, there is nothing one can learn from him which goes beyond what he did say; and he did not say anything about political philosophy.

And yet, it would be quite unjust to deny that in most of the interpretations and investigations according to which Wittgenstein actually was some kind of conservative, liberal etc. there is something valuable to be found. This is particularly true of those interpretations which do not restrict themselves to explicit political remarks Wittgenstein made. (Vinten's book is a case in point here.) However, what I want to do in the following pages is neither to criticise nor to defend any one of the more or less established readings and developments of Wittgenstein's remarks. Neither will I try to sketch a new version of a Wittgensteinian political philosophy. Instead, I simply want to outline some of the things I think one can learn, or perhaps better learn again, from that Viennese Cambridge Philosopher. In doing so, justice shall be done to the Master, whether by way of avoiding many references and quotations, or by way of following some methodological hints Wittgenstein gave … as shall happen already in the next part.

1 For more see Lorna Finlayson's book *The political is political. Conformity and the Illusion of Dissent in Contemporary Political Philosophy*, Rowman & Littlefield: 2015. The fact that Finlayson's book is not as influential as one might expect it to be given its argumentative strength, almost proves the point she wants to make in that book. See also: Raymond Geuss: *Philosophy and Real Politics*, Princeton UP 2008.

2. AN OBJECT OF COMPARISON THROWING LIGHT ON WITTGENSTEIN BY WAY OF SIMILARITIES AND DISSIMILARITIES

My object of comparison is Bertolt Brecht. One of his later poems is this:

> Und ich dachte immer: die allereinfachsten Worte
> Müssen genügen. Wenn ich sage, was ist
> Muß jedem das Herz zerfleischt sein.
> Daß du untergehst, wenn du dich nicht wehrst
> Das wirst du doch einsehen.[2]

Now, not only does this poem itself consist of "die allereinfachsten Worte", but also almost all other poems of Brecht's do as well. (This is not a Brechtian specialty. Poets, it seems, are by nature far less tempted than philosophers to throw themselves into the arms of scientific jargon.[3] Yet, Brecht is particularly simple even compared to other poets.) And as far as using only "die allereinfachsten Worte" is concerned, there can be no doubt that at least the so-called later Wittgenstein belongs very much to the same family as Brecht. (Though one may argue this as well for the "early Wittgenstein", this is not the subject of our remarks here. And by any means, the simplicity of the *Abhandlung* is at least not as obvious as that of the *Untersuchungen*, and, therefore, then, either not really simplicity or simplicity of a very special, complicated kind.) Indeed, there seems to be even more resemblance, and to list these similarities, as well of course as the dissimilarities, is useful in understanding in which way, and to which extent, Wittgenstein was (not) a political thinker. For there can be no doubt that Brecht was a *homo politicus* through and through and, as I think, an eminent one at that. So, if Wittgenstein is by no means an obviously political thinker, but shows a clear resemblance to someone who clearly is, then looking at these resemblances, and differences, may indicate in which way and to which degree Wittgenstein was as political thinker as well, though not an eminent one.

2.1 Resignation

The beginning of Brecht's poem—"Und ich dachte immer"—sets the poem's tone. It is the tone of resignation. "Ich dachte immer: die allereinfachsten Worte (/) müssen genügen, but", one almost hears Brecht continuing, "it did not turn out the way I always thought." (Not saying this explicitly is one of the elements of being content with "die allereinfachsten Worte". Brecht, like Wittgenstein, follows the maxim of letting the reader do what the reader can do, a maxim which it is easier to follow if the words used indeed are "die allereinfachsten"—with some exceptions perhaps, like the *Abhandlung* for instance.) Instead, Brecht continues with something that is in line with "die allereinfachsten Worte". For given what things are like, how can your heart not be torn to shreds when you hear what things are like, in particular when you hear it said in "den allereinfachsten Worten"? Sure, one need not agree with Brecht that things are such that one's heart is torn to shreds when recognizing how they are. One may, instead, think that the times are great, or at least about to be made great again. However, Wittgenstein would rather agree with Brecht. After all, when Wittgenstein was about to make his so-called later philosophy, in this case the *Philosophical Investigations*,

2 English version by Michael Hamburger:
> And I always thought: the very simplest words
> Must be enough. When I say what things are like
> Everyone's heart must be torn to shreds.
> That you'll go down if you don't stand up for yourself
> Surely you see that.

3 Seen in this light, it is no surprise that Brecht's project of turning Das *Kommunistische Manifest* into a Lehrgedicht, similar to Lucretius's *De Rerum Natura*, was not a success, despite the support of, for instance, Karl Korsch.

public, he did so, as he put it in the preface to this book, "with doubtful feelings. It is not impossible that it should fall to the lot of this work, in its poverty and in the darkness of this time, to bring light into one brain or another—but, of course, it is not likely." It is only too easy to neglect these words, given that they were written in January 1945. But there is no doubt that Wittgenstein was far away from hailing the new post-war era. Similar to Brecht's response to the dropping of atomic bombs on Hiroshima and Nagasaki as a sign of a coming evil brought about by science, even if only later generations might acknowledge that, also Wittgenstein thought that the world might very well not have seen the worst that ever will have happened in human history. In this regard, Brecht and Wittgenstein were optimists: it may very well get worse and worse.

Yet, there is also an interesting difference between Brecht and Wittgenstein. It is not only that Brecht always thought that "die allereinfachsten Worte müssen genügen." He also thought, that they will suffice. Wittgenstein probably never fell victim to that illusion. In that regard, he seems to have been more thoroughly sceptical. For if things are such that "everyone's heart must be torn to shreds" when being told how things are, why should one then expect that even "die allereinfachsten Worte" could suffice? If, as one of Brecht's most beloved enemies had it, there is "kein richtiges Leben im falschen," then making the "false" explicit will either not make a big difference or it will even bear itself the mark of "eines falschen Lebens".

Now, one might object that as much as Wittgenstein seriously thought about moving to the U.S.S.R., the Bavarian Brecht chose as his home after the war not the BRD, but the DDR. And if the emergence of the so-called real socialism was not a big difference, what would have been one? Well, Wittgenstein actually did not move to Kazan, and Brecht died too early to see what he was already fearing become undeniable reality: the ruling of a new bureaucracy, very close to what Wittgenstein had mentioned as one of the things which might put an end to his sympathies with the Soviet Union. But, that is just not an ideological homecoming. It is not a reintegration into a "Denkgemeinde." Isn't this rather a confirmation of the claim that we live in dark times? For if even an attempt as enormous as the one we are talking about did not put an end to human beings being humiliated and enslaved, how powerful must these times be? Well, it is even worse, for how powerful must these dark times be if the downfall of that attempt appears to be a salvation, and appears as such to so many people that it actually is one? And now, what does that mean for any hope for a revolution, i.e., for a change which brings it about that there is no longer any humiliation, any enslavement anymore anywhere in the world? Wittgenstein did have that hope, and he was at least very close to giving up on it. That, it seems to me, is what Brecht might have learned from Wittgenstein. If even "die allereinfachsten Worte" do not suffice, then the times must be even darker than Brecht thought. The problem must have deeper roots than even he thought.

2.2 Apple-trees

Or so it seems. For there is a dialectical twist to the foregoing considerations. If things are such that even "die allereinfachsten Worte" do not suffice, if the times are so dark that it is, "of course, … not likely", that philosophical thoughts like those expressed in the *Philosophical Investigations* "bring light into one brain or another", if indeed

> Ein Gespräch über Bäume fast ein Verbrechen ist
> Weil es ein Schweigen über so viele Untaten einschließt![4]

how come that someone ends up with talking about trees, with writing poems which tore quite a number of peoples' hearts to shreds, with handing over to us the *Untersuchungen*?

4 An die Nachgeborenen, English translation made by Mr. Google: "Talking about trees is almost a crime / Since it includes silence about so many misdeeds!"

In order to find an answer to that question, it might help to remind oneself of a famous answer Luther gave to what seems to be an utterly useless question. The question was what Luther would do today if he knew that the world would end tomorrow. Luther's infamous answer: "I'd plant an apple tree (and I'd beat with rods those asking such stupid questions)." The point of Luther's remark is not that his, or even our, trust in God will turn out to be justified by the fact that the world will actually not end tomorrow such that we will see Luther's apple tree flourish (and those beaten with rods could show that they had learned their lesson). Instead, the point is that there is a role to be played in one's considerations for likely outcomes of one's actions, and there is also a role to be played for something independent of any such outcome whatsoever. There is something of the form "This is who/how I am, period", or "I can't help it".[5] No doubt, who I am, or how I am in that more serious sense needed here, will essentially be connected with me being, or not being, a believer. But that is neither to say that only believers can answer the "stupid question" the way Luther did, nor does it mean, as already indicated, that being a believer means not making decisions on what to do on the basis of beliefs about the likely outcomes of one's actions. Yet, being a believer, at least in the way in which Luther was, already indicates a stance one has towards the world. It is the stance of being active, of creating something, of hoping whatever the circumstances. In other words, Luther couldn't help but plant apple trees, symbolically understood. So did Brecht and Wittgenstein. They couldn't help it either; they had to philosophize and to write poems, plays and so on, literally understood. And of course, in both cases, these activities had not only been directed at the respective authors themselves. This may be more obvious with regard to writing poems and plays. But how much of the really great philosophy has really been published independent of the will of the philosopher? And why should writing a poem, or a play, not be a way to get clear about something, to make one's tortured mind stop asking unjustified questions, as Heinrich Hertz once put it?

But then, one might want to object that without any hope of bringing about some effect(s) in others writing poems or philosophizing would just be pointless. So, we are back at the end of the preceding section. Well, not really. For, one, why should that which is true of Luther, Brecht and Wittgenstein not also be true of many other people? If it is, then there is logical space for there being an audience. However, second, this does not mean that the times are not dark. It may as well mean that poetry, philosophy etc. are expressions of those times, rather than being providers of reasons for acting in this rather than that way. And has it not been said often enough that dark times are actually good for poetry, philosophy and similar activities? Is it not just darkness which brings about the need for enlightenment? (If the owl of Minerva does indeed, as Hegel has it, start its flight a dusk, then, by definition, philosophy is at its best in at least mild darkness.)

3. BEING RADICAL

In his criticism of Hegel's *Rechtsphilosophie* Marx writes that being radical means getting to the root of things, and: the "Wurzel für den Menschen ist aber der Mensch selbst." For some time at least, Marx thought that this primarily means to scientifically understand the economic sphere of human life. Humans are bodily creatures, that is, they have to eat, drink, sleep, stay warm and so on. What they need will, more or less, have to be produced. To be crude, production is the putting into action of human capabilities in order to change nature's forms in such a way that human needs can be satisfied, and these human capabilities may themselves be perfected. Production, as it actually takes place, is a social process. In most of its social forms different people play different roles, have different positions, different rights and duties and so on. These social forms are themselves expressions of human capabilities, in this case capabilities directed at oneself and other human beings, not directed at nature. To be more correct: directed at other parts of na-

5 Richard Eldridge has reminded me of the fact that Wittgenstein admired Ludwig Uhland's *Graf Eberhards Weissdorn*. In this poem, Graf Eberhard is described as one who, though he is, of course, getting older and changes in that sense, throughout his (adult) life sticks to who he is, in this case, a lover of Weissdorn or a crusader.

ture, at non-human nature.[6] For neither of the manyfold 'technological' capabilities, nor any of the 'social capabilities' are, as it were, placed outside nature, in that sense of the word "nature" which is to be found in philosophical essays. Although Marx never was a Marxist, late Marx, and in particular late Engels, had more and more doubts about there being a strict causal relation from the economic sphere to other spheres of human life. Sure, if you try to find out why the laws regulating the use of firewood in the first half of the 19th century in some parts of Germany are the way they are, you are in a much better position if you start with answering the question of who owns what than with asking questions about what might categorically be demanded from rational creatures, and what not. Yet, that is neither to say that all laws follow that pattern, nor is it to say that everything that matters can be found in the law. Yet, neither Marx nor Engels really gave up on the idea of there being some kind of (economic) basis upon which a (political, cultural, …) superstructure is erected. And that may very well be true. Yet, it is, as Marx and Engels of course knew and were very eager to tell everyone who wanted, or did not want, to know, not something to be established by philosophy. It is a scientific question. Yet, for many people, this idea also played a very different role. For many people, and this is one of the things which define "Marxism(s)", this picture became a part of a *Weltanschauung*. Brecht was, from some point of time till the end of his life, clearly some kind of Marxist in the sense of adhering to this Weltanschauung. As the case of the laws concerning firewood shows, the reason for the attractiveness of this Weltanschauung is actually not that it fosters scientific progress. It is enough to really look at the world to be attracted by this Weltanschauung. But since it is a Weltanschauung, it also easily blinds us when looking at the world. It easily makes us think (in the sense of theorize), instead of making us to look at how things are.

That Brecht was "some kind of Marxist" is not only the appropriate formulation because there are many different kinds of Marxists, as there are also many kinds of conservatives, liberals, anarchists and so on, but also because he adhered to some kind of Marxism of his own. Though he was influenced by Marxists like Karl Korsch, what made him special was something different. This difference can be made visible by reminding ourselves of something said above. The preceding section ended with the idea that poetry, philosophy etc. are expressions of their times, rather than providers of reasons for acting (in that time) in this rather than that way. Now, there is no doubt that Brecht thought of his poems, plays, essays and so on also as of weapons in class struggle. And it would be a distortion to say that he never intended his weapons to have the form of "Do this, if you want to achieve that!". (The very poem "Und ich dachte immer" is an example as far as what "ich dachte immer" goes: people were supposed to "sich wehren".) But he did not see them, as Marx and Engels did with regard to Marx's works, as a scientific weapon in class struggle, and the reason for that was not that Brecht wrote poems and plays, not scientific books and articles. The reason was that Brecht did not think that all that matters in human life is reasons. They do matter, no doubt, but sometimes more, sometimes less, and sometimes not at all. This is what using the word "expression" may help us to remind ourselves of. A poem urging people to stand up for themselves may be an expression of the situation people, including the poet, are in, rather than a manual to do this rather than that. A manual is a bad one if it does not help to achieve what it is supposed to help to achieve. A poetic, artistic expression of a state of humiliation may be as good as it can be whether or not it is going to change the situation. It may even not be a bad one if it does not encourage, enrage, stir up people to do something which might very well be labelled "sich wehren". No, it may just be the best thing to be had if the situation is such that it cannot be changed in a rel-

6 According to Richard Eldridge (comment to this paper), Marx was "also a neo-Schillerian perfectionist about the development of human capabilities in forms of cultural practice. After the revolution, we will come to live expressively and creatively, in ‚all-sidedness.'. This is something that we need to learn how to do, albeit that learning this will require liberation from current capitalist structures of work, class, and social reproduction."—Though I agree with these claims as far as early Marx is concerned, I am less in agreement with them as far as late Marx is concerned. Late Marx, as far as I remember, thought that capitalism will either be followed by communism or barbarism. That we actually do live in barbarian times is a point made over and over again by at least all kinds of artists. But, see Gernhardt below, this may itself almost be proof of them being wrong.

evant sense (see above). Or as Robert Gernhardt, protagonist of the *New Frankfurt School*[7], has it, with deliberate and cutting irony (a generation ago, some German philosophers loved to call this a "performativer Selbstwiderspruch"):

> Kann man nach zwei verlorenen Kriegen
> Nach blutigen Schlachten, schrecklichen Siegen
> Nach all dem Morden, all dem Vernichten
> Kann man nach diesen Zeiten noch dichten?
> Die Antwort kann nur folgende sein
> Dreimal NEIN!

Remember, Brecht did not say that you cannot write a poem after Auschwitz. In some sense, the opposite is true. His question was: what does it say about our time if speaking about trees is almost a crime because it entails silence about so many misdeeds. (Similar to Gernhardt's poem, Brecht's *An die Nachgeborenen* is also a "living contradiction", though not of the funny kind.) So, the order of things is almost reversed: talking about trees is what comes first, and what makes this a crime comes later, is somehow alien to talking about trees. To the extent to which this can also be said about poems about trees (houses under trees at the lake, …) this is, then, turned into something like a proof by Robert Gernhardt. Sure, it is a proof in the sense in which Samuel Johnson proved Bishop Berkeley to be wrong by kicking a stone, or in the sense in which G.E. Moore proved Berkeley to be wrong by holding up his hand. One might object that G.E. Moore at least only started by holding up his hand, and then continued with giving an argument why this is indeed a proof of the existence of external things. But to be sure, is that really a better proof than holding up his hand? Does Moore really show something that Gernhardt does not show, and in an even more impressive and more concise form? Note that it will not help to object that, after all, Gernhardt's poem is simply not a philosophical argument, provided we take something like Moore's essay or even *The Critique of Pure Reason* as paradigms for such an argument. Moore's essay and the *Critique* are indeed such paradigms, given the usual understanding of philosophy. But that usual understanding is just what is at issue here. And one thing seems to be clear about this topic: if it is the case that, as Wittgenstein once put it, philosophizing should be left to those who cannot help themselves but do it, then this also already indicates that there are some people to whom philosophizing comes naturally, very much the way in which writing poems, plays and similar stuff came naturally to Brecht. Both are, to use an expression of Marx, "Weisen der Aneignung der Welt durch den Menschen", ways of making the world one's own. And it is no objection that only quite a few people have that urge to write poems or to philosophize. This is true, but many people, almost everyone indeed, have something similar within their souls, an urge which can be satisfied by reading poems, or, for that matter, can be satisfied by listening to Rap and other similar activities, or: philosophical remarks, in particular if they have the form of poems, jokes and the like, but not by reading either a newspaper or a scientific paper.

7 By the way, it seems to me that this school is not only more successful, but also more philosophical than the Alte Frankfurter Schule. One reason for that, though not the only reason is that it is way funnier—and the deliberate irony of this poem is a nice example for this. (Remember that Wittgenstein did not only love certain jokes, but also thought that a philosophical book might consist of jokes only, and still be a very good philosophical book at that. See also section 111 of the *Untersuchungen*.)

4. BEING HEALTHY, OR NORMAL

It has just been said that Brecht almost reverses the order of things: talking about trees is what comes first, and what makes talking about trees a crime comes later. What makes talking about trees a crime is, as it were, alien to talking about trees, though it is not a misuse as paying a bribe may be called "a misuse of paying for a service". The phrase "what makes talking about trees a crime comes later" should also not be understood in a temporal sense. It comes later in the way in which illness comes later than health. (Some people are born ill.) It is alien in the sense in which war is not simply a continuation of politics by different means, but a continuation of politics by, as one may call it, pathological means, by means the use of which may actually put an end to all politics—similar to a potentially deadly illness.

A situation in which talking about trees is (almost) a crime because it involves being silent about so many misdeeds is a situation in which talking about trees is no longer simply one of those activities Wittgenstein calls "Sprachspiel". Wittgenstein introduces that notion for several reasons. One reason consists in highlighting the manifold of different forms of language, as opposed to what one might expect when studying logicians (like Frege or Russell, both of which saw themselves in the business of doing Groundwork, though they had different views of what that means). Another reason, connected with the first one, for introducing the notion of "Sprachspiel" is to emphasize the fluidity, the historicity of that manifold, again opposed to some logicians' ideas about the essence of language as something that never changes. (Here is the Frege of the *Grundlagen*: "Wenn in dem beständigen Flusse aller Dinge nichts Festes, Ewiges beharrte, würde die Erkennbarkeit der Welt aufhören und alles in Verwirrung stürzen." Compare that with the beginning of Ovid's *Metamorphoses*.) And still another reason is, finally, to draw one's attention to the fact that using language is interwoven with all kinds of other activities (like, in the case of talking about trees, pointing at trees, using pictures of trees, breaking wooden sticks, mimicking the sound some trees make in the wind, making, reading and reciting poems about trees, composing music for such poems, and so on). Note that these activities are, as it were, internal to a Sprachspiel. That is, we do not just call that part of an activity "Sprachspiel" which consists of uttering sounds, provided they take place in a situation in which also particular other things happen. (It is, in other words, not a lucky coincidence that, when talking about trees, people point at trees, instead of pointing at cars or scratching their heads, both of which may, of course, happen in a situation in which someone is talking about trees.) Instead, it is this ensemble of uttering sounds, pointing at trees and so on which makes the uttering of sounds into language use, instead of just being—the uttering of sounds. (To be sure, uttering sounds may be a "Sprachspiel" of its own. Just imagine there being a Ministry of Silly Sounds comparable to *Monty Python*'s Ministry of Silly Walks. Both would be cases in which the word "Spiel" is used in a very familiar way.) What Brecht, however, has in mind, when saying that there may be circumstances such that talking about trees is almost a crime is something which is not internal to talking about trees in the way in which pointing at a tree, showing a picture, differentiating between kinds of trees, taking care of them by watering them or making sure they do not get any more water and so on are internal to that "Sprachspiel". Yet, these circumstances are also not simply external. If they were, they could not make talking about trees being almost a crime. For when we say that something is almost a crime, we are not referring to something which comes in addition to that activity. It is the activity itself which is almost a crime—although not as such, but under these circumstances. And yet, it is almost a crime. The problem which creates this back and forth between activity and circumstances (under which the activity takes place), is the problem of what belongs to the identity of that activity, and what not, what is part of a Sprachspiel, and what not. And what we can learn from Brecht's remark—similar, yet more carefully expressed, compared to Adorno's (in)famous remark, to which Gernhardt ironically responds, that after Auschwitz it is barbaric to write a poem—is that there is something like a normal, standard, usual "environment" for something as basic as talking about trees (reporting what went on, playacting, joking, greeting, praying, …). Where talking about trees amounts to commiting a crime, this "environment" has been severely damaged.

This insight throws a light on Wittgenstein's talk about Sprachspiele: what he has to say about them presupposes, as it were, these normal, standard environments. With regard to this point, in one sense, he sharply disagrees form Brecht's approach, and, in another sense, just confirms it. In order for the talking about trees to almost be a crime, that normal form of talking about trees is neither a crime nor not a crime. (It is neither a crime, nor not a crime, to breathe—under the usual circumstances. That is, there may be circumstances such that breathing becomes a crime and therefore, if these circumstances change, for breathing to stop being a crime, i.e. not being a crime in that sense. In simple terms, to respond to someone saying that John is breathing by asking whether or not John should be punished for breathing has no established meaning, except as a joke, or as a philosophical remark.) And what something is can be seen by following the picture of it being a Sprachspiel: What are the rules governing it? What is its point? How is it different from other things? Which aspect of our nature, if any, finds one of its forms in it? Which of our interests are expressed in it and guide it at the same time? And so on. What you see when you adhere to that way of looking at things does not show you anything about a situation in which it is a crime (or, for that matter, no longer one). In that sense, Wittgenstein is not a political thinker in the way Brecht is.

Yet, in another sense he is a political thinker too. To see this, remember our starting point: that there is hardly any political view which has not been ascribed to Wittgenstein, except fascism.[8] The reason for that is not primarily that Wittgenstein made some comments in which he expressed his attitude towards fascisms in such a way that there can be no doubt that he was strongly against it. After all, there are also some remarks which can be read as support of the political system of the Soviet Union, and nevertheless he has been described as a conservative. No, the difference between fascism and the rest goes deeper. The role fascism plays in philosophical debates about politics is similar to the role slavery plays in these debates. The problem is not that there are no "justifications" of slavery, the problem is that they are treated as "justifications", i.e., justifications in quotation marks. (And if one wanted to point at, say, ancient political treatises which are still discussed even though they "justify" slavery, then one should also point at the fact that the passages "justifying" slavery in these treatises are treated in a very special way, usually quite different from the way in which other passages in those treatises are treated: among other things, often they are not even mentioned in discussions of these treatises.) No, slavery is, as it were, out of question. "As it were" because one way in which this special attitude towards slavery expresses itself in philosophical minds, like that of David Wiggins, for instance, is by (him) saying that "there is nothing else to think but" that slavery is wrong.[9] If there is nothing else to think, then the truth in question here is not of the kind of truth connected with an ordinary empirical statement. For the point of such a statement is just that there is a whole world of other things to think. So, the logical multiplicity is the same, which matters in philosophy. Something very similar is true of fascism. It's out of the question, there is nothing else to think. And that mirrors, of course, the way in which fascism is treated in political life. There is nothing else to think but that fascism is wrong, and "nothing else to think" leaves a world of different actions to execute. As Burton Dreben once said: If asked, as a liberal political philosopher, what to say to an Adolf Hitler, the answer should be: "Nothing, you shoot him!". Note, the difference between Dreben and Wiggins: it is the difference between saying that there is nothing to say and saying that there is nothing to say but … This is a difference in logical multiplicity, and in philosophy that is almost everything that really matters. One objection however with regard to Dreben: what he says is nothing special to liberal political philosophy, but to political philosophy as such. Yet, two comments may help to further clarify the point at issue here.

8 In the fall of 2020, a German weekly journal headlined an article with the question „Why Leni Riefenstahl was not an artist but a glowing Nazi". Even if one would like to object that this is a category mistake, which would be a fair objection, it would be equally fair to recognize the linguistic fact that the category mistake would belong to a different category than the mistake expressed in the following headline would belong to: Why Leni Riefenstahl was not an artist but a triangle.

9 Expressed at the Meeting of the Aristotelian Society, held at the Senior Common Room, Birkbeck College, London on Monday 19th November, 1990 at 8.15 p.m.

One, the way in which fascism is out of question is not the way in which "The world came into existence 6 days ago" is out of question. For many, this is also out of the question, but the class(es) of propositions Wittgenstein treats in *On Certainty* is not exemplified by something like typical fascist statements. For the problem with "The world came into existence 6 days ago" is that we are simply lost. In particular, there is no understandable way which may lead one from hearing someone saying this to wanting to shoot him. But if you hear someone saying that the Jews are "Untermenschen" which (right: which, not who—when they speak) should be eliminated, and that political commissars belong to that which (see above) has not to be taken captive but to be shot at the spot. how can you not at least consider the guy to be shot (at the spot)? And even if the disagreement with someone saying some of the things Wittgenstein considers in *On Certainty* would be such that we would even go to war with them, that would be a war like that war mankind wages against evil aliens in some sci-fi movies. (Bad movies are often good for philosophy because, due to their simplemindedness, they display real differences in a pure form, i.e., a form which, in reality, they hardly ever take. In this sense, *Independence Day* is good for philosophy: the evil aliens are not only evil, they are also really ugly. So, there is basically no way of getting things wrong. And yet, these aliens are no fascists! They exemplify, if you like, an alien kind of evil, while fascists are homegrown. When Brecht says

Der Schoß ist fruchtbar noch, aus dem das kroch[10],

then we should also be struck by the fact that this would make no sense with regard to those aliens, and the reason why this would make no sense is not that these evil aliens did not crawl out of us in the first place. If they were to crawl out of us the next time, instead of coming out of deep space, they would still be as alien as they are—which is something another of those movies shows us: *Aliens*.)

Two, what Wittgenstein reminds us of in *Über Gewissheit* is, among other things, how different humans can be. The difference can reach so deep that there is basically no way to understand one another beyond some simple things. But, as Hannah Arendt has put it, the truth is: Eichmann is our brother. He is one of us. (Goethe has made the point before by saying that there is no crime or misdeed for which he does not find the seed in his own breast. Note, Goethe has human crimes and misdeeds in minds. This is just his point: that they belong to humanity, are part of who, or how, we are.) So, by treating fascism as being out of the question, we treat some part of ourselves as being out of the question. (Isn't that an heir of that old practices of making something taboo and of exiling some people from the community?) So, the problem that, as it has been called above, making the "false" explicit will either not make a big difference or it will even bear itself the mark of "eines falschen Lebens" is not due to there being an Erkenntnisproblem. Instead, it is either a problem of a particular social form our nature has taken on or it is an expression of forgetting the fact that Erkenntnis is a part of our Leben.

When Marx, in his *Thesen über Feuerbach*, says that the philosophers have only interpreted the world differently, but that what matters is to change it, then he is often understood as saying that interpreting is not enough. Yet, if this were true, then why did he stop doing philosophy? For that interpreting is not enough, allows for it to still be necessary, in particular, as some have highlighted, in order to know how to change the world. So, this understanding is not as radical as it ought to be. The point Marx wants to make is that philosophy is not something which can possibly tell us how to change the world. Instead, and now in Wittgenstein's words, philosophy leaves everything as it is. For the torment the experiencing of which makes one into a philosopher is not the torment expressed in Brecht's poem or, for that matter, in Marx's complaining about philosophers. But it is also not something completely different. What Wittgenstein shares with the other two is the hope to be able to throw some light into people's minds, however dim that light might ever be. And very much like Brecht, and, I think Marx too, Wittgenstein finally came to realize that this hope might have been vain. For here is what Wittgenstein wrote down a few days before he died:

10 Brecht, *Der aufhaltsame Aufstieg des Arturo Ui*, Epilog, and four lines earlier: „Und handelt, statt zu reden noch und noch." (My translation: "And act, instead of talking on and on.")

> Komme ich nicht immer mehr und mehr dahin zu sagen, dass die Logik sich am Schluss nicht beschreiben lasse? Du musst die Praxis der Sprache ansehen, dann siehst du sie.[11]

Well, what if the practice is such that what we call "looking at something" will not allow us to see the logic? And if we retreat to a remark to be found in Wittgenstein's *Nachlass*:

> Philosophie dürfte man eigentlich nur dichten.[12]

we are already starting to move in circles.[13]

11 Published as remark 501 in *Über Gewißheit*. (See also my "Sein und Schein (bei Wittgenstein)", in: *Wittgenstein Studies* 2022.)

12 Wittgenstein's Nachlass: The Bergen Electronic Edition, Ms.115, p. 30.

13 I am grateful for Richard Eldridge's comments of an earlier version of this paper. His comments were very helpful, not only with regard to making my English better.

The Pendular Nature of Human Experience: Philosophy, Art, and Liberalism

RAFAEL LOPES AZIZE
Federal University of Bahia

Abstract: If we are to escape reification—a sort of cognitive neutrality of basic, gnosic apprehension of the world plus a fundamental disrespect of the other as free agent—we should recognize our mode of existence as always already one of existential engagement with and within experience, aiming at articulating and expressing this engagement. One way of fully inhabiting this, let's call it the proper human stance, is through recognizing a pendular space between the basic attitudes of acknowledging lived, shared interests and values and avoiding being bound to and dependent on the values of others. Both philosophy as radical critical reflection, and art, or artistic processes of production and reception, can be seen as invitations to inhabit this pendular space of human experience, by way of continually opening up our habits of sensibility to new engagements in thought and life, and successfully articulating and expressing these engagements in public forms. I take Cavell's reading of Wittgenstein's mature philosophy as an attuning to an apt attitude towards this invitation. Is this attitude one possible, non-procedural meaning of "liberalism"?

OVERTURE

What is the good measure by which to assess a great philosophical œuvre?[1] Is it by its answers to puzzles, theories, or problems? Is it by the range of its interests, or influences? Is it by the shifts it inspired in thinking habits or in procedures for how to go about investigating subject matters? The practice of philosophy varies so immensely that even colleagues working, say, in the same department, sometimes have a hard time recognizing precisely what each other do—let alone judging the value of each others' work. As there is no standing consensus on what philosophy proper consists in, I can't think of an answer to those questions capable of eliciting satisfaction in large numbers. It is however not unreasonable to say that Wittgenstein's body of work has had, and continues to have, a huge impact in a considerable part of contemporary philosophical practice in the cultural West, either by its treatment of a number of problems in the philosophy of knowledge, language and mind, or by the manner (method?) in which this treatment is carried out.

Robert Vinten's book *Wittgenstein and the Social Sciences—Action, Ideology, and Justice* is another symptom of Wittgenstein's ongoing impact on philosophical practice. It joins a literature dedicated to expanding that impact into areas to which Wittgenstein himself paid less attention (say, the philosophy of art, of the social sciences, of education,

etc.), or into traditions in which that impact was less felt (say, phenomenology, hermeneutics, psychoanalysis, etc.). It will surely prove to be a useful and valuable addition to this literature.

I want to note a very circumscribed aspect of the book, and think *from* it about one of its topics—the question whether there is an interesting, unusual, defensible sense of "liberalism" that can be derived from Wittgenstein's thought. I say thinking about this *from* the book, because my aim will not be to contend in favor of a degree of truth or falsehood in Vinten's interpretation of textual claims by the authors he chooses to examine in regard to a putative Wittgensteinian "liberalism". I do want to take a cue from the book and approach this question through a different angle.

What I want to do then is to propose a framework for a philosophical work in the form of a Wittgensteinian invitation to address the conceptualized experience of persons in the life-world, an address which is shown, not spelled out, by the textual composition of *Philosophical Investigations*. One of the best ways to articulate the spirit of this invitation is to read Wittgenstein by way of Cavell's notion of *the truth of skepticism*, and also by way of the role of artistic processes, or our engagement with art and aesthetic experience, in accepting that invitation. I hope that an image of (at least one useful meaning of) "liberalism" will in the end emerge from the circumstances of that invitation and especially from the characterization of its field of application.

RADICAL PHILOSOPHY?

Vinten opens and closes his book with claims about Wittgenstein being a radical philosopher, or as useful for radical thought:

> I will argue in this book that Wittgenstein's radical philosophy could also be useful in developing the radical politics and social theory that we need around the world now. (…) We face enormous threats from climate change, rising authoritarianism, bigotry, and war. Wittgenstein's philosophy is useful in challenging the dominant liberalism of today, which does not seem to be up to the task of rising to those challenges, and in developing a clearer, more radical alternative to it (p. 22).

> So, despite the fact that Wittgenstein's work cannot be easily pigeonholed in terms of ideology, and despite the fact that it does not support a particular political programme, it can be used to help untangle conceptual knots in the work of social scientists and can be used to help us to understand other cultures, the ways in which people are oppressed, and the nature of prejudice, as well as many other things (p. 202).

I agree with him, and I join him in the hope for Wittgensteinian philosophy's more widespread "use in work in social epistemology, moral philosophy, and political philosophy, political theory, and psychology" (Ibid.). Again, I think his book is a valuable contribution in that direction, from a philosophical viewpoint. Where I do not follow him all the way, perhaps, is in his understanding of what makes Wittgenstein's a radical philosophy. (This is important because it has a direct impact on the use of "liberalism" he makes, which would benefit, I believe, from the subtle tweak of meaning to be found in Richard Eldridge's texts with which Vinten contends). It is not exactly a disagreement as it is a difference in emphasis and scope of that philosophy as we conceive it. In this section I point to the relevance of this difference, which I then try to develop in further detail in the subsequent sections.

Perhaps one way of briefly stating this difference in emphasis and scope of Wittgenstein's mature philosophy is to relate it to two aspects stressed by Vinten as crucial to the purpose of the philosophical practice: (1) the method of grammatical description, i.e, the "careful examination of the grammar of our language" (p. 104), and (2) its role in countering dogmatism in philosophy:

> When Wittgenstein talks about dogmatism in philosophy he does not have in mind the kind of objectionable blinkered or inflexible stances taken in politics that might be contrasted with more open-minded or perhaps liberal stances; rather, he is talking about a kind of philosophy in which an archetype or a model is held onto in such a way that it amounts to a 'preconception to which reality must correspond' (Ibid.).

To be able to persuade the will to a different aspect of an image (*Bild*) seen as necessary, i.e, to *see* the same image *as* just possible or at least its necessity as *not itself necessary*—however important it is to *us*, to a certain practice, ritual, value, which be dear to *us* –, to achieve this is certainly important and something that is involved in the therapeutic dimension of Wittgenstein's "new method" (see Moreno 2011 for a more detailed account of this). But is this aspect of the "new method" a rich enough account of the radical nature of Wittgenstein's philosophy?

Here are two possible avenues of negative answers to this question. One is to track the development of the concept of use (*Gebrauch*), which in the early 1930s is almost synonym to application (*Anwendung*), but gradually widens its scope in order to explore an expansion of the reach of phenomenological problems towards the lived experience of persons in culture. Another is to describe the cooperation of the concepts of aspect and spirit. Tackling the philosophical yield of this idea of the "spirit" of the "new method" in Wittgenstein, Arley Ramos Moreno starts from Wittgenstein's observations on the nature of rituals:

> (...) the feeling of deepness [that we may feel in in connection with a ritual] would stem from the correlation we in some way perceive, without being able to admit it, between the rituals and our own feelings and thoughts; or better, the similarities and intermediate connections that we recognize between the different situations, but are not prepared to perceive as similar (Moreno 2009, p. 161).

Knowledge of historical facts about the ritual, "as, for example, the knowledge that remote, original renderings of a particular rite were symbolic substitutions for some tragic event, like famine, pestilence, or a bloody war" (Azize 2019, p. 288) brings us no closer to grasp the resonances of the ritual, its meaning in life. In a word: its spirit would evade us, even in the case of rituals native to our own culture. The comparative case of cultures less familiar to us might help us to understand what is at stake:

> The spirit, then, would be a set of known cultural habits whose features we can recognize, at least partially, in unknown cultures as being similar—to the point of being able, when it is a matter of habits of our own culture, of thinking, inventing or imagining situations in conformity with rules we do not know, as they are similar to those we do know. A common spirit or, at least, recognizable as being familiar, is what seems to be at the basis of the capacity to see an object as another—and of the long descriptions Wittgenstein does of the concept of seeing as (Moreno 2009, p. 162).

Should the comparative case of rituals of different cultures (ours and distant ones) bring us to recognize an aspectual nature in the spirit of our own rituals? It seems so. Why? Partly because, in order to recognize the meaningfulness of our rituals in life, we need to see the internal connections between those rituals and what we typically do, so to speak, "around" them, in order to make them expressive:

> The applicability of the notion of aspect stems in part from the idea (…) that the proper description of experience of meaning, though not completely excluding sensory reports [about purely extensional objects], cannot be reduced to these. Let us remember our undesirable contradiction: the notion that two sensory experiences could be different with no change on the object or the conditions of perception, even ideally as a philosophical fiction. I claim that the solution, or the dissolution of this paradox must include a dimension of reaction—not only a sensorial one—that be both

> (1) subjective and (2) "right". There is a risk here: to replace one paradox for another. If we speak of the right reaction, we speak of rules. On the other hand, such rules for reacting or responding (especially aesthetically) do not operate in isolation of a lived, existential, even emotive dimension (Azize 2019, pp. 288-9).

The philosophical endgame of grammatical clarification is no endgame at all. Sure, it might seem so, if we put too much emphasis on a certain reach of the idea of autonomy of Grammar. But at the end of any chain of (language-justified) reasons there is the gesture of pointing to an instance of what is truly basic: the form of life (*Lebensform*), where, if I may say so, the logical space of the *Tractatus* gradually expands towards "phenomenological problems" (see *Remarks on Colors*) and ultimately (in the 1940s) towards the lived experience itself. The gesture of pointing to the lived experience in the hopes of clarifying problem of orientation (or confusions) in the geography of our conceptualized behavior will ultimately, perhaps non-intuitively, rely on a shared participation in a form of life. In the process, some degree of inference and grammatical description will be called for, but only up to a point (Azize 2010b). I can surely spell out aspects of rules that my interlocutor might have overlooked, or even misconstrued, etc. I can also point to the dogmatism of taking the necessary force of an Image as itself necessary (I'll get back to this later). But that will not be enough, if we are to attain a more fulfilling agreement or mutual understanding. Why? First of all, because any usage rely on a myriad of intermediary connections with other concepts, propositions, beliefs, attitudes, rituals etc., which neither interlocutor will be able to keep clearly in mind, even in the most simple instances. When I express a positive judgement relative to a point in a gradation, or succession, etc., I somehow state all negative judgements implied by the former ('This is white' implies 'This is not blue' etc.). When I say "this is what counts as a move in chess" I'm also saying "we do not necessarily accompany a move in chess with a dancing step", etc. The letter of a practice, of a ritual, is not enough: we need to survey its spirit.

There is a passage in Wittgenstein's *Lessons on Aesthetics* which reads:

> The word we ought to talk about is 'appreciated'. What does appreciation consist in? If a man goes through an endless number of patterns in a tailor's, [and] says: "No. This is slightly too dark. This is slightly too loud", etc., he is what we call an appreciator of material. That he is an appreciator is not shown by the interjections he uses, but by the way he chooses, selects, etc. Similarly in music: "Does this harmonize? No. The bass is not quite loud enough. Here I just want something different…." This is what we call an appreciation.
>
> It is not only difficult to describe what appreciation consists in, but impossible. *To describe what it consists in we would have to describe the whole environment*. (*Lessons on Aesthetics*, I, § 18-20, my emphasis).

Azize (2019) comments on this passage:

> In other words, we would have to describe all intermediary links (*Zwischengliedern*) of the associations of practices (*Association der Gebräuche*) in connection to the situation in which that notion is used.[2] Naturally, such description is not feasible. But something interesting is implied by Wittgenstein's remark, beyond the rejection of the clarifying nature of aesthetic adjectives: the fact that the aesthete could describe the environment in which his appreciation can be experienced and appropriately expressed, and at the same time he could not. He could, in the sense that a chess player could state the rules for the game of chess even having read no chess rulebook in her life. He could not, in the sense that, prompted to clarify what to play a game consists in, at some point he would have to resort to an instance of the form of a family resemblance definition: this, and that, and things like these, and so on—inviting a form of understanding on the part of the interlocu-

> tor that is dependent on a dense description of practices, affections and imaginative scenarios, not only rules. To clarify is here to be able to experience, to know how to go on further in a series without guarantee and open to historical modification at the modal level, i.e., a rather radical modifications of the object (for instance, the object "artwork") (Azize 2019, p. 299).

In what follows, I try to develop in more detail the conception of philosophy hinted at so far, and its connections and similitudes with artistic processes. Let me start with some words on modernity as a background for this story.

MODERNITY AS BACKGROUND

Modernity is one of those umbrella terms whose limits can be fuzzy. But it is perhaps safe to say that what most of us call modernity involves a critical stance whereby traditional seats of authority are subjected to rational and empirical public inquiry. This is a claim to a critical stance in the ordinary experience of persons in the life-world, and it has many different aspects. Let me point out some of these aspects: an increasingly republican governance, mediated by collegiate bodies of deliberation; the establishment of outlets for social experiment and democratic dissent controlled by a negative freedom (Isaiah Berlin), i.e., denying the proposition of ending all other experiments and dissents; the social construction of science based on evidence; the protection of subjective development-in-the-world and access to speech in the public sphere; and so on.

Both philosophy (at least Wittgensteinian/Cavellian-inspired philosophy) and art (or aesthetic processes of production and reception) might be seen in the same light, as aspects of this modern critical stance. Let me focus on art for a while, as it will reflect or afford considerations regarding philosophy by similitude later on. One way of outlining, or articulating images of art and aesthetic experience as aspects of this modern critical stance is, strangely enough, through the continuing impact of Plato's seminal gesture in aesthetics, even if indirectly. I don't mean expelling poets from the city. Whatever else we can say about his conclusions, Plato recognized the full power that art has of articulating meaning and value in ways that affect people more vividly than other pedagogic or overall communicative or value-expressive tools he saw operating around him, and perhaps with a wider range of affordances. Art does this typically by trying to create forms by which to enact and express experiences of distinctly artistic meaningfulness, thereby imaginatively expanding the possibilities of human experience in general. Echoes of Plato's insight can be heard in contemporary philosophies that reopen the question of the uses of art. As Western life in general finds itself at a crossroads between a past of structured oppression and visions of expansions of democratic liberties, we are called once again to protect and promote places in public life for spiritual, artistic, narrative, fictional works that freely experiment on both subjective and social life, not aiming at disruption as an intrinsic value, but to secure a space for human beings to engage with the pendular, existential experience of both acknowledging our and other's interests and wishes and avoiding the forceful common (Cavell).

I take both Wittgenstein's and Cavell's philosophy to be such callings, some of the most powerful and far-reaching in the recent decades, in terms of the ability to avoid philosophical reductionism in all areas to which the two philosophers lend their impressive arrays of attention, and in terms of its capacity to court us back to addressing our human lives philosophically with some of the best tools of the trade, the essay form (in the case of Cavell) and the philosophical fragment (in Wittgenstein's case)—not always trying to emulate the scientific paper.

PHILOSOPHICAL PRACTICE AND ARTISTIC PROCESSES

What forms does responsiveness to the calling to envision and experiment in modern free and meaningful life take? Among other things, that calling take form of the work of reading and hearing, finding voice and reaching out to touch others, which Cavell—following Wittgenstein as he understood him—took as more

congenial to philosophy than the systematic carving out of fully developed arguments, heavily bent on anticipating attacks in the game of philosophical dispute. So let me go over this framework in just a couple of wide strokes, and then try to develop some of its different elements a bit further.

If we are to escape reification, i.e., a sort of cognitive neutrality of basic, gnosic apprehension of the world plus a fundamental disregard of the other as free agent, we should recognize our mode of existence as always already one of existential engagement—what Wittgenstein came to call Praxis in the 1940s (not entirely unlike Heidegger's notion of Care). One way of reconnecting with this, let's call it the proper human stance, is through a kind of debureaucratization or deautomatization of perception (Benjamin, Shklovsky, slightly disrupting our habits of sensibility so they open themselves up to new engagements.[3] I think that this task can be generalized as one which is more congenial to art in general—not only in more experimentally-led works and genres, but also in more conventional art forms. Why? Because art, either experimental or more stable formally, is always an artificial framing of experience - be it minimalist (think of Raymond Carver or Eric Rohmer) or maximalist (think of Shakespeare or Balzac). A condition of possibility for the engagement with artistic processes in this vein could be articulated with a Cavellian vocabulary in terms of the *truth of skepticism*, whose operation involves a more receptive attitude towards the invitation to debureaucratize perception, thus favoring a more pluralistic view of Praxis in general, and at the same time a clearer view of more localized and stable commitments to meaning (I have the *perspicuous representation* in view here, something Wittgenstein considered we lack when we fail to patiently appreciate the kind of understanding—involving disclosure of meaning and warnings against necessary and sufficient conditions—that they can provide; see *Philosophical Investigation*'s dense §122). There are echoes here of Simone de Beauvoir's (1948) rejection of what she calls *inhuman objectivities* (Beauvoir 1948)—promises of godliness, adherence to microphysical and all-encompassing moral and political causes, necessary and definitive truths about aspects of experience, etc. The compelling character of inhuman objectivities stems from a resistance to accepting our original lack-of-being, or, in a word: our finitude. Anxieties with our finitude are dealt with by our seeking assurances of meaningfulness, in the form of impersonal theories of the meaningful in general, of justice, etc. The danger is that such theories end up restricting or compromising genuine investment in life. On the other hand, there is also the danger of embracing a choice for the sake of affirming subjective decision-making. To envision a middle way between these two excesses involves a particular type of modesty and patience. And it is facilitated precisely by the work of perspicuous representation of interrelated cases of finitely meaningful life. Anxieties with the lack of assurances of meaningfulness can then likely be curbed, as responsibilities and responses within our commitments rise up. There is hope, then, for the ongoing task of inhabiting the pendular human space of acknowledgements of value and avoidances of disagreeable aspects of culture (Cavell) without fantasies of total adherence (to inhuman objectivities—I'll get back to this later). But how does this help us gain a better grasp of the space of philosophy and of art?

SPIRIT, WILL, ORIENTATION IN LIFE

When Arthur Danto, a key theorist in contemporary aesthetics, chose to close his book in which he outlines his topography of the field of philosophy with a brief chapter entitled "The Realm of the Spirit". In a gesture not unlike that of the last paragraph of the *Tractatus*, where Wittgenstein despairs of glossing precisely those regions of thought and experience he deems most important, connected to the domains of the ethical and the aesthetic, in the last paragraph Danto (1989, p. 274) leaves his reader at the threshold of these very domains,

> of what Hegel fittingly called spirit in contrast to nature: the area of politics, law, morality, religion, art, culture, and politics itself. Having brought the readers to this point I must leave them, for the bulk of philosophical reflection has itself not crossed this boundary, and until it does we are very much on our own. This side of the boundary [i.e., previous chapters of the book] is philosophically

> explored territory, the geography of which I have sought to describe. The realm of spirit is dark and difficult *terra incognita* so far as philosophical understanding is concerned, though it is as well, so far as human understanding is concerned, the most familiar territory of all. It is in the realm of spirit that we exist as human beings.

It is difficult to draw a precise line marking out the crossing to practical philosophy, unless we happen to be thinking in purely formal terms, whatever this means - perhaps having expunged from the field of our objects all pragmatic aspects relative to the mundane existence of persons and communities, and relative to the pragmatic context where the use of linguistic signs emerges out of a gesturing toward paradigms for proto-objects in the process of setting up rules, between contingency and normativity. As Brazilian philosopher Arley Ramos Moreno (2013, pp. i-xxxii) used to say when talking about the spirit of Wittgenstein's "new method" (after the *Tractatus*),

> What can create secular misunderstandings is precisely to think that it is a question of instilling wishes, interests, personal tastes, all those things that we can sum up with the word 'will', to instill these elements in the concept. On the contrary, it is a question of doing the inverse procedure, i.e., to instill concepts in the elements of the will, to render it critical.

The conditions for the experience of meaning can ultimately be traced back to a volitive soil—if we are interested in doing genealogy. But this fact neither invalidates the applicability of the notion of objectivity, nor is it a menace to philosophical rigor (see Oliveira and Azize 2021, pp. 180-202). To instill concepts in the elements of the will should not be just a working program for the contemporary philosopher anxious to have professional impact in the monastic game of *disputatio*. For this is perhaps one of our deepest urgencies in the public sphere, in days of expansion of a kind of irrationalism whose implications for (the impossibility of) minimal agreements we seem far from grasping, and is crippling the conditions for deliberation. We live in a time of strong recession of critical thinking and imagination in public conversation, at least as it is broadcasted to wider audiences in what is still called "the news". An aesthetics of repetition colonizes subjectivity by controlling and empoverishing recognition, narratives about experience, by unifying too forcefully meaning-giving stories which are then received as depictions of the world as it is, not possible versions of the world, inner or outer. This loop is in the process of rekindling all number of dusty inhuman objectivities, flags of gnosic, political and aesthetic absolute allegiances. One wonders, by the way, whether this makes the late XXth. Century talk of grand narratives being *passé* a bit ironic in the XXIst. Century. One way of understanding this phenomenon is to track it back to the way instrumental reason dominates matters of practice, and policy debates are conducted merely in terms of efficiency for the satisfaction of wants, often artificially created for financial reasons. In personal life, this kind of practical thinking translates as an impoverishment of lived experience in the form of adaptation, and deliberation and phronesis are no longer taken seriously as matters of attention and scrutiny. At the same time, our attention is dulled and dispersed by synthetic noise, entertained by a sterile, functional language and by a unilateral diet of clichéd images looping in the sceneries of ordinary life. We become less dexterous in *autonomous exercises of the spirit*—efforts of caring of the self and malaises of resistance to reality. An ever-increasing immersion in digital environments has not made things any easier. Our hyper-connectedness co-occurs with the appearance, once again, of scenes of public bigotry at the entrance of museums and art venues—and even academic spaces. In this context, it bears on the *practices of the spirit*[4] to imagine new sensibilities beyond the experience of ever-fleeting adaptation and its subtext of fake meritocracy, and, through them, new contexts of deliberation (I am thinking of the dense capacity of *fictions* to experiment with these). There is hope that, in these new contexts of deliberation, fresh visions of communal ties might emerge in multiple plans of existence—from love and desire to the experience of time and territory, and work—and greater epistemic justice might be achieved, in and through the artificial framings of possible experience suggested by artworks, and, hopefully, also by philosophy.

So yes, most days I remain prudently hopeful for what Richard Eldridge (2008) calls art's powers of orientation in life for us. These powers involve a number of aspects which are fairly open-ended. One of these aspects is the balance of conscious gesturing in this or that direction (Cavell's acknowledgments and avoidances) with an overall story that binds these gestures together, or give them meaning in life. Another aspect is balancing the presence of a story (Simone de Beauvoir's 'project') with the ability to withstand a level of indetermination and surprise. The experience of persons in the life-world is not a perfect projection of standing images or narratives anticipated in the theater of the mind. A sense of improvisation is called for, like steps in a dance. The immediately previous step somewhat determines the next as a suggestion within the overall formal composition of previous steps further back, and also given our bodies and their natural environment. But still the next step *will* retain *some* character of novelty and unpredictability. This also means that sometimes the whole composition is subjected to a resetting of itself, where possible resolutions fade out and new stories, or series of steps suggest themselves that were perhaps more removed from foreseeable horizons of meaning. (Can a law of form control this for us? Should it?). So to talk here of attention and commitment, which are two important notions for Cavell in regard to both philosophy and artistic processes of production and reception, must not be construed as invitations to fixed visions of meaning or value, to dogmatism, self-righteousness or stubbornness.

The dance metaphor gives me a cue to go back to the notion of artistic processes as a debureaucratization or deautomatization of perception.

ART, IMAGES, PRACTICE

The Russian formalist critic Victor Shklovsky (1988 [1917]) defends the proposition that art consists in thinking in images. To understand the function of imagery in literature, for example, one must distinguish "imagery as a practical means of thinking, as a means of placing objects within categories; and imagery as poetic, as a means of reinforcing an impression" (p. 23). Imagery as a practical means of thinking is one of the devices of the language of prose. Image as a means of reinforcing an impression is one of the devices of the language of poetry. Imagine that a child is eating bread and butter and gets butter in her fingers; now imagine that a child "is playing with my glasses and drops them". If I say "Hey, butterfingers!", you can see how the image works differently in these two contexts. Imagery in this second sense is an important device because of the tendency of our habits of perception to become (unconsciously) automatic. "Habituation devours works, clothes, furniture, one's wife, and the fear of war (…) And art exists [so] that one may recover the sensation of life; it exists to make one feel things, to make the stone *stony*. The purpose of art is to impart the sensation of things as they are perceived and not as they are known" (p. 24). There are several ways in which art disrupts recognition so that we can see the object again as if for the first time, thus engaging with an aspect of it outside of its knowledge alone. About this engagement we can now say interesting things, we can now inhabit a plain of existence in which that object makes sense to us, or defies sense, intrigues us as to other, similar objects and *their* significance, etc. Schklovsky gives an example of an odd description of flogging by Tolstoy, whose estrangement has the effect of "pricking the conscience" (Ibid.). He then goes on to generalize the technique of estrangement: "I personally feel that defamiliarization is found almost everywhere form is found" (Ibid.). Poetic speech, for example, is comprised of special arrangements of its material - phonetic and lexical structure but also "through structures compounded from the words" (p. 25)—aiming specifically at slowing, or accelerating, the act of reading. Schklovsky says that this is what generates satisfaction in 'poetic language'. He means, I think, more than agreeableness of feeling: estrangement denotes the undoing of perceptual habit as aesthetics.

There is perhaps a direct line between this feature of artistic processes brought to their full fruition and the spirit of Wittgenstein's method. Arguably, the two main pillars supporting the system of *Philosophical Investigations* are the operative concepts of Grammar and Therapy. Assume that the philosophical work of clarification of images (*Bilde*) (see Moreno 1995, 2011), or of usages of concepts, seeks to mark out differences (and subtle but somewhat commanding intermediary connections, *Zwischengliedern*) between those

usages. Assume also an intrinsic lack of perspicuity of Grammar; we orient ourselves in speech as if walking with a flashlight in the woods at night, not as triumphant trekkers at the top of Mount Meaning with clear views all around. Assume that the business of such a philosophy is not to correct that lack of perspicuity once and for all (Wittgenstein got over that dream in the 1930s); assume that philosophy so conceived starts when an interlocutor complains she no longer knows her way around concepts, propositions and presentations of beliefs; and that the business of philosophy is to set up a dialogue through which, hopefully, a way back to ordinary experience of meaning is found (even if temptations to depart from these again seem inevitable). Finally, assume that the whole endeavor serves no further philosophical project—for instance, the project of positing modal relations as foundational, necessary relations that would themselves be necessary. A crucial technique Wittgenstein employs in order, as he says, to bring words from their metaphysical to their everyday uses consists in inventing strange scenarios so as to try and bring our vision to reach the limits and possibilities of what is sayable given the language we use *and* the creatures we are. He asks, for example, for the precise time when a given thought starts and stops in the mind (of its owner?). Or he introduces off-Earth creatures that would have doubts that would never occur to us about seemingly trivial uses, thus forcing us to see (without thinking) the ocean of assumptions we navigate without being told that they are there, let alone have their rules of operation spelled-out, as in a user's manual, perhaps even a General Anthropology of sorts. There is also, of course, the technique of calling attention to aspectuality (seeing or hearing something as something), by which clarifications of one's perception are no longer to be carried out by descriptions of perception (figurative representations of lines and volumes, graphical notations of sound waves, etc.), and we recognize that there is a seeing which denotes an experience involving subjective reaction and engagement which is not clarified by way of purely extensional descriptions of objects of perception.

The bottom-line of this philosophical practice can appear to be nothing more than settling those moments of disorientation down, so our interlocutor can move on, back to whatever practice had been placed in a sort of temporary suspension in order for philosophy to take place (say, people taking a break in a biology laboratory to discuss a sudden referential opacity of the concept of life). But as I understand Moreno (1995) to have suggested (unavailable in English) there is a deeper outcome to be expected, in terms of a personal change of attitude, a renewed appreciation for the plurality of possibilities of the experience of meaning, and at the same time for our commitments (acknowledgements, avoidances) to those possibilities that are closer to us. That is why Moreno drives attention to the *spirit* of Wittgenstein's new method, not its argumentative conundrums, interesting though those certainly are. To see (without thinking) our Images (*Bilde*, or usages, if you will) as Images would fulfill no iconoclastic task, as perhaps in Nietzsche. Sure, there is something to be said of accepting how moot an endeavor it is to seek for a base necessity *behind*, or *under* necessary relations between concepts and practices. To see the Images as Images does not disengage us from them—for, after all, they constitute experience, they make up our world. On the contrary: we recognize our responsibility for them. But it goes deeper than that, once you recognize Wittgenstein's "writerliness" (Eldridge 1997), the character of his composition, what Moreno used to call the Philosophical Album (of memories): this is an ongoing journey, a spiritual practice, in which self and culture become recognizable through the work of expression.

I wonder if this is a kind of Wittgensteinian-Cavellian humanism. Some compelling recent, and not so recent, voices (M. H. Abrams, Tzvetan Todorov, Martha Nussbaum) think it convenient to once again speak of humanism after the 1960s and 70s' talk of the death of the subject and phonologocentrism, to suggest a renewed attention to artistic processes through which expansions of the imagination and of subjective autonomy are coupled with stabilizations of meaning. Many diagnostics of the growing culture of philo-fascist ideas in Europe in the last century pointed to a dimmed power of language to bear gestures of rich, clear and stable enough expression (think of Karl Kraus, Stefan Zweig, Victor Klemperer, Adorno, more recently Eric Santner).[5] In the face of a new, recent tide of impoverishment of language, attention to artistic processes of production and reception can fulfill a negative, critical role, as well as a positive imaginative role of inviting and training to open dialogue, and of attempting to curbing anxieties with difference, fini-

tude, ambiguity and commitment to meaning. More recently, Gibson (2003) has made a compelling case for reclaiming a sense of humanism in this vein.

Besides humanism, I had mentioned practical philosophy as if this is a safe thing to do, just pointing out the field where a specific branch of philosophy gathers its objects. Now, the terms "humanism" and "practical philosophy" can both invite misunderstandings, especially in relation to art and philosophy. There might be undesirable echoes of a conception of philosophy (and/or art) as a technology of happiness, or doctrine of normalcy, both serving as instruments by which subjectivity can be molded into new ideological webs with an allure of necessity as yet another version of "human nature" posing as a self-standing essence. This ideological move would then recall parochial aspects of modernity, linked to its justification of colonialism. So, also a dangerous source of misunderstanding. Moreover, undesirable suggestions of an instrumentalist notion of practice could emerge.

But practical philosophy, as we might take Cavell to have (also) practiced it (perhaps departing from Wittgenstein here), *could* reconnect with its ancient focus on the examination and realization of rational powers of the free human subject. It could take seriously, and bring it even closer to Praxis, the Wittgensteinian injunction about how the activity of philosophy should best be carried out: as an examination not of truth (though the concept does not loose applicability), but of the experience of meaning. Philosophy as the analysis of truth alone in a sense bears the mark of the platonic gesture of turning dialogue into a massive reaction against, or anxiety over a perceived lack of foundations for meaning. In contrast, a philosophy more attentive to ordinary language, as the examination of the experience of meaning, dislodges epistemology from its center—a move which involves the "therapy" of that anxiety (see Eldridge 2007, pp. 267-87). I should note that the notion of meaning does not point here to effects of a structural field of relations of signs, but rather to associations of practices (Wittgenstein's *Association der Gebräuche*). These associations of practices are objective insofar as they are expressive of, or even constituted by, a recognizable human engagement. In a word: attitudes (action as gesturing towards or against something).

One important regulatory concept of the philosophical work in aesthetics as Cavell invited us to practice it, is, I think, the notion of spirit, as we saw above. It emerges in ancient philosophy already in connection to practice, to practical knowledge (*phronesis*). The French philosopher Pierre Hadot recovers this practical dimension of spirit (and of philosophy) by rereading the history of hellenistic and roman philosophies in the key of mnemonic exercises in the life-world aiming at a discipline of body and mind, which he called *exercices spirituels*. In spite of the religious overtones, in Hadot's reading these exercises have no theological horizon, or at least not necessarily. Though I would not be interested in the psychological and instrumental aspects of these exercises, Hadot's project as historian of ideas is important to me because it recovers an image of philosophy not subsumed to the search for epistemic truth, to a discourse aiming at epistemic truth (which Hadot calls *théorie*). Spirit as operative concept can be taken as in itself a challenge to instrumentalism, by rejecting the idea that meaning is essentially function of specific practical purposes, with a beginning and an end. If there are tasks involved in human expressive action, they are ongoing tasks, as we apply our inherited words and images (*Bilde*, see Moreno 1995) to ever-new contexts. If there are tasks, they are expressive tasks, as we find ourselves compelled to gestures of acknowledgment and avoidance.

Finally, the layout and procedures of this Cavellian journey in aesthetics is meant not just as a philosophical contribution to the understanding of aesthetic processes, but also as a quest for a philosophical doing that positions itself favorably to lessons learned through engagements with artworks and art forms. As I said earlier, echoing Cavell, if philosophy is once again to escape new forms of platonic control angst, it should allow for the articulation of voice in a gentler, non-impositive fashion, without consuming itself entirely in agonistic theory-building or error-finding. Art taken seriously as part of the public use of reason has the potential to help train philosophers to better avoid two of their most pervasive professional hazards: 1) the notion that the conditions for a particular articulation are fundamentally to be shown through some form of philosophical reduction (i.e., the proposition that an apparent plurality is to make room for a single cause, form, category, ground, etc., more or less as in Plato's theory of forms); and 2) the accompanying notion that the appropriate method to justify reductive moves like these is a specified mode of composition

(the scientific paper?), thus driving a wedge between it and all the other modes of discourse—perhaps literary, essayistic, narrative, aphoristic, fragmentary, etc. Reopening the question of the uses of philosophy and of art would invite us to reposition ourselves in relation to this wedge when we do philosophy. This I take to be another of Cavell's invitations, following Wittgenstein, so philosophy can once again be a vehicle of the human voice and be able to touch, hopefully, wider audiences in these dark times of ours—not just convince.

LIBERALISM?

And what has all this to do with liberalism?

Speaking about the notion of authenticity and estranged absolutes, Simone de Beauvoir writes in the essay where she spelt out her version of existentialism:

> The first implication of such an attitude [i.e, the attitude of "refusing to set up as absolutes the ends toward which my transcendence thrusts itself, and by considering them [rather] in their connection with the freedom which projects them"] is that the authentic man will not agree to recognize any foreign absolute. When a man projects into an ideal heaven that impossible synthesis of the for-itself and the in-itself that is called God, it is because he wishes the regard of this existing Being to change his existence into being; but if he agrees not to be in order to authentically exist, he will abandon the dream of an **inhuman objectivity**. He will understand that it is not a matter of being right in the eyes of a God, but of being right in his own eyes. Renouncing the thought of seeking the guarantee for his existence outside of himself, he will also refuse to believe in unconditioned values which would set themselves up athwart his freedom like things. Value is this lacking-being of which freedom makes itself a lack [*la valeur, c'est cet être manqué dont la liberté se* fait *manque*]; and it is because the latter makes itself a lack that value appears. It is desire which creates the desirable, and the project which sets up the end [aim]. It is human existence which makes values spring up in the world on the basis of which it will be able to judge the enterprise in which it will be engaged. But first it locates itself beyond any pessimism, as beyond any optimism, for the fact of its original springing forth is a pure contingency. Before existence there is no more reason to exist than not to exist (Beauvoir 1948, p. 5, my emphasis).

When we pursue what Beauvoir calls inhuman objectivities, we throw ourselves toward the *avenir-chose*, the reified future of absolute assuredness and satisfaction—be it in the City of God or any such scenario of end-games of absolute reconciliation of whole self and perfect community. Recent neo-liberal ideologies toying with the idea of free choice and merit explore such scenarios. With the *avenir-chose* as horizon, any and all sacrifice made in name of the cause is worth its weight in pure gold. The way of the pilgrim is clearly laid-out, and it is the work of repetition which will assure our arrival at the promised land of fulfillment, both individually and collectively. Anxieties about meaning, morality and orientation in life translate immediately into dissent and deviation, or at least there is this danger hovering above communal life.

This might sound like a caricature of a distant world, with perhaps medieval overtones. But in fact I have in mind the turn-of-the-century semblance of consensus over a neo-liberal anthropology of pseudo-meritocracy and all-around laissez-faire, and also a more recent backlash whereby anxieties of identity caused ghosts of racial purity and integrative national myth to violently reassert themselves in the streets, torches and chants and all.

Trying to articulate a similar temptation, but having in view the drama played out within the dialogical composition of *Philosophical Investigations*, Richard Eldridge writes:

> Seeking to think, judge, and speak with perfect authority, somehow in touch with absolute norms, "we lose (…) a full realization of what we are saying: we no longer know what *we* mean" (Cavell,

> *The Claim of Reason*, p. 207). That is, rather than speaking within the terms of ordinary practice—conversationally or dialectically, one might say—where challenges are always possible, we instead seek to speak as more than a finite and situated subject. Hence we come to speak inhumanly, as we refuse the role of an ordinary speaker in relation to an ordinary interlocutor" (2003, p. 123).

By speaking inhumanly, "we lose a sense of ourselves as finite subjects in conversational and other practical relations to other finite subjects" (Ibid.). Is there a way out of this, an assured way of resisting this temptation of speaking inhumanly? Cavell's reading of *Philosophical Investigations* recognizes not a set of problems and solutions, but a drama expressing the human condition: the ongoing task of inhabiting a space where we both acknowledge and resist meaning (or language games). This agonistic situation is not one to be dissolved by knowledge, truth or the adherence to absolutes—or even outcomes of political theory (like "liberalism" in another sense, not the one I'm hinting at here). The oscillation between "our dissatisfaction with the ordinary [i.e. our language-games] and our satisfaction in it" (Cavell 1990, p. 83; Eldridge 2003, p. 123) is expressed and exemplified in a myriad of ways within the text of *Philosophical Investigations*, but not as an answer or a reaction to a theoretical quest. One could say, perhaps as Russell did upon receiving news of Wittgenstein's "new way of thinking" in the 1930s, that this is philosophy gone astray, assuming the role of other literary genres, shying away from living up to its task of offering us things like "the form of the good, the essence of the just state, *the* aim of human life" (Eldridge 2003, p. 124). But Cavell's reading invites us to see in the drama of *Philosophical Investigations* precisely a successful case of expressing the human condition, which is best represented in this irreconcilability between "moments of acceptance of the ordinary and moments of criticism of it" (Ibid.). It is in this enactment of the human person, Eldridge aptly suggests, that we can see a kind of "perfectionist liberalism" at play if we accept the spirit of Wittgenstein's "new method" (Gordon Baker): just as from the criss-cross of clarifying and resisting language-games in the dialogical composition of *Philosophical Investigations* different possibilities emerge for the experience of meaning, we can see "different ways of life as reasonably contending ways of embodying the good" (Eldridge 2003, p. 128). And we can see that, not as neutral observants: this very contention is at play within each one of us, which is why "Affirmative tolerance and talking will often be in order, including feeling in oneself measures of both resistance and attraction to what is other. So will waiting: sometimes there will be nothing to say, though nonetheless the hope of reciprocity and social perfection does not lapse. So will a political framework of mutual respect: hence the liberalism" (Ibid.).

To follow the pendular nature of the human experience, a crucial methodological virtue is then patience, so as to really hear and at the same time find one's voice, as two co-ocurring stances of our presence. Philosophy (and art) here addresses and assesses an attitude, not, strictly speaking, a theoretical outcome.

NOTES

1 Many of the ideas of this essay were discussed with Richard Eldridge when I was a visiting scholar in Swarthmore College in 2017, under his supervision, and in later dialogues. My stay in Swarthmore in 2017 was made possible through a grant from the Brazilian scientific agency CAPES, process nr. 88881.120191/201601.

2 On the importance of intermediary links to the "new method", see Azize 2010a (in Portuguese).

3 This can be paralleled to the trivial gesture of applying concepts in ordinary language: as linguists working in pragmatics will attest, instances where there is an ever so slight semantic dislocation are more common than instances of precisely controlled applications (Anwendungen). John Austin developed a fine-tuned ear for this, something which served him well philosophically.

4 Somewhat similar to what Aristotle called realization of the rational powers of the human animal.

5 "Zweig recognized that propaganda had played a crucial role in eroding the conscience of the world. He described how, as the tide of propaganda rose during the First World War, saturating newspapers, magazines, and radio, the sensibilities of readers became deadened. Eventually, even well-meaning journalists and intellectuals became

guilty of what he called "the 'doping' of excitement"—an artificial incitement of emotion that culminated, inevitably, in mass hatred and fear. Describing the healthy uproar that ensued after one artist's eloquent outcry against the war in the autumn of 1914, Zweig observed that, at that point, "the word still had power. It had not yet been done to death by the organization of lies, by 'propaganda.'" But Hitler "elevated lying to a matter of course," Zweig wrote, just as he turned "anti-humanitarianism to law." By 1939, he observed, "Not a single pronouncement by any writer had the slightest effect . . . no book, pamphlet, essay, or poem" could inspire the masses to resist Hitler's push to war." (Prochnik 2017).

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Response to Critics

ROBERT VINTEN

I'd like to thank the contributors to this symposium for taking the time to read my book and for giving it thoughtful consideration. I'm touched and humbled by the careful attention that they have given to it and the issues raised within it. It was, on the whole, a great pleasure to read these responses to *Wittgenstein and the Social Sciences* as well as being intellectually stimulating. The contributions to this symposium do not only engage critically with my book but also contain some fascinating reflections on the nature of the social sciences and various ways of relating Wittgenstein's thought to them. I'd particularly like to thank Richard Eldridge, the editor of the issue and the author of the introduction for gathering together such a fantastic group of commentators and for his work with them. I'd also like to thank Leslie Marsh for suggesting the symposium in the first place and *Cosmos + Taxis* for hosting the symposium.

1. RESPONSE TO ROTH

I'll begin my response to the critics of my book by looking at Paul Roth's piece 'Wittgenstein, The Radical?' Roth quotes a passage from the end of the Introduction to the book where I set out some of my central aims:

> We face enormous threats from climate change, rising authoritarianism, bigotry, and war. [1] Wittgenstein's philosophy is useful in challenging the dominant liberalism of today, which does not seem to be up to the task of rising to those challenges, and in developing a clearer, more radical alternative to it. [2] It can help us to get clearer about the nature of disagreements, about what justice requires, and about the justifications given for various forms of society. Wittgenstein himself may not have been a radical in his politics but [3] his philosophy can help radicals to get clearer in their political thought (Vinten 2020, p. 22, cited in Roth (2023)).

He then goes on to look at Chapters 7 and 8 of *Wittgenstein and the Social Sciences* (the Chapters on freedom of the will and justice) in search of arguments in support of these claims because, he thinks that "One can sidestep, in this regard, the various attempts that Vinten canvasses in Chapters 3-6 to politically pigeonhole Wittgenstein the person or Wittgensteinian philosophy".

He argues that my book entirely fails to demonstrate the central claims that I lay out at the beginning, based on his reading of chapters 7 and 8.

However, it strikes me as very odd that Roth thinks that chapters 3-6, half of the book, can be skipped in assessing whether the central aims of the book have been achieved. The first of those aims is to demonstrate the usefulness of Wittgenstein's philosophy in challenging liberalism and the fourth chapter concerns Wittgenstein and liberalism. In that chapter I *do* discuss attempts to politically pigeonhole Wittgenstein, as Roth suggests, but I also evaluate Richard Rorty's variety of liberalism by comparing his philosophical remarks to Wittgenstein's, pointing out that there are strong differences between the two, and suggesting that Rorty comes off the worse for it. For example, I favour Wittgenstein's approach of bringing "…words back from their metaphysical to their everyday use" to Rorty's suggestion of adopting new vocabularies (Vinten 2020, p. 107), I argue, in agreement with Wittgenstein, that we cannot affirm the negation of (nonsensical) traditional philosophical theories because the negation of nonsense is nonsense, whereas Rorty wants to assert the opposite of traditional philosophical 'positions' like realism (Vinten 2020, p. 108). I agree with Wittgenstein in sharply distinguishing philosophy from the natural sciences (Ibid.) whereas Rorty assimilates science and philosophy by saying that both "help us to learn to get around the world better" and that "[t]hey do not employ distinct methods" (Rorty 2007, p. 166).

Furthermore, the central chapters of the book, Chapters 3-6, which Roth ignores, contain material that is relevant to substantiating the third claim that Roth highlights from my introduction to the book, namely the claim that Wittgenstein's philosophy can help radicals to get clearer in their political (and philosophical) thought. In the fifth and sixth chapters I discuss interpretations of Wittgenstein by three 'radicals': Alex Callinicos, Perry Anderson, and Terry Eagleton. In the course of discussing how I think they have misinterpreted Wittgenstein I also offer them a version of Wittgenstein that escapes their criticisms of him, showing that Wittgenstein's thought is not incompatible with Marxist thought in the ways that they think it is, and opening up the possibility that Wittgenstein's work might actually contain some positive lessons for them.[1] A few Wittgensteinian criticisms of claims made by Marxists are also made in these chapters, illustrating how Wittgenstein's philosophy can be of use to Marxists. For example, if Marxists were to attend to Wittgenstein's arguments against the possibility of reducing psychological states to physical ones (Wittgenstein 1958, p. 18; 2009, §§157-8, 412, 427) then they would not be so tempted to take up the stance that Trotsky did in 'Dialectical Materialism and Science', where he said that "materialist psychology has no need for a mystic force—soul—to explain phenomena in its field, but finds them reducible in the final analysis to physiological phenomena" and where he also claimed that sociology and psychology were reducible to "mechanical properties of elementary particles of matter" (Trotsky 1940). If the Marxist philosopher Slavoj Žižek had been reminded that "only of a living human being and what resembles (behaves like) a human being can one say: it has sensations; it sees; is blind; hears; is deaf; is conscious or unconscious" (Wittgenstein (2009, §281), i.e. that it only makes sense to ascribe psychological attributes to human beings and creatures that resemble them in their behaviour, then he might not have claimed that "our brain makes a decision around three tenths of a second before the brain's owner becomes aware of it", and tried to suggest that "freedom of choice is an illusion" on this basis.[2]

Moreover, I make Wittgensteinian criticisms of the liberal philosophy of Chantal Mouffe, a philosophy that has quite a lot in common with Rorty's, in Chapter 8. This is one of the chapters that Roth focuses on and yet he ignores my arguments against her liberalism and instead tries to use Mouffe as an example of my failure to establish the relevance of Wittgenstein's thought to political theorizing. Mouffe appeals to passages from Wittgenstein's later work; what has been published as *Philosophical Investigations* and *On Certainty*, in an an attempt to justify her liberal pluralism. She quotes Wittgenstein's remark (1969, §204):

> Giving grounds […] justifying the evidence, comes to an end; — but the end is not certain propositions striking us immediately as true, i.e. it is not a kind of *seeing* on our part; it is our *acting*, which lies at the bottom of our language game" and she says that this "allows us to grasp the conditions of emergence of a democratic consensus (Mouffe 2000, p. 70).

She then cites Wittgenstein's famous passage about games from the *Philosophical Investigations*, where he noted that 'game' cannot be defined in terms of necessary and sufficient conditions but instead what we find is "a complicated network of similarities overlapping and crisscrossing: similarities in the large and in the small" (§66) and says that this suggests "we should acknowledge and valorise the diversity of ways in which the 'democratic game' can be played, instead of trying to reduce this diversity to a uniform model of citizenship" (Mouffe 2000, p. 73). However, having laid out Mouffe's case in that chapter, I then go into a fairly lengthy examination of passages from the *Philosophical Investigations* and *On Certainty* where he discusses differences (between language games, between concepts, between his own philosophy and Hegel's, between German and Chinese, between different cases of knowing something, between belief and knowledge, etc. etc.) and point out that Wittgenstein's philosophy does not lend support to Mouffe's claim that Wittgenstein "insists on the need to respect differences" (Vinten 2020, p. 196). Wittgenstein's work, including the passages she cites from *On Certainty* and *Philosophical Investigations*, is descriptive and angled at enhancing our understanding, rather than being prescriptive. Taking his points on board involves acknowledging that people might behave in different ways, have different evidential standards, and have different concepts, but this does not imply that we should *valorise* people behaving in different ways and having different standards. So, Wittgenstein's work does not go very far in *justifying* the kind of democratic pluralist vision that Mouffe promotes.

In that chapter, then, I present a case that Mouffe has misunderstood Wittgenstein and argue that Wittgenstein's remarks do not support her particular form of liberalism. In doing so I have demonstrated the relevance of a certain understanding of Wittgenstein to political theorising. It may well be that it is relevant in such a way that it involves destroying houses of cards rather than in providing the grounds for a determinate new political theory but it is relevant nonetheless. As Richard Raatzsch notes in his contribution to this volume, Wittgenstein's philosophy gives us reason to reject "some of the most influential political philosophies of our days", including that "professor from Harvard" John Rawls[3] (Raatzsch 2023) but although it helps us to see what is wrong with, or confused about, many political theories it does not leave us with a distinctively Wittgensteinian political theory. As Raatzsch puts it "picking all the wrong ideas out of the basket does not mean that the one and only true idea will be left in that basket" (Ibid).

The eighth chapter of my book 'Wittgenstein and Justice', in addition to critically engaging with the work of Mouffe and José Medina using tools from Wittgenstein, also discusses Rupert Read's criticisms of John Rawls.[4] Roth interprets my discussion of Read's work there as being critical of him for offering nothing distinctively Wittgensteinian. However, after I note that *some* of Read's criticisms of Rawls are not distinctively Wittgensteinian I then go on, in the following paragraphs to look at some of his arguments that *are* distinctively Wittgensteinian and I endorse those arguments myself. My reading of Read, far from being a critical one, is actually a sympathetic one and is intended to illustrate the usefulness of Wittgensteinian ideas in identifying problems with a prominent liberal philosopher. Read uses Wittgenstein to question the way in which Rawls assumes the primacy of justice and suggests that Rawls has not put the question marks deep enough down.[5] Read notes that Rawls, and the contractarian tradition more generally, focuses on (imagined) discussion between contemporaries and so treats future generations as a special case. But given that we live in a world where ever worse climate catastrophes await us—an enormously important issue that clearly implicates future generations - it seems that contractarians are wrong to treat future generations as a secondary case. It is worth noting here that in the introduction of my book, in the passage that Roth quotes, where I set out my aims, I specifically mention climate change as one of the issues that is urgent and that liberal theories seem ill equipped to cope with. The Wittgensteinian case that Read builds against Rawls is a perfect illustration of the usefulness of Wittgensteinian ideas in critically engaging with liberal philosophy in terms of current issues.

Roth suggests that nothing at all has been done in *Wittgenstein and the Social Sciences* to substantiate the claims that I make at the beginning of it by the time you get to the final few pages of it and yet he gives no attention at all to the Wittgensteinian arguments that I provide and discuss in opposition to prominent liberal philosophers or to the Wittgensteinian arguments I use to dissolve problems in the thought of some

Marxists. It may be that these arguments fail to convince or that they stand in need of development but Roth has nothing at all to say about that and so his judgement concerning whether I have done what I said I would do carries no weight at all. The fact that he entirely ignores the four chapters in the middle of the book seriously affects his ability to make a reasonable assessment of it.

This failure on Roth's part to engage with the central chapters also infects his evaluation of the later ones. One of the complaints that he makes is that I lean very heavily on a single remark from Wittgenstein's *Philosophical Investigations* in Chapter 7 (about Wittgenstein and freedom of the will). He suggests that I simply counterpose Wittgenstein's remark that "only of a living human being and what resembles (behaves like) a living human being can one say: it has sensations; it sees; is blind; hears; is deaf; is conscious or unconscious" (2009, §281) to Churchland and Suhler's neurobiological model of control without providing any reason to think that Wittgenstein is correct (Churchland and Suhler 2009). Moreover, he complains that I do not do what I set out to do, which he takes to be to assess whether their conclusion is correct. However, Roth's account of what goes on in that chapter is very far from the truth. One thing that *is* true is that I only quote one passage from Wittgenstein and that this quotation comes halfway through the chapter. However, this does not imply that Wittgensteinian argument is lacking from the chapter, as Roth suggests. On the very first page of the chapter I set the stage for what I am going to do by saying that

> [t]he role of Wittgensteinian philosophy in discussing these issues, I suggest, is to help us to get clear about the relevant concepts and ultimately to give us the understanding that will make the problems dissolve—to make latent nonsense patent nonsense and to show that the formulation of the problems involves some conceptual confusion.

This single sentence at the beginning of the chapter is dense with allusions to remarks by Wittgenstein. While I do not quote him directly here, anyone who has read the earlier part of the book would recognise that I allude to Wittgenstein *dissolving* problems rather than solving them (*PI*, §133).[6] Remark §109 from the *Philosophical Investigations*, where Wittgenstein says that "philosophy is a struggle against the bewitchment of our understanding" is cited and discussed in numerous parts of the book[7] and in the passage above from the beginning of chapter 7 of *Wittgenstein and the Social Sciences* I am clear that I aim at *understanding*. I clearly allude to §464 of Wittgenstein's *Philosophical Investigations* when I say that my aim is "to make latent nonsense patent nonsense". This passage was cited in the chapter on liberalism (Ch. 4) and in the chapter about Eagleton (Ch. 6) and so I felt no need to repeat it verbatim in Chapter 7.

Given this framing you might expect that what is coming is going to be less about examining whether Churchland and Suhler's conclusion is correct but about examining the use of central concepts in their argument. This is, unsurprisingly, what happens. I go on to examine various things that can be meant by 'consciousness'; distinguishing being awake (intransitive consciousness) from being aware of something (transitive consciousness) and then distinguishing having a *tendency* to be aware of something from *currently* being aware of something (the distinction between *dispositional* and *occurrent* transitive consciousness), I discuss the neo-Cartesian sense of 'consciousness', our ordinary sense of 'consciousness', and what might be meant by 'consciousness' from an eliminativist perspective. I survey the various ways in which Patricia Churchland has used the term 'consciousness in various works of hers and eventually come to the conclusion that "in making their arguments they equivocate between the ordinary concepts and neurophysiological ones" (Vinten 2020, p. 174). The reason that I don't take a strong line on whether their conclusion is correct or not is that regardless of whether the conclusion is correct or not the argument for it is not a good one.

Having examined Roth's response to what I have to say in Chapters 7 and 8 I will now briefly turn to what he has to say about my arguments in the first chapter of the book, concerning social studies and whether they are, or can be, scientific. The first point to make is that at the beginning of the chapter I make clear that I see my primary task in that chapter as being to adjudicate between two opposing Wittgenstein-inspired discussions of the social sciences and whether they are scientific: (i) Phil Hutchinson, Rupert Read, and Wes Sharrock's argument that social studies are not scientific, in their book *There is No Such Thing as*

a Social Science and (ii) John Dupré's defence of the idea that social studies can be scientific in his article 'Social Science: City Center or Leafy Suburb' (Dupré 2016, pp. 548-64). I do not set out to take on the entire literature on the topic, which would require a hefty book's worth of arguments, although I do present arguments against materialism, reductionism, verificationism, and the assimilation of reasons to causes.[8] The discussion inevitably leaves out some significant discussions concerning whether social studies are scientific.

Given that I see my primary task as being to adjudicate between Hutchinson, Read, and Sharrock on the one hand and Dupré on the other I look at the reasons that Hutchison, Read, and Sharrock supply for thinking that social studies might be called scientific, namely that they involve analytical rigour, that they involve revising claims in light of evidence, and that they learn from practices undertaken in other modes of inquiry (Hutchinson, Read and Sharrock, 2008, pp. 1-2). I agree with Hutchison, Read, and Sharrock (and Roth) in thinking that these reasons are not sufficient for calling something a science and so I look to see whether there might be other reasons for calling social studies scientific. *One* of those reasons (which Roth dismisses by saying that "[o]ne might just chuckle if an undergraduate suggested" it) (Roth 2023, p.) is that we ordinarily talk in this way about social studies. If I had left it at that then I would agree with Roth that this is a weak argument. But of course, as is the case in every criticism Roth makes of my book, this is not all that there is to my argument. Much has been ignored. I reject certain reasons for calling social sciences scientific, namely claims that they are reducible to the natural sciences, that they have the same methods as the natural sciences, and that they involve causal explanations which are nomological like those in the natural sciences. In rejecting these reasons I am in agreement with Hutchison, Read, Sharrock and Dupré. However, I then offer some further reasons for thinking that social studies should be deemed scientific. I note that "calling something scientific plays a role in legitimising that discipline" and that "the term 'unscientific' is used as a term of criticism" and argue that we should not imply that social studies are illegitimate courses of study (Vinten 2020, p. 45). I note that many practitioners within these disciplines regard themselves as doing something scientific despite recognising that what they do is very different from work in the natural sciences (Vinten 2020, p. 46). This is unlikely to satisfy Roth but I doubt whether Roth's search for necessary and sufficient conditions for calling a discipline scientific is a worthwhile endeavour. One of the lessons we might learn from Wittgenstein is that many expressions cannot be defined in terms of necessary and sufficient conditions. He, of course, famously gave 'game' as an example. I take it that 'science', like 'game', is one of those cases where we "see a complicated network of similarities overlapping and criss-crossing". Even within the natural sciences themselves there is very great diversity in terms of how they conceptualise, explain, and analyse the natural world.

2. RESPONSE TO LITTLE

I'd like to thank Daniel Little for his contribution to this symposium. Little identifies genuine problems in my account of the philosophy of social sciences and I would like to take this opportunity to make correcting adjustments to that account. In doing so I will be offering an account of the social sciences that does not distinguish them so sharply from the natural sciences as I had suggested in *Wittgenstein and the Social Sciences*. However, I do not accept the alternative that Little offers in all its details and I will offer a few critical remarks on Little's alternative conception in the course of clarifying my own views.

2.1 Wittgensteinian philosophy of social science and causation

In characterising my take on the relationships between the natural and social sciences Little writes that "Vinten believes that natural-science explanations require causal hypotheses, whereas Wittgenstein's understanding of human action involves subjective reasons rather than objective causes" (Little 2023, p.) and he goes on to provide examples from post-positivist sociology of successful causal explanations within frameworks that nonetheless reject reductionism, naturalism, and lawlike generalisations in sociology.

Little is absolutely right to point out that social sciences involve causal explanations and so the distinction between reasons and causes does not trace out a dividing line between the natural and social sciences. He also has good reason to attribute to me the view that he does. Right at the beginning of the chapter I talk about distinguishing "natural sciences, which feature causal explanations prominently, from social sciences, which focus upon human actions and feature explanations in terms of reasons and motives more conspicuously"[9] (Vinten 2020, p. 26). Later in the chapter I criticise Davidson's assimilation of reasons to causes and say that "[t]he considerations about differences between causal and rule-governed behaviour suggest that human activity cannot be understood in terms of the causal generalisations favoured by natural sciences" (Vinten 2020, p. 33) and that "[e]xplanation in sociology is often not like the causal explanations of natural science" (Vinten 2020, p. 35). I agree with Little that these remarks, presented with little qualification, give a misleading picture. I should have, at the very least, noted that causal explanations play an important role in the social sciences.

The reason that I put things in the way that I did was that my focus was on opposing Davidson's understanding of reasons, presenting reasons as a kind of efficient cause (Davidson 1963). I remain convinced, by the arguments I presented from Peter Winch and Julia Tanney in that chapter, that Davidson's views are mistaken. I remain convinced that explanations of social activities are very often in terms of constitutive redescriptions; putting the behaviour we want to understand in a wider context and making reference to social norms. However, that is not to say that social sciences *only* feature this variety of explanation and nor does it mean that the natural sciences are simply made up of explanations in terms of efficient causation. What I want to emphasise here is that there is a very great variety of kinds of explanation in both the natural sciences and the social sciences.

Wittgenstein and the Social Sciences gives the impression that whereas the objects of the natural sciences are to be explained in terms of providing evidence for causal hypotheses the focus of the social sciences is on human *action* and so they look to reasons rather than causes. However, there is a venerable tradition within philosophy that particularly connects action to causation. Berkeley completely reverses the position of associating causes with natural sciences rather than the social sciences by denying that there are causes in the natural realm at all. Science, he thought, uncovers regularities, not causes. However, he says that "A proper efficient cause I can conceive none but Spirit; nor any action, strictly speaking, but where there is Will" (Berkeley 1729, p. 279). While I do not agree with Berkeley in thinking that causes are (strictly speaking) absent from the natural world I do nonetheless think that he is right to associate causation with agency. Moreover, there have been philosophers influenced by Wittgenstein who have thought that the connection between the action of human beings and causation is significant. G. H. von Wright, one of Wittgenstein's literary executors, alongside Rush Rhees and Elizabeth Anscombe, has argued that "the *concept* of causal connection rests on the concept of [human] action" (Von Wright 1944, pp. 52f).

It is undoubtedly true that causation is an everyday feature of our lives as human beings. Quite apart from the explanations of the various kinds of sciences, causal explanations are an extremely familiar feature of our mundane lives. Why did my partner get angry with me? - Because the ice cream melted *because* the freezer was left open overnight. What caused the traffic accident? It was caused by ice on the road and it, in turn, caused a traffic jam. We might wonder about the cause of a fire in our neighbourhood: whether it was caused by, say, the heat of the sun being magnified by a broken bottle or whether it was caused by an arsonist looking to claim on insurance. Furthermore, there is very often an interaction between human causes and 'natural' ones. In the context of an ever-worsening climate emergency we may well note that *even if* a fire was started by an arsonist, that fires are more intense and *cause* more damage due to the weather being hotter and many places being drier—and that global heating, in turn, was caused by human activity.[10] We learn, from very early on in our lives, to intervene in (act on) the world to bring about changes, i.e. to cause things to happen. Even before we speak we are handled, picked up, and moved around—we are the *patients* of others acting on us - and we, as *agents*, manipulate objects in our environment. Almost as soon as we begin to speak we ask for explanations that are delivered in causal terms and we are told by our parents to bring about changes by acting on our environment.

When we get older we start to look for more sophisticated causal explanations of things. We might ask about what is causing the currently very high rates of inflation, what caused the war in Ukraine, or what the causes of depression are. These, of course, are the sorts of questions that get asked in academic disciplines concerned with our social lives and our lives as human beings. Despite the impression that I gave in *Wittgenstein and the Social Sciences*, I do not want to claim that there is anything illegitimate in these kinds of questions. What I do want to note, however, is that there is a diversity of different kinds of causal explanation.

Early modern philosophy, influenced by the scientific revolution, very often thought about causation in terms of mechanisms and gave examples of efficient causation when trying to get to grips with what a cause is (I'm thinking here of examples like David Hume's billiard ball example). More recently Donald Davidson has tried to give an account of reasons for action that presents them as a kind of efficient cause, with beliefs and desires being the causes of action. However, as I argued in Vinten 2020, pp. 33-38),[11] reasons are not a kind of cause and accounts of the causes of war in Ukraine or rising inflation are not accounts in terms of efficient causes. As Little notes, my account of Wittgensteinian social studies involves a kind of critical hermeneutics, although I do not take that to be opposed to presenting explanations involving generalisations or causal explanations, as Little suggests.

One final thing I want to note about causation is that I do not believe that there is a sharp separation between the 'coldness' or 'objectivity' of causation (in being associated with causal explanation of the non-human world in the natural sciences) and the emotionally charged normativity of the social world, involving explanation in terms of 'subjective' reasons. As the Wittgensteinian philosopher Peter Hacker notes in his discussion of causation in *Human Nature: The Categorial Framework*, the Greek word *aition* originally meant 'guilt', 'blame', 'accusation'. That is the term that was translated to *causa* in Latin and from which the English term 'cause' comes. The term 'cause' has retained some of these connotations and associations (Ibid., p. 57). Causal responsibility is often tied up with personal liability, for example, when drunk driving causes a car crash. Moreover, as many philosophers have noted,[12] there are many conditions in play in most instances of cause and effect that we see around us. It may be that many things are necessary to bring about an effect but we tend to single out one as the cause. The way in which we pick out causes depends on our interests and our purposes, as well as on things like what we deem to be normal or what we deem to be someone's duty. We might attribute the cause of an accident to the negligence of somebody or some group whose duty it was to keep things in a safe condition. For example, we might say that the cause of somebody being injured by a falling tree branch was negligence on the part of the council whose duty it is to keep trees in a safe condition in public parks. Here you might say that there is an intermingling of efficient causation and normatively charged factors, with the injury being caused by the impact of a branch but also by the failure of a certain public body to do what it was supposed to do.

2.2 Social philosophy and the philosophy of social science

I'll move on now to look at one more of Little's criticisms of *Wittgenstein and the Social Sciences* and in response to it I will clarify how my take differs from his. Little worries that I have conflated social philosophy with the philosophy of the social sciences and so have said something misleading when I lay out the plan for the book in the introduction. There I say that I will "take a look at some of the issues in social philosophy that I take to be central (i) …the nature of social sciences (ii) …reductionism … (iii) …the proper form of explanation in the social sciences … (iv) …relativism … (v) …ideology… (vi) …freedom of the will… and… (vii) …justice" (Little 2023, p.). However, Little is eager to separate out social philosophy from philosophy of the social sciences, saying that each have a completely different domain: "Social philosophy is a branch of normative philosophy, concerning itself with topics like freedom, rights, authority, justice, and sovereignty", whereas the philosophy of social science "is concerned with ontology, epistemology, methodology, and explanation" (Little 2023, p.).

I take the two to be much more closely related than Little suggests they are. Philosophical discussions of freedom and control, which Little takes to belong to social philosophy are very often tied up with what might be called metaphysical and epistemological questions, which Little says belong to philosophy of social science. In the seventh chapter of *Wittgenstein and the Social Sciences*, where I discuss freedom, responsibility, and control, I also make criticisms of eliminativist understandings of human psychology. So, the reflections on control and responsibility are tied up with reflections on the nature of the subject matter of one of the social sciences, psychology, and with philosophical questions regarding the legitimacy of the eliminativist project.

2.3 Everything is in flux

Moreover, we might question whether the tasks that Daniel Little lays out for the philosopher of social science are legitimate ones. For example, one of the tasks of philosophers of social science, according to Little, is to concern themselves with the ontology of the social world, namely questions about what exists and the nature of things in the social world. But are philosophers really in the business of telling us whether certain things exist or not? Presumably philosophers do not tell us what exists in the way that, say, naturalists and astronomers do—going out into nature and discovering what kind of creatures happen to inhabit our planet or using equipment to tell us about newly discovered planets, stars, meteors, and black holes. Philosophers of social science don't go out into the world and report that they have discovered institutions that were previously thought not to exist or that they have examined currencies with a powerful microscope and made discoveries about the properties of money. Ontology is not meant to tell us about what exists as a contingent matter of fact (the kinds of things that empirical investigations reveal) but about *de re* necessities, about what is necessarily the case or about the essences of things. However, if we take Wittgenstein's arguments seriously then there are no essences in the world. There are no *de re* necessities to examine. What seem to be essential features of *things* are shadows cast by necessary connections between concepts in *grammar*.[13] As Wittgenstein said in the *Philosophical Investigations*, "*Essence* is expressed by grammar" (§371) and "Grammar tells us what kind of object anything is. (Theology as grammar)" (§373). If there is a legitimate activity here for philosophers (or for social scientists with their philosophy hats on) it is not to tell us whether certain things exist or about the essence of things but whether it *makes sense to say* that certain things exist and to tell us about the uses of certain key expressions in the philosophy of social science—what they *mean*—and about forms of description.

To illustrate this point it is useful to look at some of the examples from Daniel Little's book, *New Directions in the Philosophy of Social Science* where he presents his 'social ontology'. There he emphasises the heterogeneity, plasticity, and contingency of features of the social world by contrast with the natural world. So, for example, he says that "[m]olecules of water preserve their physical characteristics no matter what. But in contrast to natural substances such as gold or water social things can change their properties indefinitely" (Little 2016, p. 14) and in discussing social phenomena he contrasts them with the natural kinds investigated by the natural sciences and comes to the conclusion that "There are no social essences that definitions might be thought to identify…there is nothing in the world that dictates how we define fascism and classify, specify, and theorise historical examples of fascism" (Ibid., p. 27). Presumably Little's view is that, by contrast, there *are* essences to be found in nature and those dictate how we are to define the relevant terms.

Let's look a bit more closely at exactly what Little might mean by all of this. If we think about water it seems clear that water does in fact change in its properties. Some lakes freeze in the winter in the northern hemisphere, and in the summer the lake water might change from being clean to being dirty, or might evaporate in the summer heat and then be replaced by fresh water from rainfall or from an underground spring. In the seas there is continuous movement; currents shift and waves crash, and the temperature of the water regularly changes. The flow of rivers made its mark on the pre-Socratic philosopher Heraclitus who famously used them to illustrate that everything is in flux. Even if we look at things at the molecu-

lar level it seems blatantly untrue to claim that water molecules "preserve their physical characteristics, no matter what". Though a fairly simply process of electrolysis the hydrogen atoms can be separated from the oxygen atoms within an H_2O molecule. I take it that Little is well aware of these facts about water and the many ways in which it, and its molecules, might change. What these examples tell us is that Little must have something else in mind than the observable properties of water and the molecules that make up bodies of water. I take it that given his talk of (the lack of) essences in the social world that he wants to say that there *are* essences in the natural world. When he says that "molecules of water preserve their physical characteristics no matter what" I take him to be saying that H_2O is water's *essence*.

What I want to challenge here is the idea that the natural world is made up of things with necessary features or essences (such as water being made up of H_2O) whereas the social world is characterised by contingency. One way of starting to undermine this picture is to think about how we have conceptualised things like water throughout history. The English word 'water' goes back to a long time before discoveries were made about the chemical elements. Hydrogen and oxygen were both discovered in the later part of the 18th Century[14] and it wasn't until the early nineteenth century that scientists found that water was made up of H_2O. Do we want to claim that before the early 19th century nobody knew what water is (or what 'water' meant)? If we want to say that nobody knew what 'water' meant before the nineteenth century we might wonder how it was that people were apparently able to communicate about water and how it is that the things they said about water are comprehensible to us now, whether we know about chemistry or not. We should also ask how it could be that an empirical discovery involved uncovering a *de re* necessity. Surely empirical observations and experiments could only tell us about how things happen to be in the world not about how it *must be*. Moreover, it does not seem at all clear that we *do* take water to be essentially H_2O. We usually distinguish between water that is drinkable and water that is not. But pure H_2O is unfit for human consumption. It is used to clean semiconductors in microchips because it dissolves and pulls apart other molecules and gets rid of tiny pieces of dirt on them. If you were to drink pure H_2O it would strip your mouth of valuable minerals.[15] One might claim that although *pure* H_2O is undrinkable that nonetheless H_2O is a necessary constituent of water. It may well be a matter of fact that everything that we currently call water contains H_2O. But is it clear that if a transparent, drinkable substance came from our taps and quenched our thirst but which did not contain H_2O that we would have to say that it was not water? Does H_2O somehow force us to categorise things in one way or another?

My suggestion for how we are to understand this variety of different things we call water (sea water, freshwater, tap water, pure H_2O) is that we vary the concept according to our purposes. In certain 'scientific' contexts we might restrict the term 'water' to refer to just H_2O. Note, here, that this is not because we are forced by *de re* necessities to use expressions in a certain way but that we choose to *define* terms in a certain way according to our purposes. That is, it is a matter of *grammar* that water is essentially H_2O in some contexts. Nonetheless, it seems clear that in our ordinary lives we do not use the term in this way. We learn the term by learning that it is the liquid that comes out of taps and that we drink in our homes. We learn about seas, oceans, and rivers and we might also swim or paddle in those. Of course, in order to ensure that the water in our taps is drinkable scientists make studies of the chemical composition of what we are drinking but what they certainly do *not* do is ensure that only H_2O comes out of our taps. When scientific discoveries were made about H_2O molecules it is not the case that a *de re* necessity was discovered but that our concept of water was adjusted in line with the new discovery.

This kind of diversity in what we are talking about when we talk about water is found in many of the expressions that are used in talking about the natural world, including within the natural sciences. In the article by John Dupré that I discuss in the first chapter of my book, 'Social Science: City Centre or Leafy Suburb' he points out that expressions that are absolutely central to biology, such as 'gene' and 'species', are used in different ways within different kinds of biological studies. His argument is not just that they *were* used in one way and that now, in the light of discoveries, they are used in a different way but that *right now* these expressions are used in different ways within science without causing confusion and without the need to settle upon a single term defined in terms of necessary and sufficient conditions. George Lakoff's book

Women, Fire, and Dangerous Things also provides us with examples of how different kinds of criteria are in play in the categorisation of the animal world. There is no single way in which the essential features of animals are picked out. Instead, we find cladist (focusing on shared characteristics originating from a common ancestor in evolution), pheneticist (emphasizing similarity of characteristics and disregarding the evolutionary criteria of the cladist), and evolutionist (combining cladist and pheneticist criteria) criteria all in play in biology. Lakoff notes that this produces different taxonomies of the animal world using zebras as an example: "There are three species of zebra: Burchell's zebra, the mountain zebra, and Grevey's zebra. Burchell's zebra and Grevey's zebra form an evolutionary group, but the mountain zebra appears to form a genealogical unit with the true horse…Judging by the cladist's criteria there is no true biological category that consists of all and only the zebras" (Lakoff 1987, p. 119).

In our study of the natural world, just as in our study of the social world, the ways in which we categorise or conceptualise things is shaped by our interests. Heterogeneity, plasticity, and contingency are features of the social world, as Little points out, but they are clearly also features of the natural world. Looking at the science of biology makes this very clear. The animal world is very diverse—heterogeneous—and it has changed dramatically over the course of evolution. Our ways of conceptualising that world have also changed dramatically over the years and the concepts we use vary now according to the interests of those engaging with it and studying it. There is no single correct way of doing biology or of conceptualising the animal world forced upon us by the world. Contingencies of all sorts have altered the course of evolution including changes to the climate and genetic mutations. Paraphrasing Little, we might say that there is nothing in the world that dictates how we define 'zebra' and classify and specify examples of them.[16]

Now, all of this suggests that the natural and social sciences are closer than I had proposed in *Wittgenstein and the Social Sciences* and that, furthermore, they are closer in certain ways than Daniel Little has suggested in his response to me as well as in his other work. Both the natural and social sciences contain explanations in terms of causes, including explanations in terms of efficient causes, as well as many other kinds of explanation.[17] Given that biological classification is very often shaped by our interests and that there is no privileged taxonomic scheme in biology it seems clear that it cannot be reduced to physics (Vinten 2020, p. 32; Dupré 1995, pp. 107-45.). So, much like the social sciences, natural sciences very often cannot be reduced to physics. Heterogeneity and contingency are found throughout the natural sciences much like they are in the social sciences. Neither the social sciences nor the natural sciences (nor the philosophy of social science nor the philosophy of science more generally) investigate *de re* necessities because there are no such things.

3. RESPONSE TO AZIZE

I found Rafael Azize's response to my book and his reflections on philosophy and politics extremely stimulating. I am grateful to him for writing such a wonderfully rich paper, bringing together the thought of Wittgenstein, Cavell, Moreno, de Beauvoir, Aristotle and Shkolvsky and including reflections on art, philosophy and politics. I found much to agree with in what he said although at the end of the day I do not think that the form of liberalism that he sketches is the most appealing option amongst the various possibilities that we have on offer.

Azize begins by noting that although Wittgenstein's philosophical reflections continue to be influential that there is nonetheless widespread disagreement among philosophers about exactly what the philosopher's work consists in, to the extent that even people working within the same department "have a hard time recognizing precisely what each other do" (Azize 2023). This, it seems to me, is obviously true and it has implications for the way in which philosophers and social scientists relate to each other's work and interact with one another. In Daniel Little's article for this symposium he worries that "[t]he stance that philosophers serve to 'clear away confusions' that other disciplines are prone to fall into is unfortunate…it makes communication between philosophy and sociology or political science much more difficult. It makes the intellectual exercise a contest between 'confused' empirical researchers and 'clear-sighted' philosophers

who can set matters right" (Little 2023). However, my stance is not that philosophers serve to 'clear away confusions' in practice and I do not set philosophers up in opposition to confused empirical researchers. Although I think that philosophical confusions of the sort that Wittgenstein identified are rife in sociology and political science, and say as much in *Wittgenstein and the Social Sciences*, I do not think that philosophers are any better off on that front. Confusion is also rife amongst philosophers and so I don't think that it is the philosopher's business to tell people in other disciplines that they have confusions that need to be corrected. What I in fact think is that people in many disciplines can learn something from Wittgenstein's work and that attention to it might dissolve confusions in those disciplines—philosophy included. This perhaps suggests that rather than it being the philosopher's job to tell social scientists what to do, it is the job of Wittgensteinian philosophers, in particular, to tell them that they are confused. But that is not my position either. The upshot of coming to recognise Wittgenstein's value need not be conflict, or entering into a contest, but, say, to recommend that we (philosophers and people in other disciplines) read Wittgenstein, discuss his work, and try to learn some things from him.

Having located my book within the field of philosophy Azize correctly notes two aspects of Wittgenstein's philosophy that I take to be central in it: (i) Wittgenstein's method of grammatical description and (ii) its role in countering dogmatism in philosophy. These, he agrees, are important aspects of Wittgenstein's philosophy. However, he goes on to suggest that this conception of Wittgenstein's philosophy can be enriched in at least two ways. One way to enrich this conception is to examine the development of the concept of use in Wittgenstein's philosophy, as in his later philosophy it "widens its scope in order to explore an expansion of the reach of phenomenological problems towards the lived experience of persons in culture" (Azize 2023, p.). And the second way in which to enrich our conception of Wittgenstein's philosophy is to "describe the cooperation of the concepts of aspect and spirit" (Ibid.)

In giving a brief description of the movement of Wittgenstein's thought between the early period of the *Tractatus Logico-Philosophicus* (1974 [1921]) and his later work, in the *Philosophical Investigations* and *On Certainty* Azize says that "the logical space of the *Tractatus* gradually expands towards 'phenomenological problems' (see *Remarks on Colors*) and ultimately (in the 1940s) towards the lived experience itself" (Ibid., p.). I agree with Azize that Wittgenstein's conception of use developed as he distanced himself from his earlier work although I have a minor disagreement with the chronology he presents. What has been published as Wittgenstein's *Remarks on Colour* (1977) is drawn from notebooks that Wittgenstein was writing in 1950 and 1951, very soon before he died. It is true that Wittgenstein went through what might be described as a 'phenomenological period' in between his earlier and later work but his work on this can be found in a manuscript that he wrote in 1929 (MS 105), where he distinguishes between the 'first system' (the facts of immediate experience) and the 'second system' (the facts of physics).[18] Wittgenstein was indeed reflecting on colour (amongst other things) at this time but his *Remarks on Colour* reject the distinction he made in his earlier work between 'physics' and 'immediate experience'.

Azize is quite right to emphasise the element of 'lived experience' in Wittgenstein's later work. Whereas Wittgenstein's earlier work is often quite abstract, talking about the world, states of affairs, objects, logic and language in isolation from lived experience and using examples of propositions in isolation from the flow of life, his later work very often uses examples where language use is integrated into various kinds of *activities* and the wider context within which those activities take place is also emphasised. In the very first few paragraphs of the *Philosophical Investigations* we are presented with the example of somebody going shopping and asking for items from a shopkeeper and the example of a builder and a builder's assistant calling out words in the course of their work together (§§1-2). This new way of thinking about language means that he moves away from a focus on the form of propositions because propositions of the same form might play completely different roles in different contexts or on different occasions.[19] For example, at one time it was a 'hinge' certainty that no one has ever been on the moon but nowadays 'no one has been on the moon'[20] is treated as an empirical proposition, and a false one at that (although there are, of course, some who think that the moon landings were faked). There is also, in Wittgenstein's later work, an emphasis on

the purpose or point of using certain expressions in the course of our lives.[21] Grasping the meaning of an expression might involve getting clear about the purpose of using it in certain circumstances.[22]

Azize himself uses a particularly complex example of the way in which Wittgenstein's later work takes wider circumstances into consideration; the example of art appreciation. To get some kind of a grip on what it means to appreciate aesthetic qualities, Wittgenstein says that we have to think about the wider context, historical and cultural, in which cases of fine discrimination between aesthetic qualities goes on. "It is not only difficult to describe what appreciation consists in", he says, "but impossible. *To describe what it consists in we would have to describe the whole environment*" (1966, I, §20). Although Wittgenstein says it is *impossible* to describe what appreciation consists in, he does not mean that it is impossible to say anything at all about appreciation or to get some sense of what it involves. Wittgenstein himself says quite a lot about this in the *Lectures*. He is clear about what does *not* count as a case of appreciation or at least about what is insufficient to say that somebody appreciates a piece of art or a musical piece. A person saying 'Ah!' or 'How marvellous!' in reaction to a poem or a piece of music is not sufficient to say that they appreciate it. *Liking* art, even if it is art that is widely agreed to be good art, is not the same thing as appreciating it. As Wittgenstein says, "[w]e use the phrase 'A man is musical' not so as to call a man musical if he says "Ah!' when a piece of music is played, any more than we call a dog musical if it wags its tail when music is played" (1966, §17).

So, what is Wittgenstein getting at when he talks about the whole environment? Well, things we might take into consideration include things like the language someone speaks. If someone does not understand the language in which a poem is written then they cannot appreciate the poem (Ibid.). Presumably this, again, is not sufficient to say that somebody appreciates a poem, but it is necessary. Not every English speaker appreciates English poetry. They must also have some knowledge of the artform. Learning the rules of an artform and getting a feeling for them is important.[23] We do not attribute appreciation of poetry to somebody "who doesn't know metres" Wittgenstein says (Ibid., I, §17). What is called 'appreciation' in different instances varies. It need not involve familiarity with a very wide range of pieces in a particular artform. Wittgenstein notes that there are people "who have been to good schools, who can afford to travel about and see the Louvre, etc., and who know a lot about and can talk fluently about dozens of painters" and on the other hand there might be a person "who has seen very few paintings, but who looks intensely at one or two paintings which make a profound impression on him" and others who are "broad, neither deep nor wide" and yet all of these cases might be called 'appreciation' (Ibid., I, §30). There is also variation across time: "What we now call a cultured taste perhaps didn't exist in the Middle Ages. An entirely different game is played in different ages" (Ibid., I, §25).

Here, again, we can see that in the move from his earlier work to the later work there is a move away from the form of sentences towards appreciating a variety of different things which might count as appreciation in the setting of activities (of training in rules, of going to concerts, galleries, learning to play an instrument, learning to tailor a suit, etc.) and in terms of the wider culture throughout history.

Now, Azize wants to stress that this means having a richer conception of philosophy to one just focused on grammatical confusion and resistance to dogmatism in philosophy. It is difficult to disagree that there is also an aspect of Wittgenstein's philosophy that involves focusing on lived experience, on concrete circumstances rather than on abstractions, on history, culture, and so on. However, I wonder whether the point is to get us to see something deeper than the grammatical muddles that might be cleared up before we get on with our lives or whether the interest in history and culture in the *Lectures on Aesthetics* is subservient to the aim of dissolving conceptual confusions. After all, his remarks about the variety of games played in different art forms, across time and in different cultures are aimed at philosophers like Moore, who Wittgenstein says is too focused on form in language and too focused on words like 'good' and 'beautiful' (Ibid., I, §5). He aims to correct these tendencies by pointing out that words like 'beautiful' are rarely used in cases of aesthetic appreciation and in some cases, like criticism of poetry, the language involved in appreciation involves terms like 'precise', 'right', and 'correct' rather than words like 'beautiful' and 'lovely'. Furthermore, a word like 'lovely' might be used to indicate the character of an artwork rather than being used as a term of praise (Ibid. I, §8-9). That is, his remarks on aesthetics are another example of trying to

dissolve conceptual confusion by providing a perspicuous representation of a region of grammar—looking at how words (and gestures and facial expressions) are involved in the appreciation of art.

Art enters into Azize's paper for this symposium as an example of how Wittgenstein's philosophy goes deeper than just grammar and opposition to philosophical dogmatism but it is also used as a way of highlighting the nature of philosophy by comparison. Art expands the possibility of human experience, it enriches our imaginative capacities, and opens up our habits of sensibility to new engagements in thought and life. Art helps us to see things in a new light by defamiliarizing objects and offering them up to us in a striking new way. Philosophy, Azize suggests, has the potential to do something similar. Wittgenstein, in remarking on the nature of philosophical investigations stressed that we fail to see what is important in philosophical problems because it is often something simple and familiar ("One is unable to notice something—because it is always before one's eyes") (2009, §129). We are tempted, both by the way our language[24] is and by the arguments of past philosophers, to adopt pictures which obscure our view of matters. What we need to shake us out of our confusion is a reminder of the familiar uses of the ordinary terms used in the formulation of the problem. However, simply being offered standard definitions of the terms is not enough to shift us away from a tempting philosophical picture. Wittgenstein comes up with ingenious ways of defamiliarizing what is familiar to us and showing it back to us in a new light, so that it becomes striking. The way in which Azize highlights the similarities between art and philosophy seems to me to be a useful way of thinking about the potential for philosophy to expand our imaginative and critical faculties and to develop our sensibilities.

Azize then suggests that this potential for philosophy to develop our imaginative and critical faculties is particularly useful given the times we are living in with the rise of irrationalism surrounding figures like Trump and Bolsonaro, and with neoliberalism being offered up to us as if there is no alternative. Azize says that a way of understanding the rise of irrationalism is to "track it back to the way instrumental reason dominates matters of practice, and policy debates are conducted merely in terms of efficiency for the satisfaction of wants" (2023, p.). There *is* an alternative to irrationalism and neoliberalism, Azize suggests, in a form of liberalism that allows us to be sensitive to differences with others and to discuss matters with other people in such a way that we use tact, and *touch* them rather than just try to convince them.

There is much that I find appealing in Azize's analysis. I agree with him that philosophy can play a role in resisting the rise of irrationalism and bigotry. I agree with him in worrying about the neoliberal tendencies to stress efficiency and satisfying wants and losing sight of humanity. There is a hint of Aristotle in the background, I think, in the way that Azize is thinking about human beings flourishing in their diversity. In a footnote Azize compares his thoughts about "autonomous exercises of the spirit" to "what Aristotle called realization of the rational powers of the human animal" (Ibid, p.).

However, there are traditions in political philosophy other than the liberal ones which have taken inspiration from Aristotelian ideas about human flourishing. What is more, I think we have reason for preferring those, socialist and Marxist, traditions to the liberal one that Azize favours. Liberals, as I noted in (Vinten 2020, pp. 89-90) have very often combined a professed love of liberty with arguments in opposition to democracy or even in favour of slavery. As Domenico Losurdo has detailed in 2011, major figures in the development of early liberalism combined defences of individual liberty and the rights of minorities with justifications for slavery. John Locke, the central figure in classical liberalism, had investments in the slave trade (Cranston 1959, pp. 114-15) and contributed to the legal formalisation of slavery in Carolina, writing a provision according to which "[e]very freeman of Carolina shall have absolute power and authority over his Negro slaves of what opinion or religion soever" (Wooten 1993, p. 230). Many of those involved in writing the American Declaration of Independence and the federal Constitution were slave owners and Article 1 of the Constitution distinguishes between 'free Persons' and 'all other Persons', allowing states to regulate slavery as they see fit but obliging them to return fugitive slaves (Losurdo 2011, pp. 26-7). Liberalism developed as an ideology alongside the growth of capitalism and served to justify the slavery that early capitalist development relied upon.

This may well seem unfair as a criticism of Azize's liberalism, given that he explicitly distances himself from classical liberalism and neoliberalism and proposes a version of liberalism that is tolerant and democratic. However, the problem is not so much with the form of society that Azize envisions but with the idealism of his political philosophy. If we look at 'really existing liberalism'—at concrete instances of liberalism put into practice—we see that it was involved in justifying slavery in the 17th, 18th, and 19th centuries.[25] In the twentieth century, liberal politicians, fearful of socialist rebellion against their rule in Italy, endorsed Mussolini's fascist coup in 1922 and helped to bring fascism to power for the first time (Losurdo, 2011, p. 327).[26] Members of the Democratic Party in the United States have legislated to massively amplify racist mass incarceration (Ofer 2019) and have backed or initiated a series of disastrous wars that have killed hundreds of thousands of people and forced tens of millions of people from their homes (Vine et al. 2021). The history of really existing liberalism is a history of slavery, colonialism, genocide, and bigotry. As Lorna Finlayson has pointed out, "the history of liberal nations is the history of systematic acquisitive violence: from the genocide of indigenous populations, to chattel slavery, to contemporary 'regime change' and 'humanitarian intervention'" (Finlayson 2015). If Azize wants to see a different kind of liberalism put into practice then he owes us an account of the means to bring about a tolerant and sensitive society in which individuals can flourish. While I agree with him that art and philosophy have a role in bringing about this ideal they do not seem to me to be sufficient in dealing with the problems of climate change, rising authoritarianism, war, bigotry, and the irrationalism that he is concerned about.

To bring about the changes that we need in order to mitigate the damage that will come from increasingly terrible climate disasters and to challenge the growth of far-right authoritarianism we will have to take on immensely powerful people. It is people with enormous wealth and power that are driving climate catastrophes and aiding the rise of the far right. Taking on those powerful people will require organisation and tactical astuteness. This is something that I think is provided by the socialist tradition but which is lacking amongst liberals. To construct a force powerful enough to take on the vested interests that are driving climate disaster, authoritarianism, and irrationalism involves uniting large numbers of the people who are threatened by those vested interests. Among the weapons that we can use are the power of art and philosophy to enrich our imaginations and sensitivities, as Azize says, however, the principal problem is not that those in power have the wrong ideas and need to be trained to be more tolerant. The problem is that we live under a system that grants massive power to a tiny minority of people with interests opposed to the majority of people. To challenge that power the principal weapon is the organised withdrawal of labour by working people, who constitute the majority of people threatened by the problems Azize identifies. Individually those working people are not powerful enough to take on the bosses of fossil fuel companies and big agriculture but collectively they can challenge it. The powerful live off the labour of working-class people and we can loosen the grip of that power by turning off the tap.

As Azize stresses, Wittgenstein's later philosophy (2009) moves away from abstractions towards the lived experience of people: a return to the 'rough ground' (§107). I suggest that we follow Marx in making a similar move in political philosophy, away from philosopher's abstractions towards a focus on concrete reality and how to change it: "The philosophers have only *interpreted* the world, in various ways; the point is to change it" (Marx 1974, p. 123).

4. RESPONSE TO RAATZSCH

Richard Raatzsch's contribution to this symposium, 'Wittgenstein, Brecht and (the Philosophy of) Politics', is a wonderfully rich paper which discusses what we can learn from Wittgenstein in terms of political philosophy and philosophy more generally. He sheds light on Wittgenstein's thought using Bertolt Brecht's poetry as an object of comparison. Raatzsch also compares both Brecht and Wittgenstein to Luther, compares Frege to Ovid, and discusses the political philosophies of Hegel and Marx. His principal complaint against what I argue in *Wittgenstein and the Social Sciences* is that my "argument against the claim that Wittgenstein was a conservative is not radical enough" (Raatzsch 2023).

As Raatzsch points out, both Brecht and Wittgenstein use "die allereinfachsten Worte", the simplest words, to convey their thoughts. However, in neither case do they dictate to the reader how they should think. They do not lay everything out for the reader. Brecht and Wittgenstein are both eager to stimulate thinking in their audience; to let the audience work things out for themselves. As Wittgenstein says in the preface to the *Philosophical Investigations*, "I should not like my writing to spare other people the trouble of thinking. But if possible, to stimulate someone to thoughts of his own" (p. 4e). Both Wittgenstein and Brecht were dissatisfied with the world as it was in their time. They were contemporaries and both lived through the two World Wars.[27] They both display a sensitivity to the wider environment in which language is used. Language is bound up with all kinds of activities and the circumstances in which sentences are uttered is often significant in understanding what is being conveyed by the sentence. In Brecht's poem 'To those born after' he remarks that "A conversation about trees is almost a crime" in the dark times in which he lived "Because it entails a silence about so many misdeeds". Wittgenstein drew our attention to the varieties of 'language games' we engage in (giving orders, praying, describing events, forming hypotheses etc. etc.) and emphasised that "language is part of an activity, or of a form of life" (PI, §23).

I agree with Raatzsch about these commonalities between Wittgenstein and Brecht and also agree with him that there are commonalities between Wittgenstein and the wider Marxist tradition. In *Wittgenstein and the Social Sciences* (p. 131) I compare Marx and Wittgenstein and note that:

> Both philosophers saw themselves as doing something which went beyond philosophy as it had been done previously. Both opposed modern philosophy (Descartes and post-Descartes) in the way that it separated mind from action. Wittgenstein's discussion of language in his later work points out internal connections between language and human behaviour and Wittgenstein emphasizes that language is embedded in various practices that human beings engage in. For Marx the problem is the detachment of moral, political, and economic theory from what is going on in the world and in particular its detachment from human activity. So, both are opposed to speculative philosophy detached from discussion of human activity…

Their opposition to speculative philosophy, in both cases, also involves a certain kind of anti-intellectualism and anti-rationalism. In a recent chapter for a book about Wittgenstein and Marx (Vinten 2021) I have noted that both of these philosophers recognise that rational argument may very well not be successful. In *On Certainty*, Wittgenstein remarks that explanations (§34), giving grounds (§110), testing (§164), and doubts (§625) come to an end. Each of us has certainties (such as 'I have two hands') which cannot be doubted and cannot be tested.[28] These certainties, which lie "beyond being justified or unjustified" are "something animal" (OC, §359), Wittgenstein says, and he notes that "[l]anguage did not emerge from some kind of ratiocination" (OC, §475). Given that different people might have different certainties (e.g. one might believe in God and another does not) these matters cannot be settled by rational argument. *Persuasion* comes into play in some instances (Ibid., §§262, 612, 669). Marx and Engels placed a great stress on the role of the organisation of the economy and of society in producing ideology. So, they thought that changes in ideas might very well come through practical action to change the way in which the economy and society is organised, rather than through rational argument. In both cases there is an emphasis on the *practices* that human beings engage in and on the wider culture people find themselves in rather than upon the kind of abstract arguments that fill the work of many philosophers of the past.[29]

These commonalities between Marx and Wittgenstein are deep ones that set them in opposition to the philosophical tradition leading up to Marx. In formulating a radical political philosophy that might tackle the major problems we face today—climate calamities, deceitful authoritarian politicians, war, and bigotry—it is useful to combine their insights.

5. RESPONSE TO READ

Rupert Read is a philosopher who recognises the urgent need to address the kind of political problems I mentioned above. His most recent book is about the climate catastrophes we are facing (Read 2022), and he is not someone who can be accused of simply interpreting the world and not acting to change it. He has been heavily involved in climate activism in recent years, and has been a spokesperson for Extinction Rebellion. He is also a philosopher whose philosophy is heavily influenced by Wittgenstein and by Wittgensteinians. As Read notes, he and I are in fundamental agreement about many things—about problems with attempts to reduce social sciences to natural ones, about differences in methodology between social studies and natural sciences, about reasons for rejecting Rawls's arguments, and about disagreements with Michael Temelini over his interpretation of Winch's philosophy. Although our approaches to understanding Wittgenstein are quite different, with mine being heavily influenced by Peter Hacker and his being heavily influenced by the later work of Gordon Baker, I am generally sympathetic to much of what Read writes.

However, we do disagree about whether social disciplines such as sociology, psychology, social anthropology, human geography, economics, and politics should be called sciences. In his article for this symposium he suggests that I have not had the courage to "quit the fake comforts of scientism" (Read 2023, p.). He argues that one of the reasons I give for calling social sciences scientific, namely that calling a discipline 'scientific' plays a role in legitimating the discipline in question, is a weak reason because calling a discipline 'scientific' could only play a role in legitimating a discipline in a scientistic society. We should overcome the wish to ape science within disciplines concerned with the social sphere.

The first thing to note here is that in arguing that social studies should be called scientific in *Wittgenstein and the Social Sciences* I was clear that this did *not* mean that social studies should ape the natural sciences or seek to be legitimated by reference to the methodological canons of the natural sciences. The second thing that I want to say in response to Read is that perhaps he overestimates just how sharp the divide between social studies and natural sciences is. While it is true that social phenomena are not reducible to the phenomena of physics this does not mark off the social studies from studies of the natural world. As John Dupré has argued, many of the phenomena studied in the natural sciences are not reducible to physics either. We have good reason, for example, to think that biology cannot be reduced to physics (Vinten 2020 p. 32; Dupré 1995, pp. 107-45). As mentioned above, many of the central expressions used in biology ('species', 'gene', etc.) are family resemblance concepts and they no more pick out *de re* essences than expressions in the social sciences do. Another possible way of marking off social sciences would be to say that natural scientific phenomena are predictable whereas social phenomena are not. However, this does not give us a clear distinction either. Social scientists, such as economists, are at least sometimes able to give us successful predictions. They might highlight long term trends in an economy that are likely to continue. On the other hand, some regions of natural science, such as meteorology and population ecology, provide us with such complex data as to make predictions difficult and unreliable. Moreover, as Dupré (2016) argues in the paper of his that I discuss in *Wittgenstein and the Social Sciences*, the methods of some regions of natural science are similar to methods used in the social sciences: "Population ecology uses methods much more similar to economics than to astronomy or physiology…it is not that they are very similar, but that there is no obvious chasm between the natural and social sciences". Although the rationality of human beings and the complexity of the activities they engage in is distinctive to them, they are nonetheless also creatures that have evolved and are causal agents, and so can be studied by the natural sciences as well as the social ones.

Read says that 'go forth and quantify' is a terrible maxim. But, of course, many of the social sciences use statistics, mathematical models, data from polls and surveys perfectly legitimately. We can quantify the number of people who are unemployed in a country at a given time. We can track the voting intentions of the electorate through polls. We can come to know that a certain percentage of the population voted in a certain way by counting their votes. We can look at information about government spending and see how much money is being spent on weaponry and how much is being spent on healthcare or education. We can

gather information on wages and on corporate profits. This information is enormously useful in understanding society, even if it is not the whole story.

One final thing I would like to note is that in the book *There is No Such Thing as a Social Science*, where Read, with Phil Hutchison and Wes Sharrock (2008), argues that social studies should not be deemed scientific, they do nonetheless say that "[i]t doesn't even matter if the various social studies are grouped together under the heading of 'social science'—so long as one keeps a clear view of what is thus named, and what its character is. But that is almost impossible to do, even in the best circumstances". My take is that, while it is difficult to keep a clear view of the differences between the different disciplines, it is perfectly possible to do so. As I mentioned in *Wittgenstein and the Social Sciences*, many social scientists are happy to say that they are doing something scientific while at the same time recognising differences between what they do and what people working in the natural sciences do. While Read is eager to mark off social studies as distinct from natural sciences, I think it is preferable to recognise that there is diversity of method in both the natural and the social sciences and that the lines between them are more blurry than Read suggests. When Wittgenstein, in the *Blue Book* talks about "*the* method of science" (1958, p. 18, my italics) and says that by that he means "the method of reducing the explanation of natural phenomena to the smallest possible number of primitive natural laws" he mischaracterises science as pursuing a single method. If we recognise the diversity in natural science we may well be more inclined to see similarities between natural sciences and social ones.[30]

NOTES

1 I should note that Eagleton is already quite open to the idea that Wittgenstein offers us valuable insights. Eagleton has often used Wittgenstein in his work, worked on the script for Derek Jarman's film about Wittgenstein, and has used Wittgenstein as a character in a work of fiction (Eagleton 1987).

2 Because brains do not resemble human beings in their behaviour and so cannot be said to make decisions. See Žižek 2009, p. 62. I use this example in Vinten 2020, p. 126.

3 As Raazsch notes in a footnote, Lorna Finlayson (2015) has recently produced an excellent critique of Rawls which deserves to be more widely read.

4 I particularly focus on Read 2010.

5 See Wittgenstein's remark "One keeps forgetting to go down to the foundations. One doesn't put the question marks deep enough down" (1998, p. 71e).

6 In earlier parts of the book I make numerous references to Wittgenstein or Wittgensteinians dissolving problems (see pp. 8, 42, 47, 65, 82, 103, 113, 114, 119, 121, 125, etc. etc.) and I cite §133 of the *Investigations* where Wittgenstein says that "We don't want to refine or complete the system of rules for the use of our words in unheard-of ways. For the clarity that we are aiming at is indeed complete clarity. But this simply means that the philosophical problems should completely disappear" on pages 16, 121, 124, and 130 (in chapter 5 of the book—one which Roth ignores).

7 On pp. 14-17 of the Introduction to the book I discuss my understanding of §109 and contrast it with that of Christopher Robinson's take (2009), I then cite this passage numerous times throughout the book (pp. 40, 63, 103, 108, 119, 146, 151, etc. etc.).

8 I also discuss arguments from quite a range of philosophers, cultural critics, and scientists, including Otto Neurath, C. P. Snow, F. R. Leavis, Francis Crick, Semir Zeki, Paul Churchland, Stephen Hawking, Maxwell Bennett & Peter Hacker, Donald Davidson, Julia Tanney, and, of course, Ludwig Wittgenstein.

9 Note, however, that I do not make the distinction in terms of objectivity and subjectivity as Little suggests. I do not claim at any point that reasons are 'subjective' or that causes are objective by contrast with them.

10 This also provides a very clear example of scientific endeavours informing thought in the social and political realm. It is important in formulating strategies and policies for dealing with the climate emergency to take se-

riously what thousands of scientists are saying about the causes of it and the likely impact that these enormous changes to our climate are going to make.

11 I relied quite heavily on the arguments of Winch (1990, p. 60) and Tanney (2013). Hacker (2007, pp. 226-232) presents a number of cases and arguments in opposition to the claim that reasons are causes.

12 See, for example, Mill's (2002 [1843]), Book 3, Chapter 10, where he discusses how we pick out a cause from amongst a number of conditions.

13 In Wittgenstein (1978) asks "…what is the characteristic mark of 'internal properties'?" and he answers that "… they persist always, unalterably, in the whole that they constitute as it were independently of any outside happenings. As the construction of a machine on paper does not break when the machine itself succumbs to external forces.—Or again, I should like to say that they are not subject to wind and weather like physical things; rather are they unassailable, like shadows" (RFM, I, §102). I suggest that Little is thinking about water in this way—as something 'not subject to wind and weather' in the way that bodies of water and water molecules are. He is thinking about 'internal properties'.

14 By Henry Cavendish (hydrogen – 1766) and Carl Wilhelm Steele (oxygen – 1771).

15 These facts about H_2O are taken from Izlar 2012.

16 Wittgenstein, of course, observed that our grammar is not accountable to reality. Grammatical statements are not like our descriptions of the world around us. They are rules for the use of expressions in empirical statements. In his later work he said that grammar "is not accountable to any reality. It is grammatical rules that determine meaning (constitute it) and so they themselves are not answerable to any meaning and to that extent are arbitrary" (1974, p. 184) and in the remarks collected in (1967) we find "One is tempted to justify rules of grammar by sentences like 'But there really are four primary colours'. And the saying that the rules of grammar are arbitrary is directed against the possibility of this justification, which is constructed on the model of justifying a sentence by pointing to what verifies it" (§331) (see also, MS 160, 6).

17 Aristotle distinguished between four kinds of 'cause', i.e. four ways of giving explanations in response to 'why?' questions in his *Physics* "We must explain the 'why' in all senses of the term, namely that from this that will necessarily result…that this must be so if that is to be so; that this was the essence of the thing; and because it is better thus' (198^b5-9). That is, we might explain why something occurs by reference to the agent or event that caused it, we might explain why something is so or why something was done by reference to its purpose, we might explain why something is so or why it occurred by reference to the material out of which it is constituted, and we might explain why something is so by reference to its nature or essence (as expressed in grammar).

18 See MS 105,86, where Wittgenstein distinguishes the two systems and draws an analogy between the two systems and (i) images on a cinema screen (analogous to the first system) and (ii) images on a film strip (analogous to the second system). See also TS 209,19, where he makes clear that the distinction between the first system and the second system is the distinction between the system of immediate experience and the system of physics. What has been published as the *Philosophical Remarks* (1975) draws on material that Wittgenstein was writing in this period.

19 In Wittgenstein (1966) says that "If I had to say what is the main mistake made by philosophers of the present generation, including Moore, I would say that it is that when language is looked at what is looked at is a form of words and not the use made of the form of words" (I, §5).

20 This is what Wittgenstein claims in §108 of *On Certainty*.

21 For example in §69 of the *Investigations* Wittgenstein points out that we do not know the boundaries of the concept 'game' (because none have been drawn) but that this is not a problem, given our purposes. The concept is perfectly usable. However, we could draw boundaries around it if it suited our purposes.

22 A nice example of this is in §467 of *On Certainty* where Wittgenstein says "I am sitting with a philosopher in the garden; he says again and again 'I know that's a tree', pointing to a tree that is near us. Someone else arrives and hears this, and I tell him 'This fellow isn't insane. We are only doing philosophy'". The person who arrives in the garden is wondering why somebody would say 'I know that's a tree' while pointing at a nearby tree. What could they possibly want to convey by this? What is the point? The usual sorts of circumstances for making a knowledge claim are absent.

23 "In learning the rules [of being a tailor] you get a more and more refined judgement" (Ibid., I, §15).

24 In Wittgenstein (2005, pp. 423-24) he says that our language continually draws us back into asking the same (confused) questions: "So long as there is a verb 'be' that seems to function like 'eat' and 'drink', so long as there are the adjectives 'identical', 'true', 'false', 'possible', so long as there is talk about a flow of time and an expanse of space, etc. etc., humans will continue to bump up against the same mysterious difficulties, and stare at something that no explanation seems able to remove".

25 For a detailed account of this, see the first two chapters of Losurdo 2011.

26 There are echoes of this in the way that Hillary Clinton has recently welcomed the election of the neo-fascist Giogia Meloni in Italy, saying that "The election of the first woman prime minister in a country always represents a break with the past, and that is certainly a good thing" and that "every time a woman is elected to head of state or government, that is a step forward" (see Broder 2022.)

27 Wittgenstein lived from 1889 to 1951 and Brecht lived from 1898 to 1956.

28 As Wittgenstein says (OC, §125) "If a blind man were to ask me 'Have you got two hands?' I should not make sure by looking. If I were to have any doubt of it, then I don't know why I should trust my eyes. For why shouldn't I test my eyes by looking to find out whether I see my two hands? What is to be tested by what? (Who decides what stands fast?)".

29 In Vinten 2021b, p. 163) I particularly focus on commonalities between Marx and Wittgenstein in terms of their treatment of religion.

30 I completed work on this article while working as the postdoctoral fellow in the FCT project 'Epistemology of Religious Belief: Wittgenstein, Grammar and the Contemporary World' (PTDC/FER-FIL/32203/2017). I would like to thank the FCT for their support during the past four years.

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Problems of a Causal Theory of Functional Behavior: What the Hayek-Popper Controversy Illustrates for the 21st Century – Part 2

WALTER B. WEIMER
Emeritus Professor of Psychology and Philosophy
The Pennsylvania State University

Abstract: Part I (Weimer 2021, §1-4, pp. 1-30) overviewed a 20th century clash about whether there could be a causal theory of functionality, specifically for the domain of human behavior. One camp, led by Popper, argued that no causal account was possible due to the creativity and hence unpredictability of behavior; another, led by Hayek, attempted to provide a physicalistic account of "intentional" or seemingly teleological behavior. Both of those views failed, although each emphasized some points that must be carried into a correct account. This second Part, building on and presupposing the material in Part I, emphasizes the role of additional factors and their ensuing complications upon the task of explaining functionality: understanding intentionality and anticipation, problems posed by surface and deep structural ambiguity of action, choice and prescription versus determinism, what could constitute causality in the functional domain, the inevitable ambiguity of physical description, and the derivational history of action in disambiguation. On top of all that, the problems posed by social psychological and sociological domains of action are quite different.

Keywords: Physicality vs. Functionality; Causality; Surface vs. Deep Ambiguity; Complementarity

V: INTENTIONALITY AND THE NATURE OF ANTICIPATORY SYSTEMS

Intentionality is usually discussed in terms of what Brentano called "intentional inexistence," which meant that the object of thought exists "intentionally" within the thought. Intending to do something means that that "something" is inherently present within the process of thought during the exhibition of an intention. If one of Hayek's "hunters" is engaged in the intentional behavior of hunting, then the hunter's nervous system supporting that activity contains within itself a model of the desired goal. How can we understand a "physical system" to possess within its operations a model of some as-yet unrealized state of affairs? How can something that has yet to happen—a future event—control the behavior of the hunter? What are the mechanisms of anticipation that could be present in a functioning nervous system to realize goal directed behavior?

In TSO Hayek proposed one of the first accounts of how this could happen, in terms of the classification of patterns of activity and their subsequent reclassification. To understand how he did this we must note the difference between

feedback and feedforward mechanisms. Most of what has been studied in the social sciences involves feedback mechanisms. When we look at anticipatory systems, however, we require in addition to any feedback mechanisms an adequately specified feedforward system. We need to be able to unpack what Hayek said in TSO:

> The representation of the existing situation in fact cannot be separated from, and has no significance apart from, the representation of the consequences to which it is likely to lead. Even on a preconscious level the organism must live as much in a world of expectation as in a world of "fact", and most responses to a given stimulus are probably determined only *via* fairly complex processes of "trying out" on the model the effects to be expected from alternative courses of action (Hayek 1952, p. 121).

As a result of our evolutionary history advanced organisms have come to live as much in the future as they do in the present. They do this because adaptation (which occurs over generations, as a result of biological evolution) and learning (which occurs within the individual's life span) have come about. These phenomena are both directed toward anticipation of future outcomes. Human thought always anticipates the future. How is this so?

Hayek provided an answer by exploring mapping and modeling as a matter of the patterning of the classificatory activity of CNS functioning. Looking at CNS activity in this fashion effectively divorced our knowledge of the external world from that independent world entirely, and re-created knowledge not as somehow having ever been originally attached to objects of the external world, but as existing only as patterns of neural activity resulting from its classificatory activity in conjunction with the fundamental activity of the nervous system, the response to novelty. The qualities which our acquaintance attributes to experienced external objects are not properties of those objects at all, but rather a set of *relations* by which our nervous system effects their classification. All we perceive of external events is their structural relation to each other, and their relation to or in our experience. We are literally theories of our environment: all we can know about the world external to our senses is inherently theoretical, and all our "experience" can do is to modify our extant theories.

Anticipation is a particular type of modeling. This was first realized in the early 1950s by von Neumann and Hayek. Consider von Neumann's account first. He studied what was involved in the origin of life and the problem of self-reproduction. His insight was that anything capable of self-reproduction had to include within itself the complete specification of what it is. What would happen if you could create a machine that would reproduce another identical machine? The constructing machine ("the parent" for the reproduction) would have to have available within itself, within its operating program—if you regard it as a machine with a program running it—a complete description of the machine to be copied. But suppose we were to "push the button" and the copying machine produces a machine which is the exact copy of what it was programmed to reproduce. Now ask the further question, "can that machine that was just produced (the offspring) now produce itself?" The answer must clearly be "no, it cannot reproduce itself," *unless* it already contains a complete specification of itself within it. The machine that constructs or does the copying reproduces whatever it is given. But in the next generation, that of the reproduced offspring, there will be no further self-replication unless it already contains a complete specification of itself as a given. So for anything to be capable of *self*-reproduction it must contain within itself a complete specification of not only what it is but also how to build it. Modeling a living system must contain a forward-looking or "feedforward" component, and that forward-looking system must be an exhaustive specification of what it in fact is. A similar form of modeling, anticipatory modeling, is necessary for any living organism to be able to adapt to environmental change during its lifetime. Any such anticipatory modeling also entails feedforward components in the modeling structure itself. All learning is based upon anticipatory modeling, which is to say, on feedforward mechanisms. That is the import of the quotation from Hayek above.

What we must understand is that cerebral *initiation* of behavior, rather than totally passive responding to external stimulation, is the key to how the nervous system operates. The first systematic discussion of what is involved in feedforward in psychology was by Miller, Galanter and Pribram (1960), who introduced what they called the TOTE unit, for test-operate-test-exit, to show what procedure was necessary for a behaving system to achieve a goal. And now a crucial point: a goal is a forward-looking functional concept that can never be specified without incorporation of anticipated behavior. And that is why no purely physical specification of behavior, even down to the micro-particulate level, will disclose anticipation or expectation or purpose. Such functional concepts simply are not physical. The TOTE unit provides a two-process model: (1) a test, consisting of activity in the patterns of neural activity, and (2) an "operation" upon the test by a bias mechanism. The bias mechanism is inherently oriented toward changing the output responsivity in order to take into account new "information" resulting from the combination of some initial stimulus input and the bias of ongoing central neural activity. A simple model of such a situation is a thermostat, which turns a furnace on or off when the temperature reaches a predetermined set point. The addition of that bias through a feedforward mechanism allows it to anticipate and correct for an intended future state, denoted by the predetermined set point. In this situation it functions by presently available "causes" to produce a "future" event.

This is in effect a servo mechanism, and it indicates what is involved in the cybernetic concept of steering toward a goal. All life is cybernetic in this sense, and that is simply another way of saying that it inevitably and invariably involves anticipatory systems with feedforward control.

Feedforward allows us to anticipate by compressing the time dimension. This was an insight of Robert Rosen (1985) in *Anticipatory Systems*, a mathematical study of the abstract logical-mathematical structuring for all anticipatory systems. As one of his students (Louie 2010, p. 20) put it:

> There must be information about self, about species, and about the evolutionary environment, encoded into the organization of all living systems. He (Rosen) observes that this information, as it behaves through time, is capable of acting causally on the organism's present behavior, based on relations projected to be applicable in the future… Organisms seem capable of constructing an internal surrogate for time as part of a model that can indeed be manipulated to produce anticipation… This "internal surrogate of time" must run *faster than real time*. It is in this sense that degrees of freedom in internal models allow time its multi-scaling and reversibility to produce new information.

Feedforward is what can compress this time dimension. In contrast, feedback control is in essence *detected present tense error* actuated—the stimulus to corrective action is the discrepancy between the system's actual present state and the state the system should be in according to the model. Feedback works only when a system has already departed from what it was supposed to be doing before that feedback control can be exercised. In a feedforward system, in contrast, the system behavior is preset, with an internal model, relating present inputs to predicted outcomes, being in control. Feedforward systems thus have the necessary corrective present change of state determined by a presently existing model of an anticipated future state. It is crucial to note that the vehicle of anticipation is in fact an internal model—the stimulus for change in action is not simply the present input from outside the system, it is the *prediction* under the present conditions that is contained within the internal model. This is exactly like the thermostat, where the presently existing model controls the future behavior. The discrepancy between outcome predicted by the model and the present input is what drives behavioral change. Rosen was clear that the prototypical modeling relation was an interaction between a formal system—analogous to a computer program—and the physical system involved. In such a system the computer program instantiates functionality, which operates by downward causation to control the physical movement of the otherwise purely physical system.

Rosen also emphasized that error and emergence are crucial to models and anticipatory systems. No model is ever exactly the same as the system actually will be in the future. There is inevitably statistical or

probabilistic "error" present, as well as finite or incomplete representation, exactly analogous to the problem of measurement. Since this is so, error will arise as a necessary consequence when the behavior predicted by the model diverges from what is exhibited by input to the system. The system can (and often does) fail—if its behavior as directed by the incomplete and inaccurate model (or also perhaps a failure elsewhere in the system, such as a defective receptor or a broken effector) is sufficiently far from what actually transpires in the future. There can be catastrophic failure. Emergence (emergent behavior) will occur when the discrepancies are not sufficiently great to cause catastrophic failure, as when the content of the model contain something new, or not found in the system itself. From the standpoint of the theory of anticipation that novelty is, strictly speaking, an error or discrepancy. But in many cases in human behavior—the growth of science, for example—it is an "error" with very beneficial results: the generation of new knowledge. That can occur in cases in which what Kuhn (1970, 1977) called normal science research leads beyond itself into a revolutionary reconceptualization.

It is interesting to note that in hindsight, Rosen (who published in 1985) had only managed an alternative account to what Hayek had already published in 1952. An organism lives in an environment that is actually an econiche or umwelt of its own construction due to anticipation. That is another way of saying that "the organism must live as much in a world of expectation as in a world of 'fact.'

Inference and expectation are different in society. Individuals are agents: they embody expectations and inferences in their cognition as anticipatory models. Social groupings have no agency—they cannot embody future expectations in some trans-individual super agent. The market order provides a basis for an individual's expectation, but the market order itself cannot "expect" anything at all: it is not an agent, and equally not a subject of conceptual activity. The market cannot anticipate because it is not a functional entity. The market is only a means—a generalized mechanism—not a functional entity. All it does is provide necessary information to an actual agent who uses that information to update his or her internal anticipatory model, and to adjust their behavior accordingly. Functionality exists only in the market participants—never in the market itself. Agents *use* the price of goods or services that are momentarily available to adjust their internal models of a desired future state of affairs in conjunction with their present perception of the ongoing state of affairs. They anticipate how to bring about their goals by adjusting their momentary behavior to make it consonant with what the model specifies the goal (the future state they desire) to be.

Agency incorporates functionality and expectation into its physical system by incorporating input from a model which specifies what that expectation looks like, and simultaneously (that is, in real time) incorporating that semantic information as a guide (again in real time) to adjust ongoing physical behavior. Such combined physical-functional systems depend entirely upon the detection of error—upon the perception of a discrepancy between the internal model's prediction of the situation within the predicted results in the future, and the agent's simultaneous perception of where he or she is in relation to the model's prediction. This simultaneous perception is in itself an expectation based upon a model, because as Hayek noted, the organism lives in a world of expectations in every single moment. The whole point of an agent's behavior is to eliminate an error—discrepancy between what the model specifies must occur and what the agent's input of the situation presently is. Feedback and feedforward are inextricably linked in all adaptive behavior based upon anticipation and expectation. Achieving a goal requires error elimination and/or correction of behavioral trajectory that is specified by feedforward anticipatory specification of that trajectory. Physical systems may have feedback, but they cannot have either success or failure. Success and failure are functional concepts, and only agents can possess, understand, or operate according to such concepts. Feedforward occurs only in living or functional systems. The market order is not a thermostat—it is just the input to an agent which, in conjunction with the agent's internal anticipatory model, tells it to turn on or turn off (purchase or pass depending on price) its behavior. The agent set the bias point for the thermostat; it did not set that itself. We must realize that models and anticipatory structures exist only within agents—subjects of conceptual activity. The market order, like all abstract (or as Hayek called them, cosmic) orders, is totally

impersonal and without expectation, inference, purpose, goals, or any actual mechanism of anticipation. And as we must now see, it is entirely without choice contingency.

VI: CHOICE AND THE PROBLEM OF AMBIGUITY

Previous sections overviewed dualisms that cannot be avoided in the human existential predicament. We began to unpack what Hayek had meant by saying "to such a system (the human mind) the world must necessarily appear not as one but as two distinct realms which cannot be fully 'reduced' to each other." This section must follow up that insight by examining what is involved in the realm of human functionality that is designated by the concept of choice (and thus intentionality and purpose). Human beings exhibit choice contingency in the control of their behavior. There are no choices in the physical realm. Indeed, inexorability and (rate-dependent) "determinism" cannot allow choice to exist. Choice is physically inconceivable. Thus, from the standpoint of life, as a functional rather than physical phenomenon, choice is perhaps the most important difference from the inanimate or merely physical realm. We need to explore the implications of the existence of choice, and then indicate how it affects any theory of teleological or intentional or goal directed behavior. Doing so helps to explain why even the most brilliant minds were unable to adequately "explain" purposive behavior.

Choice and contingency. As I have emphasized, subjects are never objects—subjects make choices, and *choices require alternatives that can be realized*. Objects, identical and interchangeable, which are controlled by the inexorable laws of nature, never have alternatives: the concept of inexorable constraint precludes the very possibility of the existence of alternatives. The billiard ball had no choice—it rolled the way it did because of external forces imposed upon it. The context of constraint surrounding the billiard ball is exhaustively and inexorably determinate. But because they have alternatives from which they may choose, because they can harness those inexorable laws of nature, subjects as agents *have the possibility of choice*, the freedom, of making errors. It is crucial to note that there is no conceivable physical concept of error. Error is purely functional and abstract, compatible with an indefinite range of physical phenomena, but impossible to define solely by specifying a list of such physical phenomena. This is also the case for the existence of novelty. Subjects, although they cannot violate the inexorable laws of nature, can, as functional agents, perform new, unexpected, and unpredictable, things. There could be no novelty in a universe totally controlled by inexorability. That was the tremendous appeal—that it was "neat and tidy and complete" in every aspect—of concepts such as Laplace's demon and the philosophical necessitarian doctrine of universal determinism. But the functional world is never neat or tidy or complete. Ambiguity comes into existence when subjects come into existence. And it comes into existence only with subjects, because it requires conflicting or incompatible choices or meanings or interpretations. Because subjects make choices, they can make choices that are not only erroneous but also create indefinite and contradictory outcome possibilities and the interpretations of those possibilities. Those possibilities could never have been exhaustively determined in advance. Choice never leads to any deterministic finality. Choice inevitably leads to more and more choices. Choice "determination" leads to more and more possibilities for future action, not fewer and fewer delimited necessary outcomes. Semantics and choice contingency, even though deterministic in the rate-independent realm once they are made, lead in the dynamical realm to the possibility of indefinite creativity—to *unfathomed knowledge, unmeasured wealth*, as Bartley (1990) chose for a book title.

The existence of choice requires that things could have been otherwise. This denial of necessitarian determinism (a position ably defended by many philosophers, perhaps best by Blanshard, 1973) is the point (with choice contingency) at which psychological or semantic or pragmatic information comes into existence: functional information becomes meaningful (to an agent) when choices must be made—when genuine alternatives instead of deterministic finality reign. Making meaning through choice—delimiting the realm of ambiguity—is the fundamental function of nervous system activity. The orienting response to novelty is the fundamental choice activity of the organism, when it chooses to assess a pattern of neural activ-

ity as meaningfully different from ongoing patterns of background activity. Orienting begins the context of choice constraint in which all higher mental processes—all cognition—are embedded. Choices always involve selecting or responding to particular patterns of neural activity that stand out from or are somehow differentiated from ongoing "maintenance" or background patterns. That standing apart can be initiated either by external factors which break into the ongoing patterning because of the salience of their novelty, or by internally initiated changes of patterns—input from outside sources, or reorganized internal patterns that reconfigure in novel ways. All such activity is, as Hayek emphasized in TSO, a matter of classification and reclassification of patterns of activity. Nervous systems are in the business of—exist solely for the purpose of—classifying. Coming to know is reclassification of ongoing patterns of pre-and post-synaptic activity interacting with ongoing patterns of all or none spike potential activity. We are creatures who make things meaningful by creating and interpreting patterns of neural activity. This is the basis of semantic meaning. Shannon or communication theory bits play no role in the process of knowledge generation or semantic meaning construction. Shannon bits are an artificial concept developed for the restricted task of optimizing communication transmission only—for removing as much noise as possible from the channel used for communication. Semantic meaning has its origin within the organism as interpretation of itself and its external environment. That predates the much later problem of transmitting information through physical (only) systems of wires or light or other particle pulses—even neural pulses. Shannon "meaning" mainly concerns eliminating noise from already extant meaning (possessed by a sender) that is being sent (transmitted) to a receiver who already knows how to understand it when it is received, even though it is meaningless physically during the (often noisy) process of transmission.

While the nervous system, viewed as a communication transmission system, also has a problem with noise—and clearly attempts to eliminate it by redundancy and multiple processes of transmission and retransmission—it has something else to worry about: living systems that choose can and do make errors. We can and do (as every writing student has found out when turning in a paper) make "mistrakes." We are fallible creatures who are extremely error prone. That is why the evolutionary approach to epistemology emphasizes that knowledge acquisition depends upon error detection and correction and elimination. Because we can and often do choose wrongly and weave false theories and metaphysical haunted universe doctrines, we can only learn through weeding out error, which we do by constantly proposing alternative metaphysical doctrines and checking our conjectures against empirical reality. We have got to let our theories die in our stead. That is a central philosophical message of evolutionary epistemology, and no one has presented it better than Karl Popper (1963, 1974).

Life began with functional instruction. Life is, by definition, cybernetic—it is functional, and because agency is present *it is steered*, and it always has been. Metabolism in even the simplest single cell is steered and regulated by instructions that prescribe (or are the software program for action). As David Abel put it:

> Every aspect of metabolism with a single cell depends upon programmed instructions, the messaging of those instructions, and feed-back messaging about how well the initial messages were received and carried out… Without programming and the bio-semiosis of those instructions, no progress could be made within any micelle, vesicle or proto-cell toward eventual life in a true cell (Abel 2011, pp. 148-49).

Any such symbolization and coding systems are far prior to our very recent arrival, and subsequent understanding of them. They predate our human existence by literally billions of years. That means that functionality, as instanced in terms of the control, regulation, and integration of metabolism, predates our physical existence on this planet (probably by about three and half billion years). These functional phenomena are not products of our minds. Our minds, like our existence, are their products.

Life used symbol systems and made choices by utilizing linear strings that were, as Pattee has argued, the first language—the genetic language. As Abel said: "semantic/semiotic/bioengineering function re-

quires dynamically inert, resortable, physical symbol vehicles that represent time-independent, non-dynamic "meaning" … No empirical or rational basis exists for granting to physics or chemistry such non-dynamic capabilities of functional sequencing" (Abel 2011, p. 153). How this functionality came about, while undoubtedly the greatest mystery that we can face, is not our focus here. We need only grant that it is the case that it exists, and then explore some of the consequences.

Symbols and meaning are rate-independent. As the quotation from Abel emphasized, symbols and meaning are not dynamic, *even though* their manifestation or expression requires a dynamical system. That fact immediately creates the problem of representation: how do physically specifiable tokens or physically specifiable signs represent rate-independent functional symbols or instructions? This is not a problem of the reference of these terms: we know that certain physical entities are the tokens to which the abstract and conceptual instructions refer. Reference is taken for granted. The issue instead is how do symbols "stand for" or "represent" physical or material structures? The answer is that they do so by employing and following rules. Rules (as opposed to laws of nature) can control voluntary or choice-contingent, behavior. Rules define formal systems. A formalism describes some particular functionality in abstract terms. The formalism provides rules to concretize functionality into the physical realm. Thus, Euclidean geometry qua formalism describes the shape of ordinary or three-dimensional spaces and objects. Formalism in that sense is what Plato was after in his doctrine of Forms—abstract essences that are definitive of general classes of entities that are always instantiated in particulars. Rules are arbitrary, unlike necessary laws. Rules can be broken, and thus are often changed in order to function better. No law of nature can be broken or changed. Being entirely arbitrary, rules require genuine choices in order to be followed. Choices function through decisions that *prescribe* actions. Rate-independent choice functionality prescribes rate-dependent physicality, but unlike that inexorable physicality it is always arbitrary, and because it is arbitrary, it has meaning, and it is quite possibly wrong. Meaning comes into existence with choice and the possibility of error. The more nuanced our choice determination, the more enriched and varied our meanings.

What we are doing is restating and elaborating Michael Polanyi's idea that living functionality harnesses physicality. The formal systems that science and philosophy create and study are based entirely upon choice contingency. Formalisms require arbitrary (but definitely not random) choices in order to be realized: they are quite different from physical systems that are constrained by the laws of nature, where since there are no choices there are no meanings or functions. Some of the major differences between functionality and physicality are outlined in Table 1 (from Abel 2011):

Table 1. *Comparison of Formalisms to Constrained Physicality*		
Attribute	**Formalisms**	**Constrained Physicality**
Physicodynamic	No. Utterly nonphysical	Yes. Entirely physicodynamic
Options / Possibilities	Many	Few
Uncertainty	High prior to choices	Little
Constrained	No	Yes
Controlled	Yes	No
Limited by forced, fixed laws	No	Yes
Limited by voluntary rule obedience	Yes	No
Chance contingent	No	Some
Choice contingent	Yes	No
Decision nodes	Yes	No
Logic gates	Yes	No
Configurable switch-settings	Yes	No
Abstract or tangible	Abstract	Tangible
Conceptual	Yes	No, except the mathematical nature of the laws themselves
Caused by	Choice determinism	Law-like necessity
Nontrivial function-producing	Yes	Never once observed
Goal oriented	Yes	Never
Which side of The Cybernetic Cut	Far side	Near side
Symbols / Representationalism used	Yes	Never
Meaning generated	Yes	Never
Sophisticated utility generated	Yes	Never
Useful and Pragmatic	Yes	Blind and Indifferent

Table 1
Formality versus Constrained Physicality
From Abel, 2011

Life and conceptual activity—including epistemology and all science—are formal phenomena, and thus are only incidentally physical in their particular physical realization. They depend upon *some* physical realization, but its exact form is always an empirical issue. And even though it is the case that the so-called physical sciences deal with an empirical subject matter, that subject matter is not in and of itself formal. It is the formal aspects that define and provide the meaning of the concepts of life and cognition, not the fact that they are embodied in one or another particular realization that happens to be describable within the laws of nature. And we should note that those laws are not at all "natural" but rather are entirely conceptual and formal and cannot be found as existent entities in the empirical realm. The laws of nature are our creation, and we impose them upon empirical reality in order to make reality intelligible to us. The rate-independent formal realm provides the higher order context of constraints that, in harnessing the physical realm, makes life and cognition possible. Our "human" existential predicament is thus formal rather than just physical.

Small wonder, then, that psychological phenomena must have both a rate-independent (or formal-functional) specification *in addition to* a concomitant rate-dependent physico-chemical (or biochemical) specification. Living systems never perform physical movements—insofar as they are alive, everything they do is the performance of an action. All living action is inherently both formal and physical, and specification of only one domain or the other is inherently ambiguous. This is why, since both Popper and Hayek used only one domain in their accounts, both failed in their attempts to provide an account of functional behavior.

At this point one can see the inevitable limited utility of the computer programming metaphors for life and cognition. Even though they may provide *a formal representation* of such phenomena, there is absolutely no guarantee whatever that such a formal representation *is the one instantiated by life* on this planet. That is why I have emphasized that computer or computation-based models, even if correct, could provide only a partial understanding of life and cognition. We also require the complementary description of the physical systems that realize those rate-independent specifications. All cognition and all minds are embodied. We have to have complementary descriptions of both minds, and their embodiments. Any program based model must be realizable on the physical structures found in living nervous systems and bodies.

Physicality can only be disambiguated—and hence understood—by concomitant functional analysis. Understanding physical objects—those studied by physical theory—requires a duality of descriptions because the laws cannot interact with objects unless specific boundary and initial conditions are applied to tie them down to observable reality. But in the case of agency, in which a subject (and not an object) behaves, the situation is slightly different. Here the problem transcends just the issues of record-keeping and measurement. One must know the functionality, the teleological or intentional "aboutness" of the agent (to use Brentano's 1874, term), in order to determine what any of its given physical "bits of behavior" represent. Two different individuals could make exactly the same "physical" movements (down to the subatomic or any other level of specification) and still exhibit very different functionally defined actions. The referential basis—physical movement—is inherently ambiguous from the point of view of functionality: the same "behavior" can equally well instantiate very many different intentions and thus different kinds or abstract classes of actions on the part of agents. Likewise, a single functional intention can be realized by a literal infinitude of physically specified movements. The fundamental ambiguity of human action is inexplicable unless one understands that a duality of descriptions, with the physical movement specification on one hand and the functional intention of action specified on the other, is absolutely required for disambiguation and hence for understanding.

We saw this problem in somewhat different form within physical theory with respect to record-keeping and measurement. These are functional concepts: functional specification on the part of an agent is required to determine that a measurement has in fact occurred, and that a record has in fact been made. If we try to analyze the physical movements or processes that an agent makes in these functional actions we find, as Pattee emphasized, that the process of measurement or the record itself simply disappears in the complete specification in terms of physical theory. These functions are *nonlinear with respect to physical specifi-*

cation. Measurements, like nervous system activity, are a process of many to one mapping. In the case of the measurement there is an infinitude of actual physical events involved. The functional process of measuring collapses that indefinite number of physical events into a "frozen out" measurement that exists only in the rate-independent realm of human cognition. The nervous system, in processing many inputs as instances of "novel" versus "not different from background expectation" does exactly the same thing in the decision to "collapse out" and focus upon novelty from the flux of activity. And this classification property is precisely what gives the measurement (or the novel stimulation in the nervous system) its determinate meaning. It is exactly like the measurement problem in physics: looking inside Schrödinger's box and seeing that the cat is either alive or that the cat is dead. No physical device can ever make this or any other intentional determination. Meaning requires more than physicality.

A previous section noted that thought and acquaintance are fundamentally different. For epistemology the fundamental opposition is between the knower and the known. Cognition is formal, rate-independent, meaningful, subject to error, incompleteness, and inherently ambiguous. What we undergo in acquaintance is not meaningful, not subject to error or incompleteness, and not known to possess properties of the formalisms denoted in Abel's Table 1. While we know it is a "property" of life it is not actually a property in any definable sense—more correctly, acquaintance is a parallel or *concomitant accompaniment* (presumably physical) to cognition. When we attempt to make acquaintance into a "known," we transcend acquaintance per se and move instantly into what Russell called knowledge by description. Acquaintance per se is not knowledge—it is just something which we undergo. Consider some of the properties in Table 1: acquaintance is not conceptual—in that regard it is like constrained physicality. Acquaintance is not choice contingent—also like physicality. It is not limited by voluntary rule obedience—like physicality. It is not controlled by the individual who has it—like physicality. Clearly it does not use symbols or representationalism (at least in any fashion that we have yet comprehended). It presents no options or possibilities in itself—like physicality. And like physicality it appears to be closer to being tangible than intangible. Nor is acquaintance caused by or subject to deliberate choice—it appears to necessarily follow when our bodies undergo some specifiable things. As such, acquaintance is finite and limited, while the formal realm is unlimited and conceptually infinite. So it would appear that acquaintance, if, as is usually the case, it is regarded as some sort of "halfway" house, is actually much closer to the physical domain than to the functional. It certainly cannot be classified as purely functional.

Acquaintance is in one respect exactly like meaning: it is a predication, and not itself a relation. When we attribute meaning to it, we have moved beyond acquaintance itself into the language of description and into linear thought. Cognition *interprets* acquaintance, when it attempts to know it. Acquaintance per se does not participate in relational structures. Acquaintance itself dissolves into our knowledge of it, and all that is left is relational attribution in cognition. In this regard it is parallel to the way in which a measurement "dissolves" when one attempts to integrate it into a dynamical description in terms of laws of motion for the physical system that instantiated it. Thinking or cognizing about acquaintance does not involve the having of that acquaintance at all.

In contrast, thought comes to us in the specious present as a fundamentally symbolic and abstract form of exemplifications of concepts. Concepts and thought are the equivalent of mathematical functions—generative rules of determination that can provide an indefinitely extended domain of particular instantiations. Concepts map deep structural meaning or content onto potentially indefinitely extended surface instantiations. In that regard all concepts including those that pertain to our unique and privately experienced acquaintance are in themselves fundamentally objective (intersubjective). Application of any concept is a process of objectification. It distantiates from uniquely given particulars in experience. To be meaningful, thought *has to step back from* what is presented to us or "given" in awareness. All thought *must exist in opposition* to momentary awareness. As a result, our concept of the purely subjective—if expressible at all—is completely objective. Whatever role acquaintance initially played is completely absent from our concepts and from our knowledge. Acquaintance is not found in any meanings we entertain. Thought is apart from

acquaintance *and has to be* in order to give it meaning. This gulf cannot be bridged—the dualism is an unavoidable complementarity.

The duality of descriptions is an inescapable aspect of epistemology and knowledge acquisition. Since knowledge is not in the physical domain—it is in itself in the functional, teleological and intentional realm of rate-independence—knowing (as a process, with the -ing) must have an embodiment in physicality (symbols must have instantiations in signs as tokens), but the knowledge itself (what the symbols mean) is not and cannot be specified in purely physical terms. No matter what the representation, whether marks on paper or sound waves in the ambient array, or electromagnetic pulses, or whatever, they are merely instantiations of knowledge rather than knowledge. Only subjects of conceptual activity possess knowledge or can acquire it. Knowledge requires knowers, as agents, for its existence. When embodied in a knowing agent it harnesses the (what are then lower level) laws of physical nature. Thus, in agency knowledge is always a higher order constraint operating upon physicality. For subjects of conceptual activity, it is the paradigm exemplar of functionality. And that is one reason why, since it seems to exist only in living subjects, that we find its appearance to be unique and improbable and therefore regard it as amazing. This is perhaps what misled Popper into thinking that one could have knowledge—and thus epistemology—in the absence of knowing subjects. He was attempting to understand the distinctions between physical and functional, formal and factual (as well as others we have overviewed). We need to realize that just because it is awe-inspiring, that alone does not mean that we cannot study it and try to understand how and why it came into existence, and what its role is in the universe.

VII: CONSTRUCTING A SYNTAX OF ACTION IS HARDER THAN YOU THINK

At this point we have the bare essentials of the background against which to try to construct a structural analysis of functional cognition of our behavior—generically, the syntax of action. While Popper ignored (more likely did not understand) this problem, Hayek may have assumed that he had in fact provided an unambiguous physical representation of a simple but intuitively "clear case" of intentional (as a paradigm exemplar of functional) behavior. It is all too obvious that he did not in fact succeed. Without supplying a concomitant and complementary structural analysis of the functional specification of "hunting" (or any other intentional) behavior, any physical or "bare movement" specification is inherently ambiguous and incomplete. Here, as anywhere in science, we must have a duality of descriptions. There must be complementary functional analysis (or analyses) for any attempt at a physical specification of action.

Considered from the perspective of semiotics, with its threefold categorization of the manifestations of functionality and meaning as involving syntax, semantics, and pragmatics, it becomes clear that the activity of hunting, since it involves coordination of activity on the part of groups in the example Hayek used, is essentially pragmatic in nature. Before one can understand such maximally complicated group activity it is strategically simpler to consider the activity of a single individual in a situation in which the pragmatic context is assumed to be a constant, and therefore can be "canceled out" of the analysis. This would leave us with the (one would hope, easier) task of understanding the interactions of syntax and semantics in individual behavior. This is an enormous task that is certainly hard enough even as a first step. Unfortunately, it is not clear that one can even find such a "simple" case. Soliloquy is a potential example, but even in speaking to one's self, pragmatic context may not be constant or even clear. Shakespeare's plays provide sufficient examples of that lack of clarity. And even in seemingly clear examples there are often ambiguities in word meaning, phrasing, and implied context. Understanding the meaning of the soliloquy can require not only a linguistic analysis of the sentences involved, but also a discourse analysis (Endnote 4) of the way in which the sentences and phrases relate to one another, and perhaps further contextual analysis in terms of the gestures and movements which accompany the "speech acts" (to use a relatively neutral term). Human action is always context-sensitive, and that context ranges over both semantic and pragmatic components. Without clear-cut accounts of what is involved in not only the pragmatics and semantics of the situation, but also the syntactic structures realizing those forms of meaning, any interpretation of the behavior is am-

biguous and thus indeterminate (since underdetermined by any physical laws), and not yet explainable by any theory. We would then be back where we started with all of semiotics to be accounted for.

A simple example. For half a century I have used a brief example (first in Weimer 1969) to illustrate this situation. It is very simple, involving the activity of only a single individual. Suppose someone (even the usual variables such as sex and age, general state of health, and similar attributions, need not be specified) engages in the following sequence of "behaviors." The individual drives up in a car to a building, looks at it briefly, parks the car and gets out, and then enters the building after walking up steps toward a door. After opening the door and entering the building (which has the name of a bank written above the door entered), the person walks over to a counter, takes a piece of paper and a writing instrument out of the pocket of his or her clothing, makes a series of marks on the piece of paper, and then hands the piece of paper to an individual on the other side of the counter in front of him or her. Now we ask the seemingly "simple" question, given that sequence of (in principle) exhaustively physically specifiable (even down to the subatomic level of description) cluster of physical movements: What behavior was instantiated? Without further functional information being specified, one cannot ever unambiguously interpret this "mere" physical sequence. Was it an act such as cashing a check? Was it a signal to someone standing outside the building looking in? Was it (for all you depth psychologists) an exhibition of latent hostility toward one's mother? Was it a love note for a significant other? Was it perhaps only an excuse used to get to speak to someone the actor would like to get to know? Was it a desperate attempt to get a relative of the actor released from being held hostage? Could you even begin to tell if it was "just" a joke of some kind? Was it perhaps an act of coercion by an evil neuroscientist sitting in the car for demonstrating some brain stimulation process to control behavior?

The list of plausible accounts of that string of physical "bits of behavior" is indefinitely large, and none can be determined to be more or less correct than any of the others without a full and complete specification of the functional—i.e., the intentional and pragmatic and goal directed or teleological—context, as well as the semantic context in which it has occurred (recall Endnote 4). At any level of semiotic analysis, any specification of physical movements on the part of a living subject is inadequate to determine what functional behavior it exhibits. A semiotic framework—from pragmatics on down—simply must be available for understanding (for disambiguating) what the behavior means.

There is context for action, and then there is context for that context. For the purpose of analysis, we must always select something within a single context at the next higher level. This exemplification of downward causation (as Campbell 1974a, 1974b, used the term) will enable us to concentrate on, say, a semantic analysis *if* the pragmatic context is taken for granted. In that context we note that Chomsky (1957, 1965) was able, in the study of language, to ignore many semantic issues in order to concentrate on syntactic structure. In so doing he was able to show how structural devices, at least at the surface level of syntax, can eliminate *some* semantic ambiguity. At the same time he showed that some other cases of semantic ambiguity could be explained only by looking over the surface syntactic *derivational history* of the utterance. He showed that at a higher level, it would be possible to disambiguate the pragmatic context as well as the semantic context in which syntactic structures occur *by looking back over the context provided* by the history of their derivation. This is what is required to disambiguate a given surface structure or linear string.

This applies to overt behavior as well. The moral is that any functional specification of what an actors' intention actually consists of cannot be unambiguously realized without a structural derivation (specification of the derivation of the syntax) of the movement necessary to manifest it. My "check-cashing" (at least that is one possible interpretation) example shows this problem. Analogously, no Hayekian account of the *functionally specified behavior alone can be accepted as* a *grammar of behavior* to show how the particular physically specified movement exhibited by the individual(s) instantiates the abstract functional specification "hunting." Any adequate syntax of action is years in the future of psychology.

Parenthetically, we may note that in economics, considerable progress has been made by *ignoring the full range* of pragmatic and semantic contexts in order to focus on what has come to be called "economic action." For the economist action has a very limited and moderately well specified meaning in terms of

standard examples that are discussed in the literature. This familiarity with a delimited range of "actions" misled overly rationalistic theorists, such as Ludwig Mises, into thinking that economics could be formalized into an axiomatic system. Since human behavior is productive, as Chomsky and many other linguists have pointed out, and as I have argued with respect to the entire range of human intentional behavior, such an approach is simplistic in the extreme. There is no hope of constructing an exhaustive catalog of intentional action, and the praxeological approach to economics is as much a waste of time as the behavioristic approaches have been in psychology. We need to look at the lessons learned in linguistics to see the extent to which they are applicable to the other domains of human action.

We have a potential study guide (a sketch of an outline of a blueprint, as Feigl [1967] used to say when referring to the mind-body issues) available in developments in linguistics, which deals with one particular type of "behavior"—language—that has employed the technique of structural analysis to disambiguate function and hence meaning. Here there is an important lesson for how to understand the relation of surface structures (linear strings) of overt behavior (or action) to their underlying causal structures and processes which, when exhibited, remove the ambiguity in the surface strings by pointing to the implicit pragmatic or semantic context from which those strings were generated. Let us see what can we learn from the analysis of a single "isolated" sentence?

Deep structure ambiguity is fundamentally different from surface structure ambiguity. The mid-20th century revolution in linguistics showed two things that are necessary: first, any adequate grammar (of language or behavior) must employ formation and transformation rules that are powerful enough to rewrite strings of symbols into strings of symbols. Chomsky showed that that power requires more than the then available phrase structure grammars were able to provide: it requires the power to "look back over" the derivational history of the utterance in question in order to see how its constituent phraseology is parsed to provide an interpretation (a meaning). Second, Chomsky's revolutionary addition to the surface structure analysis of phrase structure grammars was the realization that ambiguity could occur at both the surface and also at the deep conceptual structural level of grammar. In addition to simple phrasing and embedding problems of meaning, requiring only the correct grouping of strings into phrases in a sentence in order to disambiguate it, there was another kind of ambiguity that was fundamentally different. This newly noticed (but always present) phenomenon of deep structural ambiguity requires one to look back in history into the non-surface or "deep" or underlying derivational history in order to see which of the alternative possible interpretations a speaker had intended to "mean" with the surface linear string.

Consider some examples. If a speaker were to utter this old joke:

What's that in the road ahead?

It can be taken to mean two things. First, "What is there ahead of me in the road?" Or, second, it can be interpreted to mean "Is that a head on the road in front of me?" Whether the "something" on the road refers to "a head" or to an unknown is disambiguated by paying attention to how the linear string is in fact phrased (parsed) into groups of words—what the form of its surface structure is. Against this background Chomsky introduced a fundamentally new kind of ambiguity. Consider:

Praising professors can be boring

The shooting of the hunters was terrible

These examples require one to be able to *look back over the derivational history of the utterance* in order to disambiguate the interpretation. In the case of the latter example, you do not know whether the hunters were terrible shots, or whether the hunters were themselves the ones being shot. All our perceptual behavior (whether speech perception, or visual or auditory perception or whatever) provides ambiguous input in this

sense. The history of science is replete with examples, many pointed out by Hanson (1958) and Kuhn (1970, 1977), just as Chomsky's examples were becoming known in language. For instance, Hanson argued that what Tycho and Kepler "saw" when they looked at the sunrise from exactly the same point of view would have been entirely different. Tycho would have seen the sun revolving around the fixed earth, while Kepler would have seen the moving earth revolving around the fixed sun. Or to take a different sort of example, one in which two circles and two elliptical extensions extend from the outermost circle, it would be interpreted very differently if someone said, "incoming missile," than if they had said "Mexican on a bicycle."

This process of looking back over the history in examples such as these requires one to look at what the linguist calls non-terminal vocabulary elements instead of just the terminal items. Here one needs to be familiar with the theory of Post languages, stemming from Emil Post (1943, 1965). Terminal items are words or surface entities in the language, non-terminal items are (for natural languages) such things as NPs and VPs, Det. or Aux., and even the concept S for the "sentence" as a whole (S is the axiom for natural language). We do not speak noun phrases or determiners or auxiliaries or verb phrases in the linear surface structure of speech, but it has been necessary to *postulate* their existence as classes of syntactic structure devices in order to understand (i.e., to disambiguate) the longer linear strings we call sentences. The terminal versus non-terminal distinction shows a fundamental difference between the abstract underlying conceptual structures and the terminal or surface vocabulary items of language behavior. The study of (natural) language utilizes only one axiom, S, intuitively understood as sentence. Other Post languages could have different axiom sets (such as A for "act" in a grammar of behavior) and indeed more than one axiom. The derivational history of a sentence proceeds by differentiating the highest level of relevant non-terminal items (in many languages, something like the S-V-O structure, read as subject, verb, and object) and then the constituents of those lower levels of analysis. For example, the S may be differentiated into a noun or a noun phrase, the V into a verb or a verb phrase, and the O into a direct object. Thus "The boy hit the ball" is a paradigm exemplar of an S-V-O sentence construction. Here is a structural diagram (Figure 1) for a simple declarative sentence:

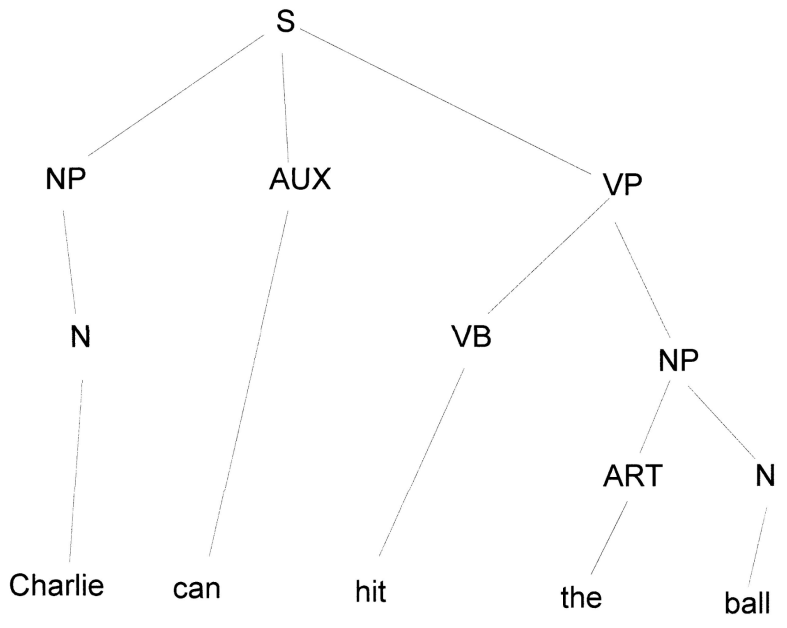

Figure 1:
***Derivational diagram for* Charlie can hit the ball**

The problem posed by deep structural ambiguity is that such utterances instantiate (at least) two instances of capital S, i.e., two distinct sentences, instead of one sentence *in the same linear string* of terminal elements. For instance, one "sentence" in the deep structurally ambiguous sentence illustration above is paraphrased as "It is terrible that the hunters were shot" while a second sentence is "The hunters were terrible shots." In the behavioral case that is represented in the "check-cashing" example, there are potentially very many types of act, or perhaps other axioms in addition to acts (so the grammar would require A, B, and C, if you will, or perhaps more likely, E (for emotion) or some other primitive) that must in some fashion be incorporated into the account and subsequently disambiguated. In surface ambiguity such a disambiguation can be effected by correctly parsing the terminal string of physical movements. Much more likely is the "deep" case, which will require looking back over the history of the *semantic context* in which the act occurred. That will also require knowledge of the pragmatics involved. If we happen to determine that, immediately before the behaviors described in the above example, the actor received a threatening phone call from his or her parents' residence, we can narrow down our possibilities to two or three: a basic act of check-cashing, and something that must be like the hostage rescue interpretation, or perhaps a very bad joke. This dual or perhaps triple "act" possibility in a single sequence interpretation is one reason why any attempt at constructing a grammar of action is so incredibly difficult—without a full contextual determination there simply is no possibility of determining what act, if any, a given bit of physical behavior instantiates. And in the example above, one could easily add a fourth act—exhibiting hostility to one's mother, as a result of a "threatening" phone call to the actor.

VIII: HUNTING AGAIN

One would certainly assume there are simpler examples to consider. Can we find anything with "natural" units that intuitively correlate directly with physical events? Here we face problems on both sides. Since functions are physically ambiguous, we might consider looking for seemingly natural physical units. The problem here is that the entire history of physical science has been a quest to "carve nature at her joints," with little if any success. What we have found after several millennia of trying to do this is that no matter what we have proposed as a "natural" joint of nature, it in turn is found to have joints.

What are the right levels, and units of analysis? We can now examine the seemingly simple example of purposive behavior that Hayek employed. Despite its simplicity, it actually exhibits a large number of functional concepts, which are either embedded in other abstract functional classes or required by the necessity to coordinate movement by feedforward or anticipatory systems between other living, and hence equally functional, entities. At a bare minimum we need to look at the web of interconnections between the various levels shown in Figure 2. Hunting is a relatively specific abstract entity, and it must be subsumed under a broader abstract intention or goal, such as fending off starvation or providing for one's family, etc. If we wish to understand an instance of hunting, we must state or presuppose such an abstract level. Once we settle upon the functional concept of hunting, we must further delimit it to hunting something more specific: hunting a deer, or a small edible mammal, a mushroom, or something like that. We must then determine whether this is coordinated with other individuals or not. In Hayek's example there was at least one other like kind functional entity, another hunter. Once that constraint is specified, we can then concentrate upon feedforward or anticipatory mechanisms that would begin to delimit actual movement on the part of the hunter(s): this would involve anticipation of the behavior of the prey, of the other hunter, and of "your" (the first hunter's) movements with respect to both the prey and the other hunter. At that level of specification there would necessarily be an immense functional selection of particular kinds of movements to be determined. For instance, the first hunter's actions would involve further functional concepts such as walking, running, hiding, crouching, aiming some sort of weapon at the prey, and then shooting or throwing the weapon at the prey. This would in turn require further specification of movement directed by feedback and subsequent feedforward for not only the hunter, but the hunter in conjunction with feedback from the posi-

tion and activity of the other hunter, and the same of the prey. We can see an over simplified diagram of this sort of information in Figure 2.

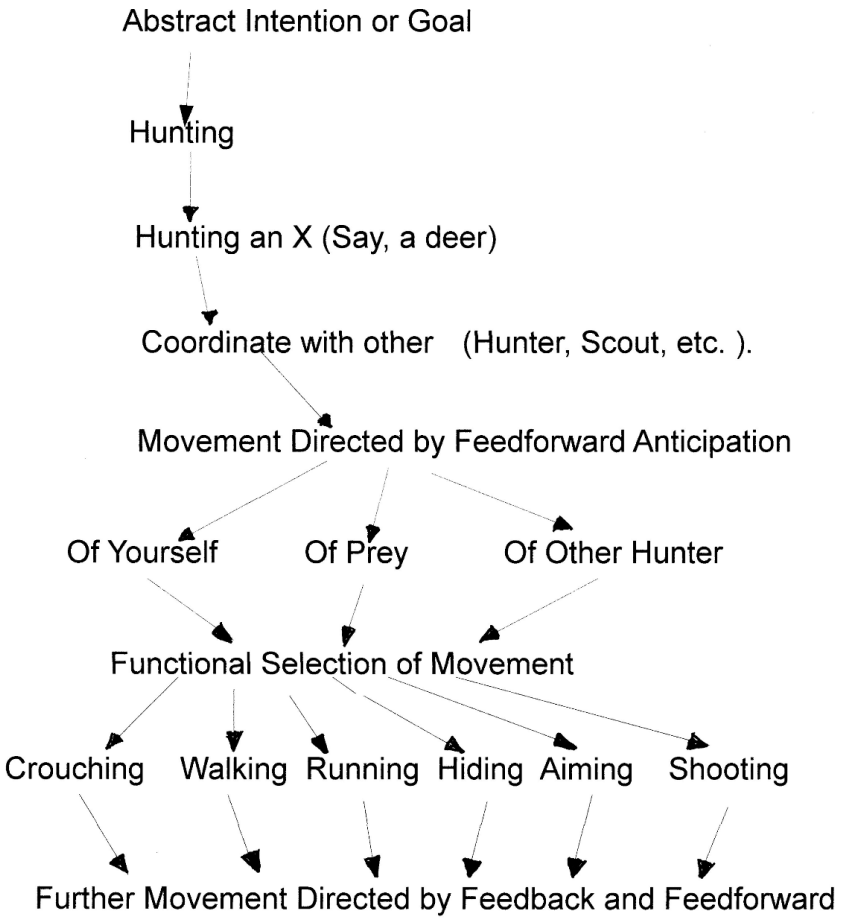

Figure 2:
Overview of Hunting as Functional

Only once we have accounted for all the information specified by the functional concepts in Figure 2, could we then begin to specify actual physical movements that could realize the functionally specified abstract concepts.

What is the proper level to correlate with functions? Here the problem is far from simple. If we take even the lower-level of functional selection of movement on the part of the single hunter, there are an indefinite number of ways in which any of those concepts—such as walking, crouching, aiming, etc. can be realized in a pattern of physical movements. If we were to take something as seemingly simple as crouching, we would need to specify whether this involved going down on one knee and bending forward, going down on both knees, leaving one's head in an upright position to further observe the prey and other hunter, or talking it down to be less visible to the prey, moving behind a rock or tree, the positioning of the hands and arms, and an indefinite number of other particulars. Here we could at least begin to try to delimit the possibilities by specifying action patterns or concepts, such as bending one's knee, that could at least in principle be put into standardized action classes determined by neurophysiological action patterns and muscle movements.

Assuming that we can succeed in delimiting the possibilities for such complex behaviors by specifying physiologically relatively determinate patterns it is quite likely that in any given unit of time (say, for example, a two-minute interval) there could easily be between 100 and 500 identifiable "fixed action pattern" physical movements. Perhaps at that level of specificity one could disambiguate the possibilities for how a simple concept such as crouching could be realized. If not, it would be necessary to move to an even finer grained analysis to begin to get such clarity.

Hayek's example was "simple" only because it was intuitively obvious, and perhaps less ambiguous than my "check-cashing" example on first examination. In any case, it should be clear that we are not presently able to construct a grammar of action for even the simplest functional specification. We do not yet know what nonterminal vocabulary elements—the abstract functional categories—are relevant. Here we will need evolutionary biology and psychology to identify relevant (recurrent) "classes" of such (theoretically specified) abstract entities.

IX: PROBLEMS OF INTERPERSONAL SPONTANEOUS ORDERS ARE DIFFERENT

If the problem of intentionality (as a representative instance of individual behavior) is so difficult, what are we to make of apparently even more complex situations and interactions such as the market order of society or economics? Why are we farther ahead in understanding such functional concepts as economic action, or the nature and effects of competition, or the nature of the business cycle? Perhaps because the task there is actually made easier because of an accepted restriction. Economic analysis *presupposes as a given* the issues of intentionality and functionality of human behavior. It is "axiomatic" (more correctly, simply postulated) for the discipline that no one in the economic order acts "unintentionally." Everybody is out for some "economic" purpose in the cases that have been studied—usually one's own enlightened (supposedly!) self-interest in one form or another. Even so-called altruistic behaviors, not only in biology but in economic acts such as charity and the misguided desire to do benefit "for the greater good" usually have a straightforward connection to an individual self-interest, and in any case *always* have a purpose. The total number of actual economic intentions or purposes do not figure in economic analysis. They are presupposed to exist, but not as part of economic analysis. What appears to be the central problem in such analysis is how individuals utilize their own *local knowledge* in order to take advantage of an ongoing order of which they individually know virtually none of the details. As Hayek was clear in the 1930s, the fundamental problem of economics is epistemological.[1] He stressed this in, for example, "Economics and Knowledge" in 1937, and most of the essays included in *Individualism and Economic Order* (1948). That problem is for the individual to utilize a single given bit of information, the price of a good or service, in order to determine how best to allocate his or her resources (Endnote 3). This does not require the individual to have any knowledge whatsoever of the

1 Ebenstein and some others regarded Bill Bartley's "heavy-handed" editing of *The Fatal Conceit* as too "Popperian" and constituting a "fatal deceit" because it shifts from purely economic considerations to focus attention on the problem of the *distribution* of knowledge in the extended order of society, in order to address the epistemological problem of how that order *evolved*. While I agree that Bartley edited too heavily, one should realize that, because of my prodding, Bartley had come to a more "Hayekian" position prior to his too early death, and was quite sympathetic to Hayek, attempting to focus the original manuscript. He (Bartley) wanted to show that the position is part of the evolutionary epistemology developed in the 20th century by Popper in philosophy, Campbell in psychology and biology, and Hayek in economics. Hopefully we can come to view this last work as jointly written by both Bartley and Hayek, and as reflecting the evolutionary viewpoint Hayek had endorsed since the 1920s. In the meantime, *mea culpa* for suggesting Bartley to Hayek for this task. It is also an unfortunate reminder that far too many economists, with a limited focus, fail to understand the framework from which Hayek operated. In this regard I cannot conceive of how economics can succeed without being able to incorporate a thorough grounding in epistemology and in psychology.

derivational history of prices that the market supplies. Nor does it require detailed history of the participant's motives or intentions. Such knowledge is atemporal in that regard. There is no possible ambiguity in a price: it just "is." Indecision or ambiguity can reside only in a given individual's acting in accordance with that given price as a guide to action. One can hesitate and debate many factors in a cost-benefit analysis of how to proceed, but one cannot debate the price of a given item: it just is what the market says it is. This explains why the economic market order is so incredibly powerful—it is just a means, and not an end in itself. It is an information transmission system that enables any individuals who participate to best serve not only their own interests but indirectly the interests of all other participants. Human functionality—intentionality, teleology, goals, etc.—remains outside the analysis of the market. If it were to intrude, the impersonal market order would collapse back into a teleological taxis structure. If that is allowed to happen, we will lose the process responsible for all our present-day knowledge and wealth, and our power over nature.

Linearity in the market and in the brain. This has importance for the issue of linearity. While both the market order and our behavior "run off" in time in linear fashion, only historians of economics pay serious attention to details of market history. The market order presented to us is a given surface structure. An individual market player may keep track of relevant prices in terms of highs and lows, and may wonder where things "really" are in terms of the business cycle, but there is never much need to determine why, say, a certain price was the low in some specified period, or why one business cycle lasted for a different time period than another. The problem of market participation is a matter of maximum utilization of limited information: the information supplied by a particular market price at the present time. Any attempt to "analyze" the market before making a move will generally result in it being necessary for a participant to redetermine a more current price, and thus, simply will delay a decision.

There is an informative partial parallel to this in how we analyze surface forms of complexity in linear strings in language. We can, within any sentence, embed another phrase or sentence, and the typical hearer will have little problem in interpreting it. We easily move from "the boy hit the ball" to something like "the boy (wearing the red jacket, who lives in the third house down on Elm Street) hit the ball." Consider the hardest example—mirror image embedding. Start with:

Oysters bite

An unusual sentence perhaps, but still relatively easy to understand. Now embed this same sentence within it:

Oysters oysters bite bite

Isn't that fun? The normal speaker-hearer of English can instantly paraphrase this sentence as "The oyster the oyster bit bit (back)." But the absolute limit for most hearers is triple embedding. We just don't have the span of processing capacity to do more than that with linear strings. Given the uncertainty of our world we are oriented toward incorporating more information as time goes by (future oriented) rather than going "back" to processing something already there in the past. Consider an example that isn't as novel as the oysters. Give me a quick paraphrase of this:

The rat which the cat which the dog chased ate was black.

You can easily handle some sentence forms even if they are "a mile" long, but this simple triple embedding is beyond you. This has perplexed some linguists and mathematics types who do not understand why, given the power of recursion in other aspects of sentence generation, this should be such an insoluble "performance" problem. In that regard it is like what would be involved in the market order if a participant had to "remember" where everything had come from and how the momentary price had been determined.

But this "problem" goes away when we realize that just because the derivation of a sentence, from the axiom S down through any intermediate levels of non-terminal and hence abstract vocabulary items, eventuating finally in a surface string of words, is a one-way process—it goes conceptually as well as dynamically from top to bottom—and it must go that way, since it is a matter of *downward causation* from the pragmatic-semantic intention to the surface structure realization of a sentence in strings of words. There is no causal arrow going from the bottom linear string back "up" in this situation. The neural process "cloud of activity" eventuates into linear strings in the genesis of language behavior. The processing of those strings puts information back "up" into that cloud of neural processes, but it does not require or utilize a total specification of the derivational history in order to get that information "uploaded" (pardon the computer metaphor). Disambiguation, when needed, comes *later*, well after the initial pickup of the string. Despite the fact that they are both motoric processes (in the construction and in the perception of a string) there is no need to presume that they are literally symmetrical.

To consider the market for a moment, the absolutely remarkable fact upon which it is based is that we do not ever have to go against human psychological organization and "look back over a derivational history" in order to participate in its ongoing pattern of activity. It is a purely linear string, in the specious temporal moment for participants, and all we need is the limited local "instant" information of what a price is. All we have to process is the last item in the string. We then determine, on this information, whether to buy or not. That is the economy of knowledge in the economic domain. It is not as hard a problem for humans to solve as the psychological issues of gaining knowledge of ourselves or our econiche.

As a conceptual aside, we can consider the difference between the market order and the individual in terms of the difference between rate-independent and rate-dependent. Individual cognition—all our knowledge, all our theories, all our explicit processing results—actually is occurring in the specious present moment, i.e., it is timeless. Our conscious understanding of the meaning of a sentence or an equation such as F = ma is instantaneous. It may have taken us considerable time to come to understand what such an equation or sentence means, but once we understand it that meaning is just "there," the lightbulb turned on instead of the dark. In contrast to this is the dynamical world of physicality, in which the flow of time is both inevitable, indispensable, and inexorable. All our knowledge of nature—all of our physical theory—is in our rate-independent realm of conception, while all its objects are in the rate-dependent realm of temporality. Human knowledge and understanding occurs in a timeless domain. Overt human behavior occurs in a rate-dependent, dynamical domain. That is, once again, the complementarity of the duality of descriptions.

The information made available to a subject by the spontaneous ordering of the market is at any given instance rate independent. What a subject does with that information—how the subject behaves in the real world—in harnessing physicality to fulfill intentionality, requires *behavior through time*. This dynamical process is geared entirely toward anticipation—as Hayek said, we live as much in a world of the future as we do of the present. As anticipatory systems we are geared toward expectations of outcomes in the future. That is why there is such a tremendous "performance problem" with things such as multiple embedding in sentences. Our evolutionary history never required us to be able to handle such things. The entire spontaneous order of society depends for its existence upon the fact that spontaneous complex orders make available to us information "in a flash" or in the specious present, and that is what we have evolved to be able to handle.

Considerable problems return, however, when one moves from market order information pickup by an individual to overall social functioning. Here superimposed problems of social and political organization make it more difficult to determine what is really at issue, and thus problems of intentionality and purpose within individuals become crucial once again. The problems of social organization that are found in the theory of law provide many instances of the conflict between law with a capital L, as principles of general order that apply, analogously to the laws of nature, every-where and every-when in the society, with the conception of law with a lower-case l as particular commands to perform certain actions (legislation). In social history law with a capital L has eventuated, at least in representational democracies, in the conception that no one, especially the leaders or the magistrates, is above the rule of law. Because of the limits of our information processing capacity, it is not possible to formulate general laws without utilizing negative rules of

order, i.e., prohibitions upon general classes of action (Weimer 2020). The economy of knowledge requires the Law to be formulated negatively, as general prohibitions of certain abstractly, i.e., functionally, specified classes of action. In contrast is the concept of legislation, which is a requirement that one must perform certain definite acts (to achieve certain specified purposes) in certain circumstances. Legislation, unlike the Law, still requires specification of many intentions or purposes and many behaviors, many of which are often in conflict with one another. Like all attempts to limit analysis to surface structures of behavior this approach is inherently ambiguous (to say nothing of impossible for one to remember) as a result. The legislation written on the books of the United States government (for one example) is so voluminous that a single individual cannot carry it about single-handedly. Hayek correctly argued that we cannot make social rules of conduct, which have a group selected derivational history far different from a single individual's knowledge or history—into merely surface structure positive prescriptions to respond. That would require ignoring all that inherited context, and he argued for that position in a fashion that is analogous to what I have argued above—the ambiguity of functional specification prohibits such an approach. Hayek's argument in this regard is quite tenable, based upon the necessity of incorporating the history of the species and the given organism in living systems in order to understand the behavior of those living systems and, *ipso facto*, the particular individuals within it.

Both between and within systems analyses require complementary accounts. Hayek began his psychological work a hundred years ago with the *Beitrage* in 1920. Thirty years later, after studying economics extensively, his initial writings eventuated into TSO. That book detailed an account of central nervous systems (restricted largely to humans). As an account of the classificatory activity of neural processes it was pioneering then and still correct today. But in this "within" domain it was possible to initially ignore the problems posed by the duality of descriptions (and theories) necessary to address the mental and physical realms. The issue of communication within the CNS, while acknowledged, was never dealt with in any detail, and accounts were always noted as based upon "simplifying" and "ideal" situations. In such simplified frameworks it is possible to momentarily ignore the problems posed by communication "between" individuals, in a manner similar to the way in which one can ignore certain complications of a mathematical equation when the same term appears on both sides of the equals sign. But today we cannot, all things considered, succeed in understanding the problems of communication simply by canceling out terms on each side. They have to be accounted for in some principled manner, and must be accounted for on both sides of the equation. Coordination of behavior between two sovereign or independent subjects of activity forces us to acknowledge the duality of descriptions von Neumann was forced to postulate when confronted with a parallel problem in what is involved in self-reproduction. And as von Neumann knew (and later the discipline of biosemiotics was forced to acknowledge), that conceptual approach is an explanatory necessity *within* the individual living system as well.

As we have been forced to acknowledge fundamental differences between the semantic control structures of computers (their software programs) and the syntactic realization of that control in the hardware, we are forced to employ a semantic (as well as pragmatic) account, based upon *choice constraint* on the part of the subject, in order to explain the *physical constraint* realized in the movement of the "matter" of living bodies. The semantics of life and cognition control the physical realization of movement. We have been forced to accept this from study of the origin of life, from the first folding transformation on upward to the highest form of conceptual activity. Individual subjects, always different in virtue of the uniqueness of their history, can never be treated as objects like physical theory, for which any basic entity (such as a photon or an electron) is totally identical to any other one. Living subjects are unique in that our derivational histories are always unique and "one-off" compared to any other given subjects. But all of us are unique, and this requires that explanatory adequacy can be achieved for individual behavior only by a theory that acknowledges the duality of descriptions, and hence provides two theories for two domains at once. Intentionality is built into living systems when functionality arises. Explaining functionality always transcends physicality, but requires it as a substrate.

Why economics is easier than psychology. The fundamental problem of economics is the economy of knowledge—how such limited knowledge on the part of any given individual results in such tremendous economic benefit to others. The fundamental problem of psychology is the acquisition of knowledge—how the nervous system utilizes the response to novelty in feedback and feedforward mechanisms to create adequate models of ourselves and external reality. Understanding the utilization of a small amount of knowledge is an easier task for economics to explain than the psychological task of explaining how all our knowledge is acquired and can be made available for utilization. Both fields address spontaneously organized complex orders, and the principles of organization for such orders share commonalities, like the presence of creativity or productivity, opponent process regulation, and differentiation by the application of recursive processes. The economic realm presupposes as given the intentionality or purposiveness of human activity. Psychology must utilize complementary theories in the physical and functional domains to explain how intentionality arises in subjects. Economics can get by with just studying the utilization and distribution of economic goods while keeping the problem of intentionality constant across individuals and contexts, so that they can in fact be ignored in the economic analysis. Psychology and the social studies must address a welter of additional problems, such as the organization of the nervous system in the genesis of behavior and cognition, and the social dimensions as higher order harnessing constraints creating what Ferguson aptly called the results of human action but not design. In the latter class of problems is the issue of the ingredients of the context of constraints that are necessary for the social order to function as an ongoing evolving process. Here we need to know what are the necessary constraints in order to remove unnecessary constriction of the output of the order (as by government intervention that is beyond what is necessary for personal defense and legal protection in the performance of contracts, for private property, etc.). Imposed upon such knowledge are all the problems dealt with by social and political theory. For example, is a government run and taxpayer funded postal service necessary, or would private enterprise pick up the task and be more efficient in the absence of that government "entitlement" being provided? What about "private" police protection and "national" defense? Those are actually live empirical issues that need to be studied rather than pontificated upon in advance.

Economics is split into two fundamentally different approaches. The first, which is what we have been implicitly discussing, is the domain of microeconomics, which ranges over individual action in the market order. The second, macroeconomics, attempts to discern and relate within causal relationships global or transcendent concepts pertaining to descriptions of the overall economic activities of a large entity such as a nation. Macroeconomics attempts to discern simple relationships between easily quantified but theoretically largely irrelevant concepts such as the overall "gross domestic product" of a nation, or the overall employment or unemployment, or an overall money supply controlled by a central banking system. While such large-scale interests occupy many, there are coherent reasons for why actual economic theory must range over the micro domain instead. The problem is straightforward: just as David Hume argued three centuries ago that when one observes empirical phenomena one never sees causes but only the constant conjunction of events, when one observes social or economic action one never sees putative entities such as crowds or minorities or the disadvantaged, but rather only individuals. When one looks for a "crowd" one finds only individuals who are momentarily within reasonable proximity of one another. There is no evidence of any such thing as "crowd behavior," as an existent over and above the behavior of the individuals. The fact that individuals behave differently when in close proximity compared to how they behave when they are alone is a fact about individuals, not about alleged social wholes.

The contention that economics is easier than psychology pertains only to microeconomics. That field exists and has made progress only because it has been able to select a small aspect of the domain of functionality, intuitively specified as economic action, and study it in relation to individuals. Attempting to discern functionality in macroeconomic relationships would require one to undertake a task as or more difficult than that faced by psychology in attempting to address the entire realm of functionality for human behavior.

SUMMARY (PART I AND PART II)

Hayek's TSO provided a worked-out sketch to account for the central nervous system as an instrument of classification, and thus a feedforward mechanism to be used in the specification of intentional behavior. Arguing against Mach's doctrine of phenomenalism, he showed that the only problem that physical science could address was how the mental order arose in the systems of classification provided by neural activity, showing that in principle someone who was blind could know all of physical science.[2] His later "within systems" paper attempted to go beyond the discussion of an individual nervous system's activity to explain dyadic intentional behavior. This causal account of functionality was attacked by Karl Popper, who argued that it was not possible to provide a "causal theory of mind" in purely physicalistic terms.

Both positions were wrong: Hayek failed to provide a purely physical account of intentionality, and Popper, correctly emphasizing the productive nature of language, vitiated his own argument by vacillating between arguing for the noncausal account of mind (on the basis of productivity in language and his interpretation of indeterminism in physics), on one hand, and on the other hand, a causal theory of mind as "plastic control" that, like Hayek's patterns of classification, was to reconcile freedom of action with causal determination. Understanding the failure of both accounts requires exploration of several points. Hayek did not comprehend the import of the duality of descriptions in science, and in addition, wanted to make the concept of dispositions (behavioral dispositions to respond) central to his descriptive "physical" account. But dispositional concepts and analysis occur only in pre-theoretical and noncausal fields, and they disappear with the presence of actual causal and explanatory accounts. And like Popper, he failed to understand the necessity of distinguishing between surface structure and deep structure components of behavior, and thus missed the fact that any "physical" account of functional concepts is infinitely ambiguous and hence useless unless it is accompanied by a complementary theory (due to the duality of descriptions) of how the indefinitely extended domain of surface structure physical "bits of behavior" can be shown to derive in principled fashion from the deep structural rules of determination originating in that "functional" domain of intentionality and meaning.

Constructing such an account of choice contingency, as a syntax of action or a "grammar" of behavior, involves detailed construction and analysis of a realm of abstract functional concepts, analogous to the non-terminal vocabulary items in a Post Language description, that we did not then and simply do not yet have available. We do not yet know what the abstract entities underlying intentional action (or emotional action) are. As a comparison, the analysis of potential abstract deep structures found in recent linguistics, while limited for language only, can at least provide an outline of what we require for behavior and action, although not any specific content. Only if such an analysis can be provided can we realize the goal of explaining teleological action. The central feature of any such accounts is the fact that they must be historical—they must look back over the derivational history of the behavior in question in order to disambiguate it, and thus to determine what functional meaning it exhibits.

An interesting consequence of the limited range of teleological behaviors found in individuals in economics—where the concept of human action is delimited to economic-action—is that economics is much easier to do, and thus considerably more advanced than psychology or the social studies. By limiting itself to one particular form of teleological behavior microeconomics has succeeded fairly well in understanding market behavior. This also shows why macroeconomics, ranging over an enormous number of conflicting goals and inchoate intentional actions, has little to offer as an explanatory science.

2 That one does not require the qualia of acquaintance, but rather only the knowledge and language of description in order to do all of science is a key point of the epistemological position called structural realism (see footnote 10 above), and it is clearly stated and elaborated in the last chapters of TSO.

ENDNOTES

2. The problem of "backward" causation can be addressed by two approaches. First, by employing a surface-deep analysis (requiring hierarchical, or even more complex, structuring) in which higher order "causal nodes" eventuate into lower-level, and finally surface structure linear strings. Such an analysis occurs in the timeless or rate-independent realm of conception, and is therefore in itself independent of dynamical constraints. A second, rate-dependent way it can be addressed is by the concept of *downward causation* as introduced into biology by Campbell (1974a, 1974b) especially in "'Downward Causation ' in Hierarchically Organized Biological Systems." Campbell's position adds to three positions that are accepted as "facts of life" in present-day biology. First, any and all higher levels are constrained to act in terms of the laws of the lower levels down to those of sub-atomic physics. Second, the teleological achievements at higher levels require for their explanation a full account of their implementation by specific lower-level mechanisms and processes. Third, "laws" of biological evolution are emergent with respect to the laws that are sufficient for physics and inorganic chemistry. To this Campbell added a fourth position: downward causation. And he specifically noted that this type of "causation" can be considered downward only if substantial extents of time, covering several reproductive generations, are included as one unit or "instant" for the purpose of conceptual analysis. This is an aspect of the fact that organisms are the product of *group selection over generations* rather than individual "mutation" or individual behavior. As an example, he discussed the jaws of a worker termite or ant:

> We need the laws of levers, and *organism-level selection* (the reductionist's translation for "organismic purpose"), to explain the particular distribution of protein found in the jaw and hence the DNA templates guiding their production … Even the *hence* of the previous sentence implies a reverse-directional "cause" in that, by natural selection, it is protein efficacy that determines which DNA templates are present, even though the immediate micro-determination is from DNA to protein …
>
> If we now consider the jaw of a soldier termite or ant, a still more striking case of emergence and downward causation is encountered. In many of the highly dimorphic or polymorphic species, the soldier jaws are so specialized for piercing enemy ants and termites, huge multipronged antler-pincers, that the soldier cannot feed itself and has to be fed by workers. The soldier's jaws and the distribution of protein therein (and the particular ribonucleic acid chains that provide the templates for the proteins) require for their explanation certain laws of sociology centering around division-of-labour social organization (Campbell 1974a, p. 181).

To reemphasize, this has consequences for both biological selection and the problem of explanation:

> For biological systems produced by natural selection, where there is a node of selection at a higher level, the higher-level laws are necessary for complete specification of phenomena both at that higher-level and also for lower levels. Scientific description is still incomplete when all the details of points 1 and 2 are solved (Campbell 1974a, p. 182).

[Point 1 refers to lawful constraints of the lower levels, point 2 refers to higher-level implementation by specific lower mechanisms.]

The import of this is straightforward:

> Questions about the function of a process at one level are questions about a selective system at some higher-level. For complete scientific description of the distribution of restrictions in biological systems we need additional laws, restraints imposed by the selective system of the highest level of selection and affecting distributions at all lower-level levels) (Ibid.).

This conception of higher-level constraint is discussed later, in the problem of disambiguating surface structure linear strings by looking back over their history of derivation from the deep conceptual structures at "higher" levels of analysis. Hayek's account fails because it makes no explicit provision for the higher order constraints to act upon the "lower" or physical domain underlying action.

3. As Hayek emphasized, this is maximum control by minimum constraint. It is the vast superiority of the market order in comparison to other control structures. The control structures of the market order transcend "mere" hierarchical structuring, requiring far more abstract and decentralized control than a hierarchy can ever encompass. Elsewhere (Weimer 1977) I contrasted hierarchical structuring with Polanyi's conception of *polycentric order* and von Foerster's conception of *coalitional* systems. The tremendous explanatory superiority of either of those over hierarchies is that they provide mechanisms (processes) for the complete or nearly complete *decentralization of control*. In a hierarchy there is always one dominant node at the top (equivalent to the dictator or a chief executive officer, as in Meehl's 1989, "command neuron" hypothesis), and that node is the ultimate locus of control: all the lower (intermediate level, or non-terminal vocabulary below the level of axioms) layers down to the terminal vocabulary or surface strings depend on the top node for the form of the realization of the surface string. The obvious superiority of hierarchical structuring over linearity is that one can eliminate (or render nonfunctional) a single intermediate level node and the surface structure string will still manage to (at least nearly completely) run off. If an item in a linear string is removed, the string stops dead at that point. But what about situations in which multiple functional hierarchies are involved? In the polycentric order, almost any node can function (at any given time) as the top node in a hierarchy, and if one control point is blocked any of the others can take over and direct the terminal string output. In a coalitional structure in which an indefinite number of polycentric orders can be embedded together, there is virtually no problem of disruption at all. The market order, as an analogy, is not affected if any potential participant chooses not to participate or ceases to participate.

   And in such relatively decentralized orders a seemingly paradoxical result is that a single lower-level output ramifies, albeit with a tiny impact, throughout the entire structure. This appears to be what is involved in the market order, in which a single participant needs to employ only his or her very limited local knowledge in order to affect the overall structure of the entire order by their participation. Polanyi emphasize this by noting that even choosing to listen to a single radio program modifies, however slightly, the overall balance of all that is available on the radio. Hayek's focus for discussion in the social structuring of knowledge and its utilization was almost always on this factor of maximum control by minimum constraint. This is how the market order can not only fulfill the selfish individual goals of a given participant, but also, in selfless fashion, provide a situation in which all the market participants are better able to satisfy their own individual goals.

4. One would have hoped that discourse analysis and so-called conversation analysis would be able to provide help in these extended contextual analysis situations. Both focus on "bigger than the sentence" analyses of what is involved in the determination of meaning and the manner in which sentences are formed and used. Unfortunately, they seem to get no farther than looking at how sentences are linked or embedded together, and the answers proposed usually do no more than separate out strings as chunks that are "strung together" into some bigger structures. There is no attempt at other than a surface structure analysis—a dispositional bunching together—in most cases. Far more interesting food for thought was found in the work of Zelig Harris (especially 1982), from whom Chomsky got and reinterpreted the concept of "transformation" as a rule in linguistics, and Erv Goffman (1956, 1974) on the "dramaturgical approach" to interpersonal interaction (which is not all that far from Hayek's hunting example). Less interesting (at least from the standpoint of theoretical insight) are attempts such as Pulvermüller (2014), which get no farther than labeling short strings of action (short, easily identified groups of behaviors) as components of a larger action sequence. That approach simply attempts to pick out co-occurrence relationships, with little if any theoretical interpretation. We need far more than breaking up a long surface string into embedded subsections. Where are the equivalents of paragraphs, sentences, or phrase breaks? What would be the non-terminal vocabulary items in a Post Language description of human action?

Harris was interesting for two things: First, an entirely surface structure approach to sentence formation that is analogous to an earlier approach in philosophy by Frank P. Ramsey to specify the referential basis of theoretical terms. Ramsey took theoretical terms and simply "reduced" or identified them with the—infinitely extended—domain of empirical particulars they relate to, creating a so-called Ramsey Sentence of empirical-observational consequences to replace the theoretical terms so their reference would be determined. Harris did the same thing: apply a Ramsey-sentence approach to the totality of sentences in which, if one defines more and more word classes recursively into subclasses, one can approximate, like string analysis, more and more of a "grammar" defined as permissible individual word combinations. If this empirical daisy picking approach to concatenations of words worked, it would be a lexicon grammar of permissible word combinations. This would require the creative power of semantics to reside *outside of language*, because the grammar was "nothing but" concatenations of surface words, perhaps in a grammar of action that would employ recursivity to generate novel meanings in both language and all other behavior. The appeal of such an approach is that it makes the problem of meaning independent of its realization in language. Meaning would have to be prior to our utilization of language, arising in (perhaps) our primitive emotionality and our initially global and diffuse responsivity to environmental stimulation. An analogy to this is found in the work of Porges (2011), who argues that our most primitive meanings arise from the responses in which we, with our inherited primitive reptilian brain structures, interpret any incoming stimulation as either frightening or threatening, or as not harmful. Generalizing that approach, meaning arises simply as the acquaintance side of our emotions or passions as responses to stimulation. Our higher (mammalian, and then hominid) cognitive structures have built upon and refined this (reptilian and earlier) basis to create the indefinite number of meanings that human beings possess.

The second thing Harris came close to understanding was the necessity of dual descriptions in theory, by his emphasis upon the language-metalanguage distinctions that can be made within a natural language, as when studying the "language of science" as a sub-language of ordinary language (which is close to what Sellars, 1963, did with the distinction between the manifest and scientific "images"). And one should note that the later Chomsky, in abandoning his earlier transformational approach to semantic structuring, moved back much closer to Harris. But in my opinion Harris is an informative instance of failure to come to grips with the real problems rather than a path to their solution. No approach to a lexicon grammar, or a study of co-occurrence relationships, or a bunching together of words, can succeed unless it presupposes that somehow the issues of functionality, intentionality and teleology, can be handled in some other fashion or made not to exist at all. And the issue of deep structure ambiguity, in which one surface manifestation—sentence string—is actually two or more meaningful separate sentences at once is not something that can be addressed at all in a surface analysis. In that regard Harris was in exactly the same position as Hayek attempting to "reduce" the problems of intentionality to physical specification simply by showing that one can construct a particular idealized instance in which the teleological aspects can momentarily be held in abeyance and identified with given particular physical instantiations of behavior.

Another issue of tremendous importance, usually neglected entirely in discussions of "cognitive" matters such as knowledge acquisition, is the importance (already hinted at in the discussion of Porges) of affect and emotionality. The CNS also includes the autonomic nervous system and especially the vagus nerve. Writers such as Porges have explored the immense complexity and differentiation of functional architecture of what used to be separated only into the distinction between sympathetic and parasympathetic aspects. But emotionality and affect underlie the vast majority of our functionality. Whether this can be addressed as an integral part of a syntax of action, or whether it requires a separate and parallel account on its own is presently an open issue. How our emotions and passions such as love, hate, fear, desire and the myriad others function in the genesis of behavior is presently unknown beyond the relatively crude conceptions available under the headings of motivation and drive. The issues that the behavioristic (and neo-behavioristic) learning theorists studied under the heading of drive theory in the mid-20th century need to be updated with an understanding of the neural structures and processes that underlie them.

Reviews

Weimar/Wien and the IDEA(L) of a Social Science

CHRISTOPHER ADAIR-TOTEFF

PRELUDE

The main theme of this issue of *Cosmos + Taxis* is the evaluation of Vinten's book on Wittgenstein and social sciences. I have learned much from these evaluations, especially from Paul Roth's. What I have done is put together a very lengthy review essay—a review essay that focuses on books whose authors assume that there is a social science. In fact, many of these authors believe that there is an "ideal" social science which encompasses many different disciplines, including law, politics, philosophy, and especially, sociology.

Part One is a review of the recently published *Oxford Handbook* on the Weimar era and I have focused on the chapters which I think are most helpful in understanding the Weimar period. The time frame of 1919 to 1933 is often regarded as a transition period between Wilhelmine Germany and the Third Reich; however, many of the chapters underscore the social-political and economic challenges that the Weimar government faced and how they sought to employ new ways of social thinking to combat problems and to seek new solutions. Although sociological works were available in Germany prior to the Weimar Republic, the first professorship in sociology did not exist until 1919. One of the difficulties in understanding the history of sociology is that many scholars still think in terms of their own particular discipline. However, in the early decades of the twentieth century, discipline boundaries were not so fixed and scholars who had been educated in one area frequently wrote in others. This was certainly true of Max Weber, Werner Sombart, Ernst Troeltsch, Georg Simmel, and Ferdinand Tönnies. Weber and Sombart were trained in political economy, Troeltsch in theology, and Simmel and Tönnies in philosophy. But all five scholars are regarded as legitimate founders of German sociology—in large measure because they were the major figures at the first conference of the newly formed Deutsche Gesellschaft für Soziologie held in 1910. Hans Kelsen and Carl Schmitt are not usually regarded as sociologists, yet they participated in sociological conferences and some of their writings are sociological, even if they are not labeled as such.

Part Two is focused on Kelsen and to a lesser extent on Schmitt, but there is a third individual considered in the third review: Otto Kirchheimer. Kirchheimer is virtually unknown in the English language community but he was Schmitt's favorite student until Kirchheimer broke with the master. As a result, he shared with Kelsen the critical need for legal rules and idea of the fundamental importance of democratic politics.

Part Three is a review of four books which are devoted almost entirely to Hans Kelsen. There are two books by Hans Dreier, one by Robert Schuett, and one by Sara Lagi. Taken together they offer a theme: Reassessing Kelsen.

Part Four is a review of a volume in the *Ferdinand Tönnies Gesamtausgabe*. That book is devoted to some of Tönnies' final works. Some of these writings in this volume may lack clarity and finesse, but there are many which are models of social thinking. These include the articles that were published in Alfred Vierkandt's *Handwörterbuch der Soziologie* (1931). This large volume includes six essays by Werner Sombart, five by Vierkandt, and one each by Alfred Weber, Robert Michels, Franz Oppenheimer, and Karl Mannheim. Vierkandt's *Handwörterbuch* is a treasure for gaining an understanding of the early formulations of the social sciences.

Part Five returns to the theme of Weimar and is a review of a collection of essays by Jens Hacke on the difficulties that the Weimar leaders faced. Then, as now, people are confused by the pace of modernity and seek the means to understand it. Social sciences have often been relied on to accomplish this task. Hence, those who discount the importance of social science reduce our means to make sense of life and those who do not believe that social thinking can ever have the distinction of being a general science. If it was such a science, given the forces of ignorance (and oppression), it would just be another weapon against humanity.

Ludwig Wittgenstein is not mentioned in any of these books under review here. But as with Tönnies, Kelsen, Kirchheimer, and Schmitt, he breathed some of the same "Weimar/Wien Luft." Whether Wittgenstein thought highly of the social sciences must be left up to the Wittgenstein experts. However, Kelsen and especially Tönnies helped establish the social sciences in Germany and indeed for much of the world. The worlds of Weimar and Vienna have long passed, but people who are concerned with social science, should consider visiting them as they are found in these enlightening and informative books.

PART ONE: *THE OXFORD HANDBOOK OF THE WEIMAR REPUBLIC*

Sandwiched between the end of imperial Germany and the beginning of Hitler's dictatorship is a period that is rather unknown and those who are familiar with it are unsure of what to make of it. This period is often referred to as the Weimar Republic and it lasted only fourteen years—from August 1919 until January 1933. Was the Weimar period really one of non-stop crises or did it have times of normality? Why is it referred to as the Weimar Republic when its official name was the "Reich"? Why is its constitution called the "Weimar Constitution" when its official name was the "Reichsverfassung"? As an indication of the Weimar period's uncertain status, there is only one chapter of the *Oxford Handbook of Modern German History* devoted to part of it. The essay is Thomas Mergel's "Dictatorship and Democracy, 1918-1939" and as the years indicate, it goes beyond the Weimar era. In fact, more than half of the article is focused on Hitler and the years 1933 through 1939 (Mergel 2011). Mergel's article is well worth reading but it suggests that one views the Weimar period as leading to Hitler's dictatorship, Fortunately, we now have a new book that is intended to attract much needed attention to this relatively neglected and misunderstood period in German history: *The Oxford Handbook of the Weimar Republic*. The term "intended" is deliberately chosen because this *Handbook* does clarify and elucidate a considerable number of issues regarding the Weimar Republic, it also contains a few serious problems. Nonetheless, it is an impressive book. *The Oxford Handbook of the Weimar Republic* has five Parts with a total of 33 essays. Many of them are simply excellent and most of them are rather good; however, there are a few which are disappointing.

Part I carries the title "Key Events and Political Developments" and includes some of the best contributions in the book. Christopher Dillon's "The German Revolution of 1918/1919" explains how the revolution delivered "an armistice, a republic, parliamentary democracy, and the first-ever socialist government of an advanced industrial economy." Dillon does a splendid job in recounting how the revolution occurred against the background of Germany's loss in the First World War and how the revolutionary forces sought to form a government that was both representative of the German population and was responsive to its needs. He is also very good in explaining how counter-revolutionary forces actively worked to undermine

these advances. He is also justified in advising us not to judge the Weimar period because it was followed by Hitler's Germany. What Dillon may not be so justified in is his rather obvious favoritism for the revolutionary forces because that slants his overall account of the first years of the Weimar Republic.

Martin H. Geyer's title is "The Period of Inflation, 1919-1923" and that is the focus of his discussion. At the beginning of 1922, one U.S. dollar cost 45 Marks; by June it cost 75; by August it cost 270; and by December it cost 1,807. Geyer does far more than provide an economic picture of these years; he discusses the political problems as well. These include a brief discussion of the Kapp Putsch of 1920 and he mentions that hundreds of Germans were assassinated, mostly by right wing groups. The German government tried to rectify some of the economic and political problems by decrees but Geyer suggests that many of the decisions were ill-considered and by the end of 1923 "German society was weary" and that Germans' initial enthusiasm had given way to "a new sense of reality." Geyer ends his essay by allowing that it is difficult to ascertain the short-and-long range repercussions of hyperinflation but he suggests that the Nazis probably had a much easier time convincing Germans that they should vote for them. In her book *Weimar. Die überfordete Republik* Ursula Büttner offered a fuller picture of hyperinflation. She wrote that it began in July 1922 when one dollar cost 402 Marks and by the beginning of October it cost 1,648 and by the beginning of 1923 it cost 7,525. On July 1 one dollar cost 160,400 Marks and by mid-October one single U.S. dollar cost 4 billion German Marks (Büttner 2008, pp. 779-780). Büttner's gloss just substantiates Geyer's claim that the period of inflation was economically devastating.

Mathew Stibbe has a major challenge in his "Coalition-Building and Political Fragmentation, 1924-1930" not just because he is covering the lengthiest period in Weimar's history but because he has to refute the contemporary assessment that Weimar failed as a government. Stibbe's response to both is admirable: he discusses in clear terms how various German parties did agree to form coalitions and how they served to strengthen Germany during these years. But he is also clear about how certain political leaders were less concerned with the country than with their own power and reputation and Stibbe is highly critical of Paul von Hindenburg. Stibbe explains that many Germans voted for Hindenburg as Reich president based upon his reputation as a war hero and the belief that he would reestablish Germany's preeminent place on the world stage. But Stibbe faulted Hindenburg for his lack of concern with governing and because of Hindenburg's abuse of presidential powers. Hindenburg was not entirely responsible for Hitler's rise to power, but Stibbe suggests that he helped pave the way.

Larry Eugene Jones' chapter has the provocative title "From Democracy to Dictatorship" but his subtitle explains what his essay is about: "The Fall of Weimar and the Nazi Rise to Power, 1930-1933." Jones excels at describing how Hindenburg chose Heinrich Brüning to be chancellor and how Kurt von Schleicher was the "driving force" in Brüning's cabinet. Jones indicates that Brüning was a "man of many contradictions" and he was basically a conservative, but he was committed to the "basic principles of parliamentary democracy". Jones also explains with great care how Hindenburg lost confidence in Brüning and how in June 1932 he appointed Franz von Papen. Von Papen did not share Brüning's commitment to principles and he favored a more authoritarian government. Papen had intended to bring Hitler and the Nazis into the government in order to "tame" them, but as Jones pointed out, Hitler reneged on some of his promises, but was appointed chancellor whereas Papen was demoted to vice chancellor. Jones' conclusions are largely negative: while Brüning was mostly a decent man, he was unable to choose the right means to solve Weimar's massive problems and to defuse the political situation. In contrast, Schleicher and Papen are regarded as schemers who underestimated the strength of the Nazi party. Jones maintains that while there was no doubt about the paralysis of Weimar democracy and the economic impact of the Great Depression, much of the end of the Weimar period was a "result of petty animosities, strategic miscalculations, and the willful disregard for consequences". Jones' essay is a masterful account of one of the most tragic periods of German history.

Part II carries the title "Polity, Politics, and Policies" and it comprises eight essays. All of them are good but there are three which deserve discussion. Peter C. Caldwell begins Part II with "The Weimar Constitution." Caldwell notes that the constitution was about "legal rules, processes, and rights" but insists that it was also about the viability of democracy. He notes further that the Weimar government faced many

different types of crises and that the constitution seemed ultimately to fail. However, Caldwell defends the beginnings of the Weimar government by explaining that Germany lacked an actual model of a democratic republic. The United States had failed in its Civil War and the French Third Republic was unstable. The Weimar Constitution invested the President with broad powers and as long as there was a person in that office who was committed to the safety and the well-being of all of his citizens, there was no fundamental existential threat. That was primarily the case with Ebert. But when Hindenburg was elected in 1925, he was not a dedicated democrat and his decisions helped to undermine the Weimar Constitution. Caldwell pays close attention to Article 48 which gave the President extraordinary powers. Ebert had invoked Article 48 a number of times during his time in office, but as Caldwell argues, he always did so within the frame work of the overall health of Weimar. In contrast, Hindenburg used it to attack democracy's defenders in Prussia and to install an authoritarian government. Whether one agrees with Caldwell (and I do) that Ebert's use of Article 48 probably saved the republic is debatable. But Caldwell's claim that "Article 48 destroyed the republic is only half correct" is not debatable. A full understanding of Article 48 shows that it was not the article itself, but it was the President's choice to use or to abuse it which determined whether the republic would be saved or destroyed. Anyone interested in understanding the Weimar Constitution should seriously consider starting with Caldwell's essay.

Another excellent essay is Benjamin Ziemann's first essay on the army and armaments: "The Reichswehr and the Armament Policies." Ziemann achieves many goals within his essay. First, he emphasizes how the beginning of the preparations for total war differed from previous military preparations—the need for massive industrial planning and execution meant that the military could no longer be regarded as being outside of social systems but was integrated into them. He also describes how the various paramilitary groups functioned in the early twenties, going so far as to claim that the "Free Corps" (Freikorps) "*were* the German state." That is in line with Max Weber's claim that the state holds the monopoly of power. He also explains the changes in the military in response to the Kapp-Lüttwitz coup. In addition, Ziemann discusses the fundamental shift from the Junker military traditions with their duels of honor to an educated and disciplined professional army. Finally, he clarifies that the Storm Troopers (Sturm Abteilung/SA) were not only heavily involved in street fights, but were active in homeland defense. The attempt to ban the SA backfired and by 1932, "there was a military dictatorship in all but name".

A third essay in this Part II that is also impressive is Thomas Mergel's "Elections, Election Campaigns, and Democracy." Mergel begins by citing a few sentences from the *Frankfurter Zeitung* from the end of the war—that the victor was democracy. But Mergel explained that at the time it was not yet certain which form this democracy would take. It could be a council system or a parliamentarian democracy. As we know, it was the latter but Mergel's essay helps explain how that came about. One of the great assets about Mergel's essay is his rather detailed account of the expansion of voting rights. This meant that there were new voters because the age was reduced from 25 to 20 years. There were those hundreds of thousands if not a million people who had emigrated to Germany from areas that Germany had lost at the end of the war. Finally, there were the newly enfranchised women. Another important aspect is Mergel's discussion of the tensions among various groups which made up German voters and how that was a fundamental challenge to the notion of a genuine "people's community" (Volksgemeinschaft). Perhaps the two most important observations are Mergel's demonstration that voters often claim that they vote rationally, but evidence often undermines that claim, and that Nazi supporters were not outsiders but were regular citizens who longed for a sense of national unity and a "people's community."

There are two others In Part II which also deserve some mention: Jonathan Wright's "Foreign Policy: The Dilemmas of a Revisionist State" is quite good, especially for readers interested in Weimar's great Foreign Minister Gustav Stresemann. Wright notes the contrast between the eight individuals who served as Foreign Minister between January 1919 and August 1923 and Stresemann's occupation of that office from 1923 until his death in October 1929. Whether one accepts Wright's suggestion that Stresemann was one of the most important and principled officials in Weimar's history, there is little doubt that this politician was dedicated to serving Weimar and its citizens. Karl Christian Führer's "Social Policy in the Weimar

Republic" also deserves mentioning because his essay is devoted to one of the fundamental principles of the Republic and that was the creation of a welfare state. He argues that "social policy was an important pillar of the Weimar Republic" but added that economic conditions impacted on how that was implemented. He breaks the period into three sections: 1919-1924, 1925-1929, and 1929-1932. The first time period was difficult because of the vast number of returning soldiers who needed jobs, and the wounded who needed care, and the widows and orphans who needed social and economic support. The second period was comparatively calm and offered the most advances in social policy with measures like unemployment insurance. The third period was marked by the impact of the Great Depression which overwhelmed most of the governmental efforts to provide a safety net. Führer concludes his overview with the comment that the Weimar Republic may have failed to have achieved a "decent standard of living" for everyone but it did "further social progress" that it had "promised in its constitution."

Part III is devoted to "Parties and Their Constituencies" and has a total of five essays. The first one is on liberalism and begins with promise by pointing out that the term "liberalism" has meant different things at different times. But then the essay dwells on party politics. Towards the end of his essay Philipp Müller returns to the notion of liberalism and compares Germany's liberalism during the Weimar period favorably with other European countries.

There are three essays devoted to parties: one by Joachim C. Häberlen on the Left and Shelley Baranowski on parties on the Right. These two will be treated together while the third one on the Nazi party will be discussed separately. In "Social Democrats and Communists in Weimar Germany" Häberlen argues that the Social Democrats attempted to form a social welfare system that would benefit the working class. He suggested that "Weimar was *their* project, *their* state" and he insisted that the Social Democrats were the "most committed defenders of the republic." The problem as Häberlen sees it is that the working class was divided with many wanting political and social reforms while many others wanted radical changes. Häberlen explains that this was true for the Communist Party but it was especially true for the Social Democrats. Those wanting more radical measures formed the "Independent Social Democratic Party" (Unabhängige Sozialdemokratische Partei Deutschlands, USPD) and for a while in 1918 it was larger than the SPD (Sozialdemokratische Partei Deutschlands, SPD). The radicals ended up losing many political fights and the SPD was the dominant party for most of the first years of the Weimar Republic. The SPD was attacked from the Left and from the Right—while the Communists and the Nazis were politically opposites, Häberlen argues that their members tried to project a masculine image and expressed a willingness to engage in violent action.

The second essay covers the political parties of the Right as the title indicates: "The Centre Party, Conservatives, and the Radical Right." Baranowski notes that at first glance these parties seem to have little in common, but she maintains that the two main parties shared certain political ideals and Christian beliefs. The Centre party was Catholic (Katholische Zentrum Partei, Zentrum) and the German National People's Party (Deutschnationale Volkspartei, DNVP). In particular their members believed that Christian ideals were preferable to materialism and both parties were interested in tradition, order, and security. Baranowski offers a strong defense of Chancellor Brüning of Zentrum for his efforts to include organized labor in his party. But she adds that that was part of "his undoing."

Daniel Siemens provides a clear and enlightening account of National Socialism in the essay of the same name. However, in keeping within the confines of this collection, his account is focused on the Weimar period. He tells us that this is historically important and suggests that it also has warnings for today. Before discussing those, it is fitting to discuss his scholarly account. Siemens begins by setting out the origins of the National Socialist German Workers' Party (Nationalsozialistische Deutsche Arbeiterpartei, NSDAP) and he notes that it grew out of the German Workers' Party (DAP) that was founded in Munich on January 5, 1919. He explains that it was a "völkisch" and an antisemitic party but attracted few members. In the Fall of that year Adolf Hitler attended a meeting and shortly thereafter joined the party. He was appointed propaganda chief and evidently impressed enough members that on February 24, 1920, the party was renamed NSNAP and Hitler was elected leader. It was then that he unveiled his 25 point program that the following

year could not be changed. Siemens suggests that at this point the Nazi party shared with many others its hatred of communism and its antisemitism. Thus, it was not distinguishable from many other fringe parties of the time. Siemens reminds us that the Nazis' path to power was "neither probable nor inevitable" and Hitler's attempt at a revolution with Erich Ludendorff not only failed but caught more attention from the government. Siemens comments that for the most part, the Nazi Party was regarded mostly as a group of rowdy antisemites. However, he also emphasizes that the small band was highly organized and well-disciplined and increasingly was able to attract converts from other "völkisch" parties. Siemens points out that people such as Ernst Röhm and Heinrich Himmler were instrumental in helping Hitler establish control. The Munich authorities tried Hitler for the failed putsch but only sentenced him to four years in a fortress—which Siemens explains was the mildest form of punishment. It was the trial that served as a pulpit for Hitler to espouse his views and Joseph Goebbels was only one of many who were impressed by Hitler's ideas and style. But the party was banned from 1923 until February 1925 but when it was re-founded, it then began to attract far more people. Siemens argues that the party attracted many disaffected young people and that increased its ranks but that "two-thirds of those who joined between 1925 and 1929 later left the party." By 1930, its ranks began to swell again—partially as a result of the depression and partially a result of the Brüning government's failures. Because the Nazis were not part of the government they could not be condemned for the government's failure. Instead, people were more than willing to believe the Nazi promises. Siemens reminds us that the Nazi Party was not just a political party but was a messianic one. It promised its followers not just political power but also "salvation." Its "us against them" theme attracted huge numbers in the last years of the Weimar Republic. Siemens warns us that many of the same factors which led to discontent during Weimar have resurfaced and that we should not be making the same mistakes today that had led to the Nazi Regime in 1933.

The essay "Antisemitism in the Weimar Republic" by Susanne Wein and Martin Ulmer is a well-written but depressing account of the racial discrimination and verbal and physical attacks that many Jews faced during this period. Wein and Ulmer point out that antisemitism was not developed during the 1920s but had its roots decades earlier. The main difference between then and the turn of the century was that the antisemitic parties gradually disappeared; its presence was only marginally disguised. Germany's defeat in the First World War again brought antisemitism to the surface. Jews were accused of shirking military service during the war and the were considered the main culprits of the "stab in the back" myth. Jews were responsible for the world domination of banking but Jews from Eastern Europe were the ones who were the most discriminated against because of their alleged communist sympathies. Wein and Ulmer spend a considerable amount of time detailing how radical Germans learned to "disparage, humiliate, and hurt Jews." These means ranged from ensuring that Jewish plays and movies were not allowed to be shown to pogroms on the streets of Berlin. But it also manifested in more subtle ways such as suggesting the Weimar Constitution was not valid because Hugo Preuss was a Jew. It also manifested itself in less subtle ways, such as the shocking murder of Walther Rathenau on June 24, 1922. Wein and Ulmer note that this brutal murder shocked Germany, but this sense of horror soon subsided. Wein and Ulmer then discuss how the left-wing parties fought against antisemitism but that the right-wing parties embraced it. They argue that almost all of the "völkish" parties were antisemitic but that it was the Nazi Party that vigorously promoted it. Wein and Ulmer conclude that antisemitism was prevalent throughout Europe during the Weimar period, but they note that it was only in Germany that there was a national party which "aways openly proclaimed antisemitism."

Part IV is on "Economy and Society" and the essays on gender, youth, and modernity are probably of interest to a number of people. In contrast, the essays on economy are not about economics per se, but reveal the overlap between economics and society. There are five that should be considered in the economy bracket and all are informative and well-written. There are, however, three that should be singled out because of their excellence. Sharon Gillerman's "German Jews in the Weimar Republic" should be read in tandem with the earlier antisemitism essay. Gillerman begins by explaining how Jews had become "a part of the fabric of German society" during the nineteenth and the early decades of the twentieth century. They

lived primarily in German cities and Gillerman points out that they were well-represented in the trades and commerce as well as in the medical and legal professions. She also discusses the outsized roles that Jewish writers and philosophers played in the Weimar era and how most German Jews were committed to liberalism. Gillerman expertly explains how diverse Jews were in their interests yet Germans stereotyped them as the "Jew." She also provides a convincing account of the Jewish community's struggle to fit into modern German society and their efforts to combat the increasing antisemitism. Gillerman's account is a necessary corrective to the view that Jews should be viewed through the lens of the Holocaust.

Pamela E. Swett's essay would be best read alongside Benjamin Ziemann's second contribution. Swett's paper is "The Industrial Working Class" while Ziemann's is "Agriculture and Rural Society." Swett correctly notes that Weimar is often "closely associated with the industrial working class" but departs from most accounts by concentrating on the workers' social lives rather than their political convictions. Swett observed that the early years of Weimar were optimistic ones for many factory workers but that the hyperinflation of 1922-1923 caused massive problems for not just the middle class but for the working class as well. She notes that workers did not achieve the pay level that they had prior to the war until 1928 and this success was short-lived because of the Great Depression. Swett devotes a considerable effort to describing workers' lives—they lived in small, cramped apartments sharing toilets and baths with others. Swett discusses the workers' spending habits and noted that most spent at least fifty per cent of their income on food and that their lives were often precarious. While workers had been promised a real safety net, it never was realized. While they had been given more rights under the Weimar Constitution, their lives were not noticeably better. In Swett's opinion, we should not be surprised that many workers believed the Nazi Party's promises of stability and prosperity.

Benjamin Ziemann begins by contrasting the urban consumer with the rural producer and while the city dwellers often viewed the agrarian community as beneath their dignity, they were dependent on agrarian workers for food. Ziemann reminds us that the agrarian community was not monolithic but consisted of three different types of farms. The largest ones were located in Prussia and were run mostly as they had been for centuries—they were patriarchal and rather rigid. The second type of farms were located in the north-west sections of Germany as well as in the southeast. Unlike the Prussian estates, these farms were run by a family with only a few helpers. The third type of farm was even smaller and were the results of inheritances. The sons were each given a small plot of land. These farms were mostly located in Germany's southwest region. Ziemann spends most of his essay on the types of protests that agrarian workers engaged in—the grievances ranged from lack of fertilizer to price ceilings to excessive taxation. But most of these protests were met with resistance—from the landowners in the East and the governments in the West. Land reform had been promised but never enacted just as there was no labor reforms. Whereas industrial workers were restricted to eight-hour work days, peasants tended to work twelve to thirteen hours a day. Ziemann concludes with the observation that the Weimar government did not address the critical issues that agricultural workers faced so when the Nazis appeared with both a sense of solidarity and concrete proposals, many of them saw no real alternative. Swett and Ziemann provide compelling accounts of workers' lives during the Weimar Republic and they both offer sympathetic approaches to the travails that the workers faced in the country and in the cities.

Part V is entitled simply "Culture" and has seven essays. While these essays provide accounts of a variety of cultural factors, there is only one that seems outstanding. That is the final essay by Claudia Siebrecht "The Presence of the First World War in Weimar Culture." Siebrecht set herself the task of explaining how much the war experiences impacted the formation and development of Weimar as a political and social entity. She discusses the crucial question of war guilt and succinctly explains the "stab in the back" legend. Many Germans were convinced that the war had been forced upon them, and therefore they should not be singled out as the only country responsible for the war. There were many who believed that there were those who undermined the war effort—in effect, the soldiers were "stabbed in the back". Siebrecht moves to discuss the first commemoration of the war that was held in 1924. Although it had been regarded in Britain as a celebration, she argues that it was rather somber and more like a funeral. Siebrecht expertly discusses the

problem of how much Germans adopted an antiwar stance because of the "wounds of war" and how much other Germans glorified the major battles such as the one in Tannenberg in 1914—which made the reputations of Hindenburg and Ludendorff.

Part V includes essays on architecture, icons, and mass culture. The essay "German Literature" is rather good but is marred by being a hurried exposé. "Religious Cultures and Confessional Politics" is more political and cultural than theological—thus Adolf von Harnack and Ernst Troeltsch are treated briefly as liberals rather than two of Weimar's most prominent professors of Protestant theology. A similar flaw is found in "The Humanities and the Social Sciences" where Martin Heidegger receives less attention than Karl Mannheim and the Marburg neo-Kantian school only warrants a brief paragraph. There is no mention of Heinrich Rickert and the Southwest neo-Kantians. Hans Kelsen is mentioned only as being influenced by neo-Kantianism and being a harsh critic. Max Weber, Werner Sombart, and other political economists are also mostly dismissed as being intellectual "mandarins". The term was introduced by Fritz Ringer back in the 1960s and why it is used here is not clear. One can object that Ringer was an historian and not a sociologist as is claimed. In fact, German sociology is mostly ignored—there is no mention of Ferdinand Tönnies and his role in maintaining the Deutsche Gesellschaft für Soziologie during the Weimar years. Part V is not as successful, but much of that is because the other Parts are so outstanding, which leads to the overall appraisal of this volume.

One way to evaluate a book is to compare the book with the stated goals of the author or editor. Nadine Rossol and Benjamin Ziemann are the co-editors of this book and they provide a useful guide to their intentions in the Introduction. They trace the attempts to understand the Weimar Republic from the 1950s to the present. For post-war Germans, Weimar was simply a failed attempt at democracy and these Germans were more interested in ensuring that the Federal Republic of Germany would not repeat that disaster. In the eighties and nineties, Hans Mommsen and Heinrich August Winkler each developed the thesis that Germany had a embarked upon a "special way" ("Sonderweg") that led from Bismarck's authoritarianism to that of Hitler. Rossol and Ziemann grant that both Mommsen and Winkler had spent decades researching the Weimar period but they have two objections to Mommsen's and Winkler's work: it was too predetermined and it was overtly political. By predetermined, they meant that it seemed to Mommsen and Winkler that the Nazi period was an inevitable result of Weimar and by political, they meant that in Mommsen's account as well as in Winkler's there was no discussion of any social and cultural factors. Rossol and Ziemann acknowledge that Detlev Peukert's book did not suffer from either of these flaws, but they suggest that he was overly concerned with the failures of modernity. In contrast to these three scholars, Rossol and Ziemann intended their collection to be far more encompassing and much more nuanced than any of their predecessors. That is, they wanted to have a much larger focus than just politics and they wanted their contributors to examine as many facets of their topics as possible. Rossol and Ziemann also encouraged their authors to consider the positive aspects as well as the negative. In the range, scope, and degree of nuance, Rossol and Ziemann have more than achieved their goals.

The Oxford Handbook of the Weimar Republic is a fine contribution to our understanding of this rather brief and perplexing period in Germany's history. Whatever flaws this book has, they are rather minor and certainly do not lessen its considerable value. One hopes that this collection is successful in reaching potential readers; the Weimar Republic (or Deutsche Reich) deserves to be better known and better understood. *The Oxford Handbook of the Weimar Republic* goes a long way in accomplishing both.[1]

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PART TWO: SCHMITT, KIRCHHEIMER, AND KELSEN

INTRODUCTION

Very few scholars have not heard of Carl Schmitt and only a slightly larger group have not heard about Hans Kelsen. However, most scholars would probably fail to recognize the name Otto Kirchheimer, yet he has much in common with Schmitt and Kelsen. Kirchheimer was Schmitt's "favorite student" until he turned against the master. While not quite the defender of democracy that Kelsen was, Kirchheimer had a well-deserved reputation for defending the oppressed and the powerless. Schmitt, Kirchheimer, and Kelsen fought over democracy, but with different approaches. Using the well-known political division of states into three types, one may regard Schmitt as the proponent of monarchy or the rule of one; Kirchheimer as the opponent of oligarchy or the rule of the few; and Kelsen as the defender of democracy or the rule of all. This is the theme in which this review essay will approach three recently published books: Reinhard Mehring's *Carl Schmitts Gegenrevolution* (Mehring 2021), volume five of Kirchheimer's *Gesammelte Schriften,* (2020), and D. A. Jeremy Telmann's *Hans Kelsen in America* (2018). None of these three volumes are monographs, but instead, are collections: Mehring's is a collection of some previously written essays but many have been significantly revised. His volume also includes several new essays and the overall result is a rather coherent whole. Kirchheimer's book is composed of previously written articles and reviews. However, the volume contains a massive introduction which helps to unify the pieces and Band 5 is focused on Kirchheimer's post-war political thinking. The title of Telmann's collection is designed to reflect the ostensible focus on *Kelsen in America*, but a number of his contributors have essays that are only slightly related to that topic. All three volumes are rich in material and are worthy of detailed study; the focus here will be on fifteen pieces drawn from the three volumes.

This review essay has four sections: Section One is devoted to Mehring's book on Carl Schmitt and focuses on Schmitt's relations with five major figures regarding authority. Section Two is an examination of Kirchheimer's writings in which he attacks the powerful and defends the defenseless. Section Three is devoted to Kelsen's time in America; that is, after the Second World War. Section Four is a brief summary and an evaluation of the three books

SECTION ONE: CARL SCHMITT AND THE AUTHORITY OF ONE

Reinhard Mehring is one of the most influential experts on Carl Schmitt. Among his books about Schmitt is his *Carl Schmitt, zur Einführung* (1991), *Carl Schmitt. Aufstieg und Fall* (2009), and *Kriegstechniker des Begriffs* (2014). His contention that Schmitt was an "outsider" is one of the themes of his *Carl Schmitts Gegenrevolution* (2021), but it is a contention that he has long held. It is found in an essay from 2013 on Schmitt's notion of the state of emergency (Mehring 2013, p. 147).

Mehring's theme of "counterrevolution" is built upon his view of history. The belief that the West and its democracy had won seemed to be confirmed after the Berlin Wall had fallen and the Soviet Union had collapsed. However, Mehring argues that after 9/11 and the fiascos in Afghanistan and Iraq, the reputation of the West was seriously damaged. The rise of China and Russia's rebirth challenged the West from the East. But Mehring further argues that it has been the rise of the illiberal leaders within the West that have brought some of the biggest challenges. It is not just Putin, Erdogan, Orban, and Bolsonaro, but Trump and his refusal to acknowledge his 2020 presidential defeat. Mehring argues that all of these attacks on democracy and liberalism have had the added feature of generating more interest in that major critic of liberalism: Carl Schmitt (Mehring 2021, pp. 12-13). Mehring's book is built upon this theme of Schmitt's own "counterrevolution" ("Gegenrevolution") against liberalism and he does so through essays on major figures in Schmitt's thought. Here the focus will be on Schmitt's tenuous relationships with five individuals.

Heinrich Triepel (1868-1946) was a highly regarded legal thinker who had taught at Leipzig, Tübingen, and Kiel before moving to Berlin in 1913. Mehring notes that Schmitt must have met Triepel there in 1922 and continued to have connections to him until Triepel's death in 1946. He also noted that Schmitt had sent the first two copies of his *Verfassungslehre* to Triepel and Rudolf Smend. While Schmitt approved mostly of Triepel's legal thinking because it was conservative, he would have objected to Triepel's glorification of Bismarck's power. This is evidenced by Schmitt's review of Triepel's major work *Hegemonie* which was published in 1938 (Mehring 2021, pp. 296-297). In "Führung und Hegemonie" Schmitt is less concerned with Triepel's notion of hegemony, which is the dominance of one state over others, but more concerned with his conception of "leadership" ("Führung"). Triepel argued that leadership was between "influence and domination/rule" ("Einfluß und Herrschaft") but Schmitt insisted that Triepel misunderstood the concept of personal leadership (Schmitt 1995, pp. 226, 230). Having disputed Triepel's understanding of leadership, Schmitt concluded his review by acknowledging the difficulties in determining the sociological and psychological conceptions of "Führung." He refers to Triepel's work as a great book written by a master ("Meister") (Schmitt 1995, p. 231). Mehring pointed out that Triepel had been released from teaching in 1935 because of his Jewish background and his Jewish wife and Schmitt would have recognized Triepel's rejection of National Socialism. And, Mehring also reminds us that Schmitt could have chosen to have his review of Triepel's book published in any of the Nazi journals, but chose to have it published in *Schmollers Jahrbuch*—probably because it was still one of the leading journals in Germany and because it, like Triepel, was associated with Berlin (Mehring 2021, pp. 299-300). But it might also have been an indication of Schmitt's respect for the old "Meister."

Reinhard Koselleck (1923-2006) is regarded as one of Germany's leading historians but was also among the most contested ones. This reaction to Koselleck's history is based upon two things: Heidegger's philosophical influence and Schmitt's political thinking. There is now a volume of correspondence between Schmitt and Koselleck, of which Mehring makes ample use. But Mehring explains that when Schmitt was released from imprisonment in 1947, he returned to Plattenburg to live out his life with his second wife Duschka Schmitt. But when Duschka was diagnosed with cancer, Schmitt spent considerable time with her in Heidelberg where she was undergoing treatment. Mehring believes that Schmitt first encountered Koselleck around the time of her death in December 1950 (Mehring 2021, p. 363). Mehring acknowledges that Heidegger's philosophical influence is found in Koselleck's philosophy of history, but he insists that Schmitt's *Der Leviathan* heavily influenced Koselleck's 1959 book *Kritik und Krise* (Mehring 2021, p. 364). Koselleck's *Preußen Zwischen Reform und Revolution* (1967) is still worth reading; Schmitt regarded it as an indication of Koselleck's honor for Prussia (Mehring 2021, p. 365). In 1973, Schmitt wrote to Koselleck and asked why Germany never had a Disraeli and he answered that Germany had two: "Stahl und Rathenau" (Mehring 2021). Koselleck had been captured by the Soviets towards the end of the war and he spent fifteen months in captivity. Mehring suggests that that ordeal colored Koselleck's thinking—and that it is revealed in his suggestion that death "democratizes" (Mehring 2021, p. 369).

If the name Johannes Winckelmann (1900-1985) is known today, it is most likely because of his editions of Max Weber's works during the fifties, sixties, and seventies. However, Winckelmann did more than editorial work; he wrote a slim volume *Legalität und Legitimität in Max Webers Herrschaftssoziologie*. This is not the place to offer an appraisal of that book, but it is important to note that Winckelmann's title recalls Schmitt's 1932 book *Legalität und Legitimität.* This is not the only connection between Winckelmann and Schmitt—Mehring discusses Winckelmann's connection to Schmitt via Max Weber in general and with Winckelmann's Weber editions in particular.

Schmitt enjoyed corresponding with his former pupils and his former colleagues, but he also enjoyed expanding his circle. Winckelmann fits in this last category; as Mehring points out, there are some one hundred letters and ten postcards from Winckelmann in Schmitt's "Nachlass" and the Bavarian Academy of Sciences is in possession of many from Schmitt to Winckelmann. Many of these pertain to Winckelmann's intension of reediting Weber's works. He was convinced that most of the editions from the twenties were defective but he was adamant that *Wirtschaft und Gesellschaft* was fundamentally flawed. And, he attributed

this to Melchior Palyi who had edited the "Festgabe" for the recently deceased Max Weber (Mehring 2021, pp. 348-350). Schmitt contributed the first three chapters of what was then published as *Politische Theologie*. Winckelmann did re-edit *Wirtschaft und Gesellschaft* but as Wolfgang Schluchter has convincingly shown, Winckelmann's editions are just as flawed as the one that Marianne Weber had done with Palyi's help. But the interest is not so much in Winckelmann as in Weber—Mehring suggested that Schmitt regarded Weber as a representative of the previous generation and that Weber could not "jump over the shadow of the time" because he was a child of that era (Mehring 2021, pp. 354, 357). It is this notion that goes to the heart of the matter for Mehring: Schmitt's relation to Max Weber.

Max Weber (1864-1920) needs no introduction—he was one of the major founders of German sociology and *Wirtschaft und Gesellschaft* was recently determined to be the most important book in sociology. But Weber was also concerned with the intersection of law and politics and he insisted that scholars needed to keep facts separate from values. Scholarship was objective and its results could be debated, but values were subjective and as such were not open to scholarly analysis and sober debate. This was the "is/ought" distinction which was promoted by David Hume, but it became the "Sein/Sollen" distinction for Weber, Kelsen, and others.

Given Schmitt's rejection of the "Sein/Sollen" distinction, it might be thought that there would be no question that Schmitt would have never regarded himself as a legitimate student of Max Weber. However, there is some evidence that he was Weber's "student"—he attended some of Weber's lectures and he participated in one or two of Weber's seminars. In addition, he was asked to contribute to the *Erinnerungsgabe*. Mehring takes up the question of the relationship between Weber and Schmitt and he does so by pointing out that during the twenties and thirties, there was not much interest in Weber in Germany (Mehring 2021, p. 134). After the Second World War, scholars began to be more concerned with Weber's works, and the notion that Weber was a liberal was imported into Germany from the United States. But in 1959 Wolfgang Mommsen published *Max Weber und die deutsche Politik* where he took issue with that portrait. Mommsen argued that Weber was a nationalist and believed in power politics. Thus, Mommsen suggested a clear linkage between Weber and Schmitt (Mehring 2021, p. 132). However, Mehring argues that there were fundamental differences between the two—Schmitt complained that Weber never understood the religious values of Catholicism and Schmitt found fault in Weber's description of modern Germany as an industry (Mehring 2021, pp. 135, 146). Thus, Mehring's answer to the question of whether Schmitt was a legitimate student of Max Weber is unclear. Later, he writes that Schmitt had attended Weber's lectures and seminar, but he also insists "Schmitt belonged to no School and always understood himself to be an outsider in his discipline." ("Schmitt gehörte keiner Schule an und verstand sich stets als Außenseiter im Fach." (Mehring 2021, p. 345). Mehring may not be correct about Schmitt not belonging to any school; but he is correct that Schmitt was an "outsider"—just like Kirchheimer and Kelsen.

SECTION TWO: OTTO KIRCHHEIMER AND THE DEFENSE OF THE MANY

Otto Kirchheimer (1905-1965) is not nearly as well-known as Carl Schmitt or Hans Kelsen, yet he shares a number of links to both of them. During the late 1920s he was regarded by Schmitt as his favorite student and he had served as Kirchheimer's dissertation director. In 1932, Kirchheimer published an essay "Legalität und Legitimität" in which he broke with Schmitt over the importance of legality—Schmitt thought that legality was simply a modern legal positivist construct and he preferred the older notion of legitimacy which he associated with authority and with sovereignty. These are ideas that Schmitt set out in his own book *Legalität und Legitimität*. Kirchheimer responded with an essay devoted to criticizing Schmitt, which led to a final quarrel. In May of 1933, Kirchheimer was briefly detained by the Nazi authorities and upon his release, he fled to France and then emigrated to the United States. Mehring's discussion of Otto Kirchheimer does not explore this break and its aftermath; instead, he addresses Kirchheimer's early political philosophy in connection with Carl Schmitt. In particular, Mehring discusses Kirchheimer's leftist thinking: Kirchheimer's 1928 dissertation had focused partially on Marx, with Schmitt's approval. But after

1933, Schmitt had no interest in Marxist thought. It would not be until the student movement of the 1960s that Marxism would attract Schmitt's interest again (Mehring 2021, pp. 190-191). In the 1930s Schmitt repudiated both Kirchheimer and his interest in class conflict; but in the 1960s Schmitt seemed to have welcomed the idea of Kirchheimer as being a "leftist Schmitt-follower" ("Links-Schmittist") (Mehring 2021, pp. 189, 205-206). Whether Kirchheimer ever thought of himself as a left wing idealogue is open to debate; whether he ever regarded himself a "Schmittist" after 1933 is not—he repudiated his master and fought against both Nazism and Communism.

Band 5 of Kirchheimer's *Gesammelte Schriften* contains 34 works which run from one page to almost sixty. The first essay was from 1950 and there are two which were posthumously published. Almost half are in German and several of these are book reviews. What will be discussed here are four in English.

Those people who believe that Kirchheimer was a leftist thinker will be rather shocked by two pieces in this volume on the subject of East Germany. In "The Government of Eastern Germany" (1951) he leaves aside the question whether West Germany is a "manipulated country" and focuses on East Germany. He answers that East Germany is one because it is a planned economy. He argued that each major aspect of East Germany's economy is controlled by the state, whether it is the industrial sector or the agricultural community, all is regulated by the state. As with the Nazi regime, "This manipulated society needs a huge bureaucracy." (Kirchheimer 2020, p. 196). And, like the Nazis, the Communist government engaged in purges in order to consolidate control. Its heavy- handed methods are intended to minimize dissent and to "keeping people in line" (Kirchheimer 2020, pp. 200-201). The issue is whether there is more "social equality" in East Germany than in West Germany, and Kirchheimer's answer is possibly—but it is because the former has a much lower standard of living. Kirchheimer concludes with two questions: 1) how will East Germany fare if the natural German interest in hard work is not allowed to reap material rewards? And 2) how will West Germany's future absorption of East Germany play out? (Kirchheimer 2020, p. 203). Kirchheimer died in 1965 so he was unable to see how East Germany was integrated into the West in 1990, but he was able to give some sense about the first question in a piece published in 1965. Entitled "The Problem of the East German Republic" Kirchheimer began by pointing out that the West German government found itself in a position that every student of diplomacy is taught to avoid: do not lose control over one's own policy. The problem was that the West German government declared that the East German government was "illegitimate" but as Kirchheimer pointed out, simply calling a country illegitimate does not make it so. He pointed out that there were many split countries: the two Chinas, the two Koreas, the two Vietnams, as well as the two Germanys. Furthermore, the West German government had contended that East Germany was intended to be the first step in dominating Western countries but that East Germany's past twenty years had shown that that might have been more wishful thinking on the part of the Soviet Union (Kirchheimer 2020, pp. 592-594). Kirchheimer warned that both sides seemed intent on viewing each other as an existential threat but he asked whether we need to abandon all hope that the two Germanys can be brought closer together and he asked "Must power politics eternally stand in the way of popular German desires?" (Kirchheimer 2020, p. 596). Rather than the two governments' tendencies towards reinforcing each-others' official recalcitrance, maybe they could allow both German populations to be involved with finding a path towards re-approachment (Kirchheimer 2020, pp. 598-599).

"Elite-Consent-Control in the Western Political System" was written in 1964 but was not published until 2014. However, it is a remarkable essay because it deals with how the elites maintain control and what happens when they are challenged. Kirchheimer began by referencing Raymond Aron's contention that political elites seek to maintain continuous control over the population and they do so by means of a large bureaucracy. However, Kirchheimer argues that members of the political elite have specific bureaucratic skills and are especially adept at manipulating opinion (Kirchheimer 2020, pp. 516-517). They may be part of a legal elite but what is more important for their standing is that they are considered legitimate. Rather than acting directly, the political elites manipulate the political situation with economic and political measures. Political measures are often promoted by political parties who seek to further their power by making it seem like their party is open to all similarly minded people (Kirchheimer 2020, pp. 519-520). Thus, they rule

by what appears to be consent and consensus. But Kirchheimer asks about what happens when many no longer consent? He noted that political violence had been prevalent in the twenties and thirties but with the Nazis trials after the war and the closeness of the German Democratic Republic, the threat of political violence had largely subsided. Historically, consent and control largely went hand in hand, but in the modern period it appears that the elites are largely losing both control and consent. The question is what will happen when the political elites do lose control? (Kirchheimer 2020, p. 526).

At first glance, Kirchheimer's "A Free Press in a Democratic State? The Spiegel Case" would not be of much interest to many people. First, it was about a German case involving the magazine *Der Spiegel* and second, the episode occurred in 1963. But a careful reading of this essay reveals Kirchheimer as both a master investigative journalist and a fierce defender of the freedom of the press. After detailing Franz Joseph Strauss' meteoric rise in the Bavarian Christian Socialist Union (CSU) party and his appointment by the elderly Konrad Adenauer as the minister of defense, Kirchheimer explains *Der Spiegel's* rise as one of Germany's most important post-war magazines. As its title indicates, the magazine is a mirror of Germany and its editors focused on detailing the follies of the political elite. Headquartered in the Socialist Party Germany (SPD) city of Hamburg, it represented much of the working class. As Strauss continued to amass power, *Der Spiegel* stepped up its investigation of his private and public life. Strauss responded with his favorite method—in court. Kirchheimer pointed out that Strauss was famous for making disparaging comments and jokes about others, but he was thin-skinned about himself (Kirchheimer 2020, p. 538). Strauss was involved in two relatively minor scandals and Kirchheimer details them. But the real scandal involved Strauss and his interest in atomic weapons. *Der Spiegel* published an article devoted to this topic and in doing so, drew from published sources. However, Strauss contended that this article was treasonous (Kirchheimer 2020, pp. 548-550). Not only did the police raid *Der Spiegel's* Hamburg offices in the middle of the night, the authorities also tried to arrange the arrest of some of the magazine editors who were out of the country on vacation (Kirchheimer 2020, pp. 554-556). What followed were public protests in a number of German cities and newspapers demanded that those behind the attack on *Der Spiegel* be made public. Many suspected Strauss to have orchestrated this, but he initially denied having any part of it. However, this seemed unbelievable given that he was Minister of Defense and it was his defense plan that *Der Spiegel* had been investigating (Kirchheimer 2020, pp. 557-560). It was about this time that the SPD decided that it needed to investigate the matter. Although it encountered resistance from the CDU and the rest of the German government, the investigation did uncover a number of facts. The most important one was that the Adenauer government had adopted the same approach that the Weimar government had and that was to treat "political foes as traitors" (Kirchheimer 2020, p. 574). Kirchheimer warned that this heavy-handedness threatened public opinion and he insisted that there needed to be a clear line between "security and liberty". In Kirchheimer's opinion, the *Spiegel* affair was the first real post war case of the opposition of "state power versus individual liberty" (Kirchheimer 2020, pp. 585-587). Although Kirchheimer did not state it, it was clear that his sympathies were on the side of *Der Spiegel* and individual liberty. The German government did not appear to learn much from this episode, and Franz Joseph Strauss emerged with his reputation mostly intact. He would never become German Chancellor but that was not so much that he was a bad choice but that most Germans were against having a Chancellor from the Bavarian CSU. Kirchheimer and Strauss were totally different types of people; the former believed in freedom while the latter preferred security. But they were both regarded by many as "outsiders."

SECTION THREE: HANS KELSEN AS DEFENDER OF EVERYONE

D. A. Jeremy Telmann's *Kelsen in America* began as a conference dedicated to investigating why Hans Kelsen was neglected in America during his life time and even afterward. In his "Introduction" Telmann does more than offer a brief summary of the essays included in his collection: he also offers four reasons for this neglect: 1) Legal Realism was and is the dominant school of thinking in the United States, 2) Americans tended to view Kelsen's moral relativism as "politically anemic" and they complained that he did not attack

Nazism with sufficient vigor, 3) Kelsen's legal training was representative of that in much of the world and as such, was at odds with legal education in the U.S. In Europe, students attending universities went directly into studying law whereas Americans went to law school only after finishing a four-year education in humanities, and 4) In law school, students learned about common law and studied cases. In contrast, Kelsen was comfortable with learning legal theories as an undergraduate and he was at home with abstraction (Telmann 2017, p. 4). Telmann does not address these issues but leaves them up to his contributors.

Telmann does argue for Kelsen's continuing relevance in his final chapter which is devoted to Kelsen's posthumously published book *Secular Religion.* In "The Free Exercise Clause and Hans Kelsen's Modernist Secularism" Telmann explicates this 1940s work and he details how Kelsen's love for modern science prompted him to write in defense of it and against modern politics as an "ersatz" religion. Telmann reveals why Kelsen disliked analogies and metaphors—he believed they were not just indications of lazy thinking but that many, like Carl Schmitt, used them for justifying attacks on perceived enemies (2017, pp. 347, 349). Telmann grants that *Secular Religion* is made up of challenges to some of the leading thinkers of that decade, but he persuasively argues that the book has relevance today. As such, Telmann's concluding chapter is a fitting conclusion to a volume intended to show that Hans Kelsen's legal theories have continuing relevance.

Brian H. Bix's contribution is aptly titled "Kelsen in America: Still Misunderstood" and he offers a number of reasons for this misunderstanding and neglect. First, there is the difference between the American inclination towards natural law and Kelsen's refutation of it. Americans want morality with their legal theories, but Kelsen argued that they are distinctively different. Bix points specifically to Kelsen's separation of "is" and "ought"; it might have been helpful if Bix had alluded to Weber's "Sein/Sollen" distinction but he might have chosen to refrain because of another supposed mark against Kelsen's legal theory; namely, that since it is almost one hundred years old, it is outdated and could not compete with more recent legal doctrines. Second, Bix points to two interrelated factors which contributed to Kelsen's neglect: the fact that his style of writing was typically Germanic and that many of the English translations were fundamentally flawed. Third, Bix argues that even some of the most careful readers are often mistaken in their interpretations of Kelsen's legal thinking. Bix reminds us that when we attribute nonsensical theories to great thinkers, the source of this mistake is likely ourselves (Bix 2017, pp. 18, 26-27). Bix's plea is that Kelsen's ideas may not be fashionable or easily understood, but that he was a great legal theorist and we should take the time and make the effort to comprehend them.

Someone reading the first part of Lars Vinx's essay may be led to think that "The Kelsen-Hart Debate" referred to their actual debate in California in November 1961. However, the remainder of the title indicates that that is not so: "Hart's Critique of Legal Monism Reconsidered." Hart and Kelsen are frequently considered to have similar legal philosophies because both of them are Legal Positivists. In fact, some scholars have suggested that if one reads Hart, one does not need to bother reading Kelsen because Hart not only has the same legal philosophy but that he said it much better than Kelsen. Vinx's concentration is not on the similarities between the two Legal Positivists but is on Hart's critique of Kelsen's legal monism. Kelsen contended that not only was there only one legal system but that there could be one and only one legal system. Vinx suggested that this is a very strong view of legal monism and that Kelsen's view was not adopted by more than a handful of scholars. Hart was one of Kelsen's critics because he subscribed to a conception of legal pluralism. Vinx offers a "qualified defense" of Kelsen but it is less of a defense than it is an attempt to provide a clear account of Kelsen's legal monism (Vinx 2017, p. 61). Vinx is not entirely successful in this endeavor but it is not from the lack of trying. Rather, both Kelsen's legal monism and Hart's critique can be fully comprehended by legal specialists. But Vinx is helpful in noting that as Carl Schmitt would say, international conflicts cannot be magically wished away by thinking that there is one world order because there is no such thing. Vinx may not have produced the clearest account of Kelsen's legal monism but he has certainly achieved his goal in prompting another look at Kelsens's legal philosophy (Vinx 2017, p. 81).

Another essay in this volume that helps close a serious gap in our understanding of Kelsen is Elisebeth Le Fort's work on Kelsen and Leo Strauss. It carries a somewhat perplexing title: "Arriving at Justice by a

Process of Elimination: Hans Kelsen and Leo Strauss" and her point is that neither Kelsen nor Strauss gave a definitive answer to the question "What is Justice?" It is clear from reading Kelsen's essay of the same title that he does not believe in one single conception of justice and that there is only his own view and not some absolute Idea of Justice. However, Strauss is taken to be an absolutist and that he embraces natural law and denounces moral relativism. Le Fort argues that despite the fact that Kelsen attacked natural law and held to a type of moral relativism, a comparison of these two thinkers is rewarding. That is because she believes that despite appearances, neither Strauss nor Kelsen believe that they have definite definitions of justice. Le Fort contends that both thinkers believe that simply thinking about justice is philosophically rewarding and she concludes that by contrasting the better-known Strauss with Kelsen is a step towards getting Americans more interested in Kelsen's legal thinking (Le Fort 2017, pp. 118, 121, 131). In this, Le Fort is certainly correct and a comparison of the two is more than worthwhile. But what is rather perplexing is that Le Fort totally ignores Strauss' earlier critique of Kelsen's complaint about natural law. In a foreword written in 1931 to a planned book on Hobbes, Strauss juxtaposes his belief in natural law against Kelsen's positive law and he argues that Kelsen's formalism does nothing to maintain order in the state and that only natural law theories can do so (Strauss 2001, pp. 200-206).

Hans Kelsen was not just an outsider in America; he was an outsider almost everywhere. Although he was regarded as a major constitutional theorist and the author of the Austrian constitution, he was forced to leave Austria because of his defense of divorce. He was then forced to resign from his professorship at Bonn in the summer of 1933 because of his Jewish background. He moved to Basel to teach at the university there and then to Prague, but Nazi sympathizers made it impossible for him to lecture. He returned to Basel but knew his time in Europe was fast coming to an end—hence his emigration to the United States. One might think that after the war, Kelsen's ideas might have found a receptive audience in Germany but as Frieder Günther points out in "The Neglect of Hans Kelsen in the West German Public Law Scholarship 1945-1980" such was not the case. Günther argues that during Weimar, anti-Semitism was a growing problem. Even after the defeat of the Nazis in 1945, anti-Semitism did not disappear; it only was less vocal. Günther suggests that the neglect of Kelsen's writings from 1945 until 1980 was attributable to anti-Semitism but to several other factors as well. First, Kelsen was suspect because he had fled Germany and those who stayed behind felt morally superior to those who chose exile. What those who stayed behind did not want to acknowledge was that they were able to move up the academic ranks because of the departures of their former colleagues. However, Günther offers a second and even more substantial reason for the German's dislike of Kelsen's legal philosophy. His critics contended that Kelsen's formalism led to totalitarianism and that it lacked a mechanism to distinguish between good and evil. Günther claims that this not-so benign neglect continued until the 1980s. Those few thinkers who defended Kelsen in print or at conferences were either ignored or condemned. Günther insists that it was only in 1986 with Horst Dreier's dissertation on Kelsen's legal philosophy that Kelsen's reputation began to improve (Günther 2016, pp. 219, 222). Günther and all of the other contributors to this volume are convinced that Kelsen needs to be read more in America and the world. This book makes a compelling case for those convictions.

EVALUATION

Each of these three books are rewarding in the same way—they tell us much about Schmitt, Kirchheimer, and Kelsen that we either did not know or did not sufficiently appreciate. Mehring's Schmitt is shown to be a conscientious thinker who did more than simply defend the Nazis—he tried to make sense of modernity and he offered what he thought was a viable alternative to the chaos and multiple perspectives of modern life. One can dispute Schmitt's preference for the authority of one, but decades after his death, there are many people who are more than willing to follow the Schmittian path of order instead of disorder. Kirchheimer is the least well-known of the three and perhaps that is part of the reason we can learn much from him. He was both a careful observer as well as a staunch defender of the many. But it was his faith in the power of a free press that probably earns him my greatest respect. Kelsen is revealed as a person who

seemed out of time and place—his positive conception of law had been replaced by natural law—especially in his final adopted country. But the fact that he has had a renaissance is sufficient indication that Kelsen was not just one of the great jurists of the twentieth century, but like Schmitt and Kirchheimer, one of that century's greatest political observers. Perhaps what links these three thinkers is that they were all "outsiders." They did, however, approach politics from different aspects: Schmitt's authority of one, Kirchheimer's defense of the many, and Kelsen's insistence on freedom for all. Despite their political differences, there is no doubt that Schmitt and his "antipode" Kelsen would have echoed Kirchheimer's assertion: "I love constitutional law" (Kirchheimer 2020, p. 194). And, they might have added "we love politics"—whether it is because of law or politics. Schmitt, Kirchheimer, and Kelsen deserve to be read and these three books are proper volumes to help promote that interest.

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PART THREE: REASSESSING KELSEN

In his recent book *ad Hans Kelsen. Rechtpositivist und Demokrat* Horst Dreier reminds his readers that Hans Kelsen was the most significant jurist of the twentieth century. However, he also reminds them that we tend to ignore the fact that Kelsen was one of the great defenders of democracy (pp. 7, 32). Dreier's book is just one attempt to rectify this assessment of Kelsen; there are three other recent books which also encourage us to reassess our conception of Kelsen. *Political Realism,* and Sara Lagi's *Democracy in its Essence. Hans Kelsen as A Political Thinker.* Both of Dreier's books are in German while Schuett's and Lagi's are in English. Each of these four books focuses on varying aspects of Kelsen's political philosophy, but they all embrace the conviction that we need to reassess our understanding of Hans Kelsen. All three authors are motivated by Kelsen's commitment to democracy and pluralism and his conviction of the need for tolerance for realistic expectations. Accordingly, all four of these books provide sufficient justification for us to reassess our notions of Hans Kelsen as a scholar and as a person. I begin with Dreier's 2021 book, then his 2019 one, before moving to Schuett, and finally to Lagi. I do so for thematic reasons.

HORST DREIER 2021

Horst Dreier's *ad Hans Kelsen. Rechtspositivist und Demokrat* may be a slim volume but it is rich in content.[2] This is unsurprising given that Dreier established his reputation as an expert on Hans Kelsen's legal thinking with the publication of his *Rechtslehre, Staatssoziologie und Demokratietheorie bei Hans Kelsen* in 1986 (Dreier 1986). It is composed of three essays. The first is "Hans Kelsen (1881-1973)" and was intended as a biographical sketch. For the most part it can be excluded here except for the brief section on democratic theory. Dreier emphasizes how Kelsen was one of the few defenders of democracy during the turbulent Weimar years and how Kelsen advocated for the freedom and the self-determination of the autonomous individual against the "collective-subject people" ("kollektiv-subjekt Volk") (p. 33). Dreier further stresses how Kelsen believed in a pluralistic, relativistic, and transitory democracy and fought against any form of a monolithic, objective, and permanent autocracy (p. 34). These are points which Dreier sets out in detail in the two other lengthier essays.

The third essay may be the least successful of the three partially because it is a slightly reworked essay in honor of Clemens Jabloner. Jabloner was not only a Kelsen expert but was the president of the Austrian administrative court. As such, this essay is both a "Festschrift" and a scholarly examination. While those interested in Dreier's comments on Jabloner will want to focus on the introductory and concluding remarks, those concerned with Kelsen's political theory will want to focus on the main sections of the third essay.

As the title of Dreier's third essay makes clear, it is about more than just democracy. Each of the three parts of the title "Johannes 18, Wertrelativismus und Demokratietheorie" point to apparently different things: theological interpretation, moral values, and political theory; but as Dreier argues, they are intimately related. Dreier reminds us that at the conclusion of *Wesen und Wert der Demokratie* Kelsen invokes the scene described in John 18 of the exchange between Pontius Pilate, Jesus, and the assembled crowd. Pilate asked Jesus whether he was the King of the Jews, to which Jesus replied that he was and that all who would hear the truth would hear his voice. Kelsen noted that Pilate was a member of a culture that was old and tired, which prompted him to ask "What is truth?" As a Roman who was inclined to democracy, Pilate turned to the people. He announced that he himself has not found any guilt in the man before him and that he was permitted to allow one man to go free. In response to his question whether they wanted to free the King of the Jews, the people replied no, and that Pilate should let Barbaras go. John added that Barbaras was a criminal. Kelsen wondered whether this story should be regarded as an argument against democracy. Dreier reminds us that not only was that the conclusion of John 18, but it was also the end of *Wesen und Wert der Demokratie* (pp. 74-76). And, Dreier reminds us that it is remarkable that one of the most important essays on the foundations of democratic theory ends with the words from the Son of God.

Dreier points out that a number of Kelsen's contemporaries referenced this Biblical passage and he mentions Oswald Spengler, Rudolf Bultmann, and Carl Schmitt. But Dreier chooses to focus on Joseph Ratzinger's attack on Kelsen, before he became Pope Benedict XVI (pp. 79-82). Ratzinger objected to two of Kelsen's key democratic principles: the principle of individual freedom and the principle of value relativism. Dreier wants to examine Ratzinger's attack on the second principle. Dreier notes that value relativism is a difficult notion to discuss and he reminds us that it was Max Weber who first drew attention to its importance but that he tended to restrict its application to the political sphere (pp. 82-83). In contrast, Kelsen thought it applicable to various other spheres, and it was especially important in legal circles to address the fundamental question: "What is justice?" ("Was ist Gerechtigkeit?") (p. 83). Kelsen argues that there is no single answer to this question because it is a matter of values. And, the emphasis is on many "values" and not on one single "value", so instead of an absolute value, Kelsen spoke of value relativism ("Wertrelativismus"). Dreier helps clarify this by pointing out that each individual needs to consider for himself or herself, what is more important: freedom or security?, life or freedom?, freedom or equality?, equality or truth?, truth or justice?, truthfulness or humanity?, or even the individual or the nation? Dreier insists that since the answer depends upon that "position of the judging subject" ("Standpunkt des urteilenden Subjekts") that it is relative (p. 84). Unfortunately, as Max Weber noted, the notion of value relativism is one of the most misunderstood concepts and he reminded us that the belief in the differences in values should never be taken to mean that values are unimportant. In fact, he argued that values are the most important factors in our life; and because they are values and not facts, they cannot be simply debated and disputed. As Dreier put it bluntly: "Value relativism does not mean value nihilism." ("Wertrelativismus meint nicht Wertnihilismus.") (pp. 85-87). After briefly discussing the repercussions arising from the religious wars of the seventeenth and eighteenth centuries, Dreier notes the opposition between Kelsen and his contemporary, Carl Schmitt. Schmitt regarded pluralism as a disturbing social factor, whereas Kelsen maintained that it was one of the most basic tenets of democratic theory. In contrast to Schmitt's hope that there can be a type of Leibnizian "pre-established harmony", Kelsen contends that there can only be "variety, difference, indeed conflict" ("Vielfalt, Differenz, ja Konflikt") (pp. 90-91). If conflict cannot be eliminated, then how can differences be resolved—Kelsen believes through tolerance and dialogue.

Dreier reminds us again that the individual is Kelsen's basic starting point and he notes that Kelsen argued that the "freedom of anarchy" is metamorphosized into the "freedom of democracy" (p. 93). And, this means majority "opinion" and not "truth" because "truth" implies something substantial and immutable and "opinion" means something transitory and subject to "*change*".[3] But Dreier emphasizes that the differences of opinion and the conflict of interests are not ever solved by resorting to "blood and sword" ("Blut und Schwert") but only by providing arguments and counterarguments—and that is because the highest task of democracy is peace (Dreier 2019, pp. 99-100). This is an indication whether the legal ideal is either peace or security; "however, science always [has] only one ideal, the *truth*." ("die Wissenschaft aber stets nur einen Ideal, der *Wahrheit*.") (pp. 100-101).

In contrast to the emphasis on biography in the first essay and on values in the third, democracy is front and center in the second—as indicated by the title "Kelsens Demokratietheorie: Grundlegung, Strukturelemente, Probleme." Here Dreier notes that Kelsen is one of the strongest defenders of democracy and he suggests that only Rousseau comes close. Kelsen and Carl Schmitt rarely agreed on anything, and as Dreier adds later in the essay that Schmitt was Kelsen's "antipode" (p. 53). But as Dreier points out, both Kelsen and Schmitt regarded Rousseau as one of the strongest advocates of democracy (p. 42). Kelsen's *Wesen und Wert der Demokratie* may not have achieved the classical standard that Rousseau's *Social Contract* has, but Dreier argues that it nonetheless is one of the most famous arguments put forward for democracy. He claims that it is not just Kelsen's academic reputation, but that the work itself is a clearly and elegantly written work (p. 39). He claims that Kelsen's democratic theory had two fundamental principles: freedom of the individual and the same freedom for all (p. 41). In this essay, Dreier also discusses the "metamorphoses" of democracy, but here he devotes more time to setting them out. The first metamorphosis is the change from freedom of anarchy to pluralism. The second one is the change from pluralism to the po-

litical form of parliamentary representation. The third one is the recognition that the government must not just be "*for* the people", but must also be "*by* the people". As Dreier has done in the other essay, he quotes this in English and italicizes the two words; thus, emphasizing the critical importance of these phrases (pp. 42-50).

Dreier adds that it is beneficial to help clarify Kelsen's theory of democracy by contrasting it with its theoretical opposite—meaning Carl Schmitt's political philosophy. Dreier not only maintains that Schmitt is Kelsen's "antipode" but he also maintains that Schmitt's doctrine of democracy is the opposite of Kelsen's (pp. 52-53). While both Kelsen and Schmitt begin with the observation that democracy is that the ruler and the ruled are the same, they have radically different views of what that really means. For Kelsen, that means a plurality of opinions and rational discussions which lead to compromises. For Schmitt, it means the "homogeny of the people" and that they share the same opinion. Whereas Kelsen embraced Parliament, Schmitt wants to eliminate it because it involves endless discussions with no resolution. Emergencies call for emergency measures and quick decisions. Rather than open ballots which reveal divisions, Schmitt extolls votes by acclamation which reveals the true "will of the people". Kelsen endorsed democracy; Schmitt embraced dictatorship (pp. 52-57).

Dreier concludes with three questions about Kelsen's theory of democracy: First, how can one reconcile the tension between the state's need for order and the individual's need for freedom of expression? (pp. 57-62). Second, how can one convince a believer in absolute value, that value relativism is a necessary property of any genuine democratic theory? (pp. 62-67). Third, and this is the most difficult of Dreier's three questions: how can a democracy defend itself from its own citizens who are intent to undermine it? (pp. 67-72). Dreier does not attempt to answer these questions here, but he recognizes that these are three key issues that Kelsen's theory of democracy never fully addressed.

HORST DREIER 2019

The title *Kelsen im Kontext* suggests that this book is about Kelsen and for the most part it is. However, the subtitle (*Beiträge zum Werk Hans Kelsen und geistesverwandter Autoren*) indicates that it is a collection of essays; nine are regarded as being related to Kelsen and five of them are focused on him and his work. Two of them are reproduced as chapters one and two in Dreier's 2001 book and there are four: on Max Weber, on Gustav Radbruch, on Adolf Merkl, and on Nikolaus Luhmann. All four are worth reading, but will not be discussed here. There are several on Kelsen and Kelsenian themes that are well worth close examination, and there are several that are indirectly related to him that also deserve discussion.

In "Hans Kelsens Wissenschaftsprogramm" Dreier begins by insisting that Kelsen holds the top position of German legal theorists of the twentieth century. He offers two quotations, one in which Kelsen is accused of being the blind zealot of blind normativity and another one in which he is accused of denying the moral-spiritual substance of law and state (Jestaedt and Paulson 2019, p. 27). Rather than directly refuting these types of criticisms, Dreier devotes his efforts to setting out Kelsen's scholarly program. That involves clarifying Kelsen's belief in the necessity of separating law from politics and separating the study of law from the study of nature. It also involves the separation of law from metaphysics (Jestaedt and Paulson 2019, pp. 29, 34, 38-39). But Dreier also emphasizes Kelsen's positive doctrine and that means Kelsen's central tenet that the state and the law are identical. That means that there is no state in itself, only one identical to law (Jestaedt and Paulson 2019, pp. 44-46). It also means that it is the law that gives the government its unity and not some mythical "will of the people." What it does mean is Kelsen's doctrine of the state is one that is non-ontological, relativistic, and especially pluralistic (Jestaedt and Paulson 2019, pp. 51, 56). Granted, Kelsen's doctrine seems cold and pale compared with Rudolf Smend's theory of total legal integration or Carl Schmitt's theory of sovereign significance. However, both Smend's thesis and Schmitt's are simply illusions—the illusion of justice. Dreier quotes Kelsen's claim that the norm is not granted by God nor found in nature, but is in each and every one of us. As Kelsen says in "What is Justice?", his "justice" requires that

each individual must decide for himself or herself what is right or wrong (Jestaedt and Paulson 2019, pp. 65-66; Kelsen 1971, p. 22).

Dreier believes that Gerhard Anschütz belongs in the same category as Kelsen—a noted German constitutional jurist and a dedicated believer in democracy. In "Ein Staatsrechtslehrer in Zeiten des Umbruchs: Gerhard Anschütz (1867-1948)", Dreier provides three reasons for Anschütz' reputation as one of the founders of modern legal science: 1) he provided a template for constitutional commentaries, both in the one on the Bismarck constitution which was based upon the edition of Georg Meyer and even more so for his own on the Weimar constitution. 2) Anschütz' personal and professional objections to the Nazi power grab. His 1933 request for retirement was no empty gesture but was a real threat to the Nazi claim to legitimacy. 3) Anschütz' commentary on the Weimar constitution. *Verfassung des Deutschen Reichs vom 11. August 1919. Ein Kommentar für Wissenschaft und Praxis* went through fourteen editions with four fundamental revisions. As Dreier points out, Anschütz' commentaries are paradigms of "conciseness, clarity, and precision" (Jestaedt and Paulson 2019, p. 205). But Dreier also lauds him for his defense of democracy. We praise Kelsen for defending democracy from the attacks by Carl Schmitt, but Dreier reminds us that it was Anschütz who appeared in the court on Prussia's side in the Reich's "Preußenschlag" (Jestaedt and Paulson 2019, p. 224).

Dreier's special appreciation for the work of Richard Thoma is evident in the lengthy essay "'Unbeirrt von allen Ideologien und Legenden'—Notizen zu Leben und Werk von Richard Thoma." This essay is a slightly revised version of the introduction to his edition of Thoma's writings: *Rechtsstaat-Demokratie—Grundrechte* which appeared in 2008.[4] Thoma took over the chair of law at Heidelberg in 1911 after Georg Jellinek's death earlier that year. Anschütz joined Jellinek at Heidelberg in 1900. However, Anschütz had moved to Berlin in 1908 and was happy to return to Heidelberg in 1916. Anschütz would teach at Heidelberg until his retirement in 1933; Thoma left in 1928 to move to Bonn where he would teach until 1945. But Thoma's friendship would end only with Anschütz' death.

Dreier points out that compared to some of his contemporaries, Thoma remains in the background. He lacked Kelsen's international reputation and he did not have Schmitt's polemical fame (Jestaedt and Paulson 2019, p. 234). But in Heidelberg, he established a good reputation. There, he lived close to Anschütz as they both resided on the Ziegelhäuser Landstraße; the former at number 35 and the latter at 27—in Max Weber's house (Jestaedt and Paulson 2019, p. 242-243). Thoma worked with Anschütz, Max Weber, his brother Alfred, and Ernst Troeltsch to establish the Deutschen Demokratischen Partei. This new party was dedicated to leftist liberalism and to Germany's new beginning (Jestaedt and Paulson 2019, pp. 244, 246). Unfortunately, the party failed and ultimately the Weimar government collapsed. As to be expected, the Nazi era was a difficult time for Thoma. He did not resign like Anschütz nor was he forced to emigrate like Kelsen; instead, he concentrated on administrative law and refrained from publishing much during those twelve years (Jestaedt and Paulson 2019, p. 250).

Thoma shared with Weber the insistence that value judgments have no place in scholarship. The former were values and therefore disputable, whereas the latter dealt with indisputable facts (Jestaedt and Paulson 2019, p. 264). He agreed with Kelsen that natural law doctrines were incoherent: Dreier cites Thoma's 1927 response to Erich Kaufmann's natural law position with the much-cited phrase "so to say, Chinese" ("sozusagen chinesisch") (Jestaedt and Paulson 2019, p. 268). And, Thoma shared with Kelsen not only the personal conviction about the importance of democracy, but he shared the belief that there needs to be a clear theory of democracy which rests on two fundamental principles: freedom and equality (Jestaedt and Paulson 2019, pp. 283-284, 285-286). While Kelsen is regarded as the antithesis of Carl Schmitt, Thoma also defended Parliament from Schmitt's anti-parliament polemics. And, he also attacked Schmitt's 1928 book on the theory of constitution. Instead of Schmitt's authoritative state, Thoma insisted on democratic self-determination (Jestaedt and Paulson 2019, pp. 289-293). Dreier concludes his essay on Thoma by repeating the words that he used in the essay's title: "unbothered by all ideologies and myths". The reference is to Thoma's 1948 essay "Über Wesen und Erscheinungsformen der modernen Demokratie" and that all who wish to understand democracy must be free from all ideologies and myths (Dreier 2008, p. 406).

In "Zerrbild Rechtspositivismus" Dreier discusses two myths about positive law. Not only does he address these two with respect to Kelsen, Anschütz, and Thoma, he also comments on H. L. A. Hart and Felix Somló. As much as his comments on Hart and Somló are instructive, they will not be discussed here. The first myth revolves around the question of obedience to the law. Dreier quotes John Austin who maintained that the existence of a law and its merit or demerit is a different issue. In other words, Austin maintained a separation between law and morality (Jestaedt and Paulson 2019, pp. 312-313). Dreier argues that as much as Anschütz followed that distinction, his 1933 letter requesting retirement from Heidelberg is an indication that morality does matter when it comes to law (Jestaedt and Paulson 2019, p. 316). Richard Thoma addressed the issue of obedience by contrasting the force implied or used by monarchs and the lack of such a need in a democracy (Jestaedt and Paulson 2019, pp. 316-317). Once again there is a distinction made between law and morality with law providing its own justification of obedience because the source is a member of that democracy. Kelsen also held to the distinction between morality and law and insisted that law was not something objective and certainly not something to be glorified. As with Thoma, the obedience to law is given by the laws themselves (Jestaedt and Paulson 2019, p. 322).

The second myth is the claim that legal positivism means that law is reduced to a system of legal principles and a logical compilation of facts. In other words, it is a cold and barren theory and not a genuine theory of law. Dreier explains how the three positivists refute this. He quotes Anschütz' claim that his belief in positive law does not negate his contention of the importance of facts as well as theory (Jestaedt and Paulson 2019, pp. 331-333). Dreier insisted that what applied to Anschütz applied as well to Thoma and he reminds us that both thinkers insisted on legal reality and both rejected a "sterile legal positivism" (Jestaedt and Paulson 2019, 334-335). Regarding Kelsen, Dreier invokes Kelsen's notion of interpretation; that is, that his legal positivism is not some abstract legal theory where judgments are logically deduced. Instead, the judge must interpret the facts of each and every case before making his (or her) specific judgment. Rather than being a barren mechanical process, law is a matter of educated but personal interpretation (Jestaedt and Paulson 2019, pp. 337-340). Dreier concludes that positive legal theories are not immune to genuine criticism but that serious scholars should reject any inclination regarding myths (Jestaedt and Paulson 2019, p. 344).

"Rezeption und Rolle der reinen Rechtslehre" may at first glance seem to be a dry legal essay, but in reality, it is a brief yet fascinating account of how Kelsen's legal thinking was received. His "Habilitationschrift" from 1911 brought about a "new tone" in modern legal theory but it was so original that scholars could not place it in any existing school of jurisprudence (Jestaedt and Paulson 2019, p. 97). In the 1930s, Kelsen's reputation continued to grow but his writings were regarded as being surgically cold and totally apolitical. In contrast, most German legal scholars thought along the lines of Carl Schmitt and that they were engaged in a heated political battle against sworn enemies. As a result, Kelsen was forced to give up teaching at Bonn because of his political position as much as his Jewish background (Jestaedt and Paulson 2019, pp. 97,103, 105-106). After World War Two, he was regarded as being both an anarchist and responsible for the Nazis. However, Dreier sees a suggestion of genuine scholarly interest in Kelsen's legal theory because of two factors: 1) that a Swiss group published a paper in a German law journal on Austria's most significant legal theorist and 2) that the Hans Kelsen Institute was continuing to generate interest in Kelsen and his work (Jestaedt and Paulson 2019, p. 113).

"Die (Wieder-) Entdeckung Kelsens in den 1980er Jahren" is the most subjective and the most personal of all of Dreier's essays. In it, he explained how he chose Kelsen's work as a dissertation topic. While he was advised to write on Rudolf Smend, Dreier chose Kelsen primarily because he believed that Kelsen was one of the most important theorists of democracy and, along with Anschütz and Thoma, was one of democracy's staunchest defenders (Jestaedt and Paulson 2019, p.127). As a German, Dreier did not seem to have a natural affinity for Kelsen; as he noted, in Austria Kelsen was always present (Jestaedt and Paulson 2019, p. 120). However, it certainly seems to be the case that Kelsen "spoke" to Dreier.

ROBERT SCHUETT 2021

If Kelsen "spoke" to Dreier, he carries on a conversation with Robert Schuett. Schuett notes that not only is Hans Kelsen "my favourite philosopher" but he proclaims "I am a Kelsenian" (pp. 1-2).[5] He concludes *Hans Kelsen's Political Realism* with the observation "Choices made, roads taken or not" (p. 145). Yet, this full-throated defense of Kelsen is somewhat unexpected given that Schuett has made a name for himself primarily as a proponent of political realism. He and Miles Hollingworth were the editors of *The Edinburgh Companion to Political Realism* (Schuett and Hollingworth 2018). In his essay on Kelsen in that volume, Schuett was somewhat tentative in making the case that Kelsen was a political realist and he indicated this by the question mark in the title "Hans Kelsen: A Political Realist?" (Schuett and Hollingworth 2018, p. 303). Schuett had answered this question in the affirmative. And, he argued that Kelsen combined the idealist's belief in justice and peace with the realist's recognition of the limits of human nature and the struggle for power (Schuett and Hollingwoth 2018, p. 315). It is evident that Schuett carries these convictions into his book, but *Hans Kelsen's Political Realism* is much more than an enlargement of his chapter in the *Companion*. It is a rich and compelling picture of Kelsen as an astute student of human nature and of the political aspects of legal theory. Whereas Dreier and Lagi sought to examine Kelsen's thinking in a new and different light, Schuett intends to provide a more complete picture of the man and his ideas.[6]

Chapter Four is on Kelsen's foreign policy realism and most of chapter Five is on Kelsen's style of political thinking. Both are well-researched and clearly written, but the first three chapters are the ones that are not only the most interesting but also the most challenging for what Schuett calls a "Most Misunderstood Man" (pp. 34-35). According to much of Schuett's entire book, Kelsen was often misunderstood and frequently maligned. But Schuett uses the phrase to talk about Kelsen's conflicts with the FBI. As an immigrant from Austria, Kelsen was suspected of having communist sympathies. And those suspicions prompted two major investigations into Kelsen's life. The first was in the 1940s when Kelsen was working for the Foreign Economic Administration and the second was in the 1950s and was even more problematic for Kelsen. As Schuett explains, Kelsen was teaching at Berkeley when the state of California passed the Levering Act which required all state employees to sign an oath swearing that they were not members of the Communist Party or any other organization intent upon over throwing the United States government (pp. 8, 10-11). Kelsen had no problem with signing the oath, but some others were reluctant to do so. Kelsen objected to the fact that the university not only was firing him but was branding him as an academic rebel. Schuett explains that Kelsen knew from experience that he had to choose his battles wisely, but as a scholar dedicated to truth, he could not stand by and let ideology corrupt academic research. And Schuett points out that if the FBI had ever bothered to read any of Kelsen's writings, they would know that he might be a liberal, but as an individualist and a thinker, he could never subscribe to communist ideology (pp. 8-9).

Schuett offers another example of Kelsen as a misunderstood and maligned individual. Schuett recounts how Kelsen had saved Hans Morgenthau's academic career by having him rewrite his "Habilitationschrift" twice so that it could be accepted at his university in Switzerland in the 30s. By the late 1930s both Kelsen and Morgenthau had gone to the United States and supposedly Kelsen was going to be offered a professorship at the University of Chicago. Unfortunately, Waldemar Gurian, a Russian-born German-Jew, Catholic convert, and friend of Carl Schmitt intervened. Gurian complained that Kelsen only offered "empty logicism and relativism" (p. 19). As a result, Kelsen was denied and the offer went to Morgenthau. Morgenthau repaid Kelsen by helping ensure that Kelsen was offered the Charles R. Walgreen Foundation lectures in 1954 and then later sent Kelsen a birthday letter in which he praised Kelsen for his fearless pursuit of truth and that he had tried to discharge his obligation to his friend by following his example (pp. 17, 21).

However, Kelsen's greatest enemies were Carl Schmitt and especially the Nazis. As Schuett emphasized, "The Nazis hated him." To them, Kelsen was not human. And he added: "To the Schmittians, he was a dangerous man" (pp. 22-24, 33-35, 67). Schuett suggests that Kelsen strongly believed in the things that Schmitt rejected: the state, democracy, and the rule of law. Schuett noted that Schmitt only believed in power. In contrast, Schuett explains that Kelsen always believed in the need to "tell truth to power" (pp. 40-41, 71).

Schuett devotes a chapter to Kelsen's time serving in the Ministry of Justice. He had completed his one-year military service in 1902 and held the rank of second lieutenant. When the war began in August 1914, he was called up, but a few months later he caught pneumonia. As a result, Kelsen was assigned to the Minister of War. Schuett describes the final meeting between Kelsen and his superior. The War Minister had summoned Kelsen and gave him President Wilson's response to the Austrian peace proposal. Kelsen could have tried to give a sense of hope but he recognized that Austria had not only lost the war but that it was the end of the monarchy. Schuett writes: "He saw it clearly. It was really over. Political realism!" (pp. 37-41).

Schuett suggests that Kelsen's political realism was based upon two sources: Dante and Freud. From the former, Kelsen learned about the idea of "an international society as a unitary order" and from the latter, he recognized that authority was rooted in human beings and not in natural law (pp. 47-48, 89-91). As Schuett notes, Kelsen maintained that since we are not "pure angels" we need authority. But the authority must be from ourselves and not some metaphysical entity (p. 121).

Schuett believes that the notion that Hans Kelsen was an idealistic jurist has determined people's opinions about him. Even scholars who knew him, thought he was naïve and an idealist (pp. 2, 13, 20, 29). But Schuett argues that Kelsen was a realist who understood that humans were not inherently good. Kelsen was no doubt a calm and gentle man, but he was also a man of convictions and a political realist (pp. 33, 65, 147 note 4). Schuett readily admits that "his" Kelsen is not the Kelsen of others; where as Kelsen's enemies regarded him as the "monster of Vienna", "his Kelsen" ("*my* Kelsen") is an "intellectual streetfighter" who combined a "gentle liberal mind" with a tough political realism (pp. 6-7, 22, 65, 89).

As much as Schuett concentrates on Kelsen as a political realist, he spends considerable effort on Kelsen the man. Rather than the "monster from Vienna", Schuett's Kelsen is a true Viennese gentleman. Unlike Joseph Schumpeter, Kelsen chose to live a reclusive life in America. Schuett recounts the time in 1945 when the Allied nations met in San Francisco to sign the United Nations charter. Someone had heard that the famous Hans Kelsen was teaching at Berkeley so a search was started to find out where he was. A Dean was asked to find out and he made a phone call. Not knowing much about his own faculty member, he asked Kelsen whether he was "the world-famous Austrian émigré jurist that the diplomats were looking for". Kelsen apparently responded with "a short and sweet 'yes.'" (p. 14). Schuett also emphasizes how much Kelsen supported his students both in terms of academic help and especially in provoking them to think (pp. 63, 144-145). What makes this even more amazing is that Kelsen fled Austria, then Germany, and then Prague. When in 1940, he finally left Geneva for the United States, he was almost sixty years old and had almost no money. The Nazis had taken his pension and "he had to start all over again" (p. 5). Rather than being embittered by his mistreatment, Kelsen continued to apply himself to scholarship. It is no wonder that Schuett is proud to announce that "I am a Kelsenian" (p. 2). It is not just Kelsen's ideas that draw people to him; it is Kelsen's personal combination of gentility and strength.

SARA LAGI 2021

Sara Lagi differs from both Dreier and Schuett in that Kelsen does not seem to "speak" to her in the ways in which he "speaks" to them. Hence, there is considerable detachment in her discussion of Kelsen. In *Democracy in its Essence. Hans Kelsen as a Political Thinker* Sara Lagi sets herself the laudable task of "*reasoned overview* of Kelsen's political theory as it developed from the 1920s until the 1950s", which was a "defense of liberal and representative democracy" (pp. 10, 162).[7] Lagi has largely met this task, at least in substance. She does so by not just examining his political theories but by placing them within the historical context. Her book has four major chapters with each of them devoted to democracy and another political aspect.

The first chapter is "Democracy and Pluralism" and is the most convincing of the four chapters. Lagi begins by contrasting Kelsen's early legal thinking with the positivism of Georg Jellinek and the sociological legalism of Hermann Heller. Kelsen's issue with the former rested on Jellinek's notion of the state as a

"sovereign subject" and his complaint about the latter was that Heller dismissed the need for a pure legal theory (pp. 15-16, 18, 20). Lagi then examines Kelsen's early political thinking in the two editions of *Vom Wesen und Wert der Demokratie*. She argues that while Kelsen defended the notion of democracy in both the 1920 and the 1929 editions, he focused more on defending Parliament in the earlier edition and he concentrated more on pluralism in the later one (pp. 33-34). Furthermore, she emphasizes Kelsen's complaint that Rousseau's concept of democracy was "idealistic" and he sought to provide a "realistic" conception. And, she correctly reminds us that in 1920, Austria's future still looked promising, but by 1929 the "enemy" was not just the Soviet Union outside but the "reactionary political forces" inside (pp. 38, 41-42).

The second chapter has the title "Democracy and Constitution" and it is understandably not the strongest chapter given that Lagi readily admits that she is not a legal scholar. Nonetheless, she offers a rather compelling defense of Kelsen's concept of constitutional jurisdiction, and more importantly on his treatment of nullification. In fact, Lagi maintains that it is in his defense of constitutional authority that clearly shows the connection between Kelsen's constitutional theory and his political theory (pp. 64, 67). The difficulties begin with Lagi's discussion regarding the relationship between Kelsen and Carl Schmitt. This is unquestionably a complex topic and involves not just the understanding of the two legal thinkers but also a full grasp of Weimar's history. But Lagi does not provide either. While Kelsen and Schmitt had been at odds regarding Parliament, the major conflict was over the question of who was the guardian of the Weimar Constitution. For Kelsen, it was the constitutional court; but for Schmitt, it was the president. Schmitt had long argued that the Parliament could not function because it was composed of too many individuals with too many conflicting opinions, thus it was unable to do much more than deliberate. But Schmitt argued that the continuing crises called for decisive emergency measures. Kelsen defended both liberal Parliament and the rule of law. When the so-called "Preußenschlag" occurred in 1932, Kelsen sided with the Prussian Parliament whereas Schmitt argued in court for the German government and he insisted that Article 48 of the Weimar Constitution gave Germany the authority to disband the Prussian government. This entire episode is difficult to explain, but Lagi does not provide much help. For example, she does not clarify what Article 48 governed nor does she offer a realistic account (pp. 79-80). Part of that is because she does not intend to "demonize Schmitt or to sanctify Kelsen" (p. 73). While this is noteworthy given how often Schmitt is criticized, it does not do justice to either Schmitt or Kelsen to regard this as a dispute between two "rivals" (p. 72). Furthermore, she considered Kelsen's and Schmitt's positions to be equally "radical" and that the former believed in a "pluralist, parliamentary, and liberal" theory whereas the latter believed in a "monist, anti-liberal theory" (p. 81). She also insisted that she was not concerned with who was right or wrong (p. 78). This defensiveness is apparent throughout this book, rather than defending her scholarly thesis, she insisted that it was just "my opinion" (pp. 23, 29, 33, 34, 71, 102, 105, 106, 107, 134, 150). However, this was not some minor dispute about a technical legal issue; as Lagi herself recognizes, this was a major conflict about Germany's political future. And, she knows full well that Schmitt's arguments led to the Nazi horrors. Despite his insistence on separating facts from values, even Kelsen spoke out then and thereafter.

Chapter Three is on "Democracy and Relativism" and is a rather strong chapter. Lagi reminds us that democracy was a matter of a "world vision" or a "world outlook" ("Weltanschauung") and that it involved the "dialectical relationship between the majority and the minority" (pp. 96, 107). Given that democracy's "Weltanschauung" is relativism means that it is also antithetical to any form of absolutism. In this chapter Lagi explains Kelsen's critique of natural law and defends his relativism. She notes how Kelsen criticized natural law theorists for not admitting that it lacked a genuine metaphysical basis and that they employed it in order to legitimize existing social and political orders (p. 99). She also explains that autocrats hide behind the belief in "absolute reality" and "absolute truth" in order to safeguard their power (p. 103). But for Kelsen, law could not rest on nature because it was a matter of norms. Furthermore, Kelsen objected to the notion that any ruler could demand obedience because in a democracy there was a type of equality in which the ruled granted consent (p. 105). Lagi utilizes Kelsen's Pilate parable to explain the dichotomy between the "absolutism-autocracy" and the "relativism-democracy." It was ironic that Jesus, like Plato, St. Thomas, Dante, Leibniz, and Hegel, believed in absolute justice and was chosen by the crowd to die whereas

the criminal Barbaras was allowed to live. Instead of the belief in absolute justice, Kelsen championed relativism and the tolerance of democracy (p. 107). But Lagi emphasized that Kelsen's relativism should not be taken to be moral indifference. She points to John Stuart Mill who believed tolerance of other voices was a necessary part of the "open, rational dialect among different visions". And she points to the similarly shared belief in tolerance as exemplified by Kelsen and Isaiah Berlin: for Kelsen, philosophical absolutism was tied to autocracy; for Berlin, monism was connected to totalitarianism. In Lagi's opinion, the liberal spirit was common to Mill, Berlin, and Kelsen (pp. 109-111). In an autocracy, there can be no room for compromise; whether it is a form of government or a type of church, the autocrat knows only the "Diktat" (p. 118). In contrast, in Kelsen's democracy, all individuals are born equal and therefore they all have equal rights. In Lagi's words "freedom of thought and expression had to be granted" (p. 120).

Chapter Four is "Democracy and Proceduralism" and like the preceding chapter this one is relatively clear and rather convincing. It does so in part by highlighting Kelsen's personal life. Lagi had either minimized or ignored many of Kelsen's personal trials, but here she stresses the impact that his move to the United States had on his personal and professional life. Regarding the former, Lagi simply mentions that it was a radical change but does not offer much in the way of details. In contrast, she dwells on the problems that Kelsen faced in his new academic environment. She clarifies that the legal studies in American universities were far more practical and empirically oriented than in European ones and that they rejected Kelsen's pure theory of law as being too abstract and too abstruse (p. 131). And, she reminds us that Kelsen was hired at Berkeley as a Professor of Political Science and not as a Professor of Law. But she also reminds us that his political views were regarded as suspect. But she does not specify in what ways and instead insisted that his writings from the 1950's were his attempts to "reinvent himself as a scholar in the United States" (pp. 131-132). Lagi's explanation about Kelsen's conception of international law and its reception is brief and not very helpful (pp. 132-133). In contrast, her discussions regarding Kelsen's criticisms of some of his contemporaries shows her at her best. This is particularly evident when she is discussing the contrast between Kelsen's political theory and those of others. She emphasizes Kelsen's conviction in the need for a government by the people in contrast to those who contend that was is needed is a government for the people. Kelsen opined that the latter's "concern" for the people could just be a cover for its own interests and that it reveals the belief that the governed do not know what is good for them. Kelsen objected that people may not always know what is best for them, but it is up to each individual to decide for himself or herself (pp. 143-145). She is also good at explaining how Kelsen and his former student Eric Voegelin could agree about the need for freedom but differ about the role of the state. As a matter of principle, Kelsen objected to any form of "transcendence" in politics—even one so well-intentioned as Voegelin's (pp. 147-148). Finally, Lagi is good in examining the differences between Kelsen and Hayek. Hayek's belief that economic freedom would lead to political freedom was countered by Kelsen's criticism that it amounted to a rule. Kelsen regarded it as a tendency and he objected that Hayek attempted to universalize something that was historically contingent. But Lagi's opinion that Kelsen had underestimated the "rule of law" seems unsupported and unlikely (pp. 149-151). Similarly, her discussion about the differences between Kelsen and Joseph Schumpeter are promising enough—she notes that Schumpeter's conception of democracy is fundamentally elitist and that he emphasized the role of competition more than Kelsen. But her claim that Schumpeter was Kelsen's "friend" seems an overstatement given their different views about democracy and their own vastly different personalities (pp. 140, 151-153). But these comments are mostly minor points and do not detract from the value of Lagi's exposition.

Normally, I tend to avoid mentioning a few typos and some minor mistakes. But Lagi's book is filled with so many problems that I would be remiss not to point out some of them. There are misspellings, like Berkley when it is Berkeley (p. 2). It is "Staatsrechtslehre" and not "Staatsrechts lehre" (p. 15). It is "Fiktion" and not "Finktion" (p. 27). And, it is "Weltanschauung" and not "Weltanschuung" (p. 102). "Bolshevik" is often problematic: "Bolscevism" (p. 48). "Bolshevik" is an example of the lack of consistency, as it is sometimes capitalized and sometimes not (pp. 26, 114, 140). *Vom Wesen und Wert der Demokratie* is often correctly given, but it is also given incorrectly as *Vom Wesen und Wert der demokratie* (pp. 22, 25,

29, 38, 39, 41, but not 27, 37). Sometimes *Demokratie* is both lower case and upper case on the same page (pp. 32, 34). In fact, there is often a problem with capitalization: "Nazi" should be capitalized throughout, as in Lagi (pp. 34, 79) and not "nazi" (pp. 8, 45, 80, 118, 120). Why is it "Alexis de Tocqueville" sometimes and "De Tocqueville" others? (pp. 9, 13, 31, but 108). Why is "von" capitalized in "Otto Von Gierke", "Franz Von Pappen", and "Friedrich Von Hayek"? (pp. 36, 79-80, 111, 136-140, 146, 149-151, 192, 194). And, why are "christian justice", "christian natural law doctrine", "catholic French", "christian natural law", "christian values" and "christian ideal of justice" not capitalized—especially when "Gospel" is capitalized? (pp. 143-145). German and Austrian political parties are problematic: The Social Democrats are referred to as "Social Democrats" but also "Socialist Democrats", and "SocialDemocrats" (pp. 40, 110, 149; 33, 56-57, 77). The "Christian Social Party" also appears as "Christian Socials" (pp. 51, 77; 56-57, 61-62, 91). And, the German Social Democratic Party (SPD) is rendered "social democratic Party" (p. 45, but see 47). Anyone who has translated will acknowledge that it is often a subjective call; however, "Führer" is not "Chiefs"; "Grundzüge" are not "Lines" (pp. 47, 71, 91). And, if one is going to Angelize phrases then it should be the entire name: the "Wiener Juristische Gesellschaft" should be the "Viennese Legal Society" and not the "Wien Legal Society" and the "Wiener Psychoanalytische Gesellschaft" should be the "Viennese Psychoanalytical Society" and not the "Wien Psychological Society" (pp. 25, 122).

These are not just some minor blemishes and some of them are nothing less than "howling errors." These include "In the late nineteenth century Max Weber returned to this concept…" when she is referring to Weber's 1918 work "Parlament und Regierung im neugeordeneten Deutschland" and "Carl Schmitt (1888-1980)" when Schmitt died in 1985 (pp. 28, 52). And, while she makes a reference to the neo-Kantian distinction between the "Naturwissenschaften" ("natural sciences") and the "Geistenwissenschaften", it is misleading to regard them as "the science of the mind" since that is psychology. More importantly, it was neither Heinrich Rickert nor Wilhelm Windelband who was responsible for Kelsen's distinction between "is" ("Sein") and "ought" ("Sollen"), but it was Max Weber (p. 17). In fact, much of what she says about Weber's political thinking is either misleading or wrong, but to address that is beyond the scope of this review. It appears as if no one either copy edited the manuscript or checked the page proofs. All of these problems serve to distract the reader from the substance of this book. This is unfortunate because *Democracy in its Essence* is nicely printed and bound, and Lagi's articulation of Kelsen's theory of democracy is rather compelling.

CONCLUDING COMMENTS

Dreier, Schuett, and Lagi have offered different views of Hans Kelsen. But they each have challenged the dominant opinion that Kelsen was misguided and even dangerous because he was a legal positivist. Rather, Kelsen was a fighter for freedom and a defender of democracy. It is fitting that Dreier ends two essays and Schuett concludes his book with the same passage from Kelsen's concluding comment from his final Berkeley lecture:

> [And, indeed, I do not know, and] I cannot say what justice is, the absolute justice for which mankind is longing. I must acquiesce in a relative justice and I can only say what justice is to me. Since science is my profession, and hence the most important thing in my life, justice, to me, is that social order under whose protection the search for truth can prosper. 'My' justice, then, is the justice of freedom, the justice of peace, the justice of democracy—the justice of tolerance (p. 38; Jestaedt and Paulson 2019, p. 114; Schuett 2020, p. 144; and Kelsen 1971, p. 24).

These are not the ideas of a dry legal thinker and a destroyer of values. Rather, they are the core convictions of a person devoted to ideals, but is fully conscious of human failings. These ideas also indicate that Kelsen understood the challenges that all thinkers face in the search for truth. The authors of these four books chose to take up Kelsen's challenge and they should prompt us to reassess our conception of him

as just legal scholar. Dreier, Lagi, and Schuett have demonstrated that Kelsen was also a first-rate political thinker, a staunch defender of democracy, and a great believer in political realism. Accordingly, we should reassess our understanding of Hans Kelsen.

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PART FOUR: FERDINAND TÖNNIES ON SOCIOLOGY AND POLITICS–WRITINGS FROM 1931

Ferdinand Tönnies is primarily regarded as the author of *Gemeinschaft und Gesellschaft* and is remembered in sociology courses as the originator of the distinction between "community" ("Gemeinschaft") and "society" ("Gesellschaft"). If anyone knows much more about him, it is the idea that he embraced the notion of the traditional, rural community and voiced disapproval for the concept of the modern, urban individualistic societies. In recent decades a few scholars have sought to go beyond that dichotomy—in 1995, a young scholar published an article in *Sociological Theory* and its title "Ferdinand Tönnies: Utopian Visionary?" ended with a question mark to indicate the author's inability to make a firm decision. Was Tönnies an old, rural, patriarchic traditionalist who was stuck in the past, or was he a modern, intellectual sociologist who recognized both the positives and the negatives of modern life? This latest volume of the *Ferdinand Tönnies Gesamtausgabe* provides more evidence that Tönnies may not have been a utopian visionary, but he was certainly a modern, sociable sociologist who was well aware of the issues of modernity. This volume 21 is a collection of his publications for the single year 1931: it contains one book, at least a dozen articles, five book reviews, and a number of periodic pieces.[8] This output would be remarkable for a scholar in the prime of his or her life, but Tönnies was in his mid-seventies when he wrote and published them. This book is nothing short of a remarkable collection from the pen of a remarkable German intellectual.

The first piece included in this volume is listed as a monograph but was published in 1931 as a book. At almost three hundred pages, it is almost half of the entire text portion of this volume. Given that, it is somewhat shocking that Tönnies insists that there is nothing more obvious than the fact that his book is incomplete (p. 9). Much of it is reflected in his other writings, especially in the four articles that he wrote for Alfred Vierkandt. But what is new and of interest are his comments on values, economics, and politics. For Tönnies, politics cannot be divorced from ethics, and that means social norms and shared values (pp. 152-165, 171-198). He also maintains that there is a tension between the moral-political community and the economic and rational individual. He concludes with two distinctions: in the first he distinguishes between the masculine rational individuality as opposed to the feminine spiritual sense of community. And, he suggests that modern culture is losing its feminine foundation and is increasingly becoming too rational and too egotistical (pp. 269-275). The other distinction is far less judgmental and much more scholarly and that is the distinction between "applied sociology" ("angewandte Soziologie") and "empirical sociology" ("empirische Soziologie"). The former is more like philosophy and uses theories; the latter is more like a natural science and uses facts and statistics. For Tönnies, there is a tension between the two; while he likes the former, his inclination is more towards the latter (pp. 278-285, see also 468-470). However, Tönnies was trained as a philosopher and believed in concepts and theories, so his affection for facts was always coupled with a love for theories.

In 1931 Alfred Vierkandt published his *Handwörterbuch der Soziologie*. In the editorial information to volume 21, Dieter Haselbach indicates that Vierkandt has intended to publish a collection of essays on numerous aspects of the new discipline of sociology. Haselbach adds that these were to be of the highest quality and that Vierkandt had gotten 37 authors to write on areas in which they were recognized as authorities. While most authors contributed a single essay, there were a few who contributed more than three. Werner Sombart wrote six, two others wrote five, and Tönnies was tasked with writing four (p. 612).

The first article to be discussed is on status and classes ("Stände und Klassen"). Most of it is rather dry because it is historical and because Tönnies appears to emphasize the economic part of status rather than the social. The historical and the comparative may be interesting to certain social historians but most scholars will not find much until Tönnies begins to discuss class struggle (pp. 375-380). He follows Max Weber's opinion that much of what has been written about classes and struggle is more or less nonsense and that much of modern theories are based upon Rousseau's enthusiasm for the "state of nature" ("Naturzustand") (pp. 383-385). And, only those few scholars who are preoccupied with early twentieth century German

thinkers will find much of interest in the final pages of his article because they are devoted almost exclusively to those contemporary debates.

For a scholar with socialist leanings, the fact that Tönnies was asked to write the article on "property" ("Eigentum") may seem surprising. However, his socialism was more oriented towards workers' rights than to socialism and he had written a slim volume on *Eigentum* in 1926 so he was regarded as an expert on the topic. He begins the article by making a number of distinctions: first, that property is linguistically related to possession but that there are differences in types of possessing. The dog is said to possess teeth but no one thinks of them as being separate from the animal. In contrast, people are said to possess glasses and wigs but no one thinks that they are inseparable from the individual. Second, there are three different types of property: communal property, individual property, and societal property. The first one is where everything is held in common; the second is where it is the individual who owns the property, and the third one is where the property belongs to the state. In all three cases, ownership is regulated by law; hence, there is an affinity between the concept of property and the notion of natural law (pp. 300-302). It is noteworthy that the socialists disparage the notion of individual ownership while praising ownership by the state, whereas the conservatives denounce state ownership as an infringement on individual property rights (pp. 303-304).

Tönnies is often regarded as a family traditionalist and some passages in his article on the modern family ("Die moderne Familie") may support that opinion. He does insist that the essence of the family is marriage and that sex is primarily for procreation (pp. 305-306). However, he also wrote about separation and divorce and he was concerned about the future of the family. Although some of this does suggest that Tönnies' views about the family were rooted in nineteenth century values, his glowing review of the four-volume work on the family done under the editorial direction of Alice Solomon indicates his strong appreciation for the huge amount of statistical material and its careful analysis (pp. 587-588). In the nineteenth century, such a study would not have been published and certainly not by a woman. Here, Tönnies offers his praise and appreciation for the women who wrote this modern study.

Tönnies' most important article in Vierkandt's collection is the one on community and society and it is notable for its conciseness and its clarity in comparison to the book *Gemeinschaft und Gesellschaft.* As much as Tönnies had changed his mind about many things, he never really altered the concepts that he formulated in the first edition of *Gemeinschaft und Gesellschaft*. Published first in 1887, the book was partially a reflection of his early and substantial study of the philosophy of Thomas Hobbes. That influence is shown in the book by Tönnies' emphasis on will. While Tönnies begins the 1931 article by discussing knowing and not knowing, his major concern is with the notion of will. This is partially shown by his general interest in emotions with his opposition between sympathy and antipathy and the contrast between trust and mistrust, but it is even more revealed in his comments about will. But as he points out, it is never a matter of just one single will, but is a matter of many wills which make up society. One of the most basic notions of social interaction is the economic activity of "exchange" ("Tausch") (p. 338). We need to exchange the things we do not need for those that we do need—we want them and that is a manifestation of our will (pp. 341-342). Tönnies very briefly mentions the two double concepts from his earlier book: "community and society" ("Gemeinschaft und Gesellschaft") and "essential will and artificial will" ("Wesenwille und Kürwille"). The contrast between the first two is relatively straightforward: the traditional rural small community versus the modern metropolis. The second contrast is less easy to explain but by "Wesenwille" Tönnies means the genuine essential will of the community where all are committed to each other's well-being while "Kürwille" is indicative of the artificial, individualistic strivings of each person's attempt at gaining the most advantage for one's self (p. 344). In the community, exchange is for mutual benefit, but in modern capitalist society, it is used simply for one's sole material gain. Tönnies concludes "Gemeinschaft und Gesellschaft" by setting out three types of "community relations." First is the comrade type which is the relationship between two people. Tönnies uses Achilles and Patroclus as the example and suggests that there is some truth to the saying the person who has *friends* does not have a real *friend* (p. 348). The second type is the dominant type and here his example is the father and his child. Unlike the equality of the two friends, the father must protect the weak child. Of course, the child grows up and often seeks to overthrow

the father. Third is the mixed type and this rare type only warranted a few lines. In contrast to the two main types of "community relations" there is the "social relations." Tönnies' main concern with this type is with "civil society"—that is, the state. Its function is two-fold: to protect and to nurture, but Tönnies ends his essay here because going further would mean leaving sociology and moving towards politics (pp. 354-356).

Today the Deutsche Gesellschaft für Soziologie (DGS) is thriving in Germany but during the first half of the twentieth century, its birth and survival were not at all assured. Although Max Weber is often credited with its founding, Tönnies was also a founding member. More than that, Weber only attended the first conference in 1910 and resigned after the second one in 1912. It fell to Tönnies to ensure that the DGS continued to exist. The third conference was scheduled for October of 1914 but was canceled because of the war. The fact conferences were able to be held during the twenties (1922, 1924, 1926, 1928) is because of Tönnies' massive efforts. The topic of the seventh conference from 1930 was likely Tönnies' own—public opinion. He had published a book in 1922 on the topic and it continued to interest him. His concern was that too many people were being given slightly misleading information in German newspapers and he counseled that what was needed was not so much public opinion as it was "educated" public opinion. While Tönnies was never a member of the "Kathedarsozialisten", he approved of the idea of the socialist professors and their attempt to broaden people's minds. He specifically mentioned the great national economists Lujo Brentano, Gustav Schmoller, Adolf Wagner, and Georg Friedrich Knapp. Rather than being dismissed as impractical professors, these scholars should be respected for their considerable efforts (pp. 465-466).

If Tönnies' comments on public opinion are not a sufficient indication that he was cognizant of the changes in Germany's political situation, then several of his book reviews should put any reservations to rest. The first one was not specifically listed as a book review nor was it a cool and dispassionate account of a book. The volume that Tönnies was considering was one of the four volumes of the former German Chancellor von Bülow's memoirs. The title that Tönnies chose for his critique—"Bülow und der Ausbruch des Krieges" ("Bülow and the Outbreak of the War")—gives an indication of the disdain that Tönnies felt for von Bülow. Bernhard Fürst von Bülow had been Chancellor from 1900 until 1909 so he claimed with some justification that he was not responsible for the First World War. However, Tönnies pointed out that some of the decisions that he did make while in office actually made the war much more likely to occur. But in Tönnies' opinion, von Bülow's larger transgression was his insistence that if he had continued to be Chancellor, the war would certainly have been averted. This "self-praise" was not just naïve; it was simply wrong. Von Bülow claimed to be a worldly man who understood how it worked. But Tönnies countered that not only was he not worldly, he also was not very smart. Instead, von Bülow was a chauvinist and an imperialist who believed that aggression solved every problem. In Tönnies' estimation, von Bülow may not have actually begun the war but his actions and his decisions made it all but inevitable. Rather than admitting that he had misjudged many things during his time in office, he blamed the German citizens for not being wise enough to have him continue to lead them. In his final assessment, Tönnies maintained that far from being a "great man", von Bülow was nothing more than "average" ("mittelmäßig") who made middling decisions (pp. 519-520. 527). Although he did not state it, Tönnies' caustic comments about von Bülow were applicable to the many of the members of the growing Nazi movement.

The second indication of Tönnies' ongoing recognition of the political situation comes in the form of an actual book review. The book was about patriotism and its author was Robert Michels. Michels was a rather strange and not very fortunate man—born and educated mostly in Germany, his early socialist leanings meant that he had no real future in German academia, despite his close friendship with Max Weber and his important book on political parties. But his book was published in 1911 and although he would write an entry in Weber's *Grundriss der Sozialökonomik,* his friendship with Weber was unfortunately cut short by Weber's death in 1920. By the mid-twenties, Michels was a convert to Italian fascism. In 1913 Michels had published an essay on patriotism in the *Archiv für Sozialwissenschaft und Sozialpolitik* but as Tönnies pointed out, that was a historical investigation. The 1929 work carried the title *Der Patriotismus* but the subtitle *Prolegomena zu einer soziologischen Analysis* indicated that Michels' recent concern was with the sociological aspects of patriotism. Tönnies is of two minds about Michels' patriotism book. On the one hand he ap-

pears to agree with Michels that patriotism is retrospective and reminds us of our youth. It is a longing for familiarity and togetherness and he credits Michels for expressly noting the importance of music in this patriotic remembrance of an earlier and less complex time. On the other hand, Tönnies is less than enthusiastic with this little volume and wishes that Michel had written less about feelings and had given more statistical analysis about what patriotism is for a German, a French person, or a British subject. However, Tönnies believes that this book is timely and that it was written with much passion and love (pp. 584-586).

The third indication of Tönnies' recognition of the oncoming problems with the National Socialists is found in a very brief article. "Die revolutionäre Situation" begins with a discussion of the revolutionary situation in Russia, but Tönnies' real concern is with the revolutionary situation in Germany. It lacks a revolutionary spirit; instead, its "Führer" and its party believes only in power and while it will use the typical revolutionary means it does not have the usual revolutionary goal. Tönnies was cautious enough not to spell out what he meant but he was smart enough to know that most readers would know that the traditional goal was "freedom" (pp. 565-567).

The fourth indication is in "Parteipolitischen Prognosen" and while it is ostensibly directed to the issue of the differences between the workers and the growing middle class and how the Social Democratic Party will respond, the numerous references to the "Hakenkreuzpartei" would be a sufficient indication that Tönnies means the Nazis. Plus, he bemoans the growing anti-Semitism and the increasing comments about the purity of German blood. And, he explicitly names "Herren Hitler, Göbbels, Frick, Franzen" as ones who are beyond laughable and are actually grotesque (pp. 507, 509, 511, 513). Far from looking back fondly on the past, Tönnies was focused on the growing threats of the future and he was sounding the warning—warnings that we now know many people refused to hear.

Volume 21 of the *Ferdinand Tönnies Gesamtausgabe* may not include such major works as *Gemeinschaft und Gesellschaft* or as important as his writings on Hobbes or Marx. It does not contain his contested writings on war nor his provocative essays on Nietzsche. Yet this volume contains many writings which reveal that he was a fully engaged political realist who was actively investigating the German political landscape and was sounding the warning on the approaching Nazi regime. This volume confirms that Tönnies was still at his intellectual best even into his seventies and it demonstrates that he was certainly no "utopian visionary".[9]

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PART FIVE: JENS HACKE, LIBERALE DEMOKRATIE IN SCHWIERIGEN ZEITEN. WEIMAR UND DIE GEGENWART

The title of Jens Hacke's book may lead some people into thinking that they are going to read a unified account of the problems facing contemporary liberal democracy.[10] But Hacke's book is not a grand essay but is a composite of eleven chapters on a number of important socio-political thinkers from the Weimar era. As a close reading of many of these chapters shows, the book does not suffer in any way from being composed of separate essays. There are some eleven chapters; three of which address the problems that Weimar faced and the similar ones that are present now. Those are interesting and informative but the four which are more historical are singled out for discussion here. That is because they are clearly of the highest quality and are perhaps of the greatest interest. And, because they illustrate Hacke's thesis that the problems which plagued the Weimar of the nineteen-twenties share deeply troubling similarities with the problems confronting Twenty-first century democracies.

The name Robert Michels is mostly forgotten today, just like the name Vilfredo Pareto, but in the first two decades of the previous century, they both were highly respected thinkers. Michels and Pareto shared a number of interests: they were concerned with political parties and both wrote about the powers of political elites. They have also been among those sociologists and social theorists who have been misjudged and their writings misconstrued. Both Michels and Pareto have been accused of being proponents of Mussolini and advocates of Italian Fascism. While there is not much to support the criticism of Pareto, there is also some that appears to lend credence to the charge against Michels. It is to Hacke's credit that he is willing to accept some of that critique while demonstrating Michels' contribution to the study of political parties in modern democracies. In 1911 Michels published his ground-breaking book *Die Soziologie des Parteiwesens*. In it he discussed the role of parties in democracies and he argued that political parties' increases in efficiency were necessary but that they consolidated political power into the hands of the political elites. While political parties were necessary at the beginning of democracy, they ultimately served to undermine them. Whether his study led him to be discouraged about democracy is unclear. What is clear, is that he became more interested in fascism. Was that because he was too idealistic? Perhaps the most telling criticism of Michels came from Max Weber. In *Politik als Beruf,* Max Weber had famously distinguished between those who adhered to an "ethics of responsibility" and those who believed in an "ethics of conviction". Weber acknowledged that it was difficult for the politician to determine for himself whether a course of action was responsible or not. In contrast, he believed it was easier for those who did what they believed was right and left the consequences up to God. But Weber had little sympathy for those who wavered between the two—they tended to be idealistic and naïve and to believe in fictions. In an August 1908 letter to Robert Michels, Weber castigated his young friend for believing in such concepts as the will of the people, "the true will of the people" because "They are *fictions*." It is to Hacke's credit that he not only mentions this letter but cites this passage (p. 58). Like Weber, Hacke greatly admires Michels but is always ready to point out his intellectual shortcomings. It is also to Hacke's credit that he briefly discusses Herman Heller's and Moritz Julius Bonn's attacks on fascism.

The name Moritz Julius Bonn is also mostly forgotten and if he is remembered at all it is for his writings on the Weimar crises. But as Hacke points out, Bonn was not just a culture critic; he was an international banker and a professor of economics. Hacke emphasizes both of these factors in his chapter on Bonn. Hacke concedes that it is difficult to locate Bonn in terms of political schools of thought. Although he was well-connected, he placed little value in being a member of the intellectual elite. He was good friends with many of the leading political and intellectual leaders of the time—with Theodor Heuss, Thomas Mann, Alfred Weber, and Ernst Troeltsch, to name just a few. But his background in political economics made him different from them, and in Hacke's opinion, made him a more astute political observer. In this, Bonn was like Max Weber, and they shared the belief in the connection between capitalism and democracy and in political realism. They also shared the conviction that while Germany was capitalistic, its heavy industries were feudal in their hierarchy and inflexible in their outlook. Hacke emphasizes the impression that America

made on Bonn (without mentioning the similar impression it made on Weber during his 1904 trip to there). For Bonn, America combined individual freedom with social cohesion; as Hacke states there are no classes in America, only steps. One can take advantage of this economic and political freedom—there are "checks and balances" in the United States. But Hacke is careful to note that Moritz Julius Bonn was not blinded by his positive impression of America—he was too much of a genuine economist and a political realist to think that the United States was some kind of utopia.

As with Moritz Julius Bonn, the name Karl Loewenstein is not familiar to many people outside of Germany. However, Bonn had spent only some time in the United States whereas Karl Loewenstein was forced to leave Germany because of the Nazi rise to power. He moved to the United States where he would teach for most of the rest of his life, returning to Germany only for visits.

Hacke maintains that the questions of stability and continuity have always plagued the concept of democracy. Plato and Aristotle contended that democracies were inherently unstable and were necessarily not good. The question about the nature and permanence of democracies continued to be raised by the Romans and then by Machiavelli. Hacke suggests that it was only with the forming of the United States that the issues of stability and continuity were both raised and placed front and center. The Founders were concerned with tyranny on one side and the fickle will of the people on the other. Thus, they sought permanence through the Constitution and the ability to amend it. While that seemed to work in the United States, it did not work in Weimar Germany. Instead, democracy was not stable but was embroiled in constant crises. The question for some German thinkers was how to defend it. Democracy was regarded as a pacifistic form of government which repudiated force, but some German scholars were warning that democracy's "legalistic self-complacency and suicidal lethargy" (p. 168) was going to destroy itself. Karl Mannheim is often credited with the idea of the "militant democracy" but Hacke insists that Mannheim developed this notion in 1941. In contrast, Karl Loewenstein was advocating it in 1931, even before the Nazis gained power. While some scholars have noted the similarity between Loewenstein and Hans Kelsen regarding the importance of rationality in law, Hacke insists that Kelsen placed more faith in the power of law while Loewenstein maintained that only a type of militancy could defend democracy. The current situation in many countries seems to give more weight to Loewenstein's notion of power rather than to Kelsen's theory of law.

The chapter on Carl Schmitt may be the strongest of all the chapters in this book. Hacke points out Schmitt's many contributions to political thinking yet he does not shy away from pointing out Schmitt's fundamental flaws. This chapter is only a sketch so Hacke can only point to the similarities between Schmitt and Martin Heidegger, both in their support of the Nazi regime and their shared vision of Germany as a great nation. Hacke also notes that they were anti-Semites and anti-liberalism. But Hacke reminds us that Schmitt and Heidegger embraced Nazism only after the 1933 grab for power and that both thinkers never subscribed to the Nazi ideology. Hacke is also cautious in discussing the claims about Schmitt's anti-Semitism—while there is much of Schmitt's written work that substantiates it, his own personal relations tend to deny it. But Hacke is clear that Schmitt's need for authority and order began far earlier than 1930; his wartime experience, Germany's defeat and its revolutionary aftermath, coupled with the chaos of the Weimar years, all combined to make him adopt his decisionist theory and his friend-foe distinction.

Hacke does not shy away from noting the conflict around Schmitt's legacy. He acknowledges that Carl Schmitt is still regarded as a polarizing figure and he stresses that the debate whether Schmitt should be regarded as major political theorist continues. But his concern is not whether to praise or to condemn Schmitt, but to help us understand him. That is part of the reason that in a later chapter Hacke chose to contrast Schmitt with Hans Kelsen. While others have referred to them as antipodes, Hacke has decided to use them as Weberian ideal types (p. 158). Kelsen believed in law and freedom; Schmitt believed in legitimacy and authority. Politics was more fundamental than law; order was more important than freedom. Hacke notes that Schmitt never tired of invoking Hobbes' claim "Auctoritas non veritas factis legen." (p. 104). And, he spends considerable effort to explain Schmitt's inclination to authoritarianism and his complaints regarding democracy and liberalism. Hacke provides four reasons for Schmitt's extreme dislike of liberalism: 1) he believed that liberalism and democracy did not belong together and thought they were really at odds

with each other. 2) He believed that the liberal belief in pluralism was misguided and instead preached homogeneity. 3) He believed that it was naïve to think that there were universal values, such as equality. 4) He believed that only a strong leader was able to steer a nation through crises. Hacke also points out that Schmitt thought that parliamentarianism was fundamentally flawed—the belief that members could rationally discuss issues and reach compromises was not only flawed but dangerous. Germany could not afford the dithering and indecision; bold and decisive action were what the nation needed. Whether one agrees with Schmitt or not, is not Hacke's issue—it was that Carl Schmitt was one of liberalism's greatest critics and that we can still learn much from him.

The specter of Max Weber seems to loom over this book, not just because of Hacke's review essay on recent Weber biographies, but because of his pervasive influence on many of these thinkers. Weber's influence was substantial regarding Loewenstein, Michels, Bonn, but it is unclear how much impact his ideas actually had on Schmitt. The writings by Bonn, Loewenstein, and Michels seem to be rooted in the Weimar era whereas those by Schmitt seem to transcend the era. As much as the spirit of Max Weber permeates this book; that of Carl Schmitt does so even more. This is understandable for two reasons. First, Weber's influence during the Weimar era was rather limited and it was only with Marianne Weber's editions of her husband's writings and her hagiographic biography that his reputation began to expand. Second, Schmitt's reputation continued to grow during that decade with the appearance of so many provocative works. Weber's defense of liberalism was never very strong and while people like Karl Loewenstein, Karl Löwith, and Richard Thoma strongly defended liberalism and plurality, they had difficulty in matching the power of Schmitt's denunciation of liberalism and parliamentarianism. The attraction of authority and order tends to outweigh the belief in freedom and tolerance. What Carl Schmitt derided as idealistic and ineffectual and what he promoted as realistic, and even necessary, has echoes today. All of which makes Hacke's book timely.

All but two of these essays have previously been published but they are far more accessible in this book form. While Hacke may not have published a book with a grand thesis, this volume contains enough thought-provoking comments to satisfy almost every reader. Hacke's *Liberalismus in schwierigen Zeiten* is not just a commentary on the problems that plagued Weimar but also is a carefully worded warning about the challenges facing liberalism in our own difficult times.

REFERENCES

Hacke, Jens. 2021. *Liberale Demokratie in schwierigen Zeiten. Weimar und die Gegenwart*. Hamburg: Europäische Verlagsanstalt.

NOTES

1 There is a German version of *The Oxford Handbook of the Weimar Republic* with the title *Aufbruch und Abgründe. Das Handbuch der Weimarer Republik*. At least eleven essays were translated by Christina Brocks into English. She evidently translated the English essays found in the Oxford collection into German. The German collection is just as impressive as the English one and it is considerably less expensive. See Rossol und Ziemann 2021.

2 Unless otherwise specified, all citations in this section refer to Dreier 2021.

3 The term "change" is given by Dreier in English and he has chosen to emphasize it by putting it in italics.

4 Dreier chose 20 of Thoma's works, the first one is from 1910 while the last one is from 1953. The title indicates the legal state and fundamental rights, but Thoma's central theme was democracy. Dreier 2008. Thoma wrote nine essays for the *Handbuch des Deutschen Staatsrechts*, the encyclopedia that Thoma and Anschütz jointly edited. The first volume appeared in 1930 and the second one in 1932. The first volume contains 60 essays and the second one 57; the combined pages amount to almost 1500. The entries may be 90 years old but many are still well-worth reading. These include not only those by Anschütz and Thoma, but the ones by Kelsen and Carl Schmitt. Anschütz und Thoma, 1930/1932. Dreier regards this work as monumental work of high quality and considers it to have continuing significance. Jestaedt and Paulson 2019: 248.

5 Unless otherwise specified, all citations refer to Schuett 2021.

6 Remarkably, Schuett (2021, pp. 6, 34) frequently rejects the idea that his work is an intellectual biography because in many respects it is. Granted it is not a complete biography and Schuett does not cover all of Kelsen's ideas. However, it is a genuinely powerful account of Kelsen as a man of ideas and convictions and as such is an intellectual biography.

7 Unless otherwise specified, all citations in this section refer to Lagi 2021.

8 Unless otherwise specified, all citations in this section refer to Tönnies 2021 [1931].

9 The essay "Ferdinand Tönnies: Utopian Visionary?" is found in *Sociological Theory,* volume 13, number 1, pages 58-65, and I was that young author. At the time, I had no idea that the invitation by the editor, Alan Sica, to write an essay on Tönnies would be the beginning of an almost thirty-year friendship and that that submission would lay the groundwork for me to become an internationally recognized Tönnies expert. Somehow, I think that Tönnies himself would not have been at all surprised by either matter—he had a remarkable understanding about human relationships and the chances for academic and scholarly success.

10 Unless otherwise specified, all citations in this section refer to Hacke 2021.

Review

Mad Hazard by Stephen Turner

JONATHAN B. IMBER
Wellesley College

Memoirs by sociologists are rare, owing largely to an historic, antiseptic[1] conditioning at one time in the name of Science and refracted as "Theory" and "Methodology." The boundary maintenance was supposed to separate the subjective from the objective as well as fact from value (and even the personal from the political). Those separations no longer apply, giving rise to an abundance of reflections, both personal and professional. The proof texts are legion. Consider in the span of little more than a decade the following edited collections:

> Bennett M. Berger, ed., *Authors of Their Own Lives: Intellectual Autobiographies by Twenty American Sociologists* (Berkeley: University of California Press, 1990).
>
> Martin Oppenheimer, Martin J. Murray, and Rhonda F. Levine, eds., *Radical Sociologists and the Movement* (Philadelphia: Temple University Press, 1991).
>
> Ann Goetting and Sarah Fenstermaker, eds., *Individual Voices, Collective Visions: Fifty Years of Women in Sociology* (Philadelphia: Temple University Press, 1995).
>
> Barry Glassner and Rosanna Hertz, eds., *Our Studies, Ourselves: Sociologists' Lives and Work* (New York: Oxford University Press, 2003).

What is striking is how the many contributors to these edited collections take for granted that they are actually doing something quite different than scientifically based scholarship. An epigraph in Sarah Fenstermacher's concluding chapter in the 1995 collection announces:

> *There's more to the self than Mead's, the "I".*
> *—Anonymous*

Yes, and Mead called the "more" both "me" and the "generalized other." But the generalized other confuses us about how to make sense of such assertive titles as "authors of their own lives," "individual voices," and "our studies, ourselves." Subjectivity is notorious for concealing not only *what* a person is thinking but what motives may be informing such thinking. The deeper you go, the clearer it becomes that the memoir is itself a kind of motive, an aspiration to exemplify one's existence in all sorts of familiar terms that the generalized other ordains.

This is an introductory and lengthy way to consider Stephen Turner's remarkably detailed account of the inevitable merger of the personal and the professional in the life of what Logan Wilson called the academic man.[2] As a prelude, the first fifty pages of his memoir recite a fascinating genealogy, replete with a physiognomic anecdote about his French roots. He offers a trenchant, despairing account of his early life in Chicago where the murders of the local barber and dentist were part of his earliest memories. This took place in a momentous time of transition in the South Side of Chicago with the arrival of African-Americans leading to white flight. A move from his first neighborhood to another nearby led to years of bullying by local boys, reminiscent of the experiences of another sociologist who grew up in Harlem several decades earlier.[3]

Turner describes his family circumstances (particularly his relationship with his father) and his educational experiences until college as important for his later realization that he was an intellectual, and a sociologist at that: "It is a commonplace that people who are excluded from society, or separated from it in some way, are prone to becoming sociologists: society and its variations are an unavoidable intellectual problem for them. Sociologists have often come from missionary backgrounds. They experienced one social world in a marginalized way as missionary children, only to return to a society they were also marginal to. I was born into the most studied of sociological domains – the South Side was the laboratory of the University of Chicago Sociology department. But it was a domain in decomposition and one in which I was multiply marginal" (p. 29). His accounts of being a voracious reader likely contributed to the kind of marginality that created in him a longing to get to the bottom of things along with an impatience with others (including many sociologists) whose careers succeeded further on multiple surfaces that placed ambition for professional and public recognition above learning for its own sake.

A quarter of the way into Turner's account of his various personal and political encounters, he begins his recounting of a life in academic sociology with anecdotes about conflicts in departments while expressing his fidelity to what Chicago meant to him: "… I had unconsciously picked up at Chicago something of the habitus of a university professor. The spats, the posturing, the administrative work-arounds that always had to be negotiated, the recognition that rules were there to be bent or overridden, the need to find the right person to sign the right document, all of which are normal to academic life, were already normal to me. And I also had a kind of attunement to the relation between hierarchy or status and real merit and real knowledge, and I recognized that they were different things. Tulane was the first place I really exercised any of these minor talents, but not the last" (p. 52). At the same time, from the standpoint of intellectual conflict, the enormous popularity of sociology (pop and otherwise) that grew out of the 1960s led to an internecine warfare between adherents of quantitative and qualitative research, whose nearly hand-to-hand combat brought forth the first order of intellectual polarization that would eventually be more or less reconciled but followed by an even more pernicious ideological tribalism.

The emerging voices of feminist sociologist were the first significant sign of ideological commitments ascending in the profession.[4] Initially, the appearance of growing numbers of women in any profession would be derisively called "feminization". What stands out in retrospect is that in its earliest phase, affirmative action was intended to increase the supply of women in all the professions. Medicine is an illustrative case in point. In the present decade, more women than men will become physicians, leaving the remaining challenge of "equity" a matter of breaking the "glass ceiling". All the while that the supply and demand curves were mutating, Turner stuck to his guns, in pursuit of creating a niche for himself between sociological theory and the philosophy of science.

The forging of his academic career takes up an extensive part of his memoir. This includes a kind of codicil to the idea of paradigm shifts in the history of science. Instead of direct head-on collisions with a reigning consortium of sociological masters (e.g., Parsons and Merton), as Turner discovered: why not publish in a journal not under their direct influence? If there ever was an intellectual center in sociology, by the 1970s, it would not, indeed, could not hold. I wonder if the same status and ideological dynamics that animated the transition from Lewis Coser's *Masters of Sociological Thought* to Patricia Madoo Lengermann and Gillian Niebrugge's *The Women Founders: Sociology and Social Theory 1830-1930* are indicative of the

inevitable generational conflicts that a marginal sociological figure like Lewis Feuer recognized in both his *The Conflict of Generations: The Character and Significance of Student Movements* (1969) and *Ideology and the Ideologists* (1975).

Half-way through the book, Turner recounts an epiphany following a summer seminar led by Richard Rorty at Princeton. The search for moral universals by way of social theorizing was a fool's errand: "… the conflicts between social theories were not decidable. No amount of critique would make Parsonsianism or Marxism go away. They each illuminated something, but very partially, so they could not pretend to be a comprehensive social theory, or even the correct social theory. Nor did they, or need they, share standards, count the same things as scientific, and so on. They were not 'paradigms,' in Kuhn's sense, because they never could shoulder out their rivals. Sociology was not a 'multi-paradigm science,' either, because what was wrong about these 'paradigms' is that their aspirations for closure were bogus" (p. 98). This was not a Mertonian epiphany arguing for a demotion from "grand" to "middle-range" theory. Instead, as I would concur, sociology has always been productively caught between explanation and practice, that is, between making sense of the world and living in it. This is one highly commendable aspect of Turner's approach to memoir writing.

The importance of J. P. Mayer in assisting Turner in his intellectual development cannot be underestimated. The growing awareness of the stifled and arrogant presentations of mainstream social theory brought Turner in touch with a canon of debates and debaters that included the work of Leo Strauss, Christopher Dawson, T. S. Eliot, Michael Polanyi, Michael Oakeshott, Friedrich Hayek, Karl Popper, Jürgen Habermas, Hans-Georg Gadamer, and others. These new intellectual alliances help to explain Turner's obvious contempt for the then better-known figures in sociology. But rather than wallow in such contempt, he has used it to provide an object-lesson in the kind of perseverance that can turn personal and professional circumstances into scholarly achievement. A transcendent serendipity is often at work when hope diminishes. Turner never expresses the sorts of self-pity now dominant in our therapeutic culture. His expansive learning regarded the internecine battles over Ph.D. requirements in sociology as of the lowest importance compared to questions such as what could be said about an abiding nihilism among European intellectuals and the rise of Nazism and what might Weber had said about Hitler. I would add that battles over statistics requirements are a uniquely American form of nihilism.

Turner recounts the ways in which a foray into research about John Wesley Powell and the U.S. Geological Survey anticipated a broader research agenda around the question of "how can claims of expertise be reconciled with liberal democracy as a political form?" (p. 124). This led to other research projects including a fascinating inquiry into differences between the operations of science versus social science journals. Interspersed with these accounts are illuminating reminders of the "ideologization" of the American Sociological Association. In the 1980s, Turner notes, the ASA "had been taken over by SWS (Sociologists for Women in Society)." One mafia was succeeded by another. A censoriousness accompanied these successions, regardless of who assumed the power, as illustrated by James Coleman's experience of the negative reaction to his work on white flight, which led to his never attending another ASA meeting. As Turner's enthusiasm for the ASA waned, he pursued more rewarding opportunities by attending meetings of the American Political Science Association and sometimes the Philosophy of Science Association.

Turner's discussion of why the history of sociology is important for understanding the foundations of contemporary progressivism is well done: "Sociology was the last living relic of the great social reform movements of the nineteenth century" (p. 136). But "Merton, Parsons, and the attempt to create a behavioral science of sociology was a disaster – of historical interest and intellectual interest only as a disaster, The evolving 'progressive' ideology, in contrast, was both an intellectual disaster and a political and academic success" (p. 137). These are wise insights, indicating why the work of Parsons and to a great extent, Merton, have all but disappeared from a canon of sociological theory that now requires the stamp of intersectional approval upholding progressive ideals while abandoning professional boundaries. Such an argument is congenial to no surviving side with any voice in present debates.

The last quarter of *Mad Hazard* is in its own way, depressing, except for the touching interludes of Turner's celebration of his marriage and family life. He captures in granular detail the shifting prospects of publishing in sociology which, by the 1990s, precluded many of the topics that were important to him. In one respect, his narrative makes considerable sense seeing how his accounts of the struggles that brought sociology much attention in the 1960s had by the 1990s produced the bitter fruits of grievance and accusations of discrimination and worse. I do think he appreciates that these transformations were not unique to sociology, only that sociology led the way in promoting the new dispensations of ideological purification. No one inside or outside of academia has really escaped this process whether as proponents or critics.

We do not learn of Turner's seemingly terminal illness until the final few pages. His gratitude for a vocation of immense value to him (and certainly many others) confirms for me that all gratitude is local, right down to the paws of a cat.

NOTES

1 Already in 1965, Rose Laub Coser, reviewing Phillip E. Hammond's edited collection *Sociologists at Work: The Craft of Social Research* (1964) in the *American Journal of Sociology* noted, "The publication of this book marks a turning point from the 'antiseptic' approach to research, which makes believe-and unfortunately inculcates this into students with oftentimes paralyzing consequences-that research consists in proving or refuting an initially well-formulated hypothesis through an initially well-formulated research design." Of course, in more recent times, the celebrity intellectual, although few among sociologists, would be more likely inclined to write a memoir, since positive public notice is no doubt highly correlated with self-importance.

2 Logan Wilson, *The Academic Man: A Study in the Sociology of a Profession* (New York: Oxford University Press, 1942). Two decades later, Jessie Bernard published *Academic Women* (University Park: The Pennsylvania State Press, 1964).

3 Irving Louis Horowitz, *Daydreams and Nightmares: Reflections on a Harlem Childhood* (Jackson: University of Mississippi, 1990). 2nd ed., 1998.

4 Feminism achieved the loudest and most sustained voice on the basis of the growing number of women in the profession. On the other hand, race and racism—specifically in regard to African Americans—produced a much longer history of dissent within sociology, starting with W. E. B. Dubois' profound meditation on why he left the field. See W. E. B. DuBois, "Sociology Hesitant," in *boundary* 2 27:3, 2000, pp. 37-44. And see also Joyce A. Ladner, *The Death of White Sociology* (New York: Random House, 1973).

Editorial Information

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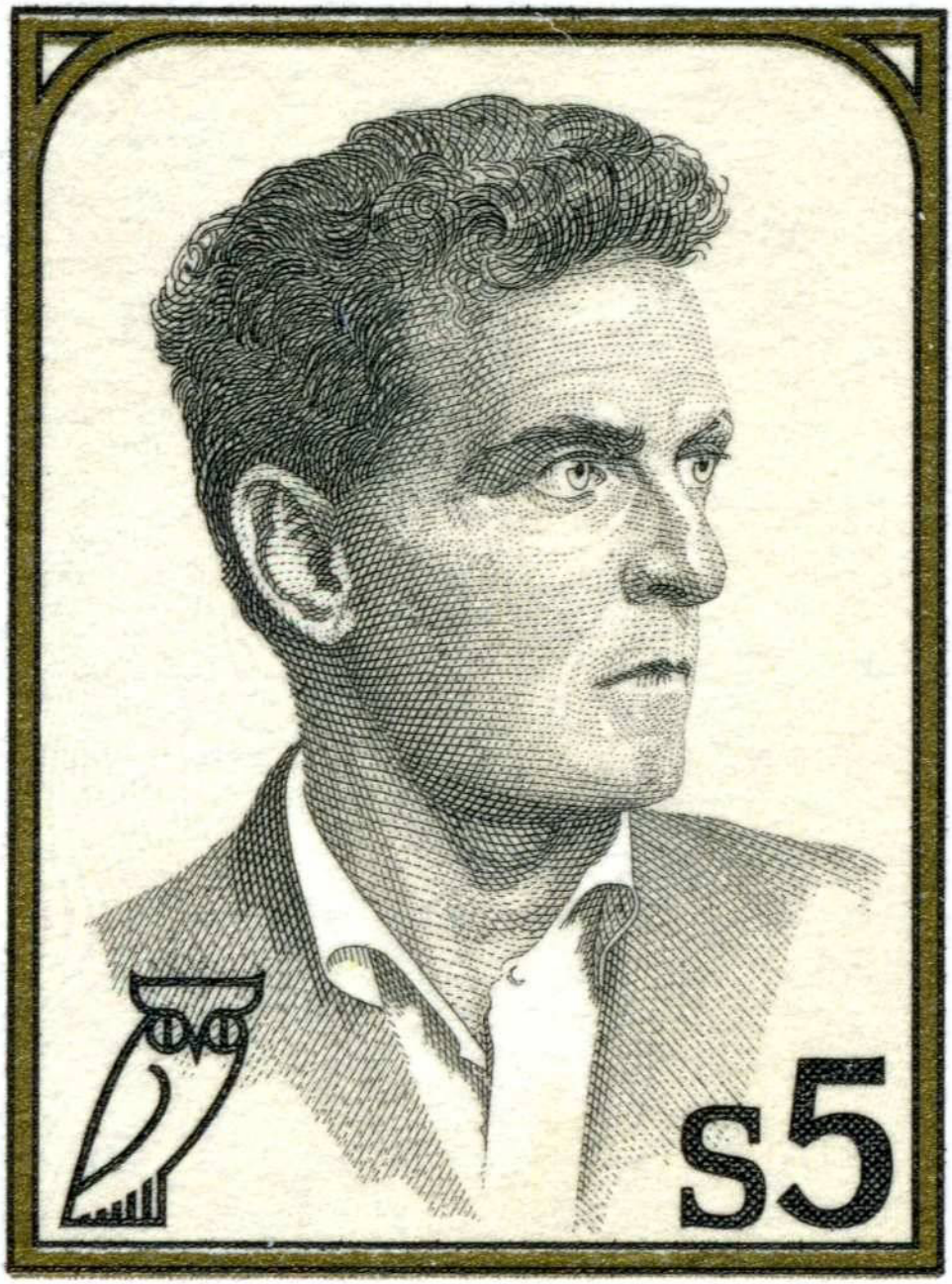

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