

ETHICS AND HERMENEUTICS

ETHICS AND HERMENEUTICS:

AN INVESTIGATION INTO CRITICAL REFLECTION

By

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ABSTRACT

The central problems investigated in this thesis concern the theory and practice of critical ethical reflection from the standpoint of hermeneutical philosophy. The overriding questions addressed in the thesis are, does hermeneutical philosophy leave us with an attenuated conception of, or diminished capacity for, ethical critique, as certain of its critics maintain? How is critical reflection possible in lieu of foundations and formal decision procedures, and what philosophical resources are at its disposal? More fundamentally, what is involved in the practice of critical reflection? In arguing that such reflection is best viewed as a mode of hermeneutic discourse, questions arise concerning the role served by moral imagination in the practice of critique. It also raises questions concerning the role, if any, which ethical theory serves in informing a critique of human practices. Does critical reflection require the assistance of an ethical theory? If, as I contend, it does, then what method of theorizing is consistent with the principles of hermeneutics? Finally, how does hermeneutical philosophy view the relation between theory and practice in moral philosophy?

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INTRODUCTION

HISTORICAL CONSCIOUSNESS AND THE QUESTION OF ETHICAL CRITIQUE

Philosophers have too often posed ethical questions within terms appropriated from the theory of knowledge. How is it possible, it is commonly asked, for evaluative judgments to acquire the kind of certainty that we have come to expect in modern philosophical argumentation? How may we provide an objective grounding for the various moral and political commitments, the social practices and institutions, which we defend and which constitute the social world to which we belong? What arguments could defeat the moral skeptic and provide each individual with a compelling answer to the question, "Why be moral?" The aspiration to provide objective foundations and explanations for ethical life has dominated much of the history of moral philosophy from Plato to the present. Underlying these questions is a certain epistemological anxiety about the truth value of our deepest convictions and the worthiness of our way of life as a whole. We are cautioned by philosophers of various schools that unless our moral lives are founded upon incontrovertible knowledge--knowledge of the right and the good, of divine commands, of human nature, or of the nature of rationality--they will remain unreflective and unguided. Practices and judgments alike will be without justification until they are brought under the tutelage of principles whose truth value can be demonstrated with certainty. Moral philosophy thus

serves what are essentially epistemological ends, and its functions are to provide a systematic grounding for practices, to generate principles for the justification or correction of evaluative judgments, and to legitimate our culture from the ground up.

The dominant schools of modern ethical thought have long maintained that the only protection against arbitrariness in matters of moral judgment consists in methods of investigation patterned after the rational demonstration of scientific and mathematical reasoning. Kantian deontologists, contractarians, and utilitarians each propose formal procedures for testing or deriving particular judgments, methods which serve as our sole protection against moral skepticism and which safely guarantee the truth of our convictions. This otherwise diverse group of theorists shares a commitment to an epistemological ideal according to which principles which are derived by a faculty of autonomous reason function as major premises in deductive arguments, the conclusions of which represent well founded normative judgments. Theoretical principles have a foundational status in moral reasoning and inform us of the proper course of action to be followed by all persons and in all cases. Ethical reasoning is thus a rule-governed procedure of deduction, derivation, and calculation. It is a mode of problem solving which requires strict adherence to formal methods and algorithms akin to those employed in scientific investigation. Such methods specify the conditions under which an action may be said to be right or good. They constitute rules which make right actions right and good actions good. Given their epistemological aspirations, most traditional moral philosophies require both foundational principles and formal methodology to provide an

objective basis for social practices, to resolve conflicts between persons with competing interests, to guarantee the truth of our judgments, and in general to pave the way toward well founded moral knowledge.

As rational beings, we have the capacity on the traditional view to rise above the realm of customary norms and expectations, to assess and correct these from the vantage point of morality as such or from "the moral point of view." It is by means of our rational faculty that we may transcend the sphere of the contingent, the local, and the practical to a realm of the necessary, the universal, and the theoretical, to rise above the fray of everyday communication with all of its uncertainties and ambiguities and to assume the standpoint of universal judge. Ethical reasoning is commonly said to occur from this objective standpoint, and the principles generated from this perspective apply to all human beings irrespective of their historical traditions. Moral reason is thus a faculty providing pure unconditioned insight into the truth about justice and the good. Its determinations do not vary either from person to person or from case to case, and the principles which it generates are both universal in their application as well as necessary, impartial, and self-consistent. Principles serve as decision procedures which, when properly applied, render all moral conflicts resolvable in principle.

While serving much the same epistemological ideal, ethical theories are traditionally of two kinds. Teleological theories draw attention to the consequences of moral actions while deontological theories assert that what makes a right action right is a certain feature of the action itself. Deontology in its Kantian form asks us to consider whether the maxim which is inherent to an action passes a test of universalizability, while in

its intuitionist forms deontological ethics evaluates actions on the basis of self-evidently apprehended duties. Teleological theories assert that the single dominant consideration determining the moral status of an action is the consequences which it produces, most often as they pertain to the balance of utility and disutility. Ethical reasoning for consequentialists and deontologists alike is a matter of formally deriving the correct solution to a problem in accordance with rules. This takes the form in deontological theories of a general test such as the categorical imperative which an action must pass if it is to be considered morally praiseworthy, while in consequentialist theories ethical reasoning is assimilated either to a hedonic calculus or to other forms of cost-benefit analysis. Both types of theories focus attention upon a single dominant feature of moral conduct, typically either the consequences of an action or the motives of the agent who performs it. Formal reasoning requires that we abstract from all but a single overriding consideration which alone has moral import, while all the remaining features of human action are discarded as irrelevant or morally uninteresting. It requires further that we abstract from such contingencies as the prevailing attitudes and expectations that characterize our time and place, local norms of conduct which are passed down via tradition, the manner in which individuals and communities understand themselves and their history, and so on. For deontologists and teleologists alike, moral philosophy is a fundamentally epistemological enterprise dominated by conceptions of rationality which fall strictly within the domain of formal methodology. It is principles, rules, criteria, and decision procedures which, on the traditional view, are the indicators of reliable moral knowledge.

Critics of what has come to be called ethical foundationalism and formalism have issued a series of objections in recent years against what they perceive as modern moral philosophy's epistemological quest for certainty.¹ Incorporating arguments from such diverse thinkers as Aristotle, Hegel, John Dewey, Friedrich Nietzsche, Martin Heidegger, and numerous others, nonfoundationalists of various schools of thought have been dubious about many of the epistemological and often metaphysical assumptions underlying much of the moral and political thought of modernity. While not all of their criticisms can be rehearsed here, two of the more compelling arguments against foundationalist and formalistic rationality deserve to be noted briefly since both of these arguments are presupposed in, and form the main problematic of, the chapters that follow.

First, formalistic conceptions of rationality which assimilate ethical to scientific or mathematical reasoning are often criticized for glossing over the essential difficulty, ambiguity, and complexity of our moral lives and imposing upon them simplistic models of reflection. Allying moral reasoning with scientific investigation, complete with algorithms for computing correct solutions to problems concerning justice and the good, requires us to abstract from precisely what must be held in view--the layers of complexity and significance, the ineliminable difficulties and conflicts which belong to human action. In their quest for theoretical simplicity, formalistic rationalities focus attention upon too narrow an object domain and ask us to consider only certain specific features of moral action as worthy of attention. We are told by both deontologists and teleologists that we are forced to choose between

awarding exclusive moral relevance either to the outcomes of an action or to its motive with no possibility of a third alternative. For Kantians, we need only inquire into the motives of the agent in determining the moral status of an action, and whether this passes a test of universalizability, without consideration of the consequences of the action, while for consequentialists the operation is reversed. For utilitarians, we need only consider the outcome of an action and determine whether the net utility produced exceeds its net disutility as compared with alternative courses of action. These formalistic modes of reasoning serve to promote conditions we observe today in which complex matters of public policy increasingly are articulated in the language of cost-benefit analysis, an operation which is facilitated by research in the social sciences and which employs a vast array of models for predicting outcomes and computing the net utility of various courses of action. Discussion of ethical and political questions is increasingly pervaded by the insipid language of the scientist's laboratory or of the marketplace as a consequence of the quest for epistemological rigor and the idolizing of scientific method. Ordinary capacities such as practical judgment, moral imagination, and perception are displaced by scientific expertise complete with techniques for ascertaining the truth about how human beings ought to conduct themselves and which principles should govern their moral and political lives. The practice of dialogue is displaced by decision procedures for determining how our practical affairs may be managed with optimal efficiency. Lost in the shuffle of techniques of formal computation are perceptions of the significance of our actions, perceptions which are attentive to the richness and complexity of the phenomena and to their

meaning within a broader fabric of ethical life. The complexity of social phenomena, the specific context within which moral action occurs, the human significance of our forms of interaction, the manner in which our actions constitute us as moral subjects, the ways in which social practices inform our understanding of ourselves as individuals and as members of communities, the layers of meaning which belong to human action are glossed over in an endeavor to be scientific, while difficult issues of judgment and moral perception are reduced to simple affairs of problem solving. What is needed in moral philosophy is a conception of rationality which is heedful of the complexity inherent to our moral lives, which does not gloss over the difficulty of moral experience, but allows us to cope with such difficulty in a reflective manner. This cannot be achieved until the fascination with scientific methodology and the quest for epistemological certainty are put aside.

A second criticism directed against main line ethical theories pertains to the alleged capacity of moral reason to occupy the perspective of objectivity in forming judgments about human affairs. The dream of transcending the fray of ordinary dialogue and achieving complete distantiation from historical traditions--whether this takes the form of a scientific, a priori, or prior to society perspective--is one which we are increasingly being urged to abandon. Hermeneutics, postmodernism, pragmatism, and a variety of other nonfoundationalist schools of thought have insisted that philosophers take seriously the proposition that our reflective capacities have limits. Reason is not a faculty of pure unconditioned insight which severs all connection with local traditions and objectively surveys social reality free of all presuppositions. The

Enlightenment's conception of an ahistorical rational subject who, bracketing all preconceptions, sets out to discover first principles as a foundation for reflection, and then reasons from these to particular conclusions on the basis of rules formulated a priori, thus producing well founded judgments about what morality requires, is a myth which in the aftermath of Nietzsche, Heidegger, and others we can no longer accept. What these thinkers in particular have demonstrated is the futility of the search for ahistorical foundations and the mythical nature of reflection which begins from scratch or attains a perfectly unclouded perception of reality. Epistemological skepticism about the capacity of reason to transcend the historical world and to comprehend phenomena *sub specie aeternitatus* is part and parcel with moral skepticism about foundations and objective standpoints which transcend the realm of practices and traditions. The myth of "the moral point of view," conceived as an ahistorical perspective on human affairs, a place from which we may coolly oversee and evaluate any and all modes of human interaction in the neutral manner of a referee, can no longer be taken seriously. Whether the moral point of view assume the Kantian form of a transcendental perspective on ethical life, the contractarian form of a prior to society perspective, or the scientific form of a penultimate stage in the development of moral consciousness, the standpoint of "morality as such" is no standpoint at all. Ethical reasoning always occurs from a finite perspective, and the degree of illumination which it achieves in its perceptions of moral action is always limited by the perspective it occupies. What is needed in moral philosophy, then, is a conception of rationality which recognizes the finitude of human reflection and which

does not pretend to an objective or God's eye point of view. Moral reason must be viewed as being "always already" under way, as operating from a finite perspective within the realm of practice, language, and historical tradition.

The thesis that all forms of knowledge and reflection are characterized by an inescapable historical contingency has been taken up in recent decades by critics of foundationalism generally, yet it has received its most pronounced emphasis in hermeneutical philosophy. Martin Heidegger and Hans-Georg Gadamer in particular have placed the themes of history, tradition, language, and human finitude at the forefront in their thoughts concerning everything from aesthetics to ethics to the nature of understanding. What these and other hermeneutical philosophers emphasize is that contrary to the Enlightenment's epistemological ideal of attaining presuppositionless and aperspectival knowledge through the application of methodology, all modes of reflection presuppose certain prereflective understandings which represent our inheritance as members of historical communities. Reflection is always situated within a finite perspective and limited in the insight that it can achieve. It is limited by the very conditions that make reflection possible, in particular by the language we speak and by the prereflective judgments and understandings presupposed in all efforts to comprehend what confronts us in consciousness. Human understanding is always situated within a horizon of tacit beliefs and presuppositions which are not entirely of one's own making and which inevitably inform our perceptions of the phenomena. There is no unconditioned insight into either a reality in itself or a set of moral facts which obtains objectively.

Hermeneutics recommends the adoption of a certain historical consciousness not only in interpreting texts from periods other than our own, but with equal importance in our thinking about philosophical questions generally, including our approach to ethical and political theory. We must remain cognizant of our participation in historical tradition and of the historicity of knowledge in all its forms, rather than continue to pursue the Enlightenment project of somehow leaping out of history and starting from scratch. The project of abstracting from all beliefs not rooted in self-evidence and subjecting these to strict methodological tests to establish their basis in truth presupposed that our relation to history, language, and tradition is that of subject to object, that if we set out from the proper foundation, find the proper method and follow its dictates scrupulously we may pull ourselves up by the proverbial bootstraps and transcendentalize our way out of history. It overlooked the essential historicity of human existence--the inevitability of our belonging within historical traditions and the rootedness of all reflection within a finite perspective. "Historicity," "contingency," and "linguisticity" all refer to the situatedness of human understanding within a particular horizon of inquiry passed down through tradition and remaining largely presupposed in consciousness. A framework of linguistic categories and historically constructed understandings allows us to make sense of the phenomena which confront our awareness, thus rendering history something in which we continue to participate rather than something over and done with, an object behind us from which we may achieve complete distantiation. As historical beings, our consciousness of the phenomena--whether it be empirical, aesthetic, ethical, or what have you--is simultaneously made

possible and limited by the perspectives furnished to us by our history. What hermeneutics urges, then, is for reflection to become aware of its own conditions of possibility--to view itself as historically situated, linguistically mediated, and contingent (or as lacking any kind of a priori necessity). Historical consciousness serves as a reminder both of our continuing participation in practices, language, and tradition, and of the fact of our having been effected in our consciousness by such participation. It urges us to remain aware of the fact that human understanding has limits which no amount of formal methodology could allow us to transcend.

A measure of hermeneutic or historical consciousness has recently taken root in a variety of nonfoundationalist and nonformalistic approaches to moral philosophy. Uniting these approaches is a shared skepticism about many of the metaphysical and epistemological assumptions underlying much of the history of ethics. Metaphysical assumptions concerning everything from the form of the good to theological cosmologies, natural law, human nature, rational choice, and so on, are rejected along with epistemological notions of certainty, self-evidence, and a priori necessity. Authors on the both sides of the Atlantic as diverse as Hans-Georg Gadamer, Michel Foucault, Jürgen Habermas, Jean-François Lyotard, Richard Rorty, Alasdair MacIntyre, Bernard Williams, Michael Walzer, and numerous others, are one in rejecting assumptions about moral reason as a timeless source of insight into the truth about justice and the good. In different ways and with different shades of emphasis, these authors all draw attention to the facticity--the "always already"--of ethical reasoning. They emphasize the rootedness of ethical and political

discourse within finite conceptual frameworks and the impossibility of transcending these by means of moral epistemology.

Also uniting several nonfoundationalist schools of thought is a rejection of the claim that ethical theorizing is either required or able to provide a grounding for social practices. Practices which take root in communities are already sufficiently reflective that they do not require transcendental guarantees or wholesale justifications of the kind that moral philosophers have often sought to provide. The principal question of ethics, then, can no longer be how we can ground our practices and judgments on a secure foundation. Such grounds are neither required nor possible. The skeptic who expects moral theory to provide either objective grounds for our practices or a definitive answer to the question, "Why be moral?" is, like the Cartesian skeptic, asking for the impossible. No compelling answer to the latter question will be forthcoming for the reason that the question presupposes both the need for wholesale justifications and the possibility of external or totalizing perspectives. The epistemological anxiety--what Richard Bernstein has called "Cartesian anxiety"²--underlying both the search for objective grounds and hyperbolic moral skepticism no longer warrants serious consideration.

What does warrant serious consideration, what emerges in the aftermath of foundationalism as the principal question of ethics, is the question of how it is possible, given the situatedness of moral reason within finite perspectives, to critically reflect upon the practices, institutions, traditions, and so on, which constitute the social world to which we ourselves belong. How can a rationality which is rooted in

historical tradition adopt a critical posture toward the same tradition?
How can the very conditions which make reflection possible themselves be subject to critique without generating an impossible circularity? If not from the standpoint of unconditioned objectivity, from what standpoint is social criticism of the ground on which we stand possible?

It would be well to bear in mind here that philosophers who renounce foundationalist epistemological aspirations are not thereby relieved of the responsibility of informing us how ethical critique is possible--specifically, from what perspective it occurs, what resources, principles, or methods are at its disposal, and how it can make it possible for us to philosophically adjudicate moral conflicts within the limits of our capacities. If theorizing is not required to provide foundations for social practices, it is still required to inform and educate our attempts at critically reflecting upon such practices. In addressing questions of this nature, I shall begin with the premise that critical ethical reflection is never a question of performing a wholesale critique of tradition in its entirety. While it may endeavor to subject every norm, institution, or social practice which is handed down to us to critical scrutiny, it may not do so on a wholesale basis since there is no vantage point from which social reality in its entirety could ever be held in view. Instead, critique must occur on a more piecemeal basis, investigating phenomena one by one and not all at once. I also begin with the premise that critical reflection must occur from the perspective of "where we are," in the sense that it arises from within linguistic and historical tradition, and from within the realm of social practices. Criticism must be immanent to the finite realm of human practices. The resources and principles which it employs are

recovered from this earth-born perspective and are most definitely not transcendental deliverances from the faraway regions of metaphysics. These premises entail a return of sorts from the pristine world of metaphysical abstractions to the finite world of human beings in all of its ambiguity and uncertainty, with all of the complexity that inevitably belongs to human action and the layers of significance which characterize all morally interesting phenomena. The partiality of moral perceptions, the impossibility of unconditioned and unclouded insight, and the fallibility of even our most illuminating descriptions are all entailed by the perspectival nature of ethical critique. Taking human finitude seriously compels us to highlight both the immanent character of social criticism and the essential difficulty of achieving significant measures of illumination in our descriptions and evaluations of moral action. Critique sheds light on our modes of interaction with difficulty, and the degree of illumination that it provides is never total. Renouncing totalizing perspectives entails a further renunciation of the myth of total enlightenment in all of its forms.

These initial premises are shared not only by hermeneutical philosophers, but by several nonfoundationalist schools of thought. What is less widely shared are several further premises of hermeneutical philosophy which will be central to the manner in which I approach the main problematic of this study: the nature and methodology of critical ethical reflection. The first of these concerns the perceptual and interpretive character of critique. Critical reflection, as I shall argue in chapter two, is ultimately inseparable from the practice of hermeneutic interpretation. It is a hermeneutic mode of reflection which aims at

uncovering significance within our moral lives. It endeavors not only to judge and to evaluate but to clarify the meaning of moral action in a manner analogous to the interpretation of texts. Critique is a mode of perceiving, describing, or understanding particular contexts of moral action with respect to their significance and in light of certain principles of justice. As a mode of hermeneutic disclosure it, like interpretation generally, is not without its own conditions of possibility--including language and tradition--and is situated within a particular horizon of inquiry. Interpretive understanding, as it is spoken of by hermeneutics, is a dialogical practice that aims at clarifying an object of study through a disclosure of its meaningful character. It is an overcoming of alienation, a rendering intelligible of what confronts us in consciousness and whose meaning is not immediately apparent. I shall be arguing that ethical critique belongs to this practice, that it is a disclosure of significance subject to the same conditions and limitations that belong to textual interpretation.

In taking this view, I defend hermeneutics--and in particular Gadamer's philosophical hermeneutics--against the charge often levelled against it by proponents of critical theory--in particular by Jürgen Habermas--to the effect that hermeneutical philosophy's emphasis upon the historicity of reflection entails an absence of critical perspective in our thinking about language and the tradition within which we stand. This objection deserves to be taken seriously, and it is to a considerable degree with this problem in mind that I set about in the following chapters to formulate a hermeneutical ethics. The ongoing debate between hermeneutics and critical theory, while it has not taken moral philosophy

as its primary locus, will be of central importance in the project that follows for the reason that much the same issue arises for an ethics that places emphasis upon the themes of human finitude, language, and historical tradition as that which confronts philosophical hermeneutics. This study may be taken as a contribution to that debate, as well as a contribution to the debate within contemporary ethics concerning the possible nature of a nonfoundationalist moral rationality. The position that I shall defend, in short, is that critical reflection not only is possible for hermeneutics, but is best understood as itself a mode of hermeneutic reflection. With Gadamer, and against Habermas, I maintain that critique does not fall outside the scope of hermeneutics, but belongs to the practice of interpretive and dialogical understanding. It is a practice that uncovers meaning within human conduct in the same gesture in which it forms evaluative judgments. In taking this position--in speaking of critical reflection as perception and interpretation--I shall with conscious intent be bringing into unusually close proximity two notions which normally are sharply separated by philosophers: description and evaluation. The relation between descriptive statements (usually thought to fall under the domain of the social sciences) and evaluative judgments (usually thought of as belonging to moral philosophy proper) ought to be viewed as having a much greater intimacy than is normally thought. Ethical critique, as I shall speak of it, is simultaneously a descriptive and evaluative mode of discourse, one in which it makes as much sense to say that we are interpreting a text--hence uncovering meaning--as it does to speak of appraising the rightness or wrongness of an action. Appraisal, judgment, and evaluation must be thought together with description,

perception, and understanding. These two modes of utterance, while distinguishable in principle, are very intimately related indeed in the practice of critical reflection.

Conceiving of ethical critique as a mode of hermeneutic disclosure reflects a certain understanding of the nature of human action and of morally interesting phenomena in general. According to hermeneutics, actions may be likened to texts in that they possess a meaning which is not immediately given in consciousness. As Paul Ricoeur has argued,³ understanding human action requires much the same hermeneutic efforts as enter into the reading of a text, in that the meaningful character of the action is not given, but must be decided through an act of interpretation. Humanly significant action is, to use Ricoeur's expression, a "text analogue," the meaning of which is never automatically reducible to any single factor or consideration. Hermeneutic interpretation enters into our perceptions of moral action, yet interpretation is never without presuppositions or neutral in its efforts to clarify an object of reflection. Descriptions of human action always contain tacit presuppositions, and many of these are far from morally neutral. Interpretation always contains an "as-structure," and in the case of moral perception this as-structure is never innocent. Our characterizations of moral contexts, prior to the formation of explicit judgments, already contain tacit moral evaluations which preclude critical reflection from detaching itself from a particular standpoint and attaining an objective view of the phenomena.

Another key premise in hermeneutical philosophy concerns the centrality of dialogue in the practice of interpretive understanding. This is a theme which will be central in much of what follows. Conceiving of

ethical critique as an interpretive mode of disclosure entails that it is ultimately inseparable from the practice of conversation between speakers occupying different vantage points since it is in the confrontation of alternative viewpoints that disclosure often occurs. Critical reflection gains insight largely through the provocation of habitual characterizations of human action, and in the contestation of opposing viewpoints. In hermeneutic dialogue, differing perspectives are drawn into conversation with one another in a common effort to reach an understanding about an object of study, and in a manner which is often enriching for all parties. Interpretations are educated, tested, and provoked in open encounters with opposing perspectives. In dialogue, habitual understandings are often confronted with novel and imaginative descriptions, and it is within such confrontation that a description is found to be more or less compelling than its alternatives. Interpretations of moral action are neither generated methodologically nor tested against ideal standards. They are constructed by the capacity which is moral imagination and tested dialogically in an open confrontation of interpretations.

The theme of hermeneutic dialogue will hold center stage not only in our discussion of critical reflection in chapter two but throughout this study. Directly or indirectly, this theme will be present in each of the following chapters, including the third chapter in which I address the question of whether some manner of philosophical adjudication is possible for critical reflection. It is commonly maintained by hermeneutical philosophers that there are no unassailable techniques for generating insightful or true interpretations of texts. I fully concur with this view and maintain further that no amount of moral theorizing could eliminate

the need either for imaginative description and redescription, or for practical judgment and dialogue. Social criticism, conceived of hermeneutically, is not a rule-governed procedure. Its evaluations are not dictated by formal methods or founded upon totalizing explanations of any kind. Theory construction cannot devise procedures for producing correct interpretations of social phenomena. What it can do, I shall argue, is generate principles which can inform and educate critical reflection by helping to detect the salient features of moral action. I defend the view that while critique is indeed possible without moral theorizing, the degree of rational force such reflection can claim is not without limits, and that these limits are a cause for serious concern when issues of justice arise. Modelling ethical critique upon the practice of hermeneutic interpretation--the mode of discourse most commonly practised within the humanities--creates much the same difficulty as besets much humanistic argumentation: the apparent intractability of many of its disagreements. Interpretive disputes, while very often productive or even edifying in their capacity to provoke thought and achieve insight into previously undetected layers of meaning, are not always innocuous when the objects of protracted disagreement are contexts of moral action in which injustices--or claimed injustices--arise. When one person's private quest for fulfillment is another person's harm, or when one group's particular conception of the good is perceived as a violation of the autonomy or dignity of others, we have a very good reason indeed to inquire into the possibility of adjudicating conflicts in which justice considerations arise. Injunctions to continue "the conversation that we are" or to perpetually redescribe moral action until something approaching consensus emerges is of limited

usefulness when what is in question in such interpretive disputes is not only the significance of our actions but human life itself. Interpretive undecidability, while (arguably) an ineliminable feature of certain academic disputes between humanists, is far from innocuous in the practical realm of human affairs. Some manner of philosophical adjudication--in however modest a form, and whatever the limitations to which it is subject--is very much in demand when conflicts of interpretation become issues of justice.

It is here that moral theory has an indispensable role to play in educating critical reflection. The function of moral theorizing is to articulate a conception of universal right which shall set limits to the manners in which persons, groups, or entire societies may legitimately pursue their visions of the good. Its task is to justify a set of principles which are protective of human dignity and autonomy, which prevent the indignity of individuals becoming mere objects of the will of other individuals or groups, and which safeguard for all human beings a domain in which they are at liberty to pursue whatever values they hold without undue interference from other individuals or from the state.

Acknowledging the situatedness of reflection, I argue, does not preclude the possibility of constructing a universalistic conception of justice. It entails that we must renounce only certain forms of moral theorizing, specifically those that seek objective grounds for social practices or transcendental guarantees of the correctness of evaluative judgments. Abandoning totalizing perspectives precludes us both from privileging any particular conception of the good and from regarding any set of interpretations as uniquely and supremely authoritative descriptions of social phenomena. Yet it does not preclude moral theory in all of its

possible forms, nor does it force us to abandon principles of universal right. What it entails is that any universalistic position we adopt must retain an attitude of historical self-consciousness and not pretend to sever all connection with the finite world of practice by means of a pure, unconditioned rationality. Moral theorizing can proceed within the limits of reflection by taking its bearings from within the realm of practice itself, specifically from the universal human practice of hermeneutic dialogue. The practice of dialogical understanding contains an implicit normative dimension which it is the function of hermeneutical ethical theory to render thematic. This will be our task in chapter three. There I shall argue that when we think through the ethical implications of a communicative practice which is unconstrained and oriented toward a condition of mutual understanding, what are generated thereby are principles of universal right reminiscent of the liberal virtues. This argument bears a close methodological resemblance to Habermas's communicative ethics, although the orientation of the conception of justice which I defend is much more in keeping with the liberal tradition than with Habermas's neomarxist view. The task of moral theory, on my view, is not to devise procedures for problem solving or for testing evaluative judgments, but to educate our perceptions by helping to identify the salient features of moral action. Normative theorizing does not provide a grounding for practices but informs our efforts to critique them. It introduces a (modest) measure of philosophical adjudication into interpretive conflicts while stopping short of providing objective tests of the correctness or accuracy of interpretations. It refrains from privileging any of our perceptions as definitive insights uniquely

bestowing of enlightenment and recognizes the ineliminable partiality and incompleteness of the most illuminating of descriptions.

Chapter three's discussion of theoretical rationality, of the aims and methods of what I shall call hermeneutical ethical theory, is followed in chapter four by an analysis of practical rationality. Here, our central preoccupation concerns the relation between the theoretical and the practical in moral philosophy. The distinction between theoretical and practical reasoning primarily turns upon the presence or absence of methodology in reflection: ethical theorizing is a mode of argumentation employing methods for the philosophical justification of principles of justice, while practical reasoning is a nonmethodological and interpretive mode of perceiving particular actions in light of these principles. The principal concern of theoretical reasoning lies with universal principles and the methods which may establish their justification, while practical reason's overriding concern lies with not only universals but particular contexts of moral action and with the problems associated with applying general principles to individual cases. The fourth chapter provides a more detailed elaboration of the claim made in chapter three that the value and function of moral principles consist in their capacity to educate our perceptions. How, in practical terms, do principles offer assistance in critical reflection? How do principles inform efforts to determine what justice requires, not in the abstract, but in actual cases of moral conflict? If principles do not constitute formal decision procedures for the deduction of correct judgments, then of what value are they in moral reasoning? I address these questions in a discussion of the nature of practical judgment and the manner in which it applies universal principles

to particular cases. Practical reasoning involves the application of theoretically generated universal principles to specific contexts, and in a manner which is not dictated by rules. It is a skillful exercise in reconciling universals and particulars, and in adjusting principles to the particular requirements of individual contexts. The analysis of practical judgment that I provide has its roots in three distinct but not unrelated traditions, namely the Aristotelian ethical tradition, philosophical hermeneutics, and the tradition of American pragmatism. My treatment of practical rationality incorporates key elements in the ethical thought of Aristotle, Gadamer, and John Dewey, without attempting any forced reconciliation between these three important, and in many ways diverse, figures. What I articulate, in short, is a conception of practical reason which is at once hermeneutical and pragmatic. It is a nonmethodological and interpretive mode of analysis which is constantly attentive not only to principles but above all to context and to the practical consequences for individuals of our judgments.

This investigation into critical reflection represents an attempt to think in the interstices of certain traditional philosophical dichotomies which are increasingly, and rightly, falling into disfavor. With Nietzsche I share a suspicion of many of the usual dichotomies of modern thought, particularly those arising within moral philosophy. Objectivism or subjectivism, formalism or decisionism, neutral grounds or unguided choice, knowledge or opinion, necessity or contingency, deontology or consequentialism, theory or practice are several of the traditional oppositions which in the aftermath of foundationalism appear to have outlived their usefulness. It was only on the basis of foundationalist

epistemological assumptions that these dichotomies appeared to have any legitimacy, and rejecting these assumptions entails rejecting the dichotomies to which they gave rise. Recent attempts by a variety of authors to develop a nonfoundationalist conception of moral rationality have also given rise on occasion to new sets of oppositions which, on my view, are equally undeserving of our assent. Frequently we are asked to choose between foundationalism or conservatism, formal reason or local customs, totalizing perspectives or some form of collective decisionism. Giving up the quest for objective grounds, it is sometimes maintained, forces us to retreat into the realm of the local and to abandon any and all forms of moral universalism. Guilty by virtue of its association in modern thought with foundations, ahistorical perspectives, and a priori theorizing, universalism is often rejected in favor of whatever moral and political commitments have gained currency within our communities or are appropriated from local tradition. It often seems as if we are forced to choose between one or another pole of a dichotomy, that if we are committed to abandoning foundationalism and acknowledging the fact of human finitude then we must adopt some form of conservatism or localism, or that recognizing the situatedness of reflection within the realm of practice forces us to renounce theory construction in all of its forms. While it often appears as if these are the only options available to us, I shall be arguing throughout that this in fact is not the case. Each of these oppositions deserves to be subverted and replaced with a conception of ethical theory which is simultaneously universalistic in its aspirations as well as respectful of the limits and rootedness of critical reflection. My aim is to formulate an historically conscious universalism--

one which abandons the perspective of unconditioned objectivity without giving up the perspective of universality. An historically conscious moral universalism introduces an important element of philosophical adjudication into our interpretive conflicts without dogmatically privileging any set of interpretations as correct or definitive. Critical reflection may never uncover objective meanings, final truths, or moral facts, but neither is it an affair of unreasoning frivolity. It is a practice that provokes and informs our perceptions of human interaction with a claim to philosophical rationality.

Different conceptions of ethical and social criticism have been much debated in recent decades by many of the discontents of foundationalism. Among moral philosophers who are committed to rejecting both main line ethical theories and the rigid oppositions that such theories presuppose, there is still very little consensus on the question of what ethical critique is or ought to be. Different modes, styles, or paradigms of critical thought have found their way into the literature, with the result that while we would all consent to the need for critical reflection, we often do not agree about what this practice involves.⁴ Different paradigms have been suggested, from Foucault's notion of critical genealogy adapted from Nietzsche's thought to Habermas's more scientific conception derived from the tradition of Frankfurt School critical theory. Along with hermeneutical philosophy, both of these conceptions represent attempts to open a space for critique in the interstices of traditional dichotomies. Both are equally committed to renouncing foundations without having recourse to a conservative position. Both acknowledge the situatedness of reflection while seeking to

uncover and describe many of the subtle workings of power which are often concealed from our view and which must be disclosed through critical reflection. It is on account of their sharing with hermeneutical philosophy a concern to formulate a conception of critique which is capable of detecting many of the subtle effects of power within the realm of our practices while remaining aware of the historical conditionedness of its own discourse, and which is neither foundationalist nor conservative in its epistemological assumptions, that I devote the first chapter to a discussion of Foucault and Habermas. Before spelling out my own views on the theory and practice of ethical critique beginning in chapter two, I devote chapter one to these two key figures in contemporary continental thought. The central questions to be addressed in the opening chapter pertain to the self-understanding of critique in the work of Foucault and Habermas: If it is not from an ahistorical and totalizing perspective that critical reflection pronounces its judgments on human affairs, from what standpoint does the social critic speak? What resources, principles, or methods inform critical thought, and how much confidence can be claimed for the worthiness or philosophical legitimacy of its descriptions? Most fundamentally, to what mode of discourse does critical reflection belong, and what is it that we are doing when we are engaged in criticism? Despite sharing some basic philosophical assumptions, the differences between these two thinkers in their respective understandings of critique run deep. Although rejecting many of the epistemological assumptions of foundationalist ethical theories, Habermas remains very much committed to finding an objective viewpoint for critical reflection, while Foucault, adopting a considerably more skeptical stance, insists upon the need to

renounce both the perspective of unconditioned objectivity and the perspective of universality. After providing a brief overview of these two paradigms of critique, I offer some criticisms in chapter one of both views, focusing attention upon the capacity of both conceptions to reconcile our historicity with the need for a critical perspective which can claim for itself a respectable measure of philosophical rationality. I argue, in short, that while both thinkers set out to articulate a view of critique which is historically conscious and capable of significant critical bite--hence to avoid some of the usual oppositions of modern thought--both are ultimately unsuccessful in achieving this goal. Both face insurmountable difficulties in their attempts to reconcile our historicity with the need for critical rationality.

The overall structure of this investigation into critical reflection is as follows. After discussing Foucault's and Habermas's views on the self-understanding of critique in chapter one, "In Search of a Critical Standpoint: Foucault and Habermas," I present a hermeneutical conception of the theory and practice of ethical criticism which seeks to elude what I characterize as the twin dangers inherent to Foucault's genealogy and Habermas's scientific critical theory. Taking up something of a middle ground between these two thinkers (one which attempts to overcome the shortcomings of both, and which in the end is fully congenial to neither), I outline in chapter two, "What is Critical Reflection?" a conception of critique which takes its bearings from philosophical hermeneutics, and which emphasizes the centrality of interpretation and moral imagination in ethical criticism. Chapter three, "Hermeneutical Ethical Theory," examines the question of whether some form of philosophical adjudication may be

brought to bear on such interpretations, and whether a universalistic ethics of principle may be incorporated into hermeneutical criticism. Defending a view of moral perception as both imaginative and principled in character, I turn in chapter four, "Practical Rationality," to a discussion of how ethical principles inform and educate perceptions of human action, and assist us in determining what justice requires in specific moral contexts. Our overriding questions throughout this project concern the "what" and the "how" of critique: What mode of discourse is it that we are engaged in in the practice of criticism, and what resources and principles are available to educate this mode of reflection?

What follows, then, is a proposal to formulate a hermeneutical and critical rationality for moral philosophy. It represents an approach to ethics which places special emphasis upon reconciling the need for rational criticism with a recognition of the finitude and situatedness of all forms of human reflection. This undertaking is characterized as hermeneutical for two reasons. First, and most obviously, it can be called hermeneutical for the reason that it takes its general orientation from hermeneutical philosophy, primarily as this is represented in the thought of Gadamer and Ricoeur. Although I am not positively wedded to either of these thinkers, much of my basic orientation is derived from several key aspects of their thought. These include Gadamer's investigation into the conditions of the possibility of human understanding, his analysis of hermeneutic experience and the problem of application, Ricoeur's discussion of metaphor and imagination, and other central elements of their respective approaches to the problem of understanding. This approach may also be characterized as hermeneutical on account of the

centrality of the themes of hermeneutic dialogue and interpretation in each of the following chapters. If we wish to develop a nonfoundationalist and critical rationality, I argue, we must begin by recognizing the pervasiveness of interpretation and dialogue in our continuing efforts to form critical assessments of the social world in which we live. We must begin to think of moral agents not only as rational, but as interpretive and self-interpreting beings who are continually occupied with understanding both themselves and the world around them. We must also begin to think of critique as a central element of this most human of preoccupations. Ethical criticism belongs to the universal human practice which is the struggle for illumination and self-understanding, a practice which is at the heart of human experience in general and of our efforts to build humane forms of community in particular.

I wish to add by way of a final note that although many of my initial premises are derived from the philosophical writings of such figures as Gadamer, Ricoeur, Heidegger, Nietzsche, and Dewey, a group of thinkers who are often radical in their opposition to numerous principles of modern thought, I consider it important not to fall into the habit occasionally taken up by followers of these and variously like-minded thinkers (most especially certain followers of Heidegger and Nietzsche) of overemphasizing the degree of radicality that can legitimately be claimed for our views. My approach to moral philosophy parts company with many of the usual metaphysical and epistemological assumptions underlying much of the history of ethics, yet it most definitely does not pretend to have radically severed all connection with the legacy of Western metaphysics and epistemology. So long as we continue to take seriously

the proposition that normative claims require to be justified with reasons, it is very unlikely indeed that the metaphysical and epistemological tradition as a whole will ever be completely and unproblematically left behind. Philosophical thinking, including its most radical forms, never begins from scratch or severs all ties with tradition, and this includes the tradition of Western metaphysics and epistemology. The aim here is not to jettison all metaphysical and epistemological (in the widest senses of these terms) baggage, but to give up the quest for moral certainty and objective grounds for our judgments. It is to take seriously the need for rationality in moral and political discourse, even if this is not the foundationalist rationality of main line ethical theories.

NOTES

The most basic point of contention between foundationalists and anti-foundationalists is described by Evan Simpson as follows: "Foundationalism and anti-foundationalism remain positions best understood by their relationship to epistemology. The one seeks, and the other dismisses the notion of, criteria defining conditions in which some beliefs are finally justified. Few deny that beliefs need foundations, that is, the more or less secure grounds which make conclusions of argument as solid as they can be. Any pure foundationalism, however, supposes that genuine grounds for judgment are not merely confident assumptions but absolutely secure bases which are not subject to amendment, or amendable only in the direction of greater accuracy. Only in this way could they serve as arbiters of rational judgment. This is the notion of a single, overarching, ahistorical standard against which any claim can be tested, so that it is possible in principle to decide between rival points of view." (Evan Simpson, "Colloquimur, ergo sumus" in *Anti-Foundationalism and Practical Reasoning: Conversations Between Hermeneutics and Analysis*, ed. Evan Simpson [Monton: Academic Printing and Publishing, 1987], 2-3)

Richard J. Bernstein, *Beyond Objectivism and Relativism: Science, Hermeneutics, and Praxis* (Philadelphia: University of Pennsylvania Press, 1985),

Paul Ricoeur, "The Model of the Text: Meaningful Action Considered as a Text" *Hermeneutics and the Human Sciences*, ed. and trans. John B. Thompson (Cambridge: Cambridge University Press, 1981), 197-221.

This is an observation which Michael Kelly also makes in his "Introduction" to *Hermeneutics and Critical Theory in Ethics and Politics*, ed. Michael Kelly (Cambridge: The MIT Press, 1990), vii.

CHAPTER ONE

IN SEARCH OF A CRITICAL STANDPOINT: FOUCAULT AND HABERMAS

Philosophy in the aftermath of foundationalism must pose the question of ethics anew. A growing consensus among philosophers of various schools has it that all modes of human knowledge and reflection are marked by an inescapable historical contingency. The moral philosopher's faith in moral facts and objective decision procedures for generating correct, neutral judgments is increasingly going the way of the epistemologist's faith in gaining presuppositionless knowledge of reality by means of objective methodology. Normative foundations have gone the way of objective reality, and for philosophers standing in the shadow of Nietzsche and Heidegger, the possibility of unclouded perception and absolute distantiation is forever closed since human consciousness is necessarily situated within and limited by particular horizons of inquiry and interpretation. For moral philosophy the principal question is no longer one of grounding--how philosophy can ground particular judgments, practices, and institutions on a firm, metaphysical basis--but of critique--how it is possible to critically reflect upon our modes of interaction given our belongingness to history and the perspectivity of all forms of discourse. How is it possible to acknowledge at once the radically situated character of human existence as well as the need for critical ethical reflection? From what standpoint can moral

philosophers carry out a critique of the practices which constitute the social world to which we ourselves belong?

Before addressing the question of whether such a critical standpoint is available to moral philosophy and, in particular, whether hermeneutical philosophy is able to furnish us with such a perspective, we must address the prior question of what critical ethical reflection itself is. There is clearly more than one genre or conception of critique, and to each conception belongs a particular methodology. The task undertaken in the present chapter is to investigate two such modes of critique found in the contemporary literature: critique as genealogical analysis in the writings of Michel Foucault and critique as a dimension of explanatory social science as outlined and defended by Jürgen Habermas. I single out for discussion these two figures for the reason that both have made considerable efforts to address our questions more or less directly while sharing certain premises with hermeneutical philosophy, and while sharing a common opposition to foundationalist approaches to moral theorizing. As well as sharing (together with hermeneutics) a belief in the situated nature of philosophical reflection, both of these figures develop a conception of critique as a mode of oppositional thinking, as a challenging and a disparaging of present social conditions. Beyond this, however, the differences separating Foucault and Habermas on the question of the theory and practice of critique run deep.

First and most obviously, Habermas is a much more theoretically systematic social thinker than Foucault. One of Habermas's primary concerns has been to provide a transcendental grounding for social criticism. As the leading contemporary heir to the Frankfurt School of

neomarxist analysis, Habermas has sought to reinstate the notion of critique as an objective--and indeed scientific--disclosure of the contradictions and forms of domination operative within social practices and concealed from consciousness by systematic distortion. Foucault, on the other hand, has defined his project in part as an attempt to offset the claims of theory and to replace the ideal of theoretical systematicity with a considerably more limited and modest view of social criticism. While equally critical of the various forms of power and domination in Western culture, Foucault is deeply suspicious of all attempts by philosophers to speak in the name of reason and the universal. Also, while Foucault's genealogical writings contain an unmistakable normative thrust, they make no attempt to formulate principles or to offer alternative possibilities for social interaction.

Foucault also does not conceive of critique in terms of the Marxist opposition between science and ideology, a polarity very much operative in Habermas's thought (as we shall see). Critical reflection for Habermas is a dimension of social scientific discourse which stands in opposition to the various forms of ideology and false consciousness that inhibit communication and conceal from persons the truth of their situation. For Foucault, such a scientific hierarchizing of knowledges serves merely to conceal the perspectivity of all forms of knowledge and to give a false legitimacy to a single perspective, namely that of Marxist politics. The search for a totalizing or suprahistorical vantage point for critique is abandoned by Foucault, along with the project in moral philosophy of fashioning methods and theories which would legitimize the role of universal judge. As we shall see, Foucault also abandons the ideal of

objective and domination-free communication which is at the heart of Habermas's theory of critique. For reasons which will become apparent, Foucault regards the ideal of a power-free society as dangerously utopian, and proposes instead to replace ideology critique with specific historical analyses of the forms of power endemic in modern society.

FOUCAULT: CRITIQUE AS GENEALOGY

Critical reflection, in Foucault's words, is a matter of "historical investigation into the events that have led us to constitute ourselves and to recognize ourselves as subjects of what we are doing, thinking, saying."¹ Following in the footsteps of Nietzsche, whose genealogy of morals was an attempt to trace the history of ethics in such a way as to reveal the interests and will to power operative within modern standards of evaluation, Foucault brackets questions concerning the validity or rightness of normative claims and substitutes a collection of researches on the history and development of concepts, practices, and institutions which govern social interaction. These disparate researches are never combined by Foucault into any kind of systematic whole or unified structure in terms of which society as a whole may be viewed. Rather, the aim of this collection of texts is to bring to light the various assumptions and evaluations that underlie our present modes of thought and practice. Genealogical research (sometimes termed "effective history") serves as a reminder of what was buried and forgotten within modern forms of subjectivity.

Far from constructing foundations upon which social criticism may pronounce definitive judgments on our forms of interaction, genealogical inquiry disturbs what was thought solid and reveals the contingency behind all supposed necessity. It dissolves the seemingly self-evident character of moral sentiments and reminds us how both these sentiments and the parameters within which they occur were historically constructed. Genealogy historicizes everything from the most common perceptions and intuitions to the great questions and problems that philosophers have routinely taken to be perennial. By placing everything within the rise and fall of history, genealogical analysis denaturalizes all that which we imagine fixed, self-evident, or unshakeable.

Genealogy distinguishes itself from more traditional forms of historical investigation in the first instance by refusing to view specific events as forming a continuous line of development from a single point of origin to a culmination in the present or future. While genealogy does investigate the origins of various phenomena, it searches for them in a myriad of places, and examines numerous processes and factors which have given rise to present conditions. Foucault is critical of historical research that subordinates the particularity of events to overarching mechanisms and explanatory systems. There are, on his view, no underlying laws or metaphysical necessities operative behind the particularities of historical development, no fixed patterns or final culminations in terms of which to structure the past. Foucault's concern is to preserve and "record the singularity of events outside of any monotonous finality,"² outside of any appeal to progress or uninterrupted continuity in history. In drawing attention to the multiplicity of factors

that underlie events, genealogy undermines the reassuring predictability of traditional historical analysis. In recording the accidents and the errors that gave rise to modern practices, the complexity and fragility of historical events, it upsets all comforting talk of progress, continuity, and necessity.

Following Nietzsche, Foucault upholds a perspectivist view of all forms of knowledge, including historical research. Accordingly, the genealogical historian and social critic is no more able to occupy a suprahistorical vantage point than the historians whose methods and ideals Foucault expressly rejects. There is no standpoint available from which to identify teleological movement in historical events or to get a totalized picture of the past, present, or future. Instead, this method requires detailed investigation into the constitution of modern forms of knowledge and the variety of ways in which we constitute ourselves as subjects. The genealogist identifies how modern forms of self-understanding emerge by agents conforming themselves to often unreflective evaluations and practices.

Above all, genealogy opposes itself to universal and seemingly scientific historical analysis such as historical materialism. It claims neither to speak the language of science nor to "vindicate a lyrical right to ignorance or non-knowledge."³ Foucault adamantly resists claiming scientific status for genealogy, and looks with suspicion upon Marxists and others who view their mode of critique as having a special, authoritative insight into human affairs. To the question of whether genealogy is or is not a science, Foucault writes:

It is surely the following kinds of questions that would need to be posed: What types of knowledge do you want to disqualify in the

very instant of your demand: 'Is it a science'? Which speaking, discoursing subjects--which subjects of experience and knowledge--do you then want to 'diminish' when you say: 'I who conduct this discourse am conducting a scientific discourse, and I am a scientist'? Which theoretical-political *avant-garde* do you want to enthrone in order to isolate it from all the discontinuous forms of knowledge that circulate about it? When I see you straining to establish the scientificity of Marxism I do not really think that you are demonstrating once and for all that Marxism has a rational structure and that therefore its propositions are the outcome of verifiable procedures; for me you are doing something altogether different, you are investing Marxist discourses and those who uphold them with the effects of a power which the West since Medieval times has attributed to science and has reserved for those engaged in scientific discourse.⁴

The "tyranny of globalizing discourses"⁵ is rejected by Foucault along with the scientific hierarchization of knowledges. Replacing them are local narratives and forms of criticism which neither depend upon nor presuppose "established regimes of thought."⁶

Whereas more traditional historical inquiry searches for evidence of continuous development, deep structures, and hidden meanings, the genealogist emphasizes the discontinuity of history, the accidental character of events, and the superficiality of all supposed deep meanings. Beneath all mysterious depths Foucault claims to discover interests and motivations at work. Historical developments represent particular strategies in the struggle for power, the succession of one form of domination after another. Behind interpretations of concepts and claims to objectivity are intrigues, conflicts, and treacheries of various kinds. Genealogy documents how objective discourses and subjective motivations emerge together, how practices and institutions embody will to power, how sinister intentions underlie modern standards of evaluation. As Hubert Dreyfus and Paul Rabinow write of Foucault:

Subjection, domination, and combat are found everywhere he looks. Whenever he hears talk of meaning and value, of virtue and

goodness, he looks for strategies of domination.... Instead of origins, hidden meanings, or explicit intentionality, Foucault the genealogist finds force relations working themselves out in particular events, historical movements, and history.⁷

It is important to note that for Foucault, critical reflection depends upon neither explanatory systems nor universalistic theories of any kind. Thinking in terms of totalities--global theories of explanation such as psychoanalysis or Marxism--while at times useful in conducting specific researches, nonetheless evokes Foucault's suspicion when it becomes the aim of such theories to create an ahistorical standpoint--a standpoint, that is, at some remove from local realms of practice. He is particularly critical of those theorists who, speaking in the name of the universal or truth or justice, claim to be able to separate knowledge from power, or ideology from science. This is expressed in an important distinction drawn by Foucault between what he terms the "specific" and "universal" intellectual. The latter, with the aid of either a universalistic normative theory, a philosophy of history, or scientific knowledge, offers recommendations and judgments concerning local practice, as it were, from on high or from a distanced perspective not available to ordinary speakers. The "scientific" social critic, Foucault writes, is the modern heir of "the Greek wise man, the Jewish prophet, the Roman legislator."⁸ What all continue to overlook is the extent of the theorist's own involvement in the practices and discourses that form the objects of their criticism, and how their own reflection is made possible by the very power relations they seek to unmask.

What is required, he maintains, is that we rethink the intellectual's role in informing social practice in light of his Nietzschean perspectivism.

The specific intellectual, which Foucault in his genealogical writings considers himself to be,⁹ is a radically situated critic who analyzes the specificities of practices and power relations, as it were, from within, or from the vantage point of the participant. Criticism requires a firsthand involvement in local struggles of various kinds and a concrete awareness of the specific practices and institutions that call for appraisal. Specific intellectuals are activists whose knowledge of the contingencies and techniques of particular domains of social practice enables them to identify contradictions from the vantage point of the participant. They analyze details and devise strategies for action without recourse to totalizing theories. As Foucault writes, addressing the question of the role of the intellectual in social and political practice:

The intellectual no longer has to play the role of an advisor. The project, tactics and goals to be adopted are a matter for those who do the fighting. What the intellectual can do is to provide instruments of analysis, and at present this is the historian's essential role. What's effectively needed is a ramified, penetrative perception of the present, one that makes it possible to locate lines of weakness, strong points, positions where the instances of power have secured and implanted themselves by a system of organisation dating back over 150 years. In other words, a topological and geological survey of the battlefield--that is the intellectual's role. But as for saying, 'Here is what you must do!', certainly not.¹⁰

This stance on the role of the intellectual is also a consequence of Foucault's conception of power/knowledge, a notion that is central to his philosophical thought and which the genealogical writings in particular bring into view. In direct opposition to the Frankfurt School ideology critics who, following in Marx's footsteps, suppose that knowledge, to be properly regarded as such, must be emancipated from the subtle workings of power and domination, and who hold out the possibility of disinterested

and objective knowledge, Foucault refuses the distinctions between interested and disinterested, subjective and objective, discourse. Knowledge does not presuppose the suspension of power relations. Rather, it requires the latter as a condition of possibility. Power and knowledge are not antithetical, such that it is possible to imagine a condition in which the truth could appear once all the effects of power which conceal true reality are fully renounced. Knowledge and power for Foucault are correlative. As well as being an agency of oppression, power has a productive capacity in the constitution of forms of knowledge.

Foucault writes:

We must cease once and for all to describe the effects of power in negative terms: it 'excludes,' it 'represses,' it 'censors,' it 'abstracts,' it 'masks,' it 'conceals.' In fact, power produces; it produces reality; it produces domains of objects and rituals of truth.¹¹

Without fully collapsing the distinction between power and knowledge, he argues that the two "directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations."¹² Power reigns more through the imposition of parameters within which knowledge is constituted than through ideological mystification.

Without granting to power the status of an overarching explanatory principle, the workings of power are very much the focus of Foucault's genealogical writings. This mode of critical thought takes for its object less the apparatus of the state or the economy than the multiplicity of forms in which power is exercised in social practices. Unlike the critics of ideology, Foucault does not confine his analysis to

the effects of centralized authority or of powerful interests on the rest of the social body. Power is misunderstood so long as it is represented as the private possession of particular agencies, whether these be the state, economic institutions, or specific individuals or groups. Such a representation overlooks the multiple ways in which power is exercised in social interaction and discourse without the presence of any identifiable source or agency of domination. Without denying or minimizing the importance of state power, the principal objects of Foucault's critique are those exercises of power that are "capillary" and that in a sense make centralized domination possible. Genealogy traces the effects of strategies which, while decipherable, are frequently without malicious intent and are just as frequently authorless. It reveals how power is exercised not only from the top of the social order down but from the bottom up, how relations of inequality are circulated and pervade numerous interactions and institutions, and how they may be said to constitute the social domain. In short, genealogy documents how power relations have been able to operate and the specificities of their interconnections.

It uncovers as well the political dimension of the constitution of human beings. Not only are various forms of interaction between persons characterized as having a political dimension--from the interactions between individual agents and political institutions to relations between penitents and confessors, the insane and the psychiatric profession, prisoners and penitentiaries, etc.--so too are the manifold ways in which human beings are constituted as subjects. Subjectivity is constituted through a complex network of subjugations--through the imposition of behaviors, the manipulation of desires, and the workings of assorted

forces and processes. Even the human body is analyzed by Foucault as an effect of power, something into which power reaches and which is modified by everything from economics to medical technologies. One of the tasks of genealogy, then, is to reveal the human subject as simultaneously an agent of, and an effect of, power relations.

It is thus that Foucault points out the shortcomings of political analysis that aims at the overthrowing of all forms of domination. Such research regards power too much as a possession localized within specific sectors, and as an obstacle to knowledge and truth, and fails to recognize its constitutive significance and productive capacity. Despite the emancipatory intent of universal intellectuals, their totalizing theories and methods are inadequate to their own task of detecting the effects of power relations within social practices. Accordingly, the role of the critic must be to document such effects in specific domains and to record their developments over time.

Genealogy has been described by Foucault as a method of criticism which always invokes local and popular forms of knowledge. Eschewing the universal intellectual's explanatory systems and theories, the specific intellectual favors particularly those local knowledges which have been rejected and discredited, those demoted to a relatively low position in the scientific hierarchy of knowledges. Foucault speaks of an "*insurrection of subjugated knowledges*,"¹³ by which is meant a rehabilitation by the specific intellectual of local discourses dismissed by regimes of universal knowledge for their apparent lack of rigor: "a whole set of knowledges that have been disqualified as inadequate to their task or insufficiently elaborated: naive knowledges, located low down on the hierarchy, beneath

the required level of cognition or scientificity."¹⁴ The observations of the activist, the participant, the doctor, the ill, the mental patient, the prisoner, are taken up by the genealogist together with other forms of popular, regional knowledge. They are rehabilitated not on account of their superior rigor or consensus generating capacity, but precisely for their capacity to interrupt and destabilize consensus and established power/knowledge configurations. Incapable of producing unanimity, these subjugated knowledges serve as instruments of critique since they disrupt the self-evident appearance of what passes for truth and remind us how things could be otherwise. Herein lies genealogy's claim to radicality: as an iconoclastic mode of historical critique, genealogy--without issuing prescriptions--serves to interrupt, challenge, and destabilize forms of knowledge and social practice which have imposed themselves upon and constituted modern subjects.

Among the questions that must be addressed in coming to terms with Foucault's thought are those that pertain to the status of his writings, and in particular the status of his genealogical researches. One such question of special relevance for my purposes is whether genealogy is an interpretive, and therefore hermeneutic, mode of reflection. As we have seen, Foucault is careful in distinguishing genealogy from scientific discourse and from certain traditional forms of historical analysis which construe events as subsumable under totalizing explanatory systems. What is less clear, however, is whether genealogy falls under the rubric of hermeneutic discourse. In addressing this question, Dreyfus and Rabinow respond in the negative. Their reasons for doing so are worth noting. While these authors point out that genealogy is indeed an

interpretive notion, they insist upon separating this from hermeneutic interpretation. This is owing to the fact that genealogical interpretation renounces the quest for fixed and intrinsic meanings behind social phenomena, admits that behind every meaning and every perspective lies another meaning and another perspective, and acknowledges that it will never get a completely detached picture of human history. Dreyfus and Rabinow cite the following remark from Foucault's essay "Nietzsche, Freud, Marx":

If interpretation is a never-ending task, it is simply because there is nothing to interpret. There is nothing absolutely primary to interpret because, when all is said and done, underneath it all everything is already interpretation.¹⁵

They point out that interpretation fails to uncover anything deeper or more intrinsic than other interpretations which have been imposed by previous speakers--interpretations, moreover, the imposition of which is arbitrary:

In this discovery of groundlessness the inherent arbitrariness of interpretation is revealed. For if there is nothing to interpret, then everything is open to interpretation; the only limits are those arbitrarily imposed.¹⁶

The claim of these two commentators that Foucault's genealogy is interpretive but not hermeneutic raises a question of definition. Dreyfus and Rabinow seem to be operating with a notion of hermeneutics that harks back to the romantic hermeneutics of Friedrich August Wolf, Friedrich Schleiermacher and Wilhelm Dilthey (according to which the aim of interpretation is to uncover the original meaning of a text, which is understood as corresponding to authorial intention). Surprisingly, their conception even of what Paul Ricoeur has called the hermeneutics of suspicion presupposes a view of interpretation as a search for the final

truth of the text. This is by now an odd reading of the term "hermeneutics," given the turn hermeneutics has taken since Gadamer toward acknowledging the perspectivity of interpretation and away from all talk of essentialist meanings. It is a particularly questionable reading of Ricoeur's hermeneutics of suspicion, a mode of interpretation which (as we shall see in chapter two) makes no appeal to objectively determinable meanings or final truths of any kind. In addition to sharing Heidegger's and Gadamer's skepticism regarding essentialist meaning, the hermeneutics of suspicion is given to much the same mode of demystification as that found in Foucault's writings. Indeed, Nietzsche's genealogy of morals--from which Foucault takes much of his inspiration--is identified by Ricoeur as a paradigm case of suspicious hermeneutics. The latter shares with genealogical interpretation, first, the view that consciousness is primarily false consciousness, and second a penchant for unveiling what present understandings of the meaning of various phenomena conceal.¹⁷ The only seeming difference between Foucaultian genealogy and hermeneutic reflection is the apparent arbitrariness of the former; it seems that for Foucault (at least on Dreyfus's and Rabinow's reading) acknowledging the interpretive nature of social criticism also forces us to grant its arbitrariness. This view that interpretation of social phenomena must be either a revelation of essentialist meaning and final truth or a matter of arbitrary decision is a presupposition that much of this study is an attempt to refute.

A further question pertaining to the status of genealogy concerns the standpoint of the critic. In reading Foucault's texts, one wonders from what perspective he himself speaks as an historian and critic of the

"disciplinary society." Given his Nietzschean commitment to the perspectivity of interpretation and his opposition to the methods of the universal intellectual, it is obviously not the case that the genealogist occupies an external or ahistorical vantage point denied to all other speakers. Foucault does indeed go out of his way to assure his readers that he does not claim to speak from outside current realms of practice and power/knowledge. Yet as a critic of such practices and power relations, he does assume a distanced perspective in calling into question the seeming naturalness of modern institutions, the perennial character of modern philosophical problems and questions, and the various attitudes and social practices that he investigates. Distantiation seems a necessary prerequisite of a critical reflection that attempts to loosen the hold such elements have on modern consciousness. Accordingly, the question arises as to what makes such distantiation possible, given that the forms of power/knowledge, the practices, institutions and so on which the critical historian takes as objects of reflection have themselves constituted the critic as a subject. From where does Foucault speak in the genealogical writings? If it is not from the perspective of any universal theory or set of principles, then from the standpoint of which local practices, discourses, or traditions?

Although Foucault does not address either question in a straightforward manner, it is difficult to resist the impression that in avoiding such questions he is claiming for himself a kind of quasi-neutrality of the kind that his position expressly forbids. Charles Taylor, making the same observation, remarks:

And indeed in his major works, like *The Order of Things* and *Discipline and Punish*, Foucault sounds as though he believed that,

as an historian, he could stand nowhere, identifying with none of the *epistemai* or structures of power whose coming and going he impartially surveys.¹⁸

Foucault's statements of refusal to systematize his various researches in the manner of the universal intellectual, his expressions of opposition to normative foundations and totalizing theories, are the closest he comes to answering these questions. Such statements, however, do not resolve the issue and appear more as strategies of avoidance than answers to our questions. They would suffice as answers only if we were forced to choose between two poles of a dichotomy: the social critic must speak either from a frame of reference which is neutral, objective, and systematic or from nowhere (or, better, from a position which is at once nowhere and everywhere). (One of my primary aims in the chapters that follow is to show how this dichotomy may be subverted.)

Foucault clearly finds it imperative to avoid falling back into epistemological talk of providing a grounding for critical reflection with recourse to a foundation or privileged discourse of some description. Such talk of normative foundations, he maintains, would represent merely one more attempt to impose a particular power/knowledge configuration, to create a new hierarchy of knowledges, and in so doing to disqualify, marginalize, and subjugate numerous other forms of discourse. For our part, we may agree with much of this--we may share Foucault's opposition to totalizing discourse, to normative foundations, to absolutes, and we may go along with his anti-systematizing injunctions--and yet find that there is an underlying confusion in Foucault's gesture of refusal. The very notion of critique seems to presuppose, as a condition of its intelligibility, an affirmation of some particular set of goods, values, or principles. To

speak, describe, or recount is always to do so from a particular standpoint as Foucault, following Nietzsche, readily acknowledges. Yet to occupy a standpoint is to assent to a variety of beliefs, understandings, and evaluations (whether this assent be tacit or explicit). Every expression, including every statement of opposition, requires some kind of tacit affirmation. For it to have sense, every criticism and evaluation must make an implicit appeal to a good, something from the perspective of which the criticism is intelligible. Yet Foucault remains oddly silent not only about the standpoint of the genealogist but about the goods and the values affirmed from that standpoint.

Taylor has noted that the concept of power also requires certain correlative notions as conditions of intelligibility. A critique that takes power relations as its object must rest on an implicit appeal to freedom, since a critique of domination has force only given a prior commitment to removing unwarranted constraints and impositions on human action.¹⁹ Since genealogy is an exercise in unmasking it must also invoke the concept of truth. Taylor writes:

The truth here is subversive of power: it is on the side of the lifting of impositions, of what we have just called liberation. The Foucaultian notion of power not only requires for its sense the correlative notions of truth and liberation, but even the standard link between them, which makes truth the condition of liberation. To speak of power, and to want to deny a place to 'liberation' and 'truth,' as well as the link between them, is to speak incoherently.²⁰

There are passages in Foucault's writings where he appears to grant that the aim of genealogical critique is indeed emancipatory--specifically the emancipation of subjugated knowledges and the undermining of present power/knowledge configurations. In *Power/Knowledge*, for instance, he

writes:

By comparison, then, and in contrast to the various projects which aim to inscribe knowledges in the hierarchical order of power associated with science, a genealogy should be seen as a kind of attempt to emancipate historical knowledges from that subjection, to render them, that is, capable of opposition and of struggle against the coercion of a theoretical, unitary, formal and scientific discourse.²¹

Similarly, in "The Subject and Power" he proposes that:

the political, ethical, social, philosophical problem of our days is not to try to liberate the individual from the state, and from the state's institutions, but to liberate us both from the state and from the type of individualization which is linked to the state.²²

Such affirmations, however, are puzzling given Foucault's consistent opposition to normative standards, principles, and values. He would certainly deny freedom the status of a principle, yet both the force of his critiques and the very intelligibility of the notion of power seem to presuppose just such a principle.

On the one hand, Foucault claims to be bracketing normative claims as well as claims to truth. He refuses to integrate his various researches into any kind of unified perspective, and precludes appealing to normative standards or principles of any kind. He assures us that genealogy is a descriptive enterprise which does not offer recommendations or judgments about its objects of investigation.²³ Yet, on the other hand, genealogy is clearly a partisan endeavor which implicitly valorizes not only emancipation but also such political values as equality, difference, otherness, and respect. A particular moral horizon underwrites Foucault's genealogical writings and gives them whatever force they have as exercises in critical thought. This confusion is captured in Habermas's fitting characterization of Foucault as a "cryptonormativist" whose terms

of reference forbid him from accounting for the standards which his critical reflections presuppose.²⁴

A rejoinder one might offer in Foucault's defence is that as a specific intellectual he speaks from the perspective of specific subjugated knowledges and the values which these comprise. As an activist, his partisanship is fuelled by commitments to various forms of local rebellion, including those of "May '68." As a subject of the power/knowledge configurations of modernity, he takes up the perspective of one variant of the modern liberty/equality/fraternity triad. This would represent genealogy as a mode of immanent criticism, a method of undermining modernity from within its own frame of reference.²⁵ Foucault certainly has it within his means to respond along these lines. Yet such a response only raises further difficulties. Which variant of the liberty/equality/fraternity triad is he defending, and for what reason? Which local rebellions and activist movements does he find compelling, and why? Which subjugated knowledges does he wish to emancipate, and why? Richard Bernstein, placing particular emphasis on this last question, calls to our attention the difficulty in Foucault of distinguishing those subjugated knowledges that are worthy of emancipation from those that are not:

For there are subjected knowledges of women, Blacks, prisoners, gays, who have experienced the pain and suffering of exclusion. But throughout the world there are also the subjected knowledges of all sorts of fundamentalists, fanatics, terrorists, who have their own sense of what are the unique or most important dangers to be confronted. What is never quite clear in Foucault is why anyone should favor certain local forms of resistance rather than others. Nor is it clear why one would 'choose' one side or the other in a localized resistance or revolt.²⁶

Why are the events of May 1968 singled out as a point of departure rather than the events of October 1917? What conditions make the local rebellion of the Solidarity movement in Poland superior to that of the Cuban Revolution?

A philosopher of Foucault's reformist and activist leanings should not need reminding that in political practice we require means of distinguishing just from unjust exercises of power, desirable from undesirable forms of emancipation, tolerable from intolerable social institutions. To warn us, as Foucault does, that "everything is dangerous"²⁷ is of limited usefulness when what are needed are means of separating acceptable from unacceptable dangers. Do the dangers inherent to contemporary penal institutions outweigh the dangers of earlier forms of punishment? Are the dangers of modern discourses of sexuality more dangerous than those of earlier periods? Do the dangers associated with free expression outweigh the dangers of its suppression? Do the dangers of nationalism outweigh the dangers of internationalism? Do the dangers of poverty and ignorance outweigh the dangers of the welfare state? Without the identification and justification of a particular normative standpoint, such questions do not appear answerable.²⁸

FOUCAULT'S RETICENCE AND THE LIMITS OF GENEALOGY

It is here that genealogy as a mode of critical reflection encounters its limits. As a political counterpart of sorts to negative theology, genealogical critique attains clarity in telling us only from which perspectives it does not speak--neither from the standpoint of science nor

from atop any supposed hierarchy of knowledges--which power/knowledge configurations it does not defend, and which normative standards it does not invoke. Genealogy is neither hermeneutic nor explanatory, neither liberal nor Marxist, neither rationalistic nor irrationalistic, neither this nor that, neither here nor there. Always operating from behind a veil of secrecy, the genealogist offers only the most cryptic of gestures indicating the place from which he speaks and the direction in which he leads. When not inspiring an activism without direction, a revolutionary zeal without standards, when not counselling "new forms of subjectivity"²⁹ (which ones?) or the emancipation of subjugated knowledges (which ones?), Foucault is reticent when it comes to offering recommendations or alternatives to the power relations that he uncovers everywhere he looks.

Statements abound in Foucault's writings in which he categorically refuses to propose alternatives to the dangers endemic to modernity. He tells us, for instance, in *Remarks on Marx* that:

for reasons that essentially pertain to my political choice, in the widest sense of the term, I absolutely will not play the part of one who prescribes solutions. I hold that the role of the intellectual today is not that of establishing laws or proposing solutions or prophesying, since by doing that one can only contribute to the functioning of a determinate situation of power that to my mind must be criticized.³⁰

In an interview of 1977, Foucault responds thus to the following questions:

'Do you want the revolution? Do you want anything more than the simple ethical duty to struggle here and now, at the side of one or another oppressed and miserable group, such as fools or prisoners?'

I have no answer. But I believe that to engage in politics--aside from just party-politics--is to try to know with the greatest possible honesty whether the revolution is desirable. It is in exploring this terrible mole-hill that politics runs the danger of caving in.³¹

Foucault's interest as a critical historian clearly lies in the domain of contradictions, dominations, and treacheries of various descriptions, and decidedly not in the realm of resolutions and alternatives. As an iconoclastic thinker, his principal aim is to disturb and to provoke. It is to unseat established regimes of truth and to reveal the depth of the problems which beset modern social practices. Foucault is without doubt remarkably astute in tracing the development of such problems, in describing them in such a way as to highlight and preserve their essential difficulty, and in cautioning us in avoiding facile solutions. Herein lies, I believe, what value genealogy can claim as a mode of critical thought. It serves an important iconoclastic function by reminding us of the historical contingency of, and the dangers inherent to, present forms of social interaction. It undermines the dogmatic self-assuredness that can infect our moral and political attitudes by reminding us that all could have been otherwise.

Yet herein also lie the limits of its value. If we wish social criticism to be compelling, it must do more than merely alert us to the dangers of modern practice--it must include a more reconstructive, affirmative moment. There is no reason to believe that undermining current forms of power/knowledge will of itself bring into being a more just or tolerable state of affairs. What must be recognized is that even iconoclasm is parasitic on affirmation, and that both are possible only once the normative standpoint of the critic is identified. There is no criticism without advocacy, no identification of social evils without a correlative valorization of goods. As certain more pragmatically inclined thinkers have noted,³² critical reflection must do more than merely demystify and

debunk what is. While this is an important part of the exercise of critique, it must be complemented by an affirmative, reconstructive moment. Critical thought which lacks a sense of direction, owing to its refusal to indicate the place from which it speaks and the values that it affirms, is of only limited usefulness. As a consequence of such reticence, we are left without the means of making crucial distinctions and weighing competing dangers. We are left on a road with only potholes and no destination.

The turn of Foucault's later writings toward ethical questions does little to deflect this line of criticism. While directly addressing the question of what kind of ethics it is now possible to build after the collapse of metaphysical ethics, Foucault's proposal is a return of sorts to a Nietzschean aestheticism. Since we have now understood the contingency underlying modern forms of the constitution of the self, since we no longer view the self as something which is given, we are now free "to create ourselves as a work of art,"³³ "to 'give style' to one's character"³⁴ as Nietzsche proposed in *The Gay Science*. As Foucault puts it:

What strikes me is the fact that in our society, art has become something which is related only to objects and not to individuals, or to life. That art is something which is specialized or which is done by experts who are artists. But couldn't everyone's life become a work of art? Why should the lamp or the house be an art object, but not our life?³⁵

Ethics becomes transformed in Foucault into a question of the self's relationship with itself, of how one may fashion oneself as a subject of one's own actions. On this aesthetic model, ethics becomes a kind of "*rapport à soi*."

For our part, while we may have a certain sympathy with this Nietzschean turn (as it pertains, at least, to what is sometimes called "intrapersonal ethics"), its shortcomings in the area of interpersonal relations are obvious. One wonders what becomes of the other on such a conception of ethics. What becomes of the values of freedom, equality, tolerance, and respect for difference which are presupposed in the genealogical writings when the domain of ethics has been restricted to aesthetic self-creation? The political dimension Foucault finds so all-pervasive in every area of human affairs, which effectively prevents us from separating the political from the scientific, the historical, the institutional, and so on, does not receive mention in his conception of the ethical--one area where even one who is not Foucaultian would expect to find a political dimension.

Foucault's reticence, I maintain, is a logical consequence of two factors. The first is his refusal to identify the standpoint from which genealogical critique proceeds. The quasi-neutrality with respect to evaluations and the refusal to propose alternative power/knowledge configurations is traceable to his insistence on not occupying any normative standpoint, not standing within any tradition or horizon of inquiry. Unlike the original genealogist of morals, whose critique of Christian morality is clearly situated within (what might be called) an aristocratic ethics of nobility, and who is consistent in carrying over his perspectivism into his ethical thought, Foucault makes it seem as if he could stand nowhere. The second factor is Foucault's above-mentioned view of interpretation as essentially a question of arbitrary decision. If social criticism is an interpretive enterprise, and if interpretation is not

only situated and perspectival but decisionistic as well, then our capacity for advocating alternative social arrangements with some claim to reasonableness is very weak indeed. This view of interpretation leaves us with a capacity only for unreasoning protest and without means of guarding against an arbitrary succession of one will to power after another.

HABERMAS: THE SCIENCE OF CRITIQUE

How is it possible to acknowledge the historical contingency of social and discursive practices while recognizing the need for critical normative appraisal of such practices? If the social critic himself, in his "essence" as it were, belongs to the movement of historical development, how can such development constitute the object of critical reflection without falling into an impossible schizophrenia? If distantiation from the ground on which we stand is a necessary prerequisite of critique, how (from what standpoint) is such distantiation possible? More fundamentally, how are we to conceive of critique itself? These questions, I have argued, do not receive satisfactory treatment in the thought of Foucault, a philosopher whose reluctance to identify a standpoint for normative appraisal leaves us with a diminished capacity for reasoned evaluation. The genealogical conception of critique cannot escape the duplicity of insisting on the imperative of opposition while depriving the would be social critic of the means of critical thought. This sentiment is shared by Jürgen Habermas, whose philosophical project also receives much of its orientation from a concern with the questions that concern us

here. Habermas, as the leading heir of the Frankfurt School of social criticism, inherited the preoccupation of this circle of theorists with identifying a perspective from which a reasoned critique of modern practices and institutions could occur. Unlike Foucault, Habermas takes much of his inspiration not from Nietzsche but from Kant and the Enlightenment project of providing a philosophical grounding for normative evaluation. Insisting that normative claims must admit of objective adjudication, Habermas proposes that it is still the task of moral philosophy to provide a systematic grounding for critical reflection.

Much of Habermas's project, insofar as it is of interest to us here, may be understood as an attempt to rehabilitate the scientific character of critique. Critical reflection is represented as a dimension of explanatory social science. Following in not only the Kantian but also the Marxist tradition, Habermas undertakes a systematic project aimed at bringing together scientific investigation and normative evaluation. The overriding task of a critical theory of society is to provide an appraisal of existing practices, institutions, and forms of discourse from the standpoint of scientific knowledge. It is to make possible the emancipation of human beings from quasi-natural forms of oppression and systems of ideology given an objectified grasp of society in its totality. In general terms, critical theory attempts to construct a comprehensive explanation of the social world, to provide a scientific basis for the evaluation of present conditions, to break the spell of false consciousness, and to alert its audience to the need for reform.

While recognizing the situated character of philosophical reflection and normative evaluation, Habermas's efforts are largely directed toward

providing a justification for the perspective of objectivity, thus mitigating the claims of the radically situated critic. Aware of its emergence within history, critical theory also seeks to comprehend the process of historical development as a teleological advancement toward progressive emancipation. Critical reflection must at once adopt an objectivating attitude toward society as a whole while recognizing the historical conditionedness of its own discourse. Beginning from the premise that there is something fundamentally unjust about present social conditions, critical theory assigns itself the task of exposing ideological distortions which inhibit communication and self-understanding. Herein lies the practical intent of Habermas's critical theory of society. It is to provide a scientific framework from within which to evaluate existing conditions independently of the workings of ideology and "hypostatized powers," a framework which will make possible social reform in the service of emancipation from all forms of domination. Without advancing a particular conception of the good or set of ethical/political demands, this manner of theorizing assists the process of emancipation by enlightening moral and political agents about the ways in which their forms of self-understanding inhibit autonomy and self-realization. It discloses the various ways in which human fulfillment is threatened by forces of oppression and sectarian interests.

Critical theory represents a continuation of the modern project in moral philosophy of achieving emancipation through a rational and theoretical evaluation of social practices and ways of life. It seeks to provide a rational grounding for the critique of present social conditions and allows us to measure the course of human progress from the

standpoint of scientific knowledge. At the same time, Habermas provides a critique of certain excesses and defects he finds pervasive within modernity. Among these is the domination of a technocratic conception of rationality, one which assimilates issues of political interaction to technical problems. The encroachment of the needs of systems (including everything from the economy to the military, the bureaucracy, and so on) into the domain of politics has restricted the capacity for democratic discussion, while an instrumental rationality originally at home within the experimental and mathematical sciences also threatens to undermine the practice of open communication over matters of general public concern. Following in the Frankfurt School tradition, Habermas views instrumental rationality as a potentially dehumanizing mode of thought as well as a threat to critical reflection.³⁶ The type of rationality defended in Habermas's work has been termed communicative rationality, a mode of rationality that replaces the primacy of methodology and technical problem solving with an interest in open forms of communication.

While Habermas's critical theory receives much of its orientation from the thought of the Frankfurt School, it must be viewed also as an attempt to transcend the immanent criticism practised by the members of this circle. It must be understood as a challenge not only to the immanent criticism of Foucault but to that of Max Horkheimer and Theodor Adorno. For the latter authors (in keeping with Marx), the social critic does not occupy a position outside of the society being criticized. Speaking from within the society, the role of the critic is to expose the conflicts and contradictions within the thought and practice of the existing social order. Critical thought for Horkheimer and Adorno is a juxtaposing of the

professed ideals of a society with its actual practices, a demonstration of the ways in which the object of critique fails by the standards of its own culture. By contrast, critique on Habermas's view is a transcendence of the immanent. It is a reflective enterprise employing transcendental criteria and seeking a rational warrant for local institutions, norms, and practices. Habermas regards his predecessors as having run aground owing to a culturally immanent conception of critique which lacks any means of justifying the standards it presupposes. It risks falling back into an historical relativism since it cannot legitimate its own criteria of evaluation. When the norms of the society are themselves corrupted (and not only the practices and institutions with which they fail to cohere), a transcendental move is required in order for the social critic to acquire the perspective necessary to detect such corruption.

Habermas's theory of critique must also be viewed in relation to philosophical hermeneutics, and understood as an attempt to incorporate certain of its premises (including the historical situatedness of all discourse) while surpassing the latter in critical capacity. Following Gadamer, Habermas (as mentioned) is committed to communicative rationality and to the practice of unconstrained dialogue. For both figures, communicative interaction is not only an aspiration of local political practice but is in a sense constitutive of our humanity. Habermas also considers interpretation to be an important dimension of social investigation. His opposition to hermeneutics, however, stems from a belief that hermeneutical philosophy lacks the resources necessary for a critique of the practices and traditions to which, it tells us, we always already belong. Hermeneutics, Habermas asserts, subordinates the critical

component of social analysis to participation in the movement of historical tradition. Its emphasis on remaining open to the claims of others in dialogue and on the anticipation of truth in interpretive understanding limits the capacity of the social critic to speak in the role of objective observer. As well, its emphasis on our belongingness to history and language overlooks the extent to which language and tradition may conceal systematic distortions and forms of ideology. As Habermas writes:

Language is *also* a medium of domination and social power. It serves to legitimate relationships of organized force. Insofar as the legitimations do not articulate the power relationship whose institutionalization they make possible, insofar as that relationship is merely manifested in the legitimations, language is *also* ideological. In that case it is not so much a matter of deceptions in language as of deception with language as such.³⁷

Hermeneutics, according to Habermas, is inadequate in detecting systematic distortions within our forms of communication and interaction, and for this reason requires the supplementation of a critical theory of society. This theoretical knowledge would enable us to surpass the normal competence of the speakers of ordinary language by importing causal explanations of social phenomena. By introducing a neutral frame of reference from which to analyze social and discursive practices, the situatedness of the critic is thereby mitigated.

The task which critical theory assigns itself, then, is to uncover the false consciousness inherent to tradition and language which preserves the legitimacy of the existing social order while concealing the various workings of ideology. Surpassing hermeneutic reflection, critical theory takes as its object not the "intersubjectively intended and symbolically transmitted meaning"³⁸ of interpretive understanding, but the "objective meaning"³⁹ of explanatory social science. It enlightens the

victims of oppression to the real meaning of the various components of the social system and to the reality of their predicament within this system. It reveals to these agents how their real interests have been subverted by the social order:

The theory serves primarily to enlighten those to whom it is addressed about the position they occupy in an antagonistic social system and about the interests of which they must become conscious in this situation as being objectively theirs.⁴⁰

Through a combination of hermeneutics and functionalist analysis, Habermas constructs a two-tiered theory of society as simultaneously lifeworld and system. Society may be comprehended both from the participatory standpoint of social actors and from the observational perspective of explanatory science. Social analysis thus represents a combination of hermeneutic interpretation of the significance of social phenomena with functionalist explanation of objective meaning--a combination of understanding and observation. Thus, while such investigation is historically situated, it also incorporates a dimension of objectivity by viewing particular social phenomena as elements within a system. Human actions, practices, and institutions are seen as fulfilling certain functions within the social totality, and it is in light of the contributions they make to the self-maintenance of the system that the meaning of such elements is grasped. Functionalism thus permits us to view tradition and language, as it were, from without--as empirically encountered components of the system of culture, the meaning of which is a function of their empirical connections and of the parts they play within an overarching framework. Since the connections between the various components of the cultural system are of an empirical nature, the

meanings of social practices, norms, and so on, have the status of facts.

It is in this manner that Habermas proposes to grasp the objective meaning of distorted communications and thus transcend the perspectivity of hermeneutics and immanent criticism. The meaning can only be properly grasped once we have explained with the aid of theoretical knowledge why certain values and beliefs came to be held:

The What, the semantic content of a systematically distorted manifestation, cannot be 'understood' if it is not possible at the same time to 'explain' the Why, the origin of the symptomatic scene with reference to the initial circumstances which led to the systematic distortion itself.⁴¹

Critical social science thus returns to the origins of ideological delusion and explains its function within the culture. Critical thought surpasses hermeneutic reflection by investigating the factors operative behind the back of social agents--factors which, because they are repressed and concealed from consciousness, "have the status of causes."⁴²

Thus, at the heart of Habermas's understanding of critique is the emancipatory knowledge made possible through self-reflection. Self-reflection reverses the repressive force of ideology by rendering conscious what ideology had removed from consciousness. Once it is acknowledged that forms of interaction conceal unconscious and causal forces, it is the task of self-reflection to make subjects aware of these forces and to dissolve whatever hold they have on our actions and self-understanding. By showing how history embodies forced consensus and hidden power relations, self-reflection upsets the dogmatism of traditional practice. Theoretical insight is thus indispensable to the practice of removing barriers to emancipation and human fulfillment. Self-reflection also restores a true awareness to individuals and social groups of the

position they occupy in history. Through the construction of a systematic narrative documenting the formative processes of the human species from the anticipated point of view of the culmination of such processes, it enables us to view such agents as part of the movement of historical development.

While self-reflection, and the emancipation which it makes possible, is the aim of critical social science, its methodology is characterized by Habermas as "depth hermeneutical." Critical theory is to be modelled upon the methodology of Freudian psychoanalysis, "the only tangible example of a science incorporating methodical self-reflection."⁴³ Habermas writes of psychoanalysis in *Knowledge and Human Interests*:

Psychoanalytic interpretation is concerned with those connections of symbols in which a subject deceives itself about itself. The *depth hermeneutics* that Freud contraposes to Dilthey's philological hermeneutics deals with texts indicating *self-deceptions of the author*. Beside the manifest content (and the associated indirect but intended communications), such texts document the latent content of a portion of the author's orientations that has become inaccessible to him and alienated from him and yet belongs to him nevertheless. Freud coins the phrase 'internal foreign territory' to capture the character of the alienation of something that is still the subject's very own.⁴⁴

Psychoanalytic depth hermeneutics surpasses what Thomas McCarthy calls "normal hermeneutics"⁴⁵ in taking for its object domain not only the conscious subjective intentions of the speaker but also, and more importantly, "the latent content of symbolic expressions, a content that is inaccessible to the author himself."⁴⁶ While psychoanalytic investigation may appear hermeneutic--as an interpretive disclosure of meaning in the course of dialogue between speakers oriented toward a common subject matter--and while Freud himself noted similarities between analysis and the practice of translation, the meanings which psychoanalysis discovers

occur not at the level of ordinary language but below the threshold of consciousness. As a self-reflective science, psychoanalysis views actions and expressions as manifestations of unconscious factors, or as disguised expressions of repressed needs. They are explainable in terms of latent conflicts and causal connections between principles (as manifestations, for instance, of conflict between the pleasure and reality principles). Psychoanalytic procedures combine interpretation of meaning with explanation of causes, and it is only this combination that makes true insight into the patient's condition possible.

A further point of distinction between psychoanalysis and hermeneutic interpretation concerns the mode of interaction between speakers. The psychoanalytic interview is not a dialogue in the hermeneutical sense of an interpretive inquiry between speakers on an equal footing opening themselves to the claims of the other and acknowledging the possibility that such claims may have truth value. Unlike hermeneutic dialogue, which is a testing of interpretations and a risking of one's prejudices in an encounter with an interlocutor whose standpoint is different from one's own and from whom one may have something to learn, the mode of interaction between analyst and analysand is one of clinical diagnosis. The psychoanalyst, in order to detect the deep meaning of utterances, must overlook the possible truth value of the claims of the patient and focus instead upon those expressions that betray conflict and reveal something about the original symptomatic scene. Since the analyst must endeavor to get behind linguistic expressions to the conditions of their genesis, the mode of communication between analyst and patient is not that of equal conversational partners orienting

themselves to a common subject matter, but is a clinical "seeing through" the claims of the patient to what pathological disturbances such expressions conceal. The hermeneutical anticipation of truth is replaced with pedagogy. As Habermas puts it:

The disturbance of communication does not require an interpreter who mediates between partners of divergent languages but rather one who teaches one and the same subject to comprehend his own language. The analyst instructs the patient in reading his own texts, which he himself has mutilated and distorted, and in translating symbols from a mode of expression deformed as a private language into the mode of expression of public communication.⁴⁷

As an exercise in self-reflection, the psychoanalytic interview is an enlightening and therapeutic discourse which aims at restoring the patient's autonomy.⁴⁸

Habermas also enlists psychoanalysis in reformulating the notion of ideology, transforming it from a conception dominated by economic categories to one based on language. Ideology is characterized by Habermas as a distorted form of communication, and thus an obstacle to self-consciousness in the same manner as illusion and delusion conceived of psychoanalytically. A form of false consciousness, ideology maintains the legitimacy of an existing order by concealing its capacity for oppression and by introducing substitute gratifications. The illusions it produces are rationalized compensations for repressed needs. By infiltrating ordinary language, ideology disguises the contradictions of a social system, and in so doing ensures the continuing domination of certain groups within that system. Distorted communications stabilize oppressive practices and institutions by, for instance, concealing the ways in which they promote sectarian interests or by representing such

interests as synonymous with the general will.⁴⁹

Accordingly, the social critic plays a role in the domain of politics analogous to that of the analyst in the diagnosis of individual psychopathology. In both instances the analyst incorporates hermeneutic and explanatory procedures to uncover latent meanings and distortions within our forms of interaction. Both serve a pedagogical function aimed at producing emancipation through the enlightenment of those subjects who had been under the spell of an illusion. Habermas realizes, of course, that this analogy is not without its limitations. In particular, the psychoanalytic conception of ideology as a form of communal neurosis faces a difficulty that Freud himself brought to our attention. Freud points out in *Civilization and its Discontents* that the diagnosis of illusions affecting entire communities cannot incorporate the same methods as those employed in the treatment of individual neurosis:

[T]he diagnosis of communal neuroses is faced with a special difficulty. In an individual neurosis we take as our starting-point the contrast that distinguishes the patient from his environment, which is assumed to be 'normal.' For a group all of whose members are affected by one and the same disorder no such background could exist; it would have to be found elsewhere.⁵⁰

The category of neurosis requires for its intelligibility a demarcation of some kind between normalcy and deviance. Since individual neuroses are understood as deviations from socially recognized norms of behavior, the diagnosis of such disturbances must presuppose that certain standards of normalcy--standards that allow the analyst to distinguish the normal from the pathological--are in place. Such criteria, however, are not products of scientific reflection. They are, Freud tells us, culturally relative. Since such norms are themselves under suspicion in cases of communal

neurosis, the critic of ideology must employ methods different from those employed in psychoanalysis. The theory of neurosis which informs Freud's analyses of individual disturbances is also unavailable to the ideology critic. The latter must therefore introduce new theoretical perspectives.

These Habermas finds not only in the domain of functionalist analysis but, more importantly for the project of normative criticism, in the theory of historical materialism. In order for a critical theory of society to acquire a scientific status analogous to psychoanalysis, it must be able to document the historical development of the human species. It must gain a theoretical mastery of the notion of undistorted communication, and then supplement this with a developmental account of the acquisition of communicative and interactive competences. In lieu of standards of normalcy, critical theory must overhaul its foundations by undertaking a reconstruction of historical materialism.⁵¹

The theory of historical materialism, then, is central to Habermas's conception of normative critique. It differs from Marx's original formulation of this theory, first, by dropping the comparison of a science of history with research in the natural sciences. Second, it avoids positing a macrosubject as the bearer of historical development. "Historical materialism," Habermas suggests, "does not need to assume a *species-subject* that undergoes evolution. The bearers of evolution are rather societies and the acting subjects integrated into them."⁵² Third, Habermas refuses to view historical events as unfolding in a necessary, unilinear, and continuous manner; history provides no guarantee of unremitting progress, and is subject to temporary regressions in the

evolution of social processes. Fourth, learning processes are not limited to modes of economic production, but are operative as well in the dimensions of communication, conflict resolution, and--more importantly for our concerns--moral consciousness. What Habermas has preserved of historical materialism is its aim of explaining social phenomena in terms of an evolutionary model. The theory's original aims were at once explanatory and practical. In demonstrating how economic structures could be comprehended in terms of developmental processes, it provides a theoretical perspective from which to assess current economic practices. As an exercise in self-reflection, it also has a practical intent, namely emancipation from power relations through the science of critique.

More controversially, Habermas also incorporates from Marxism a teleological conception of history. Although dispensing with the more orthodox doctrine of the necessity, irreversibility, and continuity of historical development, Habermas's philosophy of history does include a strong teleological component. Through self-reflection, it is possible not only to identify the direction in which history is unfolding, but to specify its telos as well. Social evolution is progressing toward a state of increasing complexity, and such evolution may be understood as a process in which subjects learn to better cope with such complexity. Learning processes occur in the domain of moral insight and communicative interaction, and not only in the sphere of production as Marx had supposed.

[T]he species learns not only in the dimension of technically useful knowledge decisive for the development of productive forces but also in the dimension of moral-practical consciousness decisive for structures of interaction. The rules of communicative action do develop in reaction to changes in the domain of instrumental and

strategic action; but in doing so they follow *their own logic*.⁵³

On this view, social evolution is constituted by learning processes understood as the unfolding of a logic of individual and societal development reminiscent of Jean Piaget's developmental-logical approach to cognitive psychology. A developmental logic represents a series of discrete stages of maturation and learning, each stage of which comprises a higher order of complexity and all of which are passed through in a specific order of succession.

Habermas's reconstruction of historical materialism is a project that investigates the evolution of universal competences in several areas of social scientific inquiry. It brings together Habermas's work on universal pragmatics with Piaget's study of cognitive development, Noam Chomsky's theory of linguistic competence, and Lawrence Kohlberg's research on the development of moral reasoning. The theory incorporates under the umbrella of a unified account of ego development a collection of researches on universal competences in the related realms of interaction, language, and cognition. This provides an integrated theoretical framework with which to study the processes of maturation within individuals and societies, and the progressive elimination of barriers to human development. It seeks to demonstrate how history is unfolding in the direction not only of social complexity but of greater autonomy for human beings and mastery of moral and political discourse.

Of particular importance in this project is Habermas's appropriation of Kohlberg's observations in the field of moral developmental psychology. Habermas believes that Kohlberg has successfully isolated a developmental logic in the acquisition of moral

competence. Suggesting that we view moral consciousness as a dimension of interactive competence, Habermas proposes that the true significance of normative judgments may be explained from an evolutionary standpoint. Moral beliefs may be studied from the detached and scientific perspective of developmental psychology in the tradition of Piaget and Kohlberg. In view of the importance of Kohlberg's research in the rehabilitation of historical materialism, and thus in furnishing a theoretical framework for critical reflection, it may be worth taking a brief look at this theory.

As a developmental-logical approach to moral consciousness, Kohlberg's theory posits an invariant sequence of stages in the acquisition of moral competence from preconventional through conventional to postconventional levels.⁵⁴ Movement through the different stages is said always to proceed in the same direction and represents an invariant sequence. While moral agents progress through these stages at varying speeds, and while development may stop at any given stage, individuals can neither skip stages nor move from the higher to the lower except in cases of temporary regression. In addition to their invariant order of succession, moral stages are characterized as structural wholes which solve problems in qualitatively different ways. Progression through these stages represents the normal course of moral development, and while such progression is dependent upon a corresponding cognitive development, Kohlberg maintains that it is the stimulation that comes with social interaction (particularly through opportunities for role-taking) that normally engenders moral stage progression. Kohlberg thus believes that he has discovered an "empirical foundation"⁵⁵ for the traditional liberal faith in progress. There are, he claims, universal long-range trends

toward the approximation of stage six reasoning which justify a faith in social progress and moral evolution. He writes:

The liberal faith is not a faith in the inevitability of progress by some iron law of social history or by some biological unfolding in the child. The liberal faith is, rather, that under conditions of open exposure to information and communication and of a degree of control by the individuals over their actions and the ensuing consequences, basic changes in both individuals and societies tend to be in a forward direction in a series of steps or stages moving toward greater justice in terms of equity or recognition of universal human rights.⁵⁶

This faith in the evolution of moral competence is supported, he argues, by cross-cultural evidence of progression toward postconventional modes of reasoning which are entirely absent from preliterate societies. Both individuals and societies undergo moral stage evolution, with each higher stage representing a closer approximation to stage six.

Kohlberg argues that a theory of moral development must do more than merely stipulate that what comes later in time must be in some manner superior to that which precedes it. It must formulate criteria which demonstrate the greater philosophical adequacy of postconventional reasoning. Kohlberg proposes that the higher developmental stages exhibit superior cognitive organization and formal adequacy; each stage is characterized by greater differentiation and integration than the stages preceding it. The higher stages display greater differentiation between the "ought" of morality and the assorted "oughts" of practical and instrumental reasoning. Moral values are similarly disentangled from other kinds of values; the moral value of the person, for instance, becomes increasingly differentiated from the person's instrumental value to society, from status, and so on. The combination of greater differentiation and integration entails a more adequate state of cognitive

equilibrium than that found at lower stages, as is evidenced by empirical studies suggesting that moral agents always prefer higher to lower stages (when, that is, they are capable of understanding the mode of thought at a higher stage).

At work in Kohlberg's developmental account is a metaethical formalism which regards morality as a "unique, *sui generis* realm"⁵⁷ of discourse. The domain of morality and principles is independent of other realms of inquiry, and normative claims are judged solely by moral criteria of rationality rather than by criteria of efficiency or utility. Kohlberg does not claim value-neutrality for his developmental project, but situates it within the modern tradition of deontological and formalistic moral philosophy stemming from Kant. Having assumed a formalistic account of moral rationality, Kohlberg writes:

the formal definition of morality only works when we recognize that there are developmental levels of moral judgment that increasingly approximate the philosopher's moral form. This recognition shows (1) that there are formal criteria that make judgments moral, and (2) that these are only fully met by the most mature stage of moral development, so that (3) our mature stages of judgment are more moral (in the formalist sense, more morally adequate) than less mature stages.⁵⁸

As well as better fulfilling formal criteria of moral adequacy, each higher developmental level is accompanied by a corresponding change in social perspective--from the "concrete individual perspective" at the preconventional level to the "member of society" perspective at conventional stages, and finally to the "prior to society" perspective at the level of postconventional principled reasoning.⁵⁹ The principles articulated from the prior to society perspective represent those "standards on which a good or just society must be based."⁶⁰ It is only

from this presocial standpoint that social practices and norms can be properly adjudged, and the principles generated from this standpoint are claimed by Kohlberg to be "intrinsically appealing to any rational agent; their appeal, unlike that of Stage 4 modes of reasoning, is independent of extrinsic social norms."⁶¹

Kohlberg and Habermas both argue that in order to understand movement from lower to higher stages as a developmental or learning process, it is necessary to posit an end-state of moral development to serve as a reference point from which we could retrospectively describe such movement as learning (rather than merely a change in opinion). Both also agree that stage six universalism constitutes this point of reference, and that since it alone succeeds in fully meeting Kohlberg's criteria, stage six fully represents "the moral point of view." As Kohlberg puts it:

A formalistic normative theory says, 'Stage 6 is what it means to judge morally. If you want to play the moral game, if you want to make decisions which anyone could agree upon in resolving social conflicts, Stage 6 is it.'⁶²

We can assess the moral rightness of any action or practice by testing it against the judgment of those at the highest developmental stage.

Kohlberg goes so far as to assert that, if his line of argument is correct, then "the only 'competent moral speakers' are the rare individuals at Stage 6 (or, more tolerantly, at Stages 6 and 5)"⁶³ - which, according to his figures, together total approximately twenty percent of the population of American adults (less than five percent of whom are at stage six).⁶⁴

While it attempts to avoid committing certain forms of what philosophers sometimes call the naturalistic fallacy, this developmental

account of moral reasoning, Kohlberg admits, does commit one form of this fallacy--namely that form according to which "any conception of what moral judgment ought to be must rest on an adequate conception of what it is."⁶⁵ A philosophically adequate moral theory must, as he puts it, "'work' empirically"⁶⁶; that is, the evaluations it prescribes must not fail to cohere with the judgments of those individuals who have attained the highest level of moral competence. Empirical propositions, while not proving the legitimacy of normative claims, nonetheless act as a test for such claims, and may well serve to falsify the latter. This makes for a view of the relation between philosophy and science (or moral theory and moral psychology) as one of mutual reinforcement. Habermas and Kohlberg both speak of a complementary relationship between normative and empirical statements. Habermas, for instance, writes in a recent discussion of Kohlberg:

The success of an empirical theory, which can only be true or false, may serve as a safeguard of the normative validity of a moral theory used for empirical purposes.... It is in this sense that rational reconstructions can be checked or tested, where 'test' means to investigate whether different pieces of theory are complementary and fit into the same pattern. Kohlberg's clearest formulation of this reads as follows: 'Science, then, can test whether a philosopher's conception of morality phenomenologically fits the psychological facts. Science cannot go on to justify that conception of morality as what morality ought to be.'⁶⁷

Kohlberg acknowledges that this undoubtedly represents a violation of (one form of) the naturalistic fallacy. It is, however, a violation that he is prepared to countenance.

One final aspect of Kohlberg's theory which deserves mention is the mode of communication that takes place in what he terms the "moral judgment interview" between research scientist and interviewee. Wishing

to characterize such interaction as a "dialogue"--indeed as a hermeneutic dialogue⁶⁸--Kohlberg tells us that "when doing interpretative social science one must enter with an attitude of communication between the observer and the observed; that is, one must 'join a conversation.'"⁶⁹ What is meant by "joining a conversation," however, is not a recognition that the interviewee may understand truths not already comprehended by the researcher, and that the latter may thus have something to learn from the former. Because the interviewee has the status not of an interlocutor on an equal footing with the interviewer but of a research subject, Kohlberg's "hermeneutic dialogue" is in no relevant respect different from clinical diagnosis. Dialogue, he writes, includes the employment of "a standardized issue scoring manual and a standardized interview for assessing moral reasoning."⁷⁰ Kohlberg and his colleagues have developed a measurement instrument that "we believe allows us to have our psychometric cake and hermeneutically interpret it too."⁷¹ The interview process begins with the researcher endeavoring to occupy the moral standpoint of the research subject. (Since the interviewer has progressed through each moral stage, there is no difficulty in transposing oneself into the standpoint of any moral agent, regardless of which developmental stage the latter occupies.) The interviewer then proceeds to "score" the interviewee's responses to standardized questions. Kohlberg's notion of dialogue is thus a mode of clinical interaction which is as given to suspending the anticipation of truth in confronting the claims of the interviewee as that mode of interaction found in the psychoanalytic interview. What Kohlberg characterizes as a hermeneutic

approach in his investigations is one in which dialogue is not an art but a science.

It is thus by incorporating Kohlberg's moral psychology into a more encompassing theory of individual and societal development that Habermas rehabilitates historical materialism, and in so doing preserves the standing of critical theory as a scientific, historically oriented analysis of the present. The theory of social evolution provides a framework not only with which to measure the moral competence of particular individuals, but from which to explain the deep significance of social phenomena and for the critique of social conditions past and present. It reinstates critical theory's claim to scientific status by viewing present conditions as stages in maturational processes and social conflicts as developmental problems. It offsets the potentially conservative and relativistic effects of acknowledging the historically situated character of inquiry by viewing critical reflection as a mode of explanatory knowledge derived from the standpoint of an end-state of learning processes. It is in light of such a theoretical framework that social criticism may assess the practices and norms that have generated consensus not only in modern Western cultures but indeed in any culture and any historical period. The reconstruction of historical materialism thus provides a new foundation for critical theory's traditionally practical intent of making possible forms of political emancipation through enlightenment.

THE IDEAL OF SCIENTIFICITY

I have argued in the first part of this chapter that certain difficulties in Foucault's thought--specifically in his ethical and political writings--may be traced to his conception of critique as a genealogical mode of historical analysis. This conception of critical reflection, I suggested, in refusing to occupy any normative standpoint, leaves the social critic without the resources necessary for such reflection and leaves him reticent when we should most expect positive affirmations. Habermas, on the other hand, clearly is concerned not only to identify but to provide a transcendental grounding for the standpoint from which critical reflection may proceed. Critique, as a dimension of explanatory science, is practised from the perspective of an end-state of developmental processes. By bringing together normative evaluation and scientific reflection under the banner of a critical theory of society with a practical intent, Habermas provides a systematic grounding for normative critique. Critical theory thus acknowledges its emergence within history while preserving a claim to scientific objectivity by viewing history as a set of developmental processes progressing toward a state of superior communicative and interactive competence.

While clearly not vulnerable to the criticisms directed above against Foucaultian genealogy, Habermas's transcendental project is not without difficulties of its own--difficulties which, I shall argue, stem from his conception of critique as a mode of scientific investigation. A few of these difficulties were mentioned in our discussion of Foucault and his critique of the science/ideology separation in Marxist theory, and were

brought out at greater length and given a somewhat different spin by Gadamer in the course of his debate with Habermas. It is important to note that while Habermas has changed the focus of his thought since the time of the debate with Gadamer from a preoccupation with psychoanalysis and self-reflection to an overhauling of the foundations of critical theory through the reconstruction of historical materialism, this change of focus does not represent a change in philosophical direction. In his more recent writings, Habermas remains as committed as ever to the ideal of scientificity and to conceiving of normative critique in terms of the science/ideology opposition. The search for a theoretical frame of reference from which to comprehend society in its totality and to detect the deep meaning of social phenomena in the manner of psychoanalysis remains at the center of Habermas's concerns. Since this represents the focus of Gadamer's rejoinder to Habermas in the course of their debate, it would be worth examining the line of argument that Gadamer advanced. The question I shall want to address is whether this line of criticism still has force after Habermas's turn toward competence theory.

Among the questions at stake in this well known debate is whether critical theory can transcend the situation-dependency of hermeneutic interpretation by employing the methods of psychoanalysis; can normative criticism, in other words, achieve the status of a science?⁷² We have seen how Habermas has undertaken to answer this question in the affirmative by modelling social criticism upon psychoanalytic self-reflection and social criticism. The emancipatory aim of the critic and the method of diagnosing communal neuroses are to be modelled upon the aims and methods of psychoanalysis. The mode of communication between critic and

society is similarly patterned after the clinical interaction between analyst and analysand in the therapeutic dialogue. The difficulty with this analogy may be pointed out along the following lines.

In psychoanalytic treatment, the authority which accrues to the analyst is contingent upon the following conditions: first, upon feelings of unhappiness and frustration on the part of the patient; second, upon the analyst's superior knowledge regarding the causes of these feelings; third, upon the patient's recognition of the analyst's superior knowledge; fourth, upon the latter himself being exempt from neurotic disturbances. The significance of the fourth condition goes back to Freud's insistence that before one practises psychoanalysis one must oneself undergo analysis in order to be free of the disturbances one is later to diagnose in others. Regarding the second condition, the analyst must be capable of explaining the sufferings of the patient as frustrations of his true interests. The analyst must not only comprehend the meaning of the patient's expressions better than the latter does himself, but also know what the real needs and interests of the patient are. Because the patient is in the grip of an illusion, he fails to understand his real interests just as he fails to understand himself. The third condition--that the asymmetry in the positions of doctor and patient is contingent upon the latter's free recognition of the authority and superior knowledge of the psychoanalyst--is also indispensable. The authoritative status and the pedagogical role of the analyst are both defused when the analysand refuses to subordinate himself to the status of patient in a clinical mode of interaction.

The question thus arises whether these conditions obtain in the interaction between social critic and society, as it would seem they must for Habermas's analogy to hold. Regarding the first condition--that the authority of the analyst in the therapeutic dialogue must presuppose feelings of frustration on the part of the analysand (who, needless to say, would not undergo treatment were it not for such feelings)--the following problem arises: what happens in the event that individuals or social groups are so under the spell of ideology that they do not experience their position in the social order as oppressive? If the illusions which hold them captive are so essential to their self-understanding that they do not experience their frustrations as in any way abnormal or objectionable--if such feelings are explained within the frame of reference of the ideological worldview, and accepted therefore as part of the natural order of things--then a necessary condition of the analyst/critic's authority does not hold. The very individuals and groups most in need of critical self-consciousness will hear the claims of the critic (beginning with the claim that the latter occupies a superior position in detecting real meanings and real interests) with deaf ears. The scenario in which persons are in the grip of an illusion to such a degree is far from hypothetical if we grant Freud's thesis that neuroses may afflict not only communities but nearly all of mankind as well. If we also grant Freud's belief that religion represents the universal neurosis of mankind, then the scenario is not even unusual. The first condition, then, does not obtain in this circumstance.

The second condition of the authority claimed by the analyst in the therapeutic dialogue is the focus of Gadamer's criticism. For the

critic of ideology to claim a superiority for his point of view prior to participating in dialogue with other social agents, including those whom the critic holds to be victims of false consciousness, is a form of dogmatism. To go about "diagnosing" and "unmasking" the claims of one's conversational partners in the manner of the expert, the social critic "in the know" whose self-appointed task is not to persuade but to "enlighten," not to listen to the claims of others but to "explain" their deep meaning, is a dogmatic and ultimately dangerous mode of communication when transferred to the domain of politics. As Gadamer expresses it:

How does the psychoanalyst's special knowledge relate to his own position within the societal reality (to which, after all, he does belong)? The psychoanalyst leads the patient into the emancipatory reflection that goes behind the conscious superficial interpretations, breaks through the masked self-understanding, and sees through the repressive function of social taboos. This activity belongs to the emancipatory reflection to which he leads his patient. But what happens when he uses the same kind of reflection in a situation in which he is not the doctor but a partner in a game? Then he will fall out of his social role! A game partner who is always 'seeing through' his game partner, who does not take seriously what they are standing for, is a spoil sport whom one shuns.⁷³

Habermas's ideology critic claims a status for himself which is excessive. He pretends already to know the outcome of rational dialogue before it has begun, to be in sole possession of the truth while the claims of his interlocutors are written off as illusions. Exempting the critic's conception of justice from the need for dialogue with others appears merely as a dogged insistence to privileged insight. It omits the simple possibilities of difference of opinion and of learning from opposed viewpoints. The danger that would arise should this asymmetrical mode of discourse be transferred to the sphere of politics is not difficult to see:

certain individuals, claiming to know the needs and interests of the people better than they themselves do, would represent no small danger were they to find their way into positions of power. Such individuals, refusing to grant that the values of their would-be interlocutors may have some claim to legitimacy, would be likely to impose their political agenda on everyone within their reach.

Habermas's response to this line of criticism, briefly, is to distinguish three tasks of political discourse. These are: first, the task of theory construction; second, the organization of enlightenment; third, the conduct of political struggle. Theory construction imposes no constraints on communication. The position of all speakers is symmetrical, and the course of inquiry is determined solely by the force of the strongest argument. The third task is characterized as a search for consensus among social actors struggling for emancipation concerning the strategic actions most likely to achieve their aims. It is only at the level of what Habermas terms the organization of enlightenment that speakers occupy asymmetrical positions on the model of the doctor/patient relationship. This is the pedagogical communication that takes place between critic and society, and its justification rests upon the superior insight of the critic. Since the process of enlightening groups about their predicament within the social order neither requires nor entails that any specific actions be undertaken, since it offers no positive pronouncements regarding how such groups must secure their emancipation, the danger of the enlighteners dogmatically imposing their values on the rest of the population does not arise--so Habermas argues.

Does this separation of functions suffice as a rejoinder to Gadamer? Moreover, has Habermas's turn toward competence theory since this debate made his position any less vulnerable to the same objection? I suggest that both questions be answered in the negative for the following reasons. The aim of social criticism is to enlighten the consciousness of those who are in need of emancipation; it is identified, in other words, with the second task above and not the third. Habermas seems to presuppose, however, that the dogmatism to which Gadamer objects would only represent a danger if it were found at the level of the conduct of political struggle where questions of strategic action arise, and that no such danger exists at the level of the organization of enlightenment. We need therefore worry neither about new impositions of tyranny nor about the creation of any new hierarchy of citizens, since it is not the task of the enlighteners to prescribe which direction the political struggle must take. However, it is not only at the level of political struggle that the problem of dogmatism arises. The social critic who pursues his reflections and pronounces his verdicts in isolation from the attempt to arrive at an understanding with others in dialogue, who claims an authoritative status for himself by virtue of special insight, resorts to a form of dogmatism resulting in yet another hierarchy among speakers. It creates a new class structure at the level of political communication.

This immunizing of one set of values and opinions from the need for further conversation is only perpetuated by Habermas's turn toward Kohlbergian competence theory. Let us recall for a moment the mode of communication that takes place in Kohlberg's moral judgment interview between analyst and research subject. In this conversation, after

listening to and then "scoring" the latter's responses to a set of standardized questions, the analyst/scientist/critic informs (or may inform, as he sees fit) the interviewee as to his level of competence as a moral deliberator. (Evidently it goes without saying that the latter does not enjoy the same privilege.) It is on account of his knowledge of what constitutes superior moral competence that the scientist enjoys the same authority in the moral judgment interview as the psychoanalyst in therapeutic dialogue. Thus, to the individual at the highest level of moral competence, dialogue with those at the conventional and pre-conventional levels (which, to recall, together account for some eighty percent of the population of American adults) does not involve listening to the claims of an interlocutor with the recognition that such claims may have truth value; it is a means of gaining data about the competence level of the moral agents in question, just as psychoanalytic interaction is a form not of listening to, but of "seeing through," the claims of a patient. The result is a new conversational regime involving a class of speakers claiming authority by virtue of superior competence and an underclass of all the rest.

Habermas is curiously silent about a certain elitist thrust in Kohlberg's writings. Kohlberg is occasionally given to making statements of a kind one would expect Habermas, as a defender of communicative rationality, to find troubling. He asserts, as we have seen, that if his developmental approach to moral competence has legitimacy, it follows that "the only 'competent moral speakers' are the rare individuals at Stage 6 (or, more tolerantly, at Stages 6 and 5)." Kohlberg also tells us that if we wish to ascertain the normative status of a certain practice, "we need only

ascertain its moral status among people who are in the vanguard, so to speak, of moral development in our society."⁷⁴ It is odd that Habermas, who is an outspoken defender of unconstrained communication, who from his earliest writings has been concerned to rehabilitate the notion of the public sphere as a forum wherein all speakers may engage in dialogue about matters of general interest, and who has professed a "conviction that a humane collective life depends on the vulnerable forms of innovation-bearing, reciprocal and unforcedly egalitarian everyday communication,"⁷⁵ would attribute such import to a theory that would only legitimize a new class structure of moral agents.

In fairness, Habermas and Kohlberg have both recently retreated from positing "hard" stages at the postconventional level of moral reasoning. Both now maintain that once moral agents advance beyond stage four they reach the level of reflective moral consciousness. Accordingly, the asymmetry between speakers is replaced at the postconventional level by a relation of equality between (relatively) competent moral agents. As Habermas writes:

[T]he relationship of psychologist to interviewee in the interview situation has to change as soon as the subject reaches the formal-operational or postconventional level of thought or moral judgment. For at this level the asymmetry that exists in preceding stages between the subject's prereflective efforts and the psychologist's attempt to grasp them reflectively disappears. And with this, the cognitive discrepancy that was originally built into the interview situation disappears.⁷⁶

However, it is still only those at stages five and six (now characterized as "soft" stages) who are sufficiently competent in moral judgment to be capable of dialogue in the proper sense of the term. The normative claims of those at lower developmental stages are not to be reflected upon with

an eye to their possible legitimacy, nor are they to be met on an equal footing by speakers in a symmetrical relation; rather, they are to be "tallied" with the aid of Kohlberg's standard issue scoring manual. Gadamer's charge of dogmatism thus has still more force after Habermas's Kohlbergian turn than at the time of their debate.⁷⁷

A second line of argument which Gadamer advanced in his rejoinder to critical theory can also be shown to have as much or more force after Habermas's turn toward developmental theory. This line of criticism pertains to the notion of self-reflection. The charge is that the claims that Habermas makes on behalf of self-reflection are excessive and overlook the partiality and facticity of all inquiry. Recalling that one of the basic aims of critical theory is to offset what it regards as the conservative and relativistic effects of maintaining, in the manner of philosophical hermeneutics, that all discourse is situated within tradition and language, Habermas proposes that it is through self-reflection that a critical social science may detect the workings of ideology. In introducing a measure of objectivity into the analysis of social phenomena, self-reflection offsets the situatedness of hermeneutic interpretation. To this, Gadamer objects that Habermas's notion of self-reflection represents a misunderstanding of the way in which social phenomena are apprehended by consciousness. It overlooks the extent to which reflection is already preceded by tacit understandings. Human consciousness is never in the entirely sovereign position of absolute distantiation, but is symbolically mediated and embedded within an ontological preunderstanding. To suppose that through self-reflection philosophers could get behind language to its "real" determinants would be to misrepresent language as

merely an adjunct of society rather than the universal medium through which phenomena are disclosed to consciousness. Habermas overlooks the limits of reflection in supposing that through the introduction of scientific discourse we could form an objective picture of society. While recognizing the facticity of all inquiry, Habermas nevertheless defends a view of critique that refuses to recognize its own limitations, and appears for this reason to represent yet another form of totalizing reflection.

What Habermas overlooks in particular is the embeddedness of critical thought--including the mode which he himself defends--within particular historical traditions. Although the aim of his transcendentalism is to sever once and for all the power of reflection from the workings of historical tradition, to disengage critical theory from its own facticity, Habermas appears to lose sight of the traditions within which his own ethical thought is situated. As Ricoeur has pointed out, Habermas's project stands within what he terms a tradition of emancipation:

For in the end, hermeneutics will say, from where do you speak when you appeal to *Selbstreflexion*, if it is not from the place that you yourself have denounced as a non-place, the non-place of the transcendental subject? It is indeed from the basis of a tradition that you speak. This tradition is not perhaps the same as Gadamer's; it is perhaps that of the *Aufklärung*, whereas Gadamer's would be Romanticism. But it is a tradition nonetheless, the tradition of emancipation rather than that of recollection. Critique is also a tradition. I would even say that it plunges into the most impressive tradition, that of liberating acts, of the Exodus and the Resurrection. Perhaps there would be no more interest in emancipation, no more anticipation of freedom, if the Exodus and the Resurrection were effaced from the memory of mankind.⁷⁸

It is within the context of a tradition of emancipation stemming from the Old and New Testaments through to the Enlightenment, to Kantianism, to Marxism and so on that the critique of ideology gains intelligibility. The basic aims, categories, and assumptions it employs both in justifying and

opposing current practice are all found within this tradition. Thus, far from gaining an objective insight into historical traditions, ideology critique is itself firmly situated within tradition, the claims of self-reflection notwithstanding.

By the same token, Habermas's turn toward social evolutionary and competence theory, rather than providing a distanced, tradition-neutral perspective on current forms of reasoning, must be viewed in light of the Kantian ethical tradition. As Kohlberg acknowledges, his developmental psychology is by no means ethically neutral, but is embedded within the assumptions and terms of reference of modern, formalistic, and deontological moral philosophy stemming from Kant. In view of this, are we to conceive of Kohlberg's theory of moral competence as a scientific discourse demonstrating in the manner of the empiricist the true normative status of our practices and modes of reasoning, or as a partisan endeavor generating moral conclusions very much of the kind one would expect given the assumptions built into it? Is it an accident that what Kohlberg the scientist discovers to be the culmination of moral development bears a striking resemblance to the dutiful follower of the categorical imperative? Can we avoid concluding in a Foucaultian vein that Kohlbergian moral developmental psychology is in fact plain old Kantian morality in the guise of scientific knowledge, that it awards privileged status to one normative standpoint by concealing its perspectivity and installing it atop a scientific hierarchy of knowledges?

While acknowledging that there is a circularity in Kohlberg's view that moral theory can be corroborated by a scientific theory which is itself informed by a set of ethical assumptions, Habermas insists that this

circularity is not vicious. The relation between moral philosophy and developmental psychology, as was mentioned above, is one of mutual reinforcement, with each providing corroboration of the other's conclusions. The operative criterion here is coherence: when the findings of developmental psychology cohere with the conclusions of moral theory, then such conclusions have been grounded. It is through the combination of "several theoretical spotlights"⁷⁹ that critical reflection may claim scientific objectivity. The problems with this position, however, are twofold: first, the circularity in question would indeed appear to be vicious for the reason that the formal principles Kohlberg's theory presents as the culmination of moral competence depend for their justification on formalistic assumptions. There is nothing scientifically interesting in the discovery that Kantian conclusions follow from Kantian premises. Second, and more fundamentally, it is far from obvious why we should suppose that our moral reflections ever required the confirmation of empirical science. Even (or perhaps especially) if we approach the question from within Kohlberg's own frame of reference and regard the domain of morality and principles, as he suggests, as a "unique *sui generis* realm" of discourse, one in which normative claims are judged solely by normative criteria, it remains a mystery that such claims should nonetheless be in need of a justification that only empirical science can provide. Unless one were simply enchanted by the allure of "scientific knowledge," it is not obvious why one should desire to make normative criticism scientific. As Foucault might ask, what special dignity is it to convey the title of scientific respectability upon moral beliefs? Is the ideal of scientificity so insisted upon by critical theory not merely a

prejudice of modernity--one which, far from transcending the contingency of historical tradition, in fact reveals the extent of critical theory's participation in the modern Enlightenment tradition? Does it not also conceal the workings of a particular power/knowledge configuration characteristic of modernity? Again, a Foucaultian reading here suggests itself.

My conclusion in this chapter is that the two conceptions of critique outlined above both face insurmountable difficulties. While genealogy leaves us with a diminished capacity for reasoned evaluation on account of its refusal to identify the standpoint from which it speaks, critical theory makes excessive claims about its status and perspective, and at times issues in a form of dogmatism. The twin dangers to which these two opposing views of critical thought give rise are, first, the lack of philosophical rationality that can be claimed for criticism that occurs from no apparent perspective and, second, the dogmatism associated with all supposedly objective and scientific perspectives on human affairs. If we are in search of a critical standpoint, we must avoid the twin dangers of speaking from a place which is no-place and speaking from a totalizing perspective. If we are to maintain a degree of historical consciousness in our ethical reflections, it is imperative to abandon the search for an objective or privileged standpoint for critical thought. We must, in short, find a better way of reconciling our historicity with the need for critique.

NOTES

1. Michel Foucault, "What is Enlightenment?" in *The Foucault Reader*, ed. Paul Rabinow, trans. Catherine Porter (New York: Pantheon Books, 1984), 46.
2. Foucault, "Nietzsche, Genealogy, History" in *Language, Counter-Memory, Practice: Selected Essays and Interviews*, ed. Donald F. Bouchard, trans. Donald F. Bouchard and Sherry Simon (Ithaca, New York: Cornell University Press, 1977), 139.
3. Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, ed. Colin Gordon, trans. Colin Gordon, Leo Marshall, John Mepham, and Kate Soper (New York: Pantheon Books, 1980), 84.
4. *Ibid*, 84-5.
5. *Ibid*, 83.
6. *Ibid*, 81.
7. Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1983), 109.
8. Foucault, "Power and Sex" in *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984*, ed. Lawrence D. Kritzman, trans. David J. Parent (New York: Routledge, 1988), 124.
9. See Foucault, "On Power" in *Politics, Philosophy, Culture*, trans. Alan Sheridan, 108.
10. Foucault, *Power/Knowledge*, 62.
11. Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1979), 194.
12. *Ibid*, 27.
13. Foucault, *Power/Knowledge*, 81.
14. *Ibid*, 82.
15. Dreyfus and Rabinow, *Beyond Structuralism and Hermeneutics*, 107.
16. *Ibid*, 107.

17. I add the following qualification to this, and shall return to this point in chapter two: along with Nietzsche, Ricoeur mentions Marx and Freud as the main figures in the hermeneutics of suspicion. Both Marx and Freud may well be read as essentialists with respect to the meaning of the phenomena they investigate. However, whether this is how suspicious hermeneutics ought to be construed is a question I shall address in the following chapter.

18. Charles Taylor, "Foucault on Freedom and Truth" in *Foucault: A Critical Reader*, ed. David Couzens Hoy (Cambridge: Basil Blackwell, 1986), 98.

19. I would add equality as well, since power is characterized as a relation of inequality between speakers or actors.

20. Taylor, "Foucault on Freedom and Truth," 93.

21. Foucault, *Power/Knowledge*, 85.

22. Foucault, "Afterword: The Subject and Power" in Dreyfus and Rabinow, *Beyond Structuralism and Hermeneutics*, 216.

23. At times, Foucault appears to defend a quasi-value-neutrality for genealogy in spite of his stated opposition to value-free social inquiry. In a late interview, he states that "in most of these analyses, people are not told what they ought to be, what they ought to do, what they ought to believe and think. What they do rather is to bring out how up till now social mechanisms had been able to operate, how the forms of repression and constraint had acted, and then, it seems to me, people were left to make up their own minds, to choose, in light of all this, their own existence." (Foucault, "An Aesthetics of Existence" in *Politics, Philosophy, Culture*, trans. Alan Sheridan, 50; also see *Remarks on Marx*, trans. R. James Goldstein and James Cascaito [New York: Semiotext(e), 1991], 172.)

24. See Jürgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, trans. Frederick G. Lawrence (Cambridge: the MIT Press, 1987), 266-93.

25. David Hoy offers this reading in his "Introduction" to *Foucault: A Critical Reader*, 13-4.

26. Richard J. Bernstein, "Foucault: Critique as a Philosophic Ethos" in *The New Constellation: The Ethical-Political Horizons of Modernity/Postmodernity* (Cambridge: The MIT Press, 1992), 160.

27. Foucault, "On the Genealogy of Ethics: An Overview of Work in Progress" in Dreyfus and Rabinow, *Beyond Structuralism and Hermeneutics*, 231.

28. Bernstein adds that the concept of danger is itself an evaluation, and one that is intelligible only from particular standpoints: "For we might say that the very notion of danger is itself *value-laden* - dangers for whom? Dangers from whose perspective? Why are these dangers 'dangerous'? There is something comparable to an interpretative or hermeneutical circle here. For the very specification of what are taken to be dangers or the unique dangers of modernity itself only makes sense from an interpretative perspective--one which

involves an *evaluation* of our situation, not just a 'neutral' description but an evaluative description." (Bernstein, *The New Constellation*, 158.)

29. Foucault, "The Subject and Power," 216.
30. Foucault, *Remarks on Marx*, 157.
31. Foucault, "Power and Sex," 122.
32. Here I am thinking of such philosophers as William James and John Dewey, as well as other philosophers who demonstrate a strong commitment to practice such as Gadamer and Habermas.
33. Foucault, "On the Genealogy of Ethics," 237.
34. Friedrich Nietzsche, *The Gay Science*, trans. Walter Kaufmann (New York: Vintage Books, 1974), 290.
35. Foucault, "On the Genealogy of Ethics," 236.
36. Instrumental rationality, as it is spoken of by critical theorists, is a formalistic, methodological, and scientific mode of rationality which is oriented toward the attainment of technical mastery in a variety of domains. Arising from within the disciplines of mathematics and the experimental sciences, this type of reasoning is dominated by the application of formal techniques which are instrumental in achieving technical control and mastery not only within the domain of experimental science but also within social and political affairs. This mode of rationality became one of the principal objects of critique in the early writings of the Frankfurt School theorists, most notably Max Horkheimer and Theodor Adorno. The primary target of this line of criticism was the manner in which instrumental rationality, with its fascination with technical problem solving and the domination of physical nature, had encroached upon the social and political domains, and threatened to subject human beings to newer and more pervasive forms of domination.
37. Habermas, *On the Logic of the Social Sciences*, trans. Shierry Weber Nicholsen and Jerry A. Stark (Cambridge: The MIT Press, 1988), 172.
38. *Ibid*, 173-4.
39. *Ibid*, 187.
40. Habermas, *Theory and Practice*, trans. John Viertel (Boston: Beacon Press, 1973), 32.
41. Habermas, "On Systematically Distorted Communication" in *Inquiry* 13, 209.
42. Habermas, *On the Logic of the Social Sciences*, 180.
43. Habermas, *Knowledge and Human Interests*, trans. Jeremy J. Shapiro (Boston: Beacon Press, 1971), 214.

44. *Ibid*, 218.
45. Thomas McCarthy, *The Critical Theory of Jürgen Habermas* (Cambridge: The MIT Press, 1989), 196.
46. *Ibid*, 196.
47. Habermas, *Knowledge and Human Interests*, 228.
48. Interestingly, since the time of Habermas's debate with Gadamer in the late 1960s and early '70s--a debate in which the project of modelling a critical theory of society upon psychoanalytic methodology was a main point of contention--Habermas's discussion of this early project and of psychoanalysis in general has been minimal. The reader interested in the development of Habermas's thought may well wonder what has become of this project, and indeed whether Habermas has renounced it. In the absence of any published recantation, however (which, to my knowledge, there is not), one must assume that he has not renounced this project, and that his interests have simply taken a different direction.
49. This example is taken from David Held's *Introduction to Critical Theory: Horkheimer to Habermas* (Los Angeles: University of California Press, 1980), 186.
50. Sigmund Freud, *Civilization and its Discontents*, trans. Joan Riviere (in *Civilization, Society, and Religion*, The Pelican Freud Library, Vol. 12) (Middlesex: Penguin Books, 1985), 338.
51. In Habermas's terminology, "reconstruction" signifies the overhauling of a theory in such a way as to better enable it to achieve its original aims.
52. Habermas, *Communication and the Evolution of Society*, trans. Thomas McCarthy (Boston: Beacon Press, 1979), 140.
53. *Ibid*, 148.
54. Kohlberg's six stages of moral judgment are as follows:
- "Level A. Preconventional Level
- Stage 1. The Stage of Punishment and Obedience
Content: Right is literal obedience to rules and authority, avoiding punishment, and not doing physical harm.
- Stage 2. The Stage of Individual Instrumental Purpose and Exchange
Content: Right is serving one's own or other's needs and making fair deals in terms of concrete exchange.
- Level B. Conventional Level
- Stage 3. The Stage of Mutual Interpersonal Expectations, Relationships, and Conformity

Content: The right is playing a good (nice) role, being concerned about the other people and their feelings, keeping loyalty and trust with partners, and being motivated to follow rules and expectations.

Stage 4. The Stage of Social System and Conscience Maintenance
Content: The right is doing one's duty in society, upholding the social order, and maintaining the welfare of society or the group.

Level C. Postconventional and Principled Level

Stage 5. The Stage of Prior Rights and Social Contract or Utility
Content: The right is upholding the basic rights, values, and legal contracts of a society, even when they conflict with the concrete rules and laws of the group.

Stage 6. The Stage of Universal Ethical Principles
Content: This stage assumes guidance by universal ethical principles that all humanity should follow." (Lawrence Kohlberg, *Essays on Moral Development, Volume 1: The Philosophy of Moral Development* [San Francisco: Harper and Row, 1981], 409-12.)

Individuals at the conventional level uphold the rules and expectations of society which those at the preconventional level have not yet come to understand. Social conventions are respected at stages three and four for the simple reason that they represent society's expectations. The postconventional level of moral development is marked in contrast by principled reasoning which occurs--as the term suggests--from a perspective which transcends local conventions and traditions.

55. *Ibid*, 227.

56. *Ibid*, 233.

57. *Ibid*, 170.

58. *Ibid*, 170. The assumption of metaethical formalism is defended by Kohlberg primarily (in fact, almost exclusively) by pointing out what he considers to be the shortcomings of opposed positions. He fully acknowledges that with respect to his metaethical assumptions, "we have argued largely by pointing out the difficulties inherent in adopting the opposed position. In the case of metaethical formalism, we know of no systematic statement of an opposed position." (Kohlberg, *Essays on Moral Development Vol. 2: The Psychology of Moral Development* [San Francisco: Harper and Row, 1984], 295-6.) The oddness of this latter remark of Kohlberg's will be more than a little apparent to the many discontents of ethical foundationalism and formalism. The contemporary literature is replete with systematic statements of opposed positions, and this includes the present work.

59. *Ibid*, 177.

60. *Ibid*, 178.

51. Kohlberg, *Philosophy of Moral Development*, 276.
52. *Ibid*, 172.
53. *Ibid*, 182.
54. See *Ibid*, 192 and 252. Kohlberg has written that his empirical research to date has not uncovered a single "longitudinal subject" at stage six (see *Ibid*, 100). His examples of stage six individuals (notably Socrates and Martin Luther King) are either historical figures or individuals who have received formal philosophical training. "Stage 6," he writes, "is perhaps less a statement of an attained psychological reality than the specification of a direction in which, our theory claims, ethical development is moving." (*Ibid*, 100.)
55. *Ibid*, 178.
56. *Ibid*, 178.
57. Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholsen (Cambridge: The MIT Press, 1990), 39. Habermas is here quoting from Kohlberg's *Philosophy of Moral Development*, 178.
58. See Kohlberg, *Psychology of Moral Development*, 218.
59. *Ibid*, 218.
70. *Ibid*, 219.
71. *Ibid*, 219.
72. Epistemological critique was of course a more central concern in this debate than normative evaluation. However, in view of critical theory's practical intent and its preoccupation with moral and political epistemology, much of this debate is directly relevant to our concerns here.
73. Hans-Georg Gadamer, "On the Scope and Function of Hermeneutical Reflection" in *Philosophical Hermeneutics*, ed. David E. Linge, trans. G. B. Hess and R. E. Palmer (Berkeley: University of California Press, 1976), 41. The parenthetical remark in this passage is of considerable importance in Gadamer's critique. I shall return to the theme of the social critic's belongingness to a particular social reality in the following chapter.
74. Kohlberg, *Philosophy of Moral Development*, 254.
75. Habermas, "A Philosophico-Political Profile" in *New Left Review* 151 (May/June 1985), 12.
76. Habermas, "Justice and Solidarity: On the Discussion Concerning 'Stage 6'" in *Hermeneutics and Critical Theory in Ethics and Politics*, ed. Michael Kelly, trans. Shierry Weber Nicholsen, 34.

77. Recalling the fourth condition stated above of the analyst's authority in therapeutic dialogue, that such authority presupposes that the analyst be exempt from neurotic disturbances, this condition appears vulnerable to much the same criticism. It involves a similar privileging of perspective by virtue of special insight, and an exempting of one's own standpoint from the need for dialogue with others.

78. Paul Ricoeur, "Hermeneutics and the Critique of Ideology" in *Hermeneutics and the Human Sciences*, 99-100.

79. Habermas, *Moral Consciousness and Communicative Action*, 118.

CHAPTER TWO

WHAT IS CRITICAL REFLECTION?

Our guiding questions in this chapter concern the possibility of critical normative reflection when we recognize the historicity and perspectivity of all discourse. How is it possible for philosophers who renounce the project of grounding normative judgments on a metaphysical foundation and who, following such thinkers as Nietzsche, Heidegger, and Gadamer, are inclined to emphasize the historical contingency and the interpretive character of inquiry, simultaneously to recognize the need to critically reflect upon our practices and modes of interaction? From what standpoint is such reflection possible, if not from any kind of privileged metaphysical or scientific perspective, or from atop a hierarchy of knowledges? How may we avoid the excessive claims of certain forms of moral theorizing without falling into an unreflective endorsement of current practice? Before addressing these questions directly, I shall address the more basic question of what critical reflection itself is. It is my contention that questions concerning the "how" of critique cannot be satisfactorily treated without understanding the "what" of critique: What mode of discourse is critical ethical reflection, and what are we doing when we are engaged in it? If there are different conceptions or genres of critique employing correspondingly different methodologies, it would seem that methodological inquiry must be subsequent to an analysis of the

practice of criticism itself.¹ Such an analysis will leave us better situated to address the matter of which, if any, of the methods of moral philosophy are available to us given our hermeneutical premises.

The manner in which I shall proceed in this chapter is to begin by addressing the question of "what happens to us" (as Gadamer would say) when we engage in a critique of human actions, practices, and institutions. While moral philosophers have traditionally taken the domain of decision procedures and explicit judgments as their sphere of inquiry, they have been inclined to overlook the extent to which argumentation is preceded by the workings of historical tradition and language. To reflect upon the moral status of our actions, I shall argue, is not merely to move from premises to conclusion in accordance with rules. It is, more fundamentally, to appropriate a particular moral tradition and language, and it is to engage in interpretation. The traditional preoccupation with argumentation has not only led philosophers to overlook the manner in which their premises and categories are implicated in history, it has also tended to conceal the interpretive character of critical reflection. The fascination with methods and judgments has led main line moral theorists to take little note of the fact that to engage in critique is already to have brought the object of reflection into view in a manner that surpasses objective description. It is already to have interpreted the significance of its object from the perspective not of "morality as such" but of a particular moral horizon. Critical reflection always presupposes a horizon of tacit evaluations and preunderstandings which simultaneously precedes, makes possible, and limits reflection. An investigation into the "always already" of critique brings to light its hermeneutic character and

surpasses the trivial observation that moral arguments often employ hidden premises. By addressing the question of the role that history, language, and tradition play in informing critical reflection, and by demonstrating the textual character of human action, it becomes apparent that critique must be viewed as a mode of hermeneutic reflection. This line of argument will serve, first, to correct what I take to be common misconceptions about what is involved in the practice of criticism and, second, to provide a clue to what a hermeneutical conception of critique might be.

Drawing primarily upon the work of Gadamer and Ricoeur, I argue in this chapter that human actions have a status analogous to that of a text, and as such are rendered intelligible only in light of our mode of access to them. The significance of moral action, which it is the task of the critic to disclose, is strictly contingent upon, and limited by, the interpretive framework of the critic. The meaning of humanly significant phenomena is always underdetermined and can only be disclosed hermeneutically (which is to say partially). This argument will be offered to challenge the ideals of objectivity and scientificity still operative in certain contemporary forms of moral theorizing, including that genre of theory that characterizes itself as critical. Viewing critique as a hermeneutic disclosure of meaning, I shall argue, allows us to incorporate what is of value in the thought of Foucault and Habermas while surpassing the limitations of the former and avoiding the excesses of the latter. An adequate characterization of critique must reconcile our historicity with the practical demand for reform; it must incorporate an attitude of suspicion without sacrificing the capacity for affirmation; it

must identify the place from which it speaks without appeal to totalizing perspectives. It must, in short, avoid the twin dangers of speaking from a privileged perspective and speaking from nowhere.

Incorporating arguments from Ricoeur, I outline a conception of critique as dialectical in structure, the two moments of which are recollection and innovation. Critical reflection, while informed by a particular moral horizon, is oriented toward ameliorating social ills and reforming current practice through what Ricoeur calls semantic innovation. It is through imaginative redescription that social criticism brings to light that which habitual ways of speaking conceal from view. Developing this line of argument will lead into a discussion of the hermeneutics of suspicion and of the role of moral imagination in critical reflection. I shall defend the view that moral imagination ought to be viewed as a linguistic capacity, and that it is through understanding the metaphorical process that we may come to understand the manner in which critique opens up new dimensions of the meaning of social phenomena. This argument represents an elaboration of Ricoeur's thesis regarding imagination's double capacity of recollection and innovation: insofar as imagination is situated within an ontological preunderstanding, the metaphorical capacity is rooted in belonging and proceeds by recollecting what is handed down to it via tradition; and insofar as metaphor discloses new possibilities of meaning, imagination is capable of producing illumination in our perceptions of social life. It is the complementarity of recollection and innovation, tradition and reform, that makes possible an understanding of the practice of critique. This dialectical conception enables us to view critique as a mode of hermeneutic reflection, thus

avoiding the charge that hermeneutical philosophy issues in an unreflective conservatism. Since the possibility of redescription is never closed, hermeneutics leaves us with neither an attenuated view of, nor a diminished capacity for, critical reflection.

THE FACTICITY OF CRITIQUE

To engage in the practice of criticism is always already to have conveyed a certain intelligibility upon an object of reflection. Prior to the formation of an evaluative judgment, one has already overcome a certain alienation and brought something, a specific action or context, into view in a particular manner. One has already perceived it or taken it up into consciousness by integrating it within a conceptual framework. This is to say that one has already interpreted the action with respect to its significance. One cannot evaluate what one has not first understood.

The truth of this statement seems trivial indeed until its consequences become apparent. Before spelling out those of its consequences that are of relevance to us here, it is worth briefly examining why it is the case that evaluation must presuppose interpretation, or why criticism must include a hermeneutic component. The reason for this is found in the nature of the object of normative criticism itself, namely human action. To be rendered intelligible (that is, sufficiently intelligible for purposes of moral appraisal), human action cannot be adequately characterized merely in empirical terms as so many physical motions and behaviors initiated by an agent or caused by certain conditions. Any adequate rendering of an action must not pass over that

which makes it a specifically human phenomenon, namely its meaningful character. Understanding human conduct means understanding it as meaningfully oriented behavior (to borrow an expression of Max Weber's), as having a certain significance to the agent performing it, to those affected by it, or both. The meaning of any morally interesting action is underdetermined in the sense that there is always a variety of potentially salient features in terms of which its meaning may be understood, and it is not self-evident which of these features has particular relevance in forming a description. To take an example, when the President gives the order to send in the tanks, he may be protecting national security, violating national sovereignty, building an empire, diverting attention from the domestic scene, spreading civilization, enlightening the heretic, triggering global conflict, protecting human rights, making the world safe for democracy, or all of the above. The meaning of the action may be disclosed either in reference to the intentions of the agent, to something inherent to the act itself, to the consequences (intended or unintended) for the agent or for others. A reading of an action may take numerous of its features into account, but which will be regarded as decisive to our understanding is not given. This is to say with Ricoeur that human action may be likened to a text, in that much the same hermeneutic efforts that enter into the reading of a text also enter into our reading of human conduct. Actions, that is, are "text analogues," the significance of which is disclosed through interpretation. The meaning of an action is automatically reducible neither to its consequences nor to the intentions of the agent, any more than the meaning of a text is reducible to any one factor (such as authorial intention). Actions have an autonomy with

respect to their agents analogous to the autonomy of a text with respect to its author. As Ricoeur expresses it:

In the same way that a text is detached from its author, an action is detached from its agent and develops consequences of its own. This autonomisation of human action constitutes the *social* dimension of action. An action is a social phenomenon not only because it is done by several agents in such a way that the role of each of them cannot be distinguished from the role of the others, but also because our deeds escape us and have effects which we did not intend.²

An action, once committed, may take on a life of its own, much different from what the agent had intended, much as a text may acquire a significance that its author did not intend. Thus, in sending in the tanks, the President's intention to protect human rights may be overshadowed by the triggering of global conflict, an unintended and perhaps unforeseeable consequence. Lacking a determinate significance, our actions, once taken up into discourse, escape us and become subject to competing interpretations.

If hermeneutic efforts are thus indispensable to our understanding of human action, we shall need to know what are the conditions of possibility of understanding itself, seeing as such conditions will also be integral to the practice of criticism (given that criticism presupposes an understanding of its object). To understand critical reflection we must know what is involved in arriving at an understanding of humanly significant phenomena, and in particular what makes such understanding possible. These questions have been central to much of the hermeneutical literature of the twentieth century, most notably in the writings of Heidegger and Gadamer. It is to these authors I shall turn in examining this matter.

Heidegger demonstrates in *Being and Time* that all thematic understanding is subsequent to an involvement within a meaningful totality of relations. The human being (or Dasein) is always a Being-in-the-world whose reflections presuppose a prior belonging to a world which, while encompassing, remains largely presupposed and unnoticed. The expression "Being-in-the-world" indicates that man and the lifeworld to which he belongs are properly regarded as a unitary phenomenon. The world in which we find ourselves prior to thematic reflection is not properly to be regarded as an object set over against a human subject as *res extensa* to *res cogitans*, but belongs to what the human being is. Man and world are properly to be conceived always in their mutual relations and not in themselves or apart from each other. Heidegger writes:

It is not the case that man 'is' and then has, by way of an extra, a relationship-of-Being towards the 'world'--a world with which he provides himself occasionally. Dasein is never 'proximally' an entity which is, so to speak, free from Being-in, but which sometimes has the inclination to take up a 'relationship' towards the world. Taking up relationships towards the world is only possible *because* Dasein, as Being-in-the-world, is as it is.³

Heideggerian hermeneutics begins with the claim that the human being is "thrown" into a network of involvements and understandings not of its creation and into which it orients itself.

While our Being-in-the-world is always marked by a tacit understanding, explicit production of intelligibility requires a process of interpretation. Thematic interpretation, or the explicit comprehension of a phenomenon, involves a conceptual articulation of its significance. This involves the introduction of the hermeneutical "as." To interpret something thematically is to view it as a particular kind of thing, to view it in the light of a concept. It is the "as-structure" of interpretation that

discloses the meaningful character of everything that may be understood thematically, and this of course includes the significance of human conduct. To describe an action is to describe it as belonging to a certain kind of behavior. Prior to all assertions and evaluative judgments, the action in question has already been interpreted in one among a variety of possible ways. It has been described as imperialism, as a violation of sovereignty, as a championing of human rights. Each disclosure of significance entails a distinct way of experiencing the action.

Interpretation involves an anticipatory projecting of signification over phenomena which is not strictly found in the phenomena themselves. This projecting of signification is inseparable from what Heidegger calls the "forestructure" of understanding. An object's mode of being is disclosed under the guidance of a "fore-having," a "fore-sight," and a "fore-conception."⁴ Fore-having (*Vorhabe*), or "what we have in advance,"⁵ is a moment of interpretation that is constituted by a prior framework of understanding within which the phenomena to be encountered will be comprehended. Fore-sight (*Vorsicht*) is the adopting of a standpoint from which an object may come into view, while fore-conception (*Vorgriff*) provides the conceptual structure in terms of which the object is articulated.

Whenever something is interpreted as something, the interpretation will be founded essentially upon fore-having, fore-sight, and fore-conception. An interpretation is never a presuppositionless apprehending of something presented to us. If, when one is engaged in a particular concrete kind of interpretation, in the sense of exact textual Interpretation, one likes to appeal to what 'stands there,' then one finds that what 'stands there' in the first instance is nothing other than the obvious undiscussed assumption of the person who does the interpreting. In an interpretative approach there lies such an assumption, as that which has been 'taken for granted' with the interpretation as such--that is to say, as to that which has been

presented in our fore-having, our fore-sight, and our fore-conception.⁶

These three moments represent the anticipatory forestructure on the basis of which interpretation, as a seeing-as, is possible.

Hermeneutical philosophy, then, proceeds from the premise that consciousness is never in an entirely sovereign position with respect to the phenomena which it investigates. Reflection never attains absolute distantiation since it is both preceded and made possible by tacit understandings which orient us to the world in particular ways. To engage in reflection is already to be situated within a lifeworld and to occupy a particular historical setting; it is to "dwell" in an ethos which precedes all thematic assertions and evaluations. The standpoint from which interpretation occurs is one that we can neither stand outside of nor grasp in its totality. As that within which interpretation is embedded, our hermeneutical situation is something of which we can acquire only a partial awareness. The perspectivity that makes understanding possible thus also represents a limitation on our understanding, since the perspectives we occupy reveal only a limited field of vision.

Heidegger's anchoring of interpretation within an ontological preunderstanding is taken up in Gadamer's *Truth and Method*, most notably in the latter's thesis that interpretation always has a prejudicial character. For Gadamer, interpretation occurs against a background of prereflective judgments which represent our inheritance as historical beings. Prejudices (or prejudgments) are a condition of possibility of thematic reflection for the reason that they predispose us to the world in ways that allow us to understand it prereflectively. In opposition to the

Enlightenment's epistemological ideal of eliminating prejudice and attaining a presuppositionless apprehension of reality through the application of methodology, Gadamer maintains that our comprehension of the world, no matter how dispassionate or meticulous, inevitably presupposes a set of background judgments, many of which escape our notice and many of which have not been subjected to critical examination. Gadamer's insistence upon the prejudicial character of understanding entails not that reflection is undermined by irrational beliefs but that it is finite. Reflection is simultaneously preceded, made possible, and limited by prereflective and often unconscious judgments which form a background against which a particular moral action may come into view.

The connotation that prejudice received during the Enlightenment as a false and irrational belief is one that Gadamer has endeavored to replace. A prejudice, he writes, is "a judgment that is rendered before all the elements that determine a situation have been finally examined."⁷ Prejudice represents the initial directedness of reflection and the anticipatory disclosure of an object's significance. Against the view that prejudice imprisons us within our own dogmatism and preconceived notions--notions which prevent us from experiencing what is truly foreign and novel--Gadamer argues that prejudices, while biases, "are biases of our openness to the world. They are simply conditions whereby we experience something--whereby what we encounter says something to us."⁸

Following Heidegger, Gadamer locates our hermeneutic preunderstanding in history. The prejudices that we employ in interpretation are not entirely of our own creation, but are appropriated from the traditions to which we belong. They have their origins not in

arbitrary subjectivity but in the judgments and preoccupations of our predecessors. History furnishes us with a network of evaluations, judgments, and conversations in terms of which our thought orients itself and in which it becomes involved. Prejudices are thus historical constructs--judgments that with the passage of time have receded into the background of consciousness and become prejudgments. This is the meaning of Gadamer's claim that the human being "belongs" to history:

In fact history does not belong to us; we belong to it. Long before we understand ourselves through the process of self-examination, we understand ourselves in a self-evident way in the family, society, and state in which we live. The focus of subjectivity is a distorting mirror. The self-awareness of the individual is only a flickering in the closed circuits of historical life. *That is why the prejudices of the individual, far more than his judgments, constitute the historical reality of his being.*⁹

Gadamer's view of man as an essentially historical being is inseparable from his claim that consciousness always finds itself situated within historical tradition. Although the claim that reflection is preceded by a belongingness to tradition has its roots in romanticism, Gadamer is careful in distinguishing his position from the romantic view in several respects. Tradition is conceived by Gadamer as something that is transmitted to us from the past while continuing to work itself out in the present. Rather than thinking of tradition as something in the past which is over and done with--as an object behind us which we can either conform to or reject as a whole--Gadamer takes the view that tradition is best conceived on the model of a conversation in which truth claims are addressed to us by our collective heritage. On this view, tradition exists only in mediation with the present and is inseparable from our efforts at appropriation. A genuine participation in historical tradition is neither a

simple repetition of what was nor an abdication of reason and critical thought. While traditions occasionally succumb to dogmatism, the proper nature of tradition is to exist in a state of perpetual reconstitution. Vibrant traditions persist not out of inertia but by being freely appropriated and creatively transformed.

Gadamer thus opposes both romantic and Enlightenment thinkers who tended to view tradition and reason as standing in opposition to each other:

It seems to me, however, that there is no such unconditional antithesis between tradition and reason. However problematical the conscious restoration of old or the creation of new traditions may be, the romantic faith in the 'growth of tradition,' before which all reason must remain silent, is fundamentally like the Enlightenment, and just as prejudiced. The fact is that in tradition there is always an element of freedom and of history itself. Even the most genuine and pure tradition does not persist because of the inertia of what once existed. It needs to be affirmed, embraced, cultivated. It is, essentially, preservation, and it is active in all historical change. But preservation is an act of reason, though an inconspicuous one. For this reason, only innovation and planning appear to be the result of reason. But this is an illusion.¹⁰

Reflection and tradition do not stand in any kind of simple opposition. While the claims that traditions make upon us are subject to critical appraisal, such appraisal is part of what it means to belong to a tradition rather than a complete distantiation from the past.

This thesis is not without consequence for our understanding of normative critique since it brings to light the historicity of moral consciousness. If all reflection is perspectival--if it is situated within traditions and a horizon of historically contingent prejudices--then criticism is not only limited, but precisely made possible, by prereflective evaluative judgments. Criticism does not begin, as it were, at the

beginning but is already under way, working against a background of tacit evaluations and partial descriptions. It is preceded by a common heritage which provides an initial, pretheoretical orientation to the world and to those contexts that call for normative appraisal. It is therefore too late for moral consciousness to play the role of objective or neutral spectator of human affairs, looking out through the eyes of pure reason, since it has already been preceded by prejudice.

Another basic thesis of philosophical hermeneutics concerning the conditions of possibility of understanding is that it is in language that the world becomes intelligible to us. We have seen that for Heidegger it is the as-structure of interpretation that allows phenomena to come into view thematically. We understand something explicitly when we articulate it in a particular way, or when we subsume it under a concept. To this we may add that it is language that makes it possible for such interpretation (or seeing-as) to occur, since it is language that furnishes interpretation with the categories in the light of which objects of experience are revealed, namely as instances of a certain kind of thing. To understand something thematically (that is, with the degree of explicitness that is required for purposes of moral appraisal) is to bring it into one's linguistic framework, to render it intelligible and meaningful by finding the words that allow us to speak of it.

The phenomenon of coming to understand an object in the world is not properly captured when we describe such an experience as pre- or nonlinguistic in the first instance, and articulated only afterwards in language. We gain a thematic understanding precisely when we find the words that disclose the object in a particular manner. The hermeneutical

conception of language as the mode in which phenomena are disclosed to consciousness--thus as "*the universal medium in which understanding occurs*"¹¹--runs contrary to viewing language as a tool or an object of any kind. We mistake the nature of language when we conceive of it as an instrument to be manipulated at will and then set aside after it has performed its task. The analogy sometimes drawn between employing a tool and uttering a word fails; the reason, as Gadamer expresses it, is that

we never find ourselves as consciousness over against the world and, as it were, grasp after a tool of understanding in a wordless condition. Rather, in all our knowledge of ourselves and in all knowledge of the world, we are always already encompassed by the language that is our own. We grow up, and we become acquainted with men and in the last analysis with ourselves when we learn to speak. Learning to speak does not mean learning to use a preexistent tool for designating a world already somehow familiar to us; it means acquiring a familiarity and acquaintance with the world itself and how it confronts us.¹²

Since understanding is already interwoven with concepts, there is an intimacy between reflection and the language in which it occurs that is overlooked in viewing language as an object attached to understanding *ex post facto*.

Like Heidegger's Being, language is not substantive but disclosive in that it is the medium through which the world becomes accessible to us, "the medium in which we live from the outset as social natures and which holds open the totality within which we live our lives."¹³ As that from which reflection occurs, language cannot be held up to reflection as a whole. It does not permit of complete distantiation in the sense of gaining an alinguistic perspective on the world. Nor is it primarily a collection of signs and rules of syntax. Language is primarily speech, a saying which reveals objects in the world as being this or that kind of thing. As

speech, language remains largely hidden from view since what is most visible to consciousness is not language itself but the things that make their appearance in language. As Gadamer puts it:

The more language is a living operation, the less we are aware of it. Thus it follows from the self-forgetfulness of language that its real being consists in what is said in it. What is said in it constitutes the common world in which we live and to which belongs also the whole great chain of tradition reaching us from the literature of foreign languages, living as well as dead. The real being of language is that into which we are taken up when we hear it--what is said.¹⁴

Herein lies what Gadamer identifies as the peculiar difficulty of the problem of linguistic interpretation:

The interpreter does not know that he is bringing himself and his own concepts into the interpretation. The verbal formulation is so much part of the interpreter's mind that he never becomes aware of it as an object.¹⁵

We lose sight of the extent of our own involvement in the apprehension of phenomena, mistaking a contingent mode of access for objective observation. This problem has special relevance for our understanding of normative criticism, since the extent of the critic's involvement in moral perception is often similarly overlooked. The theorists and practitioners of criticism frequently overestimate the impartiality and objectivity of their discourse. In imagining that through theory construction or the employment of formal decision procedures one could ascend to a place called "the moral point of view"--a place from which something approaching complete distantiation is possible--moral philosophers have often lost sight of the very conditions that make their discourse possible. What is frequently overlooked is the partiality, the perspectivity, the historicity, and the linguisticity of normative criticism. To engage in criticism is already to have interpreted the significance of an action or

context by means of the hermeneutical "as," and from the standpoint of an historical tradition; it is to have taken an action into view in the light of prejudgments, many of which have the status of tacit normative evaluations.

To this we may now add that to engage in critique is already to have adopted the standpoint of a particular moral language.¹⁶ Criticism occurs through the medium of a particular set of moral concepts, and involves much the same process of bringing something into our linguistic framework as is found in interpretive understanding. Moral perception involves subsuming an action under a concept that belongs to a particular moral language.¹⁷ As some recent work in moral philosophy has brought out, it no longer makes sense to speak as if there were a single language of morality.¹⁸ There are distinct vocabularies of critical reflection which are organized around different normative concepts whose claims upon us are of entirely different kinds. There is the language of human rights, social justice, utility, care, individualism, virtue, honor, sin and redemption, and so on. Each ethical vocabulary represents a particular manner of experiencing and comporting oneself toward social reality, and is no closer to resembling an instrument than the language invoked in hermeneutic interpretation. To speak a moral language is to adopt (or to have adopted) a perspective toward social reality; it is to participate in an historical tradition, to share in the moral prejudgments of a community, and to make certain assumptions about what is valuable given who we are and what our life is like. It is to have appropriated a way of life and to have a certain identity as a moral agent. To speak the language of individualism, for instance, is to be a certain kind of moral agent and to

experience social reality in ways quite different from one who speaks the language of sin and redemption. It is both to adopt the worldview of, and to comport oneself in the manner of, the rugged individualist rather than the dutiful Christian.

A normative vocabulary informs both our self-understanding as moral agents and--more important for our purposes--perceptions of social phenomena. In disposing our attention in certain ways, it informs what we are likely to regard as the salient features of morally interesting action. Like perception generally, moral perception is never a simple apprehension of what presents itself to the unclouded eye. It selects which features of the case under consideration are of particular relevance in forming a description and an appraisal of it. The range of possible descriptions of an action is limited only by the number of features it is possible to consider worthy of attention, and forming a description necessarily involves detecting saliences among these features. The moral language that is spoken provides the standards of relevance by which it is possible to articulate the meaning of the action, and hence to form a judgment concerning it. How the action is characterized and which of its features are considered salient crucially affects the judgment we will form. Accordingly, it is far from trivial which moral language is adopted by critical thought precisely because the vocabulary we speak always bespeaks the object of our concern in a particular (and by no means impartial) way. It would seem a trivial observation that ethical critique is essentially linguistic only if we were to conceive of language as a tool used for communicating wordless intuitions and brute perceptions. Such a view would indeed permit the critic to sharply separate the content of

reflection from the accidental linguistic form in which it occurs. This view of language, however, fails to appreciate its disclosive (or, as Heidegger would say, its "unconcealing") function, and the consequent intimacy between language and thought--and between language and critique.

What this line of argument forces us to abandon are the possibilities of understanding critique as a scientific, alinguistic, aperspectival, or ahistorical mode of discourse. Because critical reflection is perspectival, the degree of illumination possible for it is not unlimited. We cannot, as one critic has expressed it, rid ourselves of normative presuppositions and "gaze directly into the Moral Law, using it as a standard for judging the justification or truth of moral propositions, any more than [we] can gaze directly into the mind of God."¹⁹ Since it is necessary to carry out all critical reflection from where we are, this rules out the possibility of beginning from nowhere, of "having your judgment determined solely by the matter under consideration without relying on beliefs, habits of description, and patterns of reasoning that belong to a cultural inheritance."²⁰ It rules out the possibility of totalizing reflection as well as the myths of critical expertise and of the moral point of view (as if there were only a single perspective from which to practise critical reflection). It also gives us further reason to abandon the science/ideology opposition. Social critics who believe that speaking in the name of science permits them to objectify social phenomena and achieve something approaching complete illumination forget the historicity of their own discourse. For critical reflection to be properly self-critical, it must not forget its limitations and pretend to a status that it is

incapable of attaining. Critics fail to understand their own enterprise when they maintain historically unselfconscious views of the nature of critique, and when they cling to ideals of scientificity and objectivity that overlook the very presuppositions of their discourse.

Accordingly, if we wish to understand what critical reflection is, we must begin by recognizing its facticity. We must begin by recognizing that criticism is always *in medias res*--that it does not begin at the beginning, but is always already under way, working against the background of a shared culture and way of life, a horizon of common values and judgments, and that it presupposes what Gadamer calls a "deep common accord."²¹ While it is clear that normative discourse is marked by dissent and contestation, what is often overlooked is that such contestation (when it is meaningful, and when the participants are not merely talking past each other) occurs against a background of consensus. In the event of disagreement, we typically appeal not to supposed moral facts or ahistorical touchstones but to those beliefs and evaluations not currently in question. The fascination moral philosophy has traditionally had with the disputatious character of normative appraisal has often led it to overlook the extent to which disagreement is preceded by substantive agreement concerning what is valuable to us given both our self-understanding and our common participation in a lifeworld.

This Gadamerian line of argument is often taken by its critics as an invitation to conservatism. Habermas in particular (as we have seen in chapter one) has charged that hermeneutical philosophy's emphasis upon the facticity of reflection creates a prejudice in favor of current practice

and undermines the emancipatory intent of critical thought. This objection deserves to be taken seriously. Critique, of course, is not simply an endorsement of the status quo, nor does it leave everything as it is. Drawing attention to the facticity of critical reflection, then, should not lead us to overlook its capacity for opposition. While critique always occurs from where we are, its role is not only to preserve current practice (or those practices, at any rate, that are worthy of preservation), but also to challenge, to illuminate, to reform, and often to liberate. An adequate answer to our question of what critical reflection is must take into account both its situated character (and, related to this, its capacity for affirmation) as well as its potential for opposition. Our answer must explain how it is that critique is able to say both yes and no to what is.

This will be our task in the following section. I shall pursue an answer to our overriding question by the indirect route of addressing the problem of conservatism. Formulating a response to this objection will enable us to clarify what is involved in oppositional thinking. The position I shall outline will attempt to reconcile a recognition of the extent of the critic's involvement and participation in historical tradition with a complementary recognition of the need for oppositional thinking. In developing this position, I shall attempt to demonstrate that while we may be said to belong to tradition and language, such belonging does not constitute any kind of captivity. We are never trapped within any particular horizon. Because horizons always remain porous and in some measure open to what is novel, we are always able upon reflection to create new possibilities of understanding. The horizon that we occupy is

always to some extent malleable and open to the possibility of reform, novelty, and difference.

I shall also attempt to demonstrate that while critique never attains complete distanciation with respect to language and tradition, this does not undermine the possibility of every social and discursive practice, every morally interesting action and political institution, becoming an object of criticism. While there is no place from which language and tradition can be criticized as totalities, every element of language, tradition, and social life generally may be subjected to critical appraisal, albeit not simultaneously.

CRITICAL HERMENEUTICS AND MORAL IMAGINATION

Drawing attention to the "always already" of critical reflection is not an invitation to conform to existing practice but a reminder of the conditions under which such reflection operates. The problem of conservatism arises only if facticity is viewed not as one moment of critical thought but as its only moment. What must be demonstrated is that critical reflection has a dialectical structure, the two moments of which are what, following Ricoeur, I shall call factual recollection and semantic innovation. As situated, critique proceeds by recollecting what is handed down to it through historical tradition; the resources with which reflection operates are supplied by our historicity.²² However, critical thought is able to extend the horizon within which reflection occurs by creating new avenues of disclosure and by maintaining an attitude of openness to what is foreign and novel. The significance that

social phenomena have for us on the basis of our being-in-the-world may come into question, and indeed fall under suspicion, owing to the critical capacity for imaginative redescription.

We begin to understand what critical reflection is when we cease to regard recollection and innovation, tradition and reform, as standing in opposition, and view them instead as complementary phenomena. While moral consciousness is oriented by the traditions within which it stands, it is able to extend the limits of conventional speech and to open up new dimensions of meaning. It is able, that is, to redescribe moral actions, to change our perceptions through an imaginative application of language. Being situated within tradition and language does not preclude the possibility of transcending the barriers of established communication through creative signification. What is precluded is the claim that such innovations begin from scratch or sever all connection with our facticity. I shall argue, then, that normative criticism is a mode of understanding that incorporates a moment of recollection and a moment of innovation. While the former has been the focus of our argument to this point, it is largely the innovative dimension of critique--the capacity for imaginative redescription--that introduces an attitude of suspicion toward current practice. The oppositional capacity and emancipatory intent of critical reflection are both located in this latter moment. It is in this direction that a solution to the problem of conservatism may be found.

A hermeneutical conception of normative criticism is mindful of the perspectivity of moral consciousness while at the same time incorporating an attitude of suspicion and an emancipatory intent. To adopt such a conception is to renounce the myth of total enlightenment

and to view critique instead as the capacity to open up new dimensions of meaning, to reveal that which habitual understandings conceal from view, and to transform what is given into what is questionable. So conceived, critique is a mode of reflection essentially linked with the hermeneutic and moral imagination. It is by investigating the faculty of imagination that the true character of critical reflection becomes apparent.²³

Although imagination has traditionally been viewed by philosophers as a faculty employed in the construction of images, Ricoeur has argued that such a view overlooks what is most essential to imagination. This is its linguistic dimension and its affinity with the as-structure of interpretation. If interpretation is a seeing-as, imaginative interpretation is an original or unfamiliar seeing-as, a nonhabitual characterization of something. Imagination must be conceived as the capacity to refashion our understandings of ourselves and the world by means of language. As a linguistic capacity, it responds to the need for original signification--for loosening the grip of habitual ways of speaking--by differently categorizing particulars. New meaning emerges when a different conceptuality is brought to bear on phenomena. Imagination is the capacity to modify our perceptions and to extend the limits of understanding by opening up new possibilities of disclosure.

The traditional notion of moral imagination is in need of a similar linguistic turn (particularly in light of what I have argued about the linguisticity of moral perception). Traditionally conceived as the psychological capacity to transpose oneself into the standpoint of other agents--to "put ourselves in the minds of other men" as Kant expressed it²⁴--and to perceive our actions from their perspectives, this view

overlooks the role moral imagination serves in investing the social world with meaning and in fashioning creative interpretations of the significance of human action. It is better regarded as the capacity by which moral consciousness reforms our understanding by proposing new and possibly illuminating descriptions. As Seyla Benhabib has suggested, assessing an action involves entertaining a variety of possible descriptions of its significance:

[W]hat I do, which course of action I choose, involves some interpretive ability to see my act under various act descriptions and to anticipate how action A may be viewed as one of generosity, whereas action B may be viewed as one of overbearing solicitude. I must have enough moral imagination to know the possible act descriptions or narratives in light of which an act embodying a maxim can be considered. Determining the identity of a moral action entails the exercise of moral imagination which activates our capacity for imagining possible narratives and descriptions in light of which our actions can be understood by others.²³

Moral imagination involves perceiving an action not only from the standpoint of different agents, but more importantly from the standpoint of different concepts--seeing it alternatively as an act of generosity, magnanimity, and friendship, or as one of pity, indulgence, and vanity. It works with different possible applications of the hermeneutical "as," revealing and debating various shades of meaning. In shedding new light on moral action, imagination introduces an attitude of suspicion; it makes it possible to question habitual significations, to debate whether current forms of seeing-as are the most suitable or illuminating forms available. In so doing, it reveals the contingency behind all supposed moral facts, revealing that behind the apparent givenness of our perceptions is only one possible application of the hermeneutical "as."

Ricoeur points out that it is the polysemic character of concepts that makes imaginative signification possible. The words in natural languages are underdetermined in their meaning,²⁶ and it is on account of such ambiguity that it is possible to view phenomena under different descriptions. This can be seen most clearly in the case of symbolic language (religious symbols, for instance). Because symbols have a surplus of meaning, they always mean more than they ostensibly say--if indeed they can ever be said to say anything ostensibly. A symbol permits a variety of readings, and is never reducible to a single or proper meaning. It is this open-endedness that makes creative interpretation, and hence a change in meaning, possible. Symbols, Ricoeur writes, "are the dawn of reflection"²⁷; they "*give rise to thought*,"²⁸ in the sense that they elicit interpretation in determining their meaning in any given context. The aim of such interpretation "consists less in suppressing ambiguity than in understanding it and in explicating its richness."²⁹ While there are similarities in the different applications of symbols, there is also an ineliminable polysemy which prevents us from regarding any single application as essential.

It is not only religious and poetic language that displays semantic ambiguity. The terms of moral and political discourse are also marked by a certain elasticity, and resist being reduced to an essential meaning. Herein lies the basis of semantic innovation: it is possible for moral imagination to illuminate an action anew by subsuming it under a different concept, and this is in turn made possible by the polysemy of moral concepts. It is the richness and open-endedness of moral concepts that makes imaginative signification possible. Understanding the meaning of

moral concepts, far from aiming at the elimination of ambiguity, involves much the same efforts of preserving and explicating a variety of different (yet related) significations as is involved, according to Ricoeur, in the interpretation of symbols. Understanding such concepts means interpreting them, seeing how they may be applied in various contexts, noting similarities in their applications without flattening them out into univocal expressions. We can thus say of moral concepts what Ricoeur says about symbols--that "to reflect upon these symbols and to interpret them is one and the same act."³⁰

To illustrate this: we may critically assess a certain context of moral action by designating it as "oppressive"--as a transgression, a violation, or a harm. An attitude of suspicion is introduced under the assistance of a novel signification, one that calls into question our received view of the action's meaning and moral status. We designate as oppressive what had been viewed, for instance, as an act of altruism. Yet what is the meaning of oppression, violation, transgression, and harm? Such concepts resist attempts by philosophers to encapsulate them within univocal expressions. (When formal definitions of such concepts are proposed, they have a tendency to be either circular or vacuous.) While it may not be difficult in most cases for a number of speakers to agree in regarding certain actions as exemplars of harm or oppression--to agree, that is, upon certain applications of such concepts--further consensus regarding their "essential" meaning continues to elude us. This is testified to in the pages of academic journals, wherein despite all efforts to eliminate the ambiguity of such concepts as harm, freedom, democracy, right, justice, and so on, disagreement continually results.

While philosophers typically think of polysemy as a recipe for chaos in ethical thought (unless we have formal definitions of moral concepts, it is often maintained, equivocation and misunderstanding will continually result), it is important to emphasize that the polysemic character of moral concepts is not a cause for anxiety. On the contrary, ambiguity is a necessary precondition of the exercise of moral imagination. Ambiguity can provoke thought, make it possible to extend or reform current idiom, and to question established modes of seeing-as. The elasticity of concepts makes it possible to subsume particulars differently, and thus to modify our perceptions. Were the meaning of the terms of normative appraisal to be captured once and for all in univocal expressions, clarity of thought would be gained at the price of renouncing imagination and impairing our critical capacity.

One of the primary means by which moral imagination modifies perceptions is metaphor. It is through the metaphorical process that objects of reflection receive fresh signification, thus making possible new forms of seeing-as. Ricoeur builds upon the Aristotelian theory of metaphor as "an intuitive perception of the similarity in dissimilars"³¹ and a bringing together of formerly disparate semantic fields, a process that allows the interpreter to "get hold of something fresh."³² Our usual mode of perceiving may be reformed by borrowing a predicate which by established usage belongs within one domain and reintegrating it into another. Metaphor upsets the normal functioning of language in substituting one meaning for another, or by viewing a familiar object in a new and strange light. New meaning emerges through what Ricoeur calls

"*impertinent predication*"³³--an apprehension of new resemblance made possible by a relating of previously unrelated terms. Ricoeur writes:

The resemblance is itself a function of the use of bizarre predicates. It consists in the coming together that suddenly abolishes the logical distance between heretofore distinct semantic fields in order to produce the semantic shock, which, in its turn, ignites the spark of meaning of the metaphor. Imagination is the apperception, the sudden glimpse, of a new predicative pertinence, namely, a way of constructing pertinence in impertinence. We could speak in this connection of a *predicative assimilation*, to stress that resemblance is itself a process, comparable to the predicative process itself. Nothing, then, is borrowed from the old association of ideas, viewed as a mechanical attraction between mental atoms. Imagining is above all restructuring semantic fields. It is, to use Wittgenstein's expression in the *Philosophical Investigations*, seeing as....³⁴

The same reintegration of semantic fields is essential to the exercise of moral imagination. Perceptions change when a particular action is likened to another--when, for instance, an action is viewed as analogous to one which we typically regard as unjust. When taxation is "theft" and abortion is "murder," we perceive moral conduct in a new and possibly suggestive light. (It is not only actions and institutions that may be imaginatively redescribed, but--if we follow Nietzsche--entire moral perspectives as well. From a certain ethical standpoint, Christian morality may be characterized as a "slave revolt," democracy as a politics of *ressentiment*, and so on.) A property or properties that we associate with the second term is transferred to the first, thus making visible relatedness and similarity where before there was only difference.

In bringing together hitherto dissimilar terms, imaginative predication transcends established meaning by, in effect, "misusing" language as it is habitually understood. Taking up a notion of Gilbert Ryle's, Ricoeur suggests that metaphor may be viewed as a "planned

category mistake"³⁵:

The idea of category mistake brings us close to our goal. Can one not say that the strategy of language at work in metaphor consists in obliterating the logical and established frontiers of language, in order to bring to light new resemblances the previous classification kept us from seeing? In other words, the power of metaphor would be to break an old categorization, in order to establish new logical frontiers on the ruins of their forerunners.³⁶

While metaphor operates within an established order of language--a set of rules governing the correct usage of words, and so on--it fashions new meaning by creating a breach in this order. The transference of meaning from one conceptual domain to another which characterizes metaphorical and imaginative predication is not only a borrowing of terminology but a transgression of boundaries and a violation of the normal functioning of language. Metaphorical and imaginative language redescribes by reclassifying; in "mistaking," so to speak, one thing for another, it extends the literal meaning of concepts and reforms existing systems of classification.³⁷ Through a disruption of the old order, a new linguistic order is created, one in which it becomes possible for the first time to express what had been not only unexpressed but unexpressible, and to think what had been unthinkable. It becomes intelligible to speak of history as a class struggle, civilization as repression of desire, and morality as will to power. Each of these constitutes a paradigm case of the working of moral imagination as a transferring of meaning from one semantic field to another in a manner which creates a novel and perhaps illuminating signification.

Imaginative predication is thus a confronting of two formerly unrelated terms and an apprehension of similarity in difference. Although

Ricoeur incorporates Aristotle's view of metaphor as an apprehension of similarity in dissimilars, such similarity is not antecedently present in the terms that metaphor brings into proximity. The likenesses that imagination brings to light do not obtain objectively but are constituted in the act of predication. To speak of resemblance is thus to speak of a proximity in semantic space. "[R]esemblance itself," Ricoeur writes, "must be understood as a tension between identity and difference in the predicative operation set in motion by semantic innovation."³⁸ The "perception of the similarity in dissimilars," accordingly, is a perception that invents rather than discovers.

Imagination, then, is a capacity for synthesizing what is heterogeneous. It sheds new light on human action by bringing into proximity what had been far apart. As Ricoeur has recently argued, this act of synthesis, or semantic innovation, is found not only in metaphorical predication but in narrative as well. The meaning of an action is understood not only when it is subsumed under a universal but, with equal importance, when it is situated within a narrative. The action gains intelligibility when it is viewed as contributing to a story. In practising social criticism, to take an example, understanding the significance of the President's order to send in the tanks involves seeing the action as part of a narrative (whether it be its beginning, middle, or end). We may view it as an episode in the history of a political movement, as a continuation of traditional foreign policy, as a chapter in the political biography of a president, as the catalyst for global conflict, and so on. To know what it is the President is doing in giving the order is to view the action in proximity to other actions; it may be seen as a prelude to, a response to, a

departure from, or a consequence of, other actions and events. To be regarded as significant, an action must be taken not as an isolated occurrence, but as part of a sequence. Ricoeur adds:

A story, too, must be more than just an enumeration of events in serial order; it must organize them into an intelligible whole, of a sort such that we can always ask what is the 'thought' of this story. In short, emplotment is the operation that draws a configuration out of a simple succession.³⁹

By emplotting actions within a narrative structure, it is possible to "grasp together"⁴⁰ a variety of occurrences, intentions, and consequences which all contribute to an action's significance.

The reason why narrative emplotment is essential to gaining an understanding of an action lies in the teleological character of action itself. As meaningfully oriented behavior, human action is oriented both by (or from out of) the past (as a reaction, a departure, a continuation) and toward the future. Actions are goal-oriented, and while it is a commonplace that our actions do not always fulfill our aims--that goals may be abandoned, betrayed, or changed in mid stream--it remains that aims are always present. In deciding the meaning of an action, we try (when possible) to identify the intentions of the agent. If, as is often the case, the agent's intentions are either unarticulated, confused, several in number, or conflicting, then we shall need to find out what the agent believed would be the likely outcome of his actions, whether he would have performed the action if this belief had changed, which among a variety of aims took priority, and so on. This may be shown most clearly in cases of criminal interrogation where, for example, understanding what an agent did involves establishing a relation between the outcome of an action and the intended outcome, identifying whether the person intended

to kill, to exact revenge, to frighten, to intimidate, or what have you. The sense of an action, however, is not automatically reducible to its teleological component. The actual consequences are as significant (in some cases more so) as the intended consequences. Our actions are never a perfect embodiment of our aims. They either outstrip, fall short of, or otherwise bear limited resemblance to the agent's intentions. Because unintended consequences often have an impact on the agent and on others, such outcomes are also relevant to our understanding of the action.

It is narrative that defines the action by "grasping together" ✓ such heterogeneous elements as the character of the agent himself, his motives, and the consequences (intended and unintended) of the action. This act of synthesis is indispensable to critical reflection since placing an object of critique within a context and comprehending it as a significant occurrence must involve seeing it in terms of its before and after. To take an example from fiction, we do not appraise Jean Valjean's act of stealing a loaf of bread in *Les Misérables* without viewing the act in light of the motives that led to the action, the circumstances in which it occurred, the character of the man performing it and, most importantly in this case, the long-term consequences of the event. Each factor must be taken into consideration in determining the significance and moral status of the action, and it is only by placing the action within a narrative structure that each of these considerations may be held in view.⁴¹ To characterize the event as a simple act of theft rather than an occasion for personal transformation (hence as a prelude to further action) is to miss the point.⁴² It is to lack the proper perspective for critical reflection.

Moral imagination, accordingly, is a gaining of perspective through the capacity for redescription. It describes and redescribes its object not only by constructing metaphors but by telling stories, often by situating an action or event in a different narrative from that in which it is commonly understood, thus disclosing it in a new light. As a capacity for redescrbing and retelling, imagination reveals how current perceptions of social reality could be otherwise, and encourages a questioning attitude toward habitual understandings of our actions and institutions.

Under the best of circumstances, imagination remains aware of its own contingency. It does not lose sight of the fact that the metaphors and narratives that it constructs, no matter how illuminating and appropriate they appear to be, are nonetheless interpretations. Like all interpretations, they reveal not the definitive truth of their object but one among a variety of possible meanings--a meaning, moreover, that simultaneously conceals other possibilities of interpretation. Yet imagination also has a tendency to idolize its constructions and to mistake a contingent mode of perception for an objective observation. While my discussion in the previous section placed some emphasis upon the reflective character of language and tradition, it is well known that traditional modes of speech have the potential to harden into dogma. A tradition ossifies when it closes itself off from dissent and difference, when it ceases to be a conversation and becomes a party line demanding conformity. Imagination may become so enamored with its own constructions that, with the passage of time, it begins to forget how the phenomena that it discloses could ever have been viewed in any other way. Its perceptions become so "natural" to it, so seemingly self-evident,

that they become transformed into "moral facts." Those who do not see the truth of such facts are not seeing differently; they are not seeing at all. They are "morally blind."

Similarly, Ricoeur argues that metaphors become idols when they are transformed into literal truths. They lose their capacity for disclosure and illumination when they no longer have the character of an event:

In the metaphorical statement..., contextual action creates a new meaning which is indeed an event, since it exists only in this particular context; but at the same time, it can be repeated and hence identified as the same. Thus the innovation of an 'emergent meaning' may be regarded as a linguistic creation; but if it is adopted by an influential part of the language community, it may become an everyday meaning and add to the polysemy of lexical entities, contributing thereby to the history of language as code or system. At this final stage, when the meaningful effect that we call metaphor has rejoined the change of meaning which augments polysemy, the metaphor is no longer living but dead. Only authentic, living metaphors are at the same time 'event' and 'meaning.'⁴³

Just as judgments that have gained currency may recede into the background of consciousness and become prejudices, imaginative expressions may in time lose their insightful character and cease to provoke thought. A part of the meaning that metaphor and narrative bring to light is a function of the "semantic shock" that imaginative signification makes possible. When such significations take hold in a linguistic community, however, they may themselves become dead metaphors or habitual significations. As such, they cease to provoke thought, and may even become an obstacle to thought. They may degenerate into clichés and stereotypes which evoke our suspicion and necessitate a new exercise of imaginative redescription.⁴⁴

When a moral thinker envisions alternative social possibilities to supplant the prevailing orthodoxy, or when a social movement that takes itself to be emancipatory fashions new metaphors and narratives in light of which it understands itself and the culture to which it belongs, this imaginative characterization may itself deteriorate into a new dogma, one as needful of demystification as what it had replaced. A vocabulary once novel, suggestive, and illuminating may, in time and in gaining currency, begin to conceal more than it reveals. Its metaphors and narratives are transformed into idols once adopted and, so to speak, "officialized" by a movement of believers. Its metaphors are no longer words but "the Word," its truths no longer fresh insights but "the Truth," the royal road to enlightenment and emancipation. As Nietzsche wrote:

Truths are illusions of which one has forgotten that they are illusions; worn-out metaphors which have become powerless to affect the senses, coins which have their obverse effaced and now are no longer of account as coins but merely as metal.⁴⁵

One forgets that our truths are--if not illusions--partial descriptions with a history and a genealogy, that our ways of speaking about social reality are imaginative constructions, and that the categories by which we understand social phenomena were once novel inventions which came to pass for the truth for the reason that they bore fruit (for someone at some time) in practice.

A vocabulary that captures the imagination (owing perhaps to its capacity to offer a new self-understanding to a certain group, an account of its identity, its history, its plight within an oppressive social order, or its path to emancipation) may lose its relevance when the circumstances in which it was conceived begin to change. A group that regards itself as

having occupied a subordinate position in the society may in time, as circumstances change and as its beliefs take hold, cease to occupy such a position. Its narratives of oppression and victimization will no longer have force. Its expressions become hackneyed and may conceal from view the plight of those other groups and individuals who have in the meantime replaced them at the bottom of the social order. The insights of yesterday may be obstacles to thought today, just as yesterday's innovators may become today's pharisees.

What this illustrates is that it is in the nature of interpretation to disclose and to conceal in the same gesture. Descriptions that bring the phenomena into view also falsify them. The symbols that take hold in a society may also take hold of it. "The revolution," for example, is a symbol that has made for self-understanding on the part of many collectivities in modern times. It has served as a pivotal episode in stories of liberation and progress. "We are the people," it is often said, "who suffered under the yoke of oppression, who rose up to overthrow the forces of domination, and who brought enlightenment to bear on political practice." Yet with the same frequency "the revolution" has served to legitimize virtually every injustice known to man. It has concealed the injustices, the secret agendas, the hidden motivations, and the special interests of yesterday's liberators and today's oppressors.

If to shed light is thus to cast a shadow, then it falls to what Ricoeur has called the hermeneutics of suspicion to uncover that which present understandings withhold from view. The three figures whom Ricoeur identifies under the rubric of suspicious hermeneutics--Marx, Nietzsche, and Freud--are one in regarding consciousness as

simultaneously a disclosure and a deception. Far from being transparent to itself, consciousness is a veil which only interpretation can remove-- and then only partially. Behind its expressions lie the history of class struggle, the will to power, and the repression of desire. So conceived, interpretation is a deciphering of the illusions of consciousness rather than the recovering of a message addressed to a listener. While their methods of decipherment vary, hermeneuticists of suspicion all look upon consciousness as a task to be achieved with difficulty and through guile-- "a guile and a half,"⁴⁶ as Ricoeur puts it. Each aims--through ideology critique, the genealogy of morals, and the theory of psychoanalysis--to extend the limits of comprehension through suspicious interpretation.

What Marx wants is to liberate *praxis* by the understanding of necessity; but this liberation is inseparable from a 'conscious insight' which victoriously counterattacks the mystification of false consciousness. What Nietzsche wants is the increase of man's power, the restoration of his force; but the meaning of the will to power must be recaptured by meditating on the ciphers 'superman,' 'eternal return,' and 'Dionysus,' without which the power in question would be but worldly violence. What Freud desires is that the one who is analyzed, by making his own the meaning that was foreign to him, enlarge his field of consciousness, live better, and finally be a little freer and, if possible, a little happier. One of the earliest homages paid to psychoanalysis speaks of 'healing through consciousness.' The phrase is exact--if one means thereby that analysis wishes to substitute for an immediate and dissimulating consciousness a mediate consciousness taught by the reality principle.⁴⁷

Once we view moral consciousness as both a disclosure and a deception--once we problematize moral perception by regarding it as a rendering of intelligibility in the same gesture that it produces mystification--then it becomes imperative that critical reflection investigate what lies beneath the surface of our evaluations and explicit judgments. This entails several things. It means inquiring into the

prejudices, the questions, the interests, and the tacit presuppositions that underlie our discourse. Involved in this is what Gadamer calls the "testing" of prejudices; because "it is the tyranny of hidden prejudices that makes us deaf to what speaks to us in tradition,"⁴⁸ it is necessary to become aware of and to test our prejudices (albeit not all at once). This is achieved in part by encountering what is foreign and by confronting our perspectives with those of other speakers, other traditions, and so on, in dialogue. Through dialogue we may become aware of the hidden presuppositions that underlie our evaluations and the questions to which our assertions may be seen as responding.

One of the observations that Gadamer makes in *Truth and Method* is that it is by means of the question that we gain an understanding of phenomena. It is the question that gives direction to inquiry by establishing presuppositions, by bringing the object of investigation into the open and setting out the parameters within which inquiry will proceed. However, when such presuppositions are inappropriate or misleading, the question will not only fail to create a state of openness but block the path of interpretation. The hermeneutics of suspicion, then, must detect the questions and presuppositions that are at work in moral discourse. It must determine whether the questions we ask are the most productive and illuminating ones available, or whether they give a false direction to inquiry. It may ask, to take a contemporary example, if the question of whether a fetus constitutes a human being is a suitable way of approaching the abortion issue or if, on the contrary, such a question leads only to fruitless metaphysical debate. It must not only detect the questions at work in moral discourse but learn as well to see what in our

modes of interaction is worthy of being called into question. An education in suspicion involves learning how to ask questions and to discern what is questionable. As Gadamer points out, this is not something that any method can teach: "There is no such thing," he writes, "as a method of learning to ask questions, of learning to see what is questionable."⁴⁹ It is once again imagination that allows us both to detect the questionableness of a particular line of conduct and to formulate particular questions in light of which it may be brought into view.

Looking beneath the surface phenomena is also an inquiry into hidden and unintended meaning. Since, as Gadamer writes, "meaning can be experienced even where it is not actually intended,"⁵⁰ hermeneutic reflection does not confine itself to intended and explicit meaning. It investigates not only what is explicitly said but what is left unsaid, what remains unarticulated and implicit in moral consciousness. Far from limiting itself to intended meaning, interpretation often takes as its object of concern precisely what is unintended, unspoken, and unthought.⁵¹ It may also investigate the interests and will to power that underlie our evaluations. It uncovers ways in which habitual significations defend vested interests, or ways in which imaginative redescriptions also promote sectarian interests, often under the guise of impartiality. Suspicious hermeneutics deciphers both traditional and novel expressions by uncovering elements of partiality and interestedness behind appeals to principle. Behind moral values it finds will to power; behind the general will it finds special interests; and behind self-understanding it finds self-misunderstanding. It dissolves whatever hold such elements have on moral consciousness without misrepresenting them (in the manner of

Habermasian self-reflection) as causal determinants of social life made visible through systematic narrative or total disclosure. It introduces an attitude of suspicion without claiming special insight or special competence, and without removing its perceptions from the need for dialogue with others.

So conceived, critical reflection is both a mode of oppositional thinking as well as an appropriation and affirmation of traditional practice. As situated reflection, it operates against a background of positive evaluations, and as an exercise in suspicion (or "consciousness raising"), it is oriented toward an unveiling of what stands behind habitual speech. Critique is thus a challenging and oppositional mode of thought, one which seeks to liberate us from the dogmatism of habitual significations--significations that often serve to mask or legitimate oppressive forms of interaction. It thus avoids falling back into an unreflective endorsement of tradition. However, what must be emphasized is that critique has both an oppositional and an affirmative moment. The unveiling of significance which constitutes critical reflection is not exclusively a negating or opposing of existing conditions. As noted in my discussion of Foucault, there is no opposition that is not parasitic on affirmation, no identification of social evils without a correlative valorization of some goods or principles. Even the demystification of genealogical analysis and ideology critique depends for its intelligibility upon a prior moment of affirmation. We criticize moral action not by pointing to an "inherent" evil (whatever that may mean) but by showing how the action fails to promote a value which we affirm, how it betrays certain goods or principles, or how it violates what we consider important.

Far from there being an antithesis between negation and advocacy, these two moments of reflection stand in a dialectical relationship. They are as complementary as are semantic innovation and factual recollection. To negate is already to have affirmed, and to affirm is to be capable (with a little imagination) of negation. We can thus say with Gadamer (and against Habermas) that "reflection is not always and unavoidably a step towards dissolving prior convictions."⁵² Bringing something to awareness may lead in the direction of either accepting or dissolving convictions, including those that are passed down to us through tradition.

There is no need for a critical hermeneutics to follow Habermas in invoking the Freudian distinction between manifest and latent meaning. While suspicious interpretation is a looking beneath the surface, so to speak, or a disclosure of what present understanding withholds from awareness, such a view must not be inflated into a quasi-scientific thesis according to which interpretation is a movement from the manifest to the latent, from the merely apparent to the objective meaning of social phenomena. It would only be necessary to speak of manifest and latent meaning were we to share Habermas's (and Freud's) fascination with making criticism scientific--and, as I have argued in chapter one, nothing is to be gained by making normative critique scientific. Hermeneutics insists that a science of meaning is unattainable for the reason that text analogues are always underdetermined and may take on new meaning as they are described and redescribed in the course of dialogue, as new metaphors and narratives are constructed, and so on. To speak of criticism as a deciphering mode of thought, then, is not to rehabilitate essentialist talk of objective meaning in the manner of critical theory. It

is, rather, to rethink the relationship between concealment and disclosure. This relationship is best conceived along Heideggerian and Gadamerian lines. Rather than speaking of interpretation as "seeing through" a manifest meaning to an underlying latency, it would be more suitable to conceive of interpretation as at once concealment and unconcealment, as *lethe* and *aletheia*. Meaning is never a total disclosure, but a perspectival and necessarily incomplete way of speaking about an object of interpretation. Gadamer, in rejecting the view that understanding is a complete illumination, writes:

One has to ask oneself whether the dynamic law of human life can be conceived adequately in terms of progress, of a continual advance from the unknown into the known, and whether the course of human culture is actually a linear progression from mythology to enlightenment. One should entertain a completely different notion: whether the movement of human existence does not issue in a relentless inner tension between illumination and concealment.⁵³

This is to say with Heidegger that "concealment, *lethe*, belongs to a-*letheia*, not just as an addition, not as shadow to light, but rather as the heart of *aletheia*."⁵⁴ Viewing concealment and disclosure as dialectically correlative enables us to speak of deciphering as a looking beneath the surface phenomena without having recourse to metaphysical distinctions between objective and subjective, latent and manifest, meaning.

That the dialectic of concealment and unconcealment arises not only in the exegesis of texts but in social criticism (or in the interpretation of text analogues) may be seen with an example. Egalitarian discourse, in its numerous historical manifestations, has brought to light previously undetected hierarchies of power, relations of force, subtle forms of oppression, victimization, and treachery of various kinds. It has

both brought to attention and awarded some importance to what had remained unnoticed or what had been regarded as inconsequential, as part of the inevitable order of things, or what have you. It has changed the terms of moral debate by accentuating certain elements of practices which had escaped our notice. Yet at the same time egalitarian criticism has given rise to new forms of mystification. It has in numerous instances either withheld from view or lent an air of legitimacy to new forms of treachery. This includes everything from a certain levelling effect on culture to new threats to personal autonomy, violations of liberty, the self-assertion and will to power of individuals and groups claiming for themselves the status of victims, and so on. One need only recall the history of Christian morality or Marxist politics to see how egalitarian narratives have, in directing attention to certain social evils and forms of oppression, introduced and concealed new social evils and forms of oppression.

If critical hermeneutics entails a rejection of the possibility of total disclosure, it also entails a rejection of the view that reflection ever culminates in anything that approximates proof. Criticism can invite us to regard any aspect of social life under different descriptions, it can offer imaginative characterizations with which to understand and appraise human action, and it can try to persuade us to change our perceptions. What it cannot do is attain the rigor of foundational or scientific knowledge. Because the meaning of any text analogue is inexhaustible, interpretation never arrives at an objective or final determination. It leads not to a telling blow but to a perpetual retelling, a dialogue in which no interpretation represents a definitive insight into the truth of the

phenomena. Its insights are partial, its understanding limited, and its consensus temporary.

Moreover, since imagination is a capacity that all competent language users possess, no speaker may claim for himself the status of an expert in social criticism. No matter how insightful a critic may be, or how illuminating his perceptions of moral action, there is no basis for removing his observations from the need for further dialogue with other speakers. There is no conveying of privilege upon speakers on grounds of special competence or superior moral development, but only the continuing to-and-fro of debate. It is for this reason that the asymmetrical relationship between doctor and patient in psychoanalysis, or between scientist and research subject in the Kohlbergian moral judgment interview, is not transferable to social criticism. In the "game" of conversation, as Gadamer expresses it, "nobody is above and before all the others; everybody is at the center, is 'it' in this game."⁵⁵ Normative criticism must not be conceived as an expertocratic bestowing of "enlightenment" upon the ideologically duped masses, but as an imaginative and, at times, suspicious mode of interpretation.

We are now in a position, then, to respond directly to the charge of conservatism and to answer our original question of what critical reflection is. Hermeneutics undermines neither the emancipatory intent of critical thought nor its capacity to question the practices inherited through tradition. Oppositional thought, on the contrary, belongs within the domain of the hermeneutics of suspicion. Criticism does not construct superinterpretations capable of explaining the "real" factors operative behind the facade of language and tradition, but brings to light what is

concealed by present understanding. Critical reflection incorporates a moment of factual recollection and a moment of semantic innovation, and involves the incessant reinterpretation of the language in which members of a culture understand themselves and their actions. It is a mode of understanding which is inseparable from the metaphorical process and the imaginative capacity for redescription.⁵⁶ Critique is the capacity for transforming what is given into what is questionable, and for opening up new dimensions of meaning (recognizing all the while that all disclosure is simultaneously a concealing). No longer rigorous science, or objective explanation of human affairs, critique is interpretation and disclosure through the metaphorical process. It is the deconstruction and reconstruction of the social world via moral imagination.

Critical thought also has an iconoclastic function. It reminds us that our moral perceptions are historically contingent and necessarily incomplete ways of characterizing human action. As an exercise in suspicion, it undermines the naive self-assuredness of traditional belief in the manner of Foucaultian genealogy. Yet, unlike genealogy, it does more than merely point out the dangers of our practices. It includes the capacity for affirmation by virtue of the standpoint it occupies and the traditions in which it arises.

The critic, then, is the hermeneuticist of suspicion--the interpreter who is sufficiently imaginative to view moral contexts in a new and provocative light. While we may think of reflection generally as a bringing to awareness--a placing in the open of something by means of linguistic interpretation--critical reflection specifically is a bringing to awareness in such a manner as to provoke a current mode of seeing--as by

confronting it with other interpretations. It involves a placing at risk of interpretations, a temporary suspension of their validity by confronting them with different possibilities of disclosure. Criticism is a viewing of something under various and competing descriptions--provoking and testing an interpretation by confronting it with another. To understand in a critical manner is not only to see-as, but to see-as this rather than that. It is to have weighed the merits of an interpretation and to have found it more compelling than its rivals. Critique is thus inseparable not only from imagination but from the practice of dialogue, since it is primarily through conversation with speakers occupying different perspectives that such contestation occurs.

Finally, because everything that can be described can be redescribed, there is in principle nothing to prevent every morally interesting action, practice, or institution from becoming an object of criticism. While critical reflection occurs from a finite perspective, we are always able through semantic innovation to extend the limits of our moral horizon. The failure of totalizing perspectives is thus no cause for anxiety, since the language that is brought to bear on moral action remains open to imaginative usage, and tolerates the introduction of novel metaphors and narratives. What is lost by the decline of total reflection is only the possibility of assessing all of our practices at once and from a privileged perspective.

The account of critical reflection that I have presented in this chapter raises a series of questions which will become our focus in chapter three. It is commonly maintained by hermeneutical philosophers that the methods and principles available for constructing interpretations

or for adjudicating interpretive conflicts are very limited. There are no formal methods for producing good metaphors or for asking interesting questions, just as there are no objectively determinable meanings of texts which would guarantee the truth of interpretations. Contestation appears to be an ineliminable feature of hermeneutic discourse. If it is the case, then, that critique is best viewed as a mode of hermeneutic reflection, does this entail that moral perceptions are not subject to any form of philosophical adjudication and that protracted disagreements concerning the significance or justice of human action must be viewed as undecidable? As was mentioned in our introductory chapter, while hermeneutic conflict is very often productive and edifying in its capacity to provoke thought and to uncover new meaning, it is not always innocuous when the objects of protracted disagreements are moral contexts in which issues of justice arise. Here, we have a very good reason indeed to inquire into the possibility of philosophically adjudicating interpretive conflicts. Is it possible (if, that is, we wish to avoid viewing interpretation as a matter of arbitrary decision or unreasoning frivolity) for moral philosophy to introduce some manner of adjudication, in however modest a form, into disagreements of this kind? Are there any principles available which would inform and educate (if not formally dictate) our perceptions of moral action? Moreover, is it necessary to engage in theory construction in order to make some form of adjudication possible, and is any form of ethical theorizing compatible with our recognition of the finitude of human reflection? Given the premises of hermeneutics, which, if any, of the methods of moral philosophy are available to critical reflection?

NOTES

1. While I speak here of "what critical reflection itself is" and of "the practice of criticism itself," this is not intended to suggest that ethical critique has any kind of essentialist core. There are different paradigms of critical thought, and what follows is a description of such thought as conceived on hermeneutical premises and not an investigation into the essential properties of critical reflection.
2. Ricoeur, "The Model of the Text: Meaningful Action Considered as a Text" in *Hermeneutics and the Human Sciences*, 206.
3. Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper and Row, 1962), 84.
4. *Ibid*, 191.
5. *Ibid*, 191. Note #2.
6. *Ibid*, 191-2.
7. Gadamer, *Truth and Method*, second revised edition, trans. Joel Weinsheimer and Donald G. Marshall (New York: Crossroad, 1989), 270.
8. Gadamer, "The Universality of the Hermeneutical Problem" in *Philosophical Hermeneutics*, 9.
9. Gadamer, *Truth and Method*, 276-7.
10. *Ibid*, 281.
11. *Ibid*, 389.
12. Gadamer, "Man and Language" in *Philosophical Hermeneutics*, 62-3.
13. Gadamer, "On the Philosophic Element in the Sciences and the Scientific Character of Philosophy" in *Reason in the Age of Science*, trans. Frederick G. Lawrence (Cambridge: The MIT Press, 1982), 4.
14. Gadamer, "Man and Language" in *Philosophical Hermeneutics*, 65.
15. Gadamer, *Truth and Method*, 403.
16. By "moral language" is meant a particular set or family of normative concepts which typically includes a certain personal or collective self-understanding along with a wider set of beliefs and attitudes.

17. While I speak here of perception as the subsumption of a particular under a universal, this subsumption, as I shall describe shortly and again in chapter four, is not the kind of subsumption found in logical reasoning, but is considerably more complex primarily owing to the polysemic and open-ended character of moral universals.
18. See Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, second edition (Notre Dame: University of Notre Dame Press, 1984); and Jeffrey Stout, *Ethics After Babel: The Languages of Morals and Their Discontents* (Boston: Beacon Press, 1988).
19. Stout, *Ethics After Babel*, 23.
20. *Ibid*, 23.
21. Gadamer, "The Universality of the Hermeneutical Problem" in *Philosophical Hermeneutics*, 7.
22. To this I shall add in the following two chapters that critical thought conceived of hermeneutically may also employ universal principles of right in carrying out its reflections.
23. For an interesting and recent discussion of moral imagination from the point of view of cognitive science, see Mark Johnson, *Moral Imagination: Implications of Cognitive Science for Ethics* (Chicago: University of Chicago Press, 1993).
24. Quoted in Hannah Arendt, "Freedom and Politics" in *Freedom and Serfdom: An Anthology of Western Thought*, ed. Albert Hunold (Dordrecht: D. Reidel Publishing Co., 1961), 207.
25. Seyla Benhabib, "In the Shadow of Aristotle and Hegel: Communicative Ethics and Current Controversies in Practical Philosophy" in *Hermeneutics and Critical Theory in Ethics and Politics*, ed. Michael Kelly, 25-6.
26. Ricoeur takes the view that "all of the words in natural languages are polysemic." (Ricoeur, "Metaphor and the Central Problem of Hermeneutics" in *Hermeneutics and the Human Sciences*, 169) I undertake to defend not this general claim, but the more restricted one that the terms of moral and political discourse are polysemic.
27. Ricoeur, *Freud and Philosophy: An Essay on Interpretation*, trans. Denis Savage (New Haven: Yale University Press, 1970), 39.
28. Ricoeur, "The Hermeneutics of Symbols and Philosophical Reflection: 1" in *The Conflict of Interpretations: Essays in Hermeneutics*, trans. Denis Savage (Evanston: Northwestern University Press, 1974), 299.
29. Ricoeur, *Freud and Philosophy*, 49.
30. *Ibid*, 53.

31. Aristotle, *Poetics*, in *The Basic Works of Aristotle*, ed. Richard McKeon (New York: Random House, 1941), 1459a.
32. Aristotle, *Rhetoric*, in *The Basic Works of Aristotle*, 1410b.
33. Ricoeur, *The Rule of Metaphor: Multi-Disciplinary Studies of the Creation of Meaning in Language*, trans. Robert Czerny (Toronto: University of Toronto Press, 1977), 4.
34. Ricoeur, "Imagination in Discourse and in Action" in *From Text to Action: Essays in Hermeneutics, II*, trans. Kathleen Blamey and John B. Thompson (Evanston: Northwestern University Press, 1991), 173.
35. Ricoeur, *The Rule of Metaphor*, 197.
36. *Ibid*, 197.
37. "Literal" here means only habitual. In speaking of metaphor as a transferring of meaning from one domain of usage to another, it is not necessary to characterize the first usage as proper and the second as figurative. Metaphorical borrowing need not rest on a distinction between proper and figurative meaning. The distinction between habitual and nonhabitual is sufficient for this purpose.
38. Ricoeur, *The Rule of Metaphor*, 6.
39. Ricoeur, *Time and Narrative* Vol. 1, trans. Kathleen McLaughlin and David Pellauer (Chicago: University of Chicago Press, 1984), 65.
40. *Ibid*, x.
41. This proposal represents a challenge to deontology and consequentialism alike, both of which insist upon awarding exclusive moral relevance to either the motives or the consequences of human action. Against both views, the narrative conception of moral appraisal regards both motives and consequences, as well as the character of the agent, as potentially relevant considerations in forming an assessment of moral action. While in any given case, one or another such consideration is likely to be singled out as salient to our understanding of the action, no such consideration ought to be dismissed a priori as morally irrelevant. What counts as relevant and/or salient to our judgment must be decided in the course of reflection, and not prior to it as deontologists and consequentialists propose.
42. Many instances of moral action are best understood as occasions of further action given the serial and habitual nature of much of human conduct. An action, such as Valjean's stealing the loaf of bread, which is understood at the time of its performance as a straightforward act of theft, may come to be understood with the passage of time and in light of further actions undertaken by the agent as initiating a sequence of conduct or (in this instance) as an occasion of personal transformation. The act of theft is thus comprehended in light of the habits to which it later gave rise, thus as an occasion of further action. A primary task of moral imagination, then, is to hold these various

considerations (the short and long term consequences of the action, the effect of the action upon the character of the agent performing it, and so on) in view and to appraise conduct in light of its before and after.

43. Ricoeur, "Metaphor and the Central Problem of Hermeneutics" in *Hermeneutics and the Human Sciences*, 170.

44. It is not necessarily the case that imaginative constructions must be novel in order to be compelling. While metaphors and narratives may deteriorate into cliché, they may also become classics and gain a significance which is, so to speak, timeless.

45. Nietzsche, "On Truth and Falsity in their Ultramoral Sense" quoted in Ricoeur, *The Rule of Metaphor*, 286.

46. Ricoeur, "Psychoanalysis and the Movement of Contemporary Culture" in *The Conflict of Interpretations*, trans. Willis Domingo, 149.

47. Ricoeur, *Freud and Philosophy*, 34-5.

48. Gadamer, *Truth and Method*, 270.

49. *Ibid*, 365.

50. Gadamer, "On the Scope and Function of Hermeneutical Reflection" in *Philosophical Hermeneutics*, trans. G. B. Hess and R. E. Palmer, 30.

51. Thomas McCarthy's term "normal hermeneutics" (cited in the previous chapter) is misleading in suggesting that the usual object domain of hermeneutics is the conscious intention of a speaker or author. This term is surprising in view of Gadamer's efforts (and those of numerous other hermeneutical philosophers in the twentieth century) to avoid reducing meaning to subjective intention.

52. Gadamer, "On the Scope and Function of Hermeneutical Reflection" in *Philosophical Hermeneutics*, 32-3.

53. Gadamer, "Hermeneutics as Practical Philosophy" in *Reason in the Age of Science*, 104.

54. Heidegger, "The End of Philosophy and the Task of Thinking" in *Basic Writings*, ed. David Farrell Krell (New York: Harper and Row, 1977), 390. Heidegger, of course, defends *aletheia* as a nonmetaphysical conception of truth. My interest here is not in defending a theory of truth but in describing the relationship between disclosure and concealment in such a way as to avoid essentialist language.

55. Gadamer, "On the Scope and Function of Hermeneutical Reflection" in *Philosophical Hermeneutics*, 32.

56. It is thus that we can say with Richard Rorty that "intellectual and moral progress [may be understood] as a history of increasingly useful metaphors rather than of increasing understanding of how things really are." (Richard Rorty, *Contingency, Irony, and Solidarity* [Cambridge: Cambridge University Press, 1989], 9.)

CHAPTER THREE
HERMENEUTICAL ETHICAL THEORY

Having emphasized the hermeneutical character of critical ethical reflection, a series of questions presents itself concerning the possibility of philosophically adjudicating between competing interpretations of social phenomena. If there are no methods for producing correct interpretations of human actions, no suprahistorical perspective from which to pronounce definitive judgments, no moral expertise capable of transcending the fray of ethical debate, does this leave moral philosophy without any resources for adjudicating conflicts of interpretation? Does a hermeneutical conception of ethics leave us merely with the injunction to continue "the conversation that we are," to produce ever more novel metaphors, to perpetually retell the narratives by which we understand ourselves and our practices? Must it refrain from offering principles which may claim for themselves universal legitimacy? Recent challenges from various nonfoundationalist circles have raised the issue of whether moral philosophy's traditional task of theory construction is still a useful one, or whether such a project is superfluous, impossible, or both. Opponents of moral theory regard the project of justifying universal principles and constructing decision procedures in ethics as being as doomed to failure as the foundationalist project in epistemology of grounding our beliefs in an unassailable, ahistorical matrix. The question arises whether a

hermeneutical ethics must join the chorus of moral anti-theorists or whether a conception of theory can be articulated that would perform a task indispensable to moral philosophy while remaining invulnerable to the more telling objections levelled against traditional attempts at theory construction.

I shall argue in this chapter that while critical reflection is indeed possible without moral theorizing, the scope and force of such reflection is limited--sufficiently limited to motivate us to continue the task of theory construction with the aim of formulating a conception of universal right. Acknowledging the situated character of reflection does not preclude the possibility of constructing a universalistic conception of justice. Defending this view will provide us an occasion to challenge certain dichotomies which have emerged in one form or another in much of the recent nonfoundationalist and postmodern literature. Rational grounding or unreasoning decision, an ethics of principles or an ethics of judgment, necessity or contingency, universality or historicity, objectivism or relativism, sameness or alterity are some of the new oppositions that have found their way into recent discussions of moral philosophy. Directly or indirectly, this chapter and the next will attempt to undo each of these oppositions. Specifically, I shall argue that abandoning totalizing perspectives entails renouncing only certain forms of moral theorizing. It precludes all attempts by philosophers both to privilege a particular conception of the good life and to eliminate the need for practical judgment through the construction of formal decision procedures. The task of ethical theory on this account is not to prescribe particular courses of action or to provide a grounding for social

practices, but to assist our efforts at critical reflection by identifying principles of universal right. In so arguing, I defend the view that principles of justice inform social criticism by placing constraints upon interpretation and upon local conceptions of the good. (The further claim that such principles provide an exhaustive analysis of the moral domain--rendering such considerations as local customs and norms, relationships and forms of life, and the capacities of perception and judgment either morally uninteresting or devoid of rationality--will not be asserted here.¹)

After reviewing the case against theory construction in ethics--entertaining arguments presented by Foucault, Jean-François Lyotard, Richard Rorty, and certain recent hermeneutical philosophers--I shall outline and defend a universalistic conception of justice which takes its bearings from the liberal tradition while incorporating arguments from both Gadamer's hermeneutics and Habermas's communicative ethics. A historically conscious universalism, I maintain, may furnish critical reflection with principles instrumental in protecting the autonomy and inviolability of the human being. Hermeneutical ethical theory establishes constraints on local practices and norms by rendering thematic the normative dimension already inherent to the practice of communicative understanding.

THE PRIMACY OF PRACTICE AND THE CASE AGAINST THEORY

The predominant aim in modern moral philosophy has been to identify those principles that have a legitimate claim to universality and whose status is foundational in the justification of particular judgments

and practices. Principles were to provide the moral theorist with a decision procedure capable of solving problems generated by conflicting norms and preferences, and in general with a method for deciding what is to be done in any given case of moral action. Through the application of such principles as the categorical imperative and the utilitarian maxim, philosophers have sought to provide a grounding for various social practices and a theoretical guide to appropriate forms of interaction. The traditional view had it that the task of theory construction in ethics was to provide an objective grounding for normative appraisal, thus rendering our evaluations invulnerable to the arguments of the moral skeptic (such arguments being viewed as a cause for anxiety by an epistemology-centered conception of philosophy).

In recent years, this view of moral philosophy's basic aims has been called into question by a variety of nonfoundationalist thinkers. Opponents of moral theory argue that once we dispense with foundational metaphors we shall no longer feel the need to ground normative judgments in something transcending social practices, contingent though the latter be. Anti-theorists contend that the search for a philosophical basis of our moral lives, a general account of what makes all right actions right or all good actions good, ought to be abandoned along with the foundationalist's quest for certainty in epistemology. The suspicion that we are not going to uncover a common source of all legitimate moral standards, or gain a universal theoretical perspective on local norms of conduct, has gained some currency. This suspicion is owing in part not only to the decline of foundationalist epistemology but equally to a rising skepticism about the possibility of a metaphysics of human nature or of

the moral law, traditional candidates for the role of foundation of ethical life. In directing attention away from foundations, decision procedures, and universal principles, anti-theorists defend the view that evaluative judgments are not in need of constraints beyond local consensus, and that the modern thesis concerning the primacy of theoretical reason should be replaced with a conception of rationality in which local practices are paramount. Moral argumentation need appeal to nothing transcending-- nothing more "basic" than--the historically contingent behavioral and discursive practices that have taken hold in our culture. Being already reflective, such practices do not require philosophical grounding.

As we saw in chapter one, this opposition to normative theorizing is a prominent theme in the writings of Michel Foucault. Although the genealogical writings contain an unmistakable ethical-political dimension, Foucault has insisted that the critical historian must refrain from adopting a universal or theoretical standpoint in carrying out particular researches. Criticism occurs from the perspective of specific practices and institutions without the assistance of a unifying theoretical framework, whether this be Marxism, liberalism, or what have you. Such a unifying perspective is ruled out by Foucault not only because of the philosophical impossibility of taking up an external position with respect to the practices characteristic of our own time and place, but also because the fascination with theoretical unity hinders the attempt on the part of the critic to gain a more concrete and immediate comprehension of his object of investigation. The genealogical writings are an assortment of disparate researches which Foucault never systematizes into any kind of homogeneous framework, seeing as all such systematizing projects prove

to be only hindrances to understanding the workings of particular power/knowledge configurations. While certain normative and scientific theories may serve as useful instruments in carrying out specific investigations (Foucault mentions the examples of Marxism and psychoanalysis in this regard), his overriding concern is to caution against overextending the scope of such theories. Their unifying capacity must not be exaggerated in a manner that would reintroduce totalizing perspectives for social criticism. The general thrust of Foucault's thinking, as we have seen, is against theory, principles, the totality, and toward concrete and specific lines of research.

Foucault's opposition to what he calls "global" or "totalitarian" theories closely parallels a similar opposition to the "universal intellectual," the radically desituated critic whose theoretical knowledge makes possible a scientific or otherwise authoritative understanding not available to ordinary speakers. It is in light of his Nietzschean perspectivism that Foucault defends the knowledge of the participant, the activist, and the practitioner against the self-proclaimed master of truth or justice. Foucault's "specific intellectual," it will be recalled, analyzes the specificities of social phenomena from a participatory point of view, attending always to the concrete details of the workings of various practices and institutions without ever attaining the distanced perspective of the universal intellectual.

A similar opposition to normative theorizing is found in the writings of Jean-François Lyotard. The conception of justice defended by this French postmodernist is formulated largely as a response to certain metaphors and themes characteristic of political modernity. Truth,

consensus, convergence, universality, finality, the totality, and other touchstones of modern political thought are replaced by Lyotard with divergence, multiplicity, contestation, novelty, and opinion. Political discourse is conceived as aiming not at consensus or convergence upon the truth--upon the last word in matters of justice--but at a perpetual invention of novel and contesting claims. Justice, so conceived, belongs to the order of opinion and not to the order of knowledge or truth.

"There is," Lyotard writes, "no knowledge in matters of ethics. And therefore there will be no knowledge in matters of politics."² Following the sophists in this respect, Lyotard also follows Aristotle in asserting the priority of practical judgment over method and theoretical frameworks. In matters of politics and ethics, he argues, we form evaluative judgments without the aid of criteria or categories of any kind. Judgments are neither regulated by criteria, nor educated by training and habit, nor guided by common sense, but are instead essentially decisionistic. "One is without criteria, yet one must decide."³ All talk of criteria in postmodernity, Lyotard supposes, is illegitimate since

the idea of criteria comes from the discourse of truth and supposes a referent or a 'reality' and, by dint of this, it does not belong to the discourse of justice. This is very important. It must be understood that if one wants criteria in the discourse of justice one is tolerating de facto the encroachment of the discourse of justice by the discourse of truth.⁴

We are faced on Lyotard's account with two fundamentally incompatible conceptions of political discourse. We may, on the one hand, seek a science of politics--a theoretical, rule-governed method of uncovering the truth about the nature of justice, an attempt to ground evaluative judgments in theoretical statements (pertaining either to the

nature of reason, human nature, natural law, or something of the kind). On the other hand, we may form judgments on a case by case basis without the assistance of theory, principles, or criteria of any kind. Preferring the latter over the former, Lyotard contends that a politics of judgment must forswear all theoretical "metanarratives" and reinstate the rights of small and local narratives. The proper function of the moral or political philosopher, then, is to hazard opinions and submit judgments to the general discussion, and not to devise theories or learned discourses concerning the nature of justice.

Perhaps the most noted opponent of normative theory on this side of the Atlantic is Richard Rorty. Following in the tradition of American pragmatism, Rorty urges us to give up all talk of philosophical foundations and of grounding our practices and political commitments in anything outside of, or transcending, those practices and commitments. The egalitarian liberalism that Rorty defends is, on his view, no more in need of theoretical justification than the language we speak. It is no more necessary (nor are we able) to step outside of our local ethical and political commitments by means of theoretical reason than it is to somehow step outside of our language to verify its resemblance to a reality which obtains objectively. The criteria that are available to critical reflection are in no sense axiomatic, but are instead "never more than the platitudes which contextually define the terms of a final vocabulary currently in use."⁵ The only constraints on moral action, as well as on what comes to pass for truth and justice, are conversational ones. They are not universal principles deduced from premises about the metaphysics of this or that, but local and historically contingent commitments that have

managed to generate some degree of consensus within a particular culture at a particular time.

The thesis defended in one form or another by these and other opponents of ethical theory concerning the primacy of practice--the thesis, that is, that social practices are already sufficiently reflective that they do not require the kind of philosophical grounding that a variety of normative theories were intended to provide--is by now a familiar one in nonfoundationalist, hermeneutical, and postmodern circles. That thesis will not be contested here. It will be asserted neither that social practices are in need of a grounding upon some metaphysical conception of how things stand with the world, nor that our judgments must proceed from a common source (such as the utilitarian maxim or contractarian methodology), nor that judgments acquire legitimacy through their relation to one another (as in the method of reflective equilibrium). The foundationalist project in ethics has been ably deconstructed in recent years by a variety of thinkers, not all of whose arguments can be rehearsed here. However, does our assent to the view that normative rationality must take its bearings from the realm of practice commit us to abandoning theory construction? There is a temptation here to simply reverse the usual depreciation of practice relative to theory, to abandon one pole of this and other traditional philosophical dichotomies for the other. Time and again we are told that we must choose between a science of politics or a politics of judgment, a theoretical grounding of ethical life or a socialized decisionism, a priori principles of reason or a final vocabulary, convergence or invention, knowledge or opinion, theoretical reason or practical reason. In each case, we are urged to abandon the

former in favor of the latter, a move usually accompanied by an expression of skepticism or exasperation with the former alternative. Those of us who share Nietzsche's distrust of philosophical dichotomies, however, are more inclined to challenge the dichotomies themselves than to abandon one pole for the other, since the latter move often renders one vulnerable to much the same difficulties as those to which one is responding (or, at any rate, this kind of move normally creates as many problems as it solves).

The problems that are generated by renouncing theory for practice, principles for judgment, and so on, begin to emerge at those places where a transition of sorts is made from skeptical argumentation about the need for, or possibility of, providing an objective grounding for our practices and evaluations (argumentation which is frequently compelling) to passages in which some particular set of values or norms is advocated. If critical reflection has the dialectical structure spoken of in chapter two--if it has the capacity to both negate and affirm particular values--then it is the latter, affirmative, moment of reflection that is often a source of difficulties for opponents of ethical theory.

In the case of the authors I have cited, we are told not only that we must be on the lookout for hidden power relations, forced consensus, and bad metaphysics, but also that we must reinstate subjugated knowledges, defend the rights of local narratives, live with and celebrate difference, plurality, otherness, and so on. Without offering a detailed ethical or political program, there is an unmistakable normative thrust in the writings of such thinkers as Foucault, Lyotard, Rorty, and numerous other contemporary anti-theorists. There is also, as Richard Bernstein

has pointed out,⁶ a certain convergence of themes and similarity of moral passions expressed in many of their writings. The moral horizon that they occupy affirms (broadly) the liberal virtues, recognition, tolerance, respect, civility, freedom, equality, diversity, open and democratic communication, and so on, with relatively minor differences separating them. The sentiments expressed in the following passages from Rorty and Lyotard (respectively) are representative of this partial convergence of moral and political commitments:

I want to see freely arrived at agreement as agreement on how to accomplish common purposes (e.g., prediction and control of the behavior of atoms or people, equalizing life-chances, decreasing cruelty), but I want to see these common purposes against the background of an increasing sense of the radical diversity of private purposes, of the radically poetic character of individual lives, and of the merely poetic foundations of the 'we-consciousness' which lies behind our social institutions.⁷

And the idea that I think we need today in order to make decisions in political matters cannot be the idea of the totality, or of the unity, of a body. It can only be the idea of a multiplicity or of a diversity.⁸

Difficulties arise when we begin to ask--as we inevitably shall in moral philosophy, whether we be foundationalists or not--what is the philosophical justification of this particular constellation of values. Abandoning the foundationalist's quest for objective grounding and methodological rigor does not relieve philosophers of the responsibility of giving an account--a rationale of some description--of why they maintain the moral commitments that they do. What sort of philosophically interesting reasons can be offered in their defense? Were we to accept that dichotomies of the kind mentioned above (theory or practice, knowledge or opinion, necessity or contingency, consensus or multiplicity, principles or judgment) inevitably confront us whenever we begin to

reflect upon moral questions, then it would seem that the only possible response to questions of justification is of the kind presented by Rorty. That is, we must not expect to justify our moral commitments from a transcendental perspective or on the basis of a metaphysical foundation. We must not allow the epistemologist's or skeptic's "why" questions to become a cause for anxiety, tempting us thereby into making a foundationalist move of one kind or another. Instead, we ought to admit that "we are just the historical moment that we are,"⁹ that justification need appeal to nothing beyond the sphere of local convictions, practices, and institutions that defines our way of life. Such a response would have to suffice if the only alternative to it were the kind of objective grounding and formal methodology sought by traditional forms of moral theorizing. But is this a dichotomy that we ought to accept? Is our only alternative to the quest for foundations, decision procedures, and moral certainty, the kind of appeal made in one form or another to the local, the ethnocentric, the historically contingent? I shall argue in the following section that these are not the only alternatives available to us, and that the numerous dichotomies that have recently taken hold in moral philosophy (owing in part to such thinkers as Rorty, Lyotard, and Foucault) need not be accepted.

First, however, we ought to consider the merits of such ethnocentric appeals and ask whether the "lonely provincialism"¹⁰ of a Rorty or a Lyotard has sufficient resources to make possible critical reflection upon both the norms and practices of our own culture, and (with equal importance) those of foreign cultures. The problem of conservatism--a central preoccupation of critical theorists as well as of

hermeneutical and postmodern philosophers--is an important consideration in determining the merits and shortcomings of such appeals. As I have argued in chapter two, so long as human beings have language, the possibility of critically reflecting upon any aspect of social life is never closed. Semantic innovation is perhaps inevitable wherever there are competent language users and wherever human understanding is present. There remains the question, however, of philosophically justifying the moral and political commitments that we make.

Justifying these commitments through ethnocentric appeals to local solidarities has a certain degree of persuasiveness, in that such appeals succeed in bringing together moral evaluations with our mode of self-understanding. Human beings do not form evaluative judgments in isolation from a certain understanding of who they are, what their history is, and who they would like to become. Indeed, ethics itself may be understood as a part of the human being's attempt to achieve self-understanding. Questions of the good, for example, are answered in light of who we take ourselves to be, how we narrate our past, what we wish to become, and so forth. However, when questions of justice arise, appeals to local solidarity encounter difficulties. It is not an uncommon occurrence for the norms which take hold in a community to harden into dogma or to become corrupted in one manner or another. Communities, and their often self-appointed representatives, are not immune from dogmatism and intolerance in their most ominous forms. How often does a spirit of collective self-congratulation and dogmatism set in upon the members of a community once they have decided that they are in possession of the truth? It is not only religious communities, theocratic

societies, and totalitarian states that are vulnerable to dangers of this kind. The members and representatives of any community may (and frequently do) become so enamored with what comes to pass within their borders, or on their membership lists, for the truth (the Word of God, the will of the people, the intentions of our forefathers) that their concern for justice and human well being may well take a back seat to furthering an agenda, clinging to an outmoded belief system, or retaining power. Not every solidarity, it is true, has an Inquisition or a Tiananmen Square massacre on its conscience, but too many of them do.

Basing moral claims upon local consensus, as any number of historical examples would illustrate, faces serious difficulties when an appeal to consensus becomes a crude majoritarianism or a strategy for excluding unwelcome opinions. Settled convictions must be occasionally unsettled, yet attempts to question or challenge such convictions may be undermined by unreflective appeals to "community standards" or "the American way." While critical reflection always remains a possibility, even within very unreflective communities, the limits of reflection become a cause for concern when not only our judgments but the standards used in adjudicating these begin to deteriorate or are dubious from the start. Local solidarities may be infected with false beliefs and abhorrent attitudes (typically, but not exclusively, directed against those who are "not of our kind"). When the self-understanding that underlies a community's moral beliefs is itself based upon bad metaphysical schemes and dubious cosmologies, the difficulty in critically assessing moral convictions is especially pronounced.

Difficulties arise not only when we ask for a justification of our moral commitments, but also when the object of critical reflection is foreign cultures and traditions. Rorty assures us that there can be no noncircular justification of a final vocabulary. The adoption of a vocabulary is a matter of social decision, not philosophical argumentation. At most, we can defend our settled convictions by showing how they favorably compare with those of foreign cultures. A pragmatic justification takes the form of inter-societal comparisons in which one demonstrates the practical advantages of our own norms and institutions over various alternatives. As Rorty puts it,

The pragmatists' justification of toleration, free inquiry, and the quest for undistorted communication can only take the form of a comparison between societies which exemplify these habits and those which do not, leading up to the suggestion that nobody who has experienced both would prefer the latter. It is exemplified by Winston Churchill's defense of democracy as the worst form of government imaginable, except for all the others which have been tried so far. Such justification is not by reference to a criterion, but by reference to various detailed practical advantages. It is circular only in that the terms of praise used to describe liberal societies will be drawn from the vocabulary of the liberal societies themselves. Such praise has to be in *some* vocabulary, after all, and the terms of praise current in primitive or theocratic or totalitarian societies will not produce the desired result. So the pragmatist admits that he has no ahistorical standpoint from which to endorse the habits of modern democracies he wishes to praise.¹¹

The problem here is with the degree of force that critical reflection which is "by our lights" can claim for itself when it takes foreign institutions and norms as its object. When we take exception, for example, to the treatment in certain cultures of "heretics" or "counterrevolutionaries" by pointing out how such treatment violates certain norms of conduct which we in our tradition consider important, it is unclear why anyone who stands outside of our tradition should regard this as a forceful criticism--

or indeed as a criticism at all (as opposed, that is, to a mere announcement that we happen to hold a different view). What is absent from such a critique is a reason why anyone who does not share our final vocabulary ought to adopt our moral beliefs.

A difficulty in criticizing even the most extreme acts of oppression in cultures different from our own is that often such acts are all too easily justifiable within the final vocabulary of that culture. For every inquisition or religious crusade there is an ancient tradition of belief, a moral vocabulary, a set of well established institutions and social norms. For every massacre of political dissidents there is a tradition of social hierarchies, a consensus on the importance of authority and of knowing one's place within the society. That theocratic or totalitarian states often persist for as long as they do testifies to the self-legitimizing character of final vocabularies. As local solidarities legitimate themselves, so too may they legitimate (what become very difficult to recognize as) forms of oppression.

A further difficulty arises concerning the notion of a pragmatic justification. Rorty tells us that a way in which we lend support to our final vocabulary is by showing how it favorably compares with others in terms of practical advantages. Yet this overlooks the fact that what is regarded as a practical advantage is itself far from being vocabulary-neutral. The notion of an advantage is intelligible only in light of a set of prior values and interests; it is a function of the final vocabulary one has already adopted, just as what is considered to be for the good is a function of one's prior self-understanding. If, as a consequence of the tradition to which one belongs, one views as advantageous, for instance,

preserving the party's grip on power, enlightening the infidel, or creating the divine kingdom on earth, then inter-societal comparisons of the kind Rorty describes are most likely merely to confirm the prejudices one already holds. The circularity of pragmatic justifications and ethnocentric appeals, in short, severely limits the force of critical reflection and provides little reason for those who do not already share our vocabulary and think as we do to reform their practices and institutions.

Recent contributions from hermeneutical philosophers to the debate over foundationalism and ethical theory¹² have taken as their point of departure an array of premises and problematics similar to that shared by Rorty, Lyotard, and Foucault, while taking up positions distinct (to one degree or another) from all three. While not renouncing ethical theory, these authors are inclined to emphasize the situated and essentially practical character of moral reasoning. Taking Gadamer's philosophical hermeneutics as their primary inspiration, P. Christopher Smith, Matthew Foster, and Georgia Warnke¹³ attempt in different ways to draw out some of the normative implications of Gadamer's thought. (Such projects require to be undertaken for the reason that Gadamer himself, while clearly interested in ethical questions, has not articulated an ethical or political theory, nor defended any particular political program.) With Foucault, Lyotard, and Rorty, these authors share an opposition to modes of moral theorizing that seek grounds external to local practices and traditions from which to form an objective appraisal of these. Principles are not discovered through acts of abstract, autonomous reasoning, but are inherited from the cultural and linguistic tradition within which we are situated. As Smith expresses it,

our sense of what is right and wrong, good and bad, fair and disgraceful, is transmitted to us in the language we have inherited, and that language, sustained as it is by the inexplicit customs we are accustomed to, capacitates us to deliberate well and make ethical choices.¹⁴

Moral principles are appropriated from tradition, and their legitimacy is a function of the ways in which a community understands itself and recounts its history.

On such a view, the task of a hermeneutical ethical theory is not to provide a foundation for evaluative judgments but to recover principles from tradition and to clarify the meaning of local norms and institutions.

Its task is, in Warnke's words,

to uncover and articulate the principles already embedded in or implied by a community's practices, institutions and norms of action. The theory of justice becomes an attempt to understand what a society's actions, practices and norms mean, to elucidate for a culture what its shared understandings are so that it can agree on the principles of justice that make sense to it and for it.¹⁵

The theorist is an interpreter of cultural tradition and social norms rather than their transcendental judge. Similar to the view defended by Rorty, Warnke argues that a hermeneutical conception of justice must proceed from an understanding of a society's norms and political traditions. The latter are thus taken as text analogues, the significance of which is contested by conflicting (and often equally legitimate) interpretations.

Following Gadamer (following Aristotle), hermeneutical philosophers are skeptical about a rationality that is entirely abstract and autonomous. Instead, they favor a practical reasonableness that takes its bearings from tradition. A practical rationality, or *phronesis*, has its roots in a *sensus communis*, and always directs itself toward the concrete particularities of the contexts that call for normative appraisal. It attempts to comprehend

the complexity of a situation in all its details and richness. The judgments that it offers are not "correct" or "well-founded," but discreet, fitting, and customary. (I shall return to the matter of practical rationality in the following chapter.)

Hermeneutical conceptions of ethics focus not on justifying abstract and universal principles but on the centrality of dialogue and the need to promote unconstrained communication in matters of public policy. Because ethical theorizing is an interpretive exercise in clarifying the meaning of local practices and traditions, and because for hermeneutical philosophers no interpretations can ever be said to be uniquely and supremely authoritative, this creates the necessity of continually interpreting and reinterpreting social phenomena. Since, on this view, there are no philosophical methods of adjudicating between conflicting understandings of social meaning, we are left with a kind of hermeneutic pluralism. Debate over which norms and institutions are suitable for us in this particular time and place given our collective heritage never culminates in anything beyond a provisional consensus. Nor is such consensus a guaranteed outcome of communicative exchanges. Frequently, the result of hermeneutic dialogue is a recognition that there are legitimate differences of opinion, with no procedure for deciding which view ought to command our assent.

In lieu of such procedures, moral theorists must remain open to the possibility of learning from opposed viewpoints, just as traditions may gain something of value in encountering other traditions. Without having recourse to ideal standards or universal principles, a tradition may test itself against the claims of foreign traditions in much the same way that

interpretations can be tested against other interpretations without appealing to methodological criteria. So conceived, then, the justification of social customs and moral claims is a matter of hermeneutic conversation. What such conversation requires is not methodological rigor but the intellectual virtue of open-mindedness--a willingness to listen to the claims of other speakers with an eye to their possible truth value. An enriched understanding is gained through an open exchange of viewpoints. While this may or may not lead to consensus on the meaning or relative importance of our behavioral norms, these open communicative exchanges are the medium in which the one-sidedness of our private interpretations is overcome and insight is gained. As Warnke expresses it in the following text, hermeneutical ethics gives rise in matters of public policy to a commitment to interpretive pluralism and to democratic forms of decision making in a free and open public sphere:

The idea behind the notion of hermeneutic conversation is the idea that an interpretive pluralism can be educational for all the parties involved. If we are to be educated by interpretations other than our own, however, we must both encourage the articulation of those alternative interpretations and help to make them as compelling as they can be. And how can we do this except by assuring the fairness of the conversation and working to give all possible voices equal access? If we are to learn from our hermeneutic efforts, then no voice can retain a monopoly on interpretation and no voice can try to limit in advance what we might learn from others. Democracy thus turns out to be the condition for the possibility of an enriching exchange of insight. Democratic conditions act against the entrenchment of bigoted interpretations by offering others a fair fight as equals and hermeneutic conversation itself acts against the reduction of diversity by allowing that more than one rational interpretation might 'win.'¹⁶

Democracy, openness, pluralism, and so on, are here presented not as universal principles of right but as central elements of a conception of justice that makes sense for us given our cultural heritage and political

traditions. Since moral theorizing is viewed as an interpretive exercise in gaining clarification, the disputes that arise between theorists are said by Warnke to represent either differences concerning the meaning of social practices and traditions or differences over which institutions best cohere with these traditions.

Among hermeneutical philosophers, postmodernists, and moral anti-theorists, there is a certain overlap of views that warrants our attention here. Notwithstanding the many important differences that separate the authors mentioned above (as well as numerous other thinkers who belong within these schools of thought), a degree of consensus has emerged between them with respect to: first, an opposition to a variety of main line moral and political theories, commonly characterized as foundationalist, which attempt to provide an objective grounding for evaluative judgments and social norms; second, an emphasis on practical over theoretical reasoning; third, a view of moral justification as a nonformal or criterion-free demonstration of coherence between moral beliefs on the one hand and local forms of self-understanding, settled convictions, social practices, tradition, or a final vocabulary on the other; fourth, a common emphasis on the importance of unconstrained communication, democratic decision making, openness, plurality, and so on, to a conception of justice which is adequate for us given our collective heritage.¹⁷ As mentioned above, the first point of consensus will not be contested here. The second point will be our focus in chapter four. The third item, of course, represents the main point of contention between moral universalists and proponents of a variety of related positions variously termed communitarian, hermeneutical, neo-Aristotelian, pragmatic, and postmodern.

I have argued above that the view of moral justification that bases its claims upon appeals to a final vocabulary or tradition faces serious difficulties. These pertain primarily to the degree of force critical reflection can claim both when it takes as its object institutions or norms that fall outside the "boundary," so to speak, of local culture, and when local solidarities harden into dogma. To this, we may add further difficulties which arise most notably for hermeneutical philosophers following in the wake of Gadamer.¹⁸ When questions of justification arise, such authors frequently speak to a different issue. The question of what philosophical reasons can be offered in defense of a moral belief is typically transformed into the issue of where such beliefs have their historical roots: "Why ought one to believe X?" becomes "Where does the belief in X come from?" When the answer to the latter question is that the belief in X has been appropriated from tradition, one is given to conclude that such a belief warrants our assent. Typically, this sort of answer is accompanied with an expression of skepticism about an autonomous, a priori rationality--which, it is maintained, must be presupposed should we wish to distinguish these two questions. However, to collapse these questions runs the risk of making tradition into a ground of proof for moral claims. For hermeneutical philosophers interested in spelling out the ethical implications of Gadamer's thought, it should be noted that Gadamer has been careful in his rehabilitation of tradition to avoid making appeals to tradition into philosophical justifications or proofs of any kind. His thesis that tradition is a source of understanding (one source among others) is never collapsed into the view that tradition is a basis of justification for those beliefs and judgments that are in need of such

justification. This may be seen from a statement of Gadamer's made in reply to Habermas's critique of *Truth and Method*. In the context of this debate, Gadamer writes:

Tradition is no proof and validation of something, in any case not where validation is demanded by reflection. But the point is this: where does reflection demand it? Everywhere? I would object to such an answer on the grounds of the finitude of human existence and the essential particularity of reflection.¹⁹

At issue at this point in the debate between Gadamer and Habermas is the question of whether the claims that tradition makes upon us always require philosophical justification. Gadamer's negative response stems from his thesis concerning the finitude and situatedness of reflection. Yet Gadamer acknowledges in this reply to Habermas that there undoubtedly are cases in which pointing out the customary nature of a moral belief does not suffice as a justification. Regrettably, Gadamer does not go on to address the questions that this inevitably raises--namely, under what conditions is it necessary to seek a philosophical justification for traditional moral beliefs, and what form will such justification take?

The first question is unlikely to receive an exhaustive answer. Perhaps a partial answer will suffice. There are certain conditions in which we are forced to question our commitment to traditions. We may come to believe that certain central elements of the belief system which has been handed down to us deserve to be rejected--perhaps as a result of our participating in more than one tradition. It is not an uncommon phenomenon, particularly within contemporary Western culture, for one to belong within several traditions--moral, political, religious, or what have you--which produce conflicting demands upon us. Our commitment to the tradition of liberal politics, to take one example, may produce within us a

certain self-understanding and set of beliefs (pertaining to the importance of personal autonomy, self-interest, and so on) which are not easily reconcilable with the tradition of Christian theology. Experiencing conflicting demands for our loyalties in virtue of the different traditions within which we stand is a sufficiently commonplace phenomenon that it can be said without exaggeration to represent the normal course of experience for any moderately reflective person today. Under such conditions, questions of justification will inevitably arise. What we shall need to know is which tradition most deserves our continued loyalty, and which ought to be modified or abandoned.

Similar difficulties arise when we attempt to justify moral claims by appealing to our social practices. It is well known that lifeworld practices frequently produce conflicting demands upon persons in the course of their experience, while in many other cases such demands are ambiguous or lacking entirely. There are periods in history (such as our own) in which entire communities face stresses and strains which habitual practices have more than a little difficulty dealing with. Either a sense of direction is absent in our moral lives or there are too many conflicting directions with which to cope. One of the difficulties we encounter today is precisely that we face a plethora of social norms and demands for our loyalties, each arising from a particular practice or tradition, and each a product of some measure of consensus. While it would not be reasonable to expect from moral philosophy a method of producing definitive solutions to all ethical conflicts, there are numerous questions that those of us who wish to view the realm of practice as paramount will need to take seriously: In cases of conflict, which social practices merit priority over

which others, and for what reasons? Which of our local practices warrant our continued respect? Which require modification, and how may such modification be undertaken? Which practices ought to be abandoned entirely, and for what sorts of reasons? Above all, to what could the philosopher interested in adjudicating conflicts between various local practices and traditions appeal, except to other local practices and traditions which may themselves deserve to be put in abeyance? Even when we recognize the limits imposed upon reflection by our historicity, we are still left with the need to participate in debates of this kind. It would be odd if moral philosophy had nothing more to contribute to such debates beyond pointing out the limits of our reflective capacities and directing attention to habitual practices and traditions, when such a move only raises a further series of questions which we should very much like philosophers to address.

What this line of argument points out is not the need to renounce all justificatory appeals to local consensus and tradition, nor the necessity of providing an objective grounding for ethical life, but the need for moral philosophy to place constraints upon agreements generated within communities as these pertain to just forms of interaction. These constraints may be found within a conception of universal right. A universal theory of justice makes it possible for critical reflection to adjudicate certain kinds of moral conflict by establishing constraints upon local solidarities. Without reintroducing totalizing perspectives, a hermeneutical theory of justice can circumscribe those practices, norms, and expectations that may reasonably claim our assent. Principles of universal right are instrumental in enabling the critic not merely to

interpret the meaning of our practices and settled convictions, but to decide under what conditions these should be considered unacceptable. While sometimes the differences of principle that separate moral or political philosophers can be analyzed as interpretive differences concerning the meaning of social norms or the coherence of these with traditional modes of self-understanding, sometimes they cannot. Often these differences pertain not to what forms of interaction are befitting us as inheritors of modern Western culture, but what forms of interaction are befitting us as human beings.

BETWEEN GADAMER AND HABERMAS

Philosophers who renounce the foundationalist project in ethics-- who reject the call for formal methodology and metaphysical underpinnings for evaluative judgments--and who are inclined to emphasize the situated and hermeneutic character of social criticism are faced with the following predicament: having acquired a certain skepticism about an autonomous, a priori rationality, and having accepted the radically situated character of human existence, how is it possible for critical reflection to gain the perspective it needs in order to form judgments which can reasonably claim our assent? If the principal question facing moral philosophy is no longer how we can provide a firm, metaphysical basis for our social practices, but how these practices may become objects of critique, then the question becomes what resources are available to critical reflection: from what perspective can it speak and which--if any--of the methods, theories, or principles of moral philosophy

are available to it? If, as I have argued, critical ethical reflection is a mode of hermeneutic disclosure, then what kind of adjudication is possible for resolving the conflicts that inevitably characterize interpretive understanding?

To this point, I have defended the view that it is through interpretation, narrative, and metaphor that it is possible to gain critical perspective on habitual modes of interaction. If critical reflection occurs from the perspective of "where we are"--from the standpoint of a particular horizon and moral vocabulary--then it is through semantic innovation that we may shed new light on the significance of our actions and institutions. Does this hermeneutical conception of critique, which insists upon adopting a skeptical view of totalizing perspectives and philosophical foundations, logically commit itself either to an anti-theoretical or to an anti-universalist position in ethics?²⁰ Must we come to a full stop once we have pointed out that critique proceeds from where we are, and not from some transcendental or scientific vantage point? Renouncing theory construction, or restricting its role to interpreting traditional norms and self-understandings, generates problems that motivate us to inquire whether it is possible to articulate a universal theory of justice which will solve some of the problems pointed out in the previous section. This is what I propose to undertake in the present section. I shall argue that while moral theory cannot resolve all of the conflicts that are generated in our discourse about the good and the right, it can perform a function which is indispensable to critical reflection. It can provide a philosophical justification for universal principles of right, principles which establish universal constraints upon

local norms and solidarities. Accordingly, it is my view that a conception of critique that places imaginative interpretation at its center is fully congenial to a universal ethics of principle. It is also my view that acknowledging the primacy of practice need not entail abandoning theory. Moral theorizing must take its bearings not from an autonomous, a priori rationality, but from the realm of practice itself, and it must have as its aim the explicit comprehension, cultivation, and reform of social practices.

The theory of justice that I shall formulate, while liberal in orientation, incorporates certain key elements in the thought of both Gadamer and Habermas. The former's analysis of hermeneutic experience and the latter's communicative ethics ought both to be read in light of, and as further elaborations of, Hegel's dialectic of lordship and bondage as described in the *Phenomenology of Spirit*. From this common basis may be constructed a liberal conception of justice in which the themes of mutual recognition, openness, respect, and universal freedom are awarded priority of place. I shall argue that the liberal virtues can be justified as practical entailments of hermeneutic experience and of the dialectic of lordship and bondage. When we think through the ethical implications of these--when we thematize the normative dimension already inherent to the practice of dialogue oriented toward mutual understanding--what are generated thereby are liberal principles of right. The argument to be developed, then, bears a close methodological resemblance to Habermas's communicative ethics, with qualifications to be introduced as we proceed. The conclusions reached by this line of argument will lead us to take up a position likewise congenial to philosophical hermeneutics and

communicative ethics--a position, as it were, between Gadamer and Habermas.²¹

Before formulating this argument, it is worth making some distinctions to indicate what may and may not be expected from a hermeneutical ethical theory. If one of the charges directed against normative theories is that they fail to perform any function which could not be as well performed without them (that they are therefore superfluous),²² it is important in responding to this objection to indicate precisely what the proper objective of moral theorizing is, and what objectives it cannot be expected to fulfill. As opponents of theory have persuasively argued, some (at any rate) of the traditional expectations philosophers have had of moral theory ought to be discarded. Renouncing certain of these traditional expectations is entailed by renouncing the foundationalist project in ethics generally. In particular, it will not be asserted here that ethical theorizing must produce formal procedures for prescribing the correct course of behavior to be followed in any given case of moral action. The rationalistic dream of constructing general decision procedures capable of solving all moral problems in a rule-governed manner would best be forgotten. This manner of theorizing, best represented by utilitarians and contractarians, presupposes an abstract and autonomous rationality which has no place outside of a foundationalist, epistemology-centered conception of philosophy. It exhibits, furthermore, an excessive fascination with mathematical and scientific demonstration. In modelling moral rationality upon mathematical calculation and scientific demonstration, these philosophers show a tendency to overlook the nonformal and practical dimension of normative

appraisal. Their theories require a method of abstraction from numerous contingencies and specificities of the phenomena as they present themselves--a method that is befitting only scientific, and not moral or political, discourse. Such methods leave far too many potentially relevant considerations out of account, and gloss over the important and ineliminable difficulties that characterize morally interesting phenomena. It would be best to heed Aristotle's suggestion that we not expect to find the degree of formal precision and rigor in moral reasoning that is found within the mathematical and natural sciences.

If theory cannot supply formal decision procedures for resolving all moral conflicts and issues, neither can it eliminate the need for practical judgment, or *phronesis*. Moral knowledge has a concrete specificity which can never be successfully mapped out within the terms of a theory. Our intuitions and judgments do not lend themselves to tidy systematization, primarily for the reason that evaluative judgments do not all derive from a common source. They have a variety of sources including the way in which one understands oneself as an individual, one's ego ideal or conception of who one would like to become, one's sense of what it is important to pursue in life, the roles one fulfills in a variety of personal and professional relationships, traditional expectations and norms of conduct, and one's way of life in general. Specific conceptions of how one ought to conduct oneself in life--how to prioritize different values and interests, what occupations to pursue, how to manage one's personal affairs--call for practical judgment and not formal methodology.

Neither can moral theory prescribe a particular way of life or conception of the good. The classical Greek view of ethics as an attempt

to discover a general answer to Socrates's question, "How should one live?," an answer that would provide a philosophically compelling conception of the good and a rational direction in life for each individual to follow, was an overly ambitious view of what moral philosophy could achieve. Questions of the good cannot be resolved philosophically--so much may be conceded to the anti-theorists. Abstract and general answers to such questions elude the grasp of moral theorists for the reason, again, that the way in which one resolves such matters is inseparably linked to how one understands oneself as an individual, as a member of a community, and so on. There is no rational method for adjudicating conflicting notions of the good life since these notions stem from conflicting and philosophically undecidable self-understandings and ego ideals, preferences and aspirations. The good is also closely bound up with personal and nonuniversalizable beliefs about the meaning that our lives have for us--beliefs that also are not suitable objects of moral theorizing.

If moral theory cannot single out a particular way of life or conception of the good as uniquely worthy of our assent, but must recognize a plurality of these, this does not entail that it must also renounce a universal conception of right. The plurality of local traditions, self-understandings, and personal aspirations may rule out the possibility of constructing a theory of the good, but it does not preclude a theory of justice. Justice considerations are best viewed as having their basis not in the settled convictions, self-understandings, or final vocabulary of particular communities, but in a universal conception of humanity, the meaning of which will be spelled out as we proceed. The

difficulties encountered above which arise from basing justice considerations upon local traditions provide reasons to inquire into the possibility of formulating a universal theory of justice, one which would assist our efforts at critical reflection without falling back into foundationalism. A theory of this kind would make it possible to adjudicate philosophically certain kinds of moral conflict, specifically those that arise between local solidarities, norms, and institutions on the one hand, and universal requirements of justice on the other. A theory of justice establishes constraints within which local norms can be generated, agreements can be reached concerning institutions and forms of government, competing conceptions of the good can be debated, and personal aspirations can be legitimately pursued. What can be expected from a moral theory, then, are principles of right, the legitimacy of which is not tied to a particular tradition or final vocabulary, and which place limits upon our practices and modes of interaction. Such a theory would constitute an historically conscious universalism, one which recognizes at once that morality always remains tied in some measure to tradition--that universality and particularity can never be unproblematically severed--and the need for the perspective of universality in assessing particular elements of cultural traditions.

An historically conscious universalism must take up residence between the poles of the following dichotomy. It must occupy a position distinct both from the localism of a Rorty, a Lyotard, or a Foucault, and from the abstract rationalism of a Plato, a Kant, or a Hobbes (to name but a few). A nonfoundationalist and hermeneutical theory must forswear an autonomous, a priori rationality together with the quest for moral

certainty and formal methodology, but with equal importance it must oppose conceptions of morality that so closely link questions of justification to locality that the perspective available for critical reflection is inadequate. Subverting dichotomies of this kind--rationalism or localism, foundations or social decision, knowledge or judgment--means recognizing the limits of our reflective capacities and the situatedness of theoretical rationality while maintaining a commitment to universality. It entails a rejection of the traditional subordination of practice to theory, and a recognition of the primacy of practice.

Moral theorizing which does not pretend to be unconditioned and transcendental must begin from some identifiable vantage point. It was suggested in chapter two that reflection always proceeds from "where we are" in the sense of a particular moral vocabulary and horizon of beliefs and preunderstandings. To this we may add that theoretical reflection also starts from where we are, albeit in a distinct sense. It begins from the point of view of practice. The traditional view in moral philosophy that in order to judge social practices the theorist must occupy a perspective that transcends the realm of practice altogether (an a priori, scientific, or prior to society perspective) would best be discarded and replaced with a conception of theory that arises from within the realm of practice itself. This would be a theoretical rationality that is subsequent to practice in the sense that it recognizes the reflective character of social practices and does not assert the need to provide a grounding for these in some metaphysical conception or other. It claims neither to provide foundations for social practices nor to proceed from a standpoint transcending such practices. It represents a practice-immanent mode of

moral theorizing. Rather than subordinating practice (conceived since Plato as defective, contingent, unreflective, and merely empirical) to theory (conceived since Plato as unconditioned, pristine, and transcendental), the practice-immanent view takes the region of our social and discursive practices as its contingent starting point.

The aim of a theory which is immanent to practice is twofold. It assists critical reflection, first, by achieving a thematic understanding of practices and, second, by directing or redirecting action in light of an explicit comprehension of such practices. On the first point: it may be granted that to be a human agent is already to have a certain involvement with a wide variety of practices, including everything from language use to commerce, education, and so on. Our involvements in practices is never without a certain degree of understanding of what the practice aims to achieve, of what kinds of action are appropriate to it, and of ways and means of competent performance. To engage in the practice of commerce, for instance, is to know something about the exchange of goods and services, to know what kinds of behavior to expect from other economic agents, to have particular aims in view, and to know of strategies useful in achieving these aims. Participation in the practice of competitive sports involves understanding the rules of the game, knowing the value of teamwork and sportsmanship, desiring to win, and knowing what strategies will likely produce the desired result. This kind of understanding is frequently prereflective and consists primarily of practical know-how. The first service that theory can provide is to thematize this practical know-how. It endeavors to gain an explicit comprehension of what we are doing when we are engaged in a practice--

what actions characterize its performance, what aims are in view, what rules and principles are always already operative within the practice, and so forth. Theorizing at this stage is a purely phenomenological or descriptive enterprise, focusing solely upon gaining a thematic or comprehensive grasp of what the practice is about. Philosophical hermeneutics is an example of a theory of this kind. It attempts to gain a reflective awareness of the practice of interpretive understanding, of its conditions of possibility, its limits, etc. As Gadamer expresses it:

Hermeneutics has to do with a theoretical attitude toward the practice of interpretation, the interpretation of texts, but also in relation to the experiences interpreted in them and in our communicatively unfolded orientations in the world. This theoretic stance only makes us aware reflectively of what is performatively at play in the practical experience of understanding.²³

Similarly, education theory seeks a self-conscious articulation of the practices of teaching and learning, of the aims of academic instruction, the function of the university, and related matters.

The second aim of theories of this kind is to gain critical perspective on the manner in which practices are performed. In light of a thematic understanding of a practice, the objective of theoretical rationality is to formulate principles and/or methods for directing or redirecting action. It supplements the know-how which we already have with principles for assessing performance and (sometimes) methods for successfully attaining particular ends. As well, theoretical knowledge often allows us to challenge our common sense know-how by demonstrating how it actually fails to bring about the ends that the practice aims to achieve. In articulating the rules and principles already operative (prereflectively) within practices, theorizing makes it possible to reorient,

or even radically overhaul, our performance of those practices.

To illustrate using the same examples as above: hermeneutical theory may be useful not only for gaining an understanding of what is involved in the practice of interpretation, but also for redirecting its course through the introduction of critical principles. Phenomenological analysis of the conditions of the possibility of understanding may be supplemented with procedures or principles (such as the hermeneutic circle and the principle of coherence) which are useful in determining when our interpretive efforts have been successful. Principles of this kind make it possible (within limits) to adjudicate interpretive conflicts, to decide which reading of a text is most successful in disclosing its meaning, and which interpretations ought to be rejected. While no amount of theorizing is going to produce a step by step procedure for the reading of texts, hermeneutical theory may uncover principles which are already prereflectively at play in interpretation, and thematizing these may serve to redirect the course of interpretation and in many cases to challenge standard readings.

In the case of education theory, a critical function is served in much the same way. By developing a more explicit comprehension of education--in particular of the goals that it aims to achieve--the education theorist may generate principles for assessing teaching performance and methods of academic instruction, as well as formulate a more precise view of the functions of the university. The value of a theory of this kind may be especially apparent in the case of a discipline such as philosophy, where it may be more difficult to determine exactly what formal instruction is supposed to achieve. When the aims of education are

expressly formulated, it becomes increasingly possible to develop methods which are specifically suited to attaining those ends. If it be decided, for instance, that receiving an education in philosophy consists primarily in the development of critical capacity and secondarily in the acquisition of knowledge about historical philosophical systems, then such a view would inform our methods of instruction and evaluation. The capacity to critique current instructional methods and educational institutions is enhanced by gaining a more reflective awareness of what the practice of teaching aims to achieve and of what it means to receive an education.

Practice-immanent theorizing, then, aids critical reflection by gaining as comprehensive an understanding of a practice as is possible, and by formulating principles for the direction or assessment of our actions.²⁴ Of course, human understanding--including that which is of a theoretical kind--never achieves completeness or finality, but remains a partial disclosure of the phenomena. The aim of gaining a theoretical understanding is not to comprehend the totality of our practices--something that necessarily presupposes an impossible "external" perspective--but to form a description of a practice which is as detailed and penetrating as is possible within the limits of human understanding. As an immanent mode of theorizing, it views a practice, as it were, from "within," analyzing its internal make-up and the actions and principles that constitute it as a practice.

Theoretical understanding is especially mindful of what we may describe as the teleological structure of social and discursive practices. A practice may be understood as a complex of action types displaying a variety of interrelations and an important element of sociality. To engage

in a practice is to participate in certain social relationships and to observe particular rules of interaction and constraints on our conduct. These actions, relationships, and constraints have a common orientation toward the realization of specific ends--ends that are defined by the kind of practice that it is. Just as individual actions are oriented toward the realization of goals, practices have a teleological structure which it is the task of theorizing to describe. Practices such as medicine, games, the arts, politics, commerce, or education circumscribe a sphere of activities oriented toward the realization of what Alasdair MacIntyre has called "internal goods".²⁵ Different internal goods belong within different complexes of interrelated activities. As MacIntyre points out, one engages (or, at any rate, one ought to engage) in a practice in order to realize the goods that are internal to that practice.

The teleological structure of practices may be seen with a few examples. The practice of a competitive sport such as hockey aims at achieving such internal goods as fair competition, teamwork, and sportsmanship. Political activities such as running for public office or organizing political parties are oriented in principle to the realization of just social arrangements and the public good, however these be construed. The practice of teaching aims at imparting knowledge, educating the critical capacity of students, and related ends. No doubt, not all agents who participate in a practice are motivated, in point of fact, solely or even primarily toward the realization of these internal goods. As MacIntyre has noted, individuals frequently engage in a practice for the sake of attaining external goods such as power, money, or some other personal desire. The point which deserves emphasis, however, is that the

practice itself--if not all the agents who participate in it--remains oriented toward specific ends the realization of which constitute the *raison d'être* of that practice. The individual actions, rules, and constraints that constitute a practice are strictly subordinate to these ends, as is evidenced, for example, when the rules of a game or methods of academic instruction are modified so as to better bring about these specific goods, or when political procedures are reformed as a means of better representing the public interest. Reforms of this kind are properly undertaken for reasons arising from a practice's teleological structure; they are undertaken in order to better ensure the realization of the ends that belong to the practice in question. The rules of a competitive sport, for instance, are periodically modified to ensure fair competition and sportsmanship, to ensure that no players receive special consideration or unfair advantage, and that only the skill of the best competitors and not extraneous considerations determines the outcome of a competition.

It is in light of the teleological structure of practices, then, that a theory which is immanent to practice is able to formulate principles for critical reflection. Given an understanding of the ends toward which a practice is phenomenologically oriented, the theorist may articulate critical principles which have their basis in, and are a reflective expression of, the ends that belong to that practice.²⁶ This may be viewed as a form of immanent criticism, albeit in a sense that differs from common usage. Immanent critique is often taken to represent a method of undermining social norms and institutions from a standpoint internal to a particular society by exposing contradictions between the society's stated beliefs

and its actual practice. This method of critique, practised by the early Frankfurt School theorists among others, attempts to demonstrate how certain practices fail to cohere with the standards that are professed by the society itself. By contrast, the conception of immanent criticism defended here speaks not from the point of view of the prevailing norms or settled convictions of a culture, but from the standpoint of social and discursive practices. It appeals to the principles that are inherent to, or performatively operative within, the practices themselves. The conduct of these is judged under the assistance of practice-immanent principles.

The following illustration may clarify how this conception of immanent critique differs from common usage, and in particular how it differs from the method of research undertaken by the early Frankfurt School theorists. A dominant preoccupation of the latter, in keeping with their Marxist lineage, was to issue a stiff reprimand to Western capitalism by pointing out what they viewed as contradictions between the professed ideals of what was called "the bourgeois order" and the actual economic and social conditions to which it gave rise. Their method--the critique of ideology--involved juxtaposing the prevailing social order's words with its deeds, demonstrating how the latter failed by the standards set by the former. In contrast to this, an immanent critique of free market business practices, on the view I am suggesting, begins with an attempt to identify the ends that such practices are oriented toward achieving. Theoretical analysis of the complex of activities known as business practice has no trouble in identifying the telos that unites these activities: profit. The activities that belong to this practice are all subordinate to this end. Although other goals such as long term investments and savings, research

and development, and so on, are often instrumental in determining corporate policy, these are properly regarded as intermediate goals which are all subordinate to the end of profit maximization. (It is important to note that the claim that business practice aims at the maximization of profits is a descriptive, and not a normative, claim. Normative claims and principles make an appearance only at the second stage of theory construction.)

After identifying the telos of business practice at this first stage of theory construction, the aim of critical reflection at the second stage is to generate principles for the appraisal of corporate policies and strategies. Principles developed in this fashion (principles of the "buy low, sell high" variety) delimit a range of policies that constitutes what is called "good business." Criticisms of business practices which point out how these run afoul of prevailing social norms--how they are egoistic or indifferent to certain politically desired ends, such as low inflation or a low rate of unemployment--miss the point. Criticisms of this kind misconceive what ends business practice endeavors to bring about, and in the process of misunderstanding the practice import extraneous considerations--usually of a political kind--as criteria for the assessment of corporate activities. The proper rejoinder to criticisms of this nature is that promoting what are essentially political ends is not what business practice is about. This complex of activities does not intentionally undertake to conform to altruistic norms of conduct, reduce unemployment, lower inflation, or improve the overall standard of living, but to generate profits. Certain politically desired ends do frequently result as a consequence of good business practices, but these outcomes

are not intentionally brought about as ends in themselves. At most they may represent intermediate goals, which, under certain circumstances, serve to promote further ends. A corporation may, for instance, wish to give the appearance of serving a political or altruistic cause as a strategy in public relations, but when goals of this kind are sought for their own sake the corporation is no longer engaged in the practice of commerce, but is instead participating in a political practice; it is acting no longer as an economic agent, but as a political agent.

The kind of immanent critique that I am recommending asks questions, for example, about the ways and means adopted by businesspersons and corporations in the pursuit of their ends. While it may not be capable of generating detailed, step by step procedures for attaining these ends, this second stage of theorizing serves an important critical and instrumental function. As Gary Madison writes:

[C]ritical social theory can enable people to improve upon their practices by (1) showing how the means that they actually employ in the pursuit of certain goals tend to subvert these very goals themselves and (2) by showing how other means would be more effective in achieving the goals.²⁷

In addition to posing questions about ways and means, an immanent mode of criticism can often bring to light the ways in which extraneous considerations and goals can enter into the conduct of a practice, and how these may corrupt the practice itself. The introduction of extraneous ends into social practices produces a kind of distortion: business activities, education, the arts, competitive sports, and so on, can all be distorted when extraneous factors such as the personal desires or political agenda of individuals supplant the internal goods of these practices. When educators, artists, or businesspersons (acting, that is, in their

capacity as educators, artists, or businesspersons, rather than in their capacity as private citizens) become crusaders for extraneous causes--be they religious, political, or what have you--the task of the theorist in these circumstances is to remind individuals of the aims that belong to their respective practices. It is to remind us, for example, that filling the minds of children with religious dogma does not capture the meaning of "good education," and that corporate executives becoming crusaders for the labor movement is not "good business."

This practice-immanent mode of theorizing thus recognizes the reflective character of the complex of activities which it takes as its object of interpretation. It recognizes that neither social practices nor the ends to which they are oriented are in need of philosophical justification--that they are ends in themselves, as it were, and central to the manner in which we understand who we are and wish to be.²⁸ Practice-immanent theories are not foundational justifications but aids to critical reflection which attempt to describe and assess the manner in which practices are pursued. The question which arises at this point, however, is the role that moral considerations serve in assessing social practices. As is well known, the ends that are internal to practices may be pursued in ways that we would wish to characterize as unjust: corporations may pursue profits in ways that are harmful to their customers, employees, or to the environment; teachers may employ certain forms of corporal punishment as a method of educating students in proper conduct; athletes may inflict harm on their competitors as a means of winning a game; and politicians may pursue their particular vision of the public good in ways that involve flagrant violations of liberty. Examples

of this kind can be readily multiplied. What they all point out is that the manner in which one participates in a practice may be considered objectionable not only for the reason that it fails to attain the proper ends or replaces these with extraneous goals, but on the grounds that such actions constitute violations of justice. Objecting that actions of this kind do not represent "good business," "good education," "good sportsmanship," and so on, does not adequately capture the force of a moral objection. While these lines of criticism may well be on target, they nonetheless fail to capture the harmfulness and injustice of actions of this nature. Inflicting harm on one's customers, students, or constituents is indeed bad business, bad education, and bad politics, but it is also a violation of justice.²⁹

In addition to actions of this kind, of course, is the whole range of human conduct that lies outside the domain of social practices--the various instrumental actions which individuals undertake in the pursuit of their interests. The entire domain of human interaction is subject to moral constraints, and in particular to constraints arising from justice considerations. Accordingly, our question becomes whether it is possible to formulate a theory of justice which is at once practice-immanent and universalistic. Can a mode of theorizing that takes the domain of social and discursive practices as its point of departure, and that forswears autonomous, unconditioned rationality, generate universally warranted principles of justice?

I propose to answer these questions in the affirmative. The objective of a theory of universal right is to provide critical reflection with a set of principles to act as constraints on our practices, norms, and

local solidarities--principles that give expression to a notion of our common humanity. Justice may be conceived as a reflective and practical recognition of our common humanity, not in the sense of a recognition of the other as sharing the same metaphysical core as oneself (another noumenal self), but as a recognition of the other as truly other. The point of departure in constructing a hermeneutical ethical theory--an historically conscious universalism--is once again the realm of practice, and the method it employs is an incorporation of Gadamerian and Habermasian arguments.

If philosophical theorizing arises not from autonomous rationality but from within the realm of practice, which practice(s) in particular shall we take as our point of departure in constructing a moral theory?³⁰ A practice-immanent theory of justice must have an identifiable methodological starting point within the region of human practices. I propose that this methodological starting point may be found within the universal human practice of communicative or dialogical understanding. To explain why, let us recall the ontological turn taken by hermeneutics in the twentieth century, beginning with Heidegger's *Being and Time* and extending through Gadamer's *Truth and Method*.

In *Being and Time*, Heidegger initiated the transformation of hermeneutics from a discipline that viewed understanding solely as a methodological problem within the humanities and social sciences to one that conceived of understanding as the fundamental mode of being of human existence. Understanding for Heidegger is not merely what we do, but what we "are." It represents the basic mode in which the human being orients itself and finds its way about in the world. Not only a type

of human activity or a faculty of cognition, understanding is more fundamentally the basic mode of human existence itself. It belongs to the very constitution of human subjectivity and of the world in which we live. Human existence occurs against the background of an ontological "clearing," a prethematic understanding of a world within which we orient ourselves in terms of finite possibilities. As finite and historical beings, we are "thrown" into a world of preexistent possibilities. Subjectivity is inseparable from this network of possibilities, and it is in terms of these that we are constituted as the kinds of beings that we are. Human existence, on this view, is best viewed as a continual process of self-understanding and understanding the world to which we belong.

Along similar lines, Gadamer speaks of interpretive and dialogical understanding as belonging to the ontological condition of human beings. The hermeneutic practice of engaging in dialogue with others in an effort to reach a common understanding is best viewed not as a mode of instrumental behavior but as an ongoing "life process" which enlists speakers in a community of language and mutual understanding.

Coming to an understanding is not a mere action, a purposeful activity, a setting up of signs through which I transmit my will to others. Coming to an understanding as such, rather, does not need any tools, in the proper sense of the word. It is a life process in which a community of life is lived out. To that extent, coming to an understanding through human conversation is no different from the understanding that occurs between animals. But human language must be thought of as a special and unique life process since, in linguistic communication, 'world' is disclosed. Reaching an understanding in language places a subject matter before those communicating like a disputed object set between them. Thus the world is the common ground, trodden by none and recognized by all, uniting all who talk to one another. All kinds of community are kinds of linguistic community: even more, they form language. For language is by nature the language of conversation; it fully realizes itself only in the process of coming to an understanding. That is why it is not a mere means in that

process.³¹

It is through the practice of dialogical understanding that human beings reflectively cope with our experience of the world in general. As linguistic beings, our manner of gaining familiarity with, and orienting ourselves within, the world involves articulating it in language. While human experience is never without a certain prereflective comprehension of the world, of itself, and of its possibilities, the "universal human task" (as Gadamer describes it) is to bring to speech the phenomena which confront us--to find the words that enable us to reflectively understand and speak of what confronts us in the world, in dialogue with others. Gadamer, in speaking of "the conversation that we ourselves are,"³² recommends that we regard the practice of dialogue oriented toward intersubjective understanding as, in a sense, constitutive of our humanity. Not merely a form of behavior one voluntarily undertakes, dialogical understanding is a practice the scope of which is universal, and the import of which is best described as ontological.

What distinguishes communicative understanding within the domain of practices is that it is this complex of interrelated actions--speaking and listening, persuading and convincing, making truth claims and giving reasons, justifying and criticizing, projecting possibilities of interpretation and achieving self-understanding, constructing opinions and generating consensus--that is constitutive of our humanity, in the sense that it pervades human experience in general and underlies the entire range of human practices. Phenomenologically speaking (and without having recourse to a metaphysics of human nature), what appears to universally characterize human forms of community, amid a vast array

of practices and modes of social interaction, is the presence of this complex of related actions. While it has been traditional since the Greeks for philosophers to view our capacity for thinking and reasoning--our sharing in the logos--as the distinguishing attribute of human beings, it is significant that the term logos, as Gadamer has noted³³, carries a meaning that is more fundamental than thought or reason--namely language. As linguistic and social beings, our efforts to find our way about in the world and to constitute ourselves as subjects, to develop human relationships and lasting forms of community, are never without this important dimension of dialogical understanding. It is in this sense that we may speak of communicative understanding not merely as what we do, but as what we are. It is this universality of scope and ontological import that gives understanding a special place in the realm of human practices. It is, accordingly, to this practice that we may look in identifying a starting point for moral theorizing.

Habermas also takes the practice of communication oriented toward mutual understanding as a point of departure in developing his theory of justice. Because, on Habermas's view, it is language that constitutes the distinguishing feature of human life, it is at the level of the philosophy of language that he undertakes an analysis of the different modes of human interaction. Without going into the details of his theory, Habermas offers an interpretation of the different modes of language use, concentrating upon that mode which warrants a type of priority over the others--namely communicative action, or linguistic interaction the implicit telos of which is mutual understanding. Language use cannot be adequately understood apart from the element of communication, a central feature of which is the

presence of validity claims. What Habermas terms strategic action--a category of linguistic utterance that includes deception, manipulation, and dupery of various sorts--is said to be derivative from communication oriented toward understanding for the reason that it involves a suspension of validity claims. Habermas's investigation leads him to the conclusion that communicative action has a kind of primacy relative to strategic action since the latter is derivative from, or parasitic upon, the former. An orientation toward reciprocity and consensus, on this analysis, belongs to the nature of the communicative process and of language itself.

If we wish to develop a theory of justice which is both practice-immanent and universalistic, it must take as its point of departure a practice that is universal in scope. With Habermas, I contend that the practice of communicative understanding represents an appropriate point of departure. Having identified our starting point, then, we may proceed along similar methodological lines to those discussed above. Our first task is to investigate the teleological structure that this practice displays. If it belongs to the structure of a practice that it contain an implicit telos, what is it that constitutes the teleological dimension of communicative understanding? What are the ends that belong to this practice, and what principles are implicitly operative in its performance? By investigating these questions, we may see that the communicative process contains an important normative dimension. Our method, then, will be to render explicit the normative dimension of communicative understanding and to demonstrate its implications for critical reflection.

An observation of David Ingram's will prove useful in this regard. In commenting upon *Truth and Method*, this author has claimed to identify

an important teleological dimension operative within Gadamer's analysis of hermeneutic understanding. Ingram writes:

[T]he very *modus operandi* of human understanding is teleologically oriented toward a recognition of the 'thou' as one whose individuality merits an equal right to be respected and understood. Though such an attitude no doubt informs any search for new meaning, it is especially definitive of communicative understanding. Indeed, Gadamer regards reciprocity as in some sense a transcendental condition for the very possibility of human communication as such.³⁴

This reading of *Truth and Method* arises from a section of that text in which Gadamer undertakes an analysis of historically effected consciousness. Gadamer distinguishes three modes of hermeneutic experience--three ways in which an interpreter can approach a text or tradition--and correlates each of these with a corresponding mode of interpersonal experience. For Gadamer, the I-Thou relation may be taken as paradigmatic of communicative understanding generally, and by investigating this relation it may be possible to uncover a teleological dimension operative within all hermeneutic experience, or within the practice of dialogical understanding.

The first mode of interpersonal experience which Gadamer identifies is dominated by an objectivating attitude toward the other. This is a manner of encountering the other along the lines of a research subject: one seeks a knowledge of behavioral regularities as a means of predicting the other's future actions, for purposes, perhaps, of using the person as a means to one's own ends. This is a decidedly premoral mode of interpersonal relation. Its correlative within hermeneutic experience involves a similar objectivating attitude toward tradition or the text. Through boundless faith in methodology, the interpreter investigates

tradition in the detached manner of objective science--from an "external" perspective, as it were, or as subject to object. The interpreter is given to believing that by applying the appropriate methodological procedures, one may extricate oneself thereby from one's own historicity and gain the perspective of the uninvolved observer. This objectivistic manner of encountering tradition, as Gadamer puts it, "flattens out the nature of hermeneutical experience."³⁵ In overestimating the objectivity of its methods and forgetting the limits of reflection, this mode of hermeneutic experience overlooks the claims that tradition or the text makes upon the interpreter.

The second I-Thou relation Gadamer describes includes a recognition of the other as a human being (rather than a mere object of scientific investigation), but it is a form of recognition that is without the important elements of reciprocity and openness. Here one purports to know the other completely, and in an unconditioned fashion. The claims that are advanced by the other person are encountered not as truth claims, but "reflectively" and from a distanced perspective. Because one is already in full possession of the truth, the claims of the other inevitably meet with an authoritative reply. This relation between I and Thou, while surpassing a view of the other as a mere means to one's own ends, is nonetheless dominated by the self-regard and self-certainty of the I. Its correlative within hermeneutic experience includes a genuine interest in the claims of tradition, but it is an interest that is primarily antiquarian. One knows of the past in its otherness and uniqueness, but in a manner that keeps it at a distance and forbids us from learning something which we did not already know. Being without prejudice, the

interpreter need rely only upon the exactitude of his methods and not consider the possible truth value of the claims of tradition.

It is only in the third relation between I and Thou that the teleological dimension of communicative understanding becomes visible. Characterizing this as the "highest" form of interpersonal and hermeneutic experience, Gadamer here describes a relation of openness, reciprocity, and mutual recognition. Here the other is encountered in a manner befitting human beings: unlike the first two, this relation is not dominated by an objectivating attitude or a dogmatic self-certainty, but involves a condition of openness to the claims of the other and a recognition of the possibility of learning from the Thou. In a passage with unmistakable ethical connotations, Gadamer writes:

In human relations the important thing is, as we have seen, to experience the Thou truly as a Thou--i.e., not to overlook his claim but to let him really say something to us. Here is where openness belongs. But ultimately this openness does not exist only for the person who speaks; rather, anyone who listens is fundamentally open. Without such openness to one another there is no genuine human bond. Belonging together always also means being able to listen to one another. When two people understand each other, this does not mean that one person 'understands' the other. Similarly, 'to hear and obey someone' does not mean simply that we do blindly what the other desires. We call such a person slavish. Openness to the other, then, involves recognizing that I myself must accept some things that are against me, even though no one else forces me to do so.³⁶

This is a relation in which the I allows itself to be called into question by the Thou. The conversational virtues of open-mindedness and mutuality--a willingness to listen to the claims of the other with an eye to their possible validity, and to allow oneself to be led by the dynamic back and forth movement of the dialogue rather than dominate it in the monological fashion of the expert--are here fully manifest. Correspondingly, within

hermeneutic experience, interpretive understanding culminates in what Gadamer calls historically effected consciousness. This is a consciousness that is at once effected by tradition or history and aware of itself as so effected, an awareness that precludes our rendering tradition as an object since it is itself already implicated in tradition. Recognizing the historical contingency of its own perspective, this mode of hermeneutic consciousness resists all dogmatic privileging of one's own knowledge and remains open to further inquiry and questioning. In allowing its own perspective to be called into question, historically effected consciousness never culminates in final determinations or methodological self-certainty, but in an openness to further experience and dialogue.

It is here, then, that the teleological and normative dimension of communicative understanding becomes apparent. "[T]he process of interpretation 'which we are,'" as Ingram writes, "is itself teleologically oriented toward a state of openness and mutual recognition."³⁷ Participation in the communicative process involves more than merely demonstrating the truth value of our hypotheses while registering the claims and arguments of other speakers. To engage in dialogue is to do more than advance arguments and teach our interlocutors a lesson. It is to have an implicit orientation to a condition of openness and reciprocity, a condition in which neither the I nor the Thou asserts for itself special privilege or authority within the conversation, but remains open to the possibility of learning from opposed perspectives. Inherent to the communicative process is a common orientation to the meaning or truth of the subject matter, a meaning or truth that never entirely belongs to any individual speaker, but instead represents an emerging consensus

between speakers. The truth of the subject matter is brought to light only in the dialectical movement of question and answer, assertion and reply, and is not the sole possession of the I or the Thou. It is within this back and forth movement of communicative understanding that the condition of mutual recognition which Ingram describes becomes visible. It is here that the participants in dialogue are drawn into a common endeavor to uncover the truth about the subject matter, a process that presupposes a recognition of, an openness toward, and a willingness to be called into question by, the other. The practice of dialogical understanding, then, contains and presupposes not only an orientation to uncovering the truth of the text, but an important normative dimension as well. This normative dimension constitutes at once a condition of the possibility of communicative understanding as well as its implicit telos. It is the common orientation without which our speaking and listening would not belong to the practice of dialogue, and without which dialogue would not be the practice that it is.

Gadamer's analysis of hermeneutic experience and the I-Thou relation takes its bearings from Hegel's dialectic of lordship and bondage. The themes of recognition and alterity have their historical roots here, and it is in light of Hegel's dialectic that the teleological and normative dimension of hermeneutic experience is best understood. What Gadamer views as an implicit orientation inherent to the communicative process, Hegel presents in the form of a resolution in the struggle between lord and bondsman. In the narrative Hegel recounts, we gain an understanding of the reciprocal nature of self-consciousness and the necessity of mutual recognition in the constitution of the self.

Consciousness of self emerges only in the "life and death struggle" between contesting subjects, each of whom comes to realize that in order for the I to be conscious of itself it must receive confirmation from the other--that consciousness of self cannot exist in the absence of recognition from another. The struggle for sovereignty between lord and bondsman is perceived by both parties as ultimately futile and self-cancelling since, within this struggle, neither receives the confirmation that each of them needs. Mutual recognition, then, is the outcome and resolution of this struggle; each gains from the other an acknowledgement of autonomous self-consciousness, an acknowledgement essential to the constitution of the self.

It is here that we find the normative and emancipatory dimension of Hegel's dialectic. In interpersonal relations, recognition must be mutual and freedom universal. In the struggle between lord and bondsman, both discover not only the necessity of recognizing the other as a necessary presupposition of autonomous self-consciousness, but that one's own freedom is inseparably linked with the freedom of others. Hegel's narrative of recognition, as Richard Bernstein points out, generates an ethical demand that universal freedom, autonomy, and equality between persons replace domination in its various forms:

It becomes clear that Recognition for Hegel is not 'mere' recognition, not simply an abstract cognitive awareness. Recognition comes to mean encountering and fully experiencing the other itself as a free, independent being. And this requires that the other self-consciousnesses that we confront *become* free and independent. We achieve and recognize our freedom in the fully recognized freedom of other self-consciousnesses. Politically this means that our freedom is *mutually* bound up with the concrete realization of the freedom of others--indeed with the freedom of all 'individual self-consciousnesses.' All projects to achieve individual freedom that do not foster the universal

freedom of all self-consciousnesses are doomed to failure.³⁸

The practice of communicative understanding, then, contains an implicit orientation toward recognizing others as persons and respecting their freedom. Herein lies the normative core of a universalistic conception of justice: universal principles of justice represent constraints upon local practices, norms, and institutions which give expression to a notion of our common humanity. Justice may be viewed as an ethical, institutional, and legal application of this notion of reciprocal recognition. It is a practical mode of recognizing the individual as such, and this means as a free and autonomous human being. Recognizing the other as an other entails that in our interactions we adopt a disposition, as one moral philosopher puts it, "to treat all men and women alike in certain respects, in recognition of their common humanity."³⁹ It entails, in Kantian language, respect for persons as ends in themselves and an obligation to refrain from reducing the latter to a mere means for one's own ends.⁴⁰ Principles of universal right give content to the idea of treating others as human beings--as beings capable of understanding, communication, and argumentation with others.

Habermas also conceives of communicative action as teleologically oriented toward a state of mutual recognition and respect for persons. Similar to Gadamer's analysis of hermeneutic experience and the I-Thou relation, communicative ethics may be viewed as an elaboration and application of the Hegelian themes of recognition and alterity as well as of the Kantian notion of respect. There is, accordingly, an important area of common ground between a theory of justice inspired by philosophical hermeneutics and the communicative ethics of Habermas: both may be read

in light of, or as practical applications of, these Hegelian and Kantian themes; both identify the practice of communicative understanding as the appropriate point of departure for generating a theory of universal right; and both adopt the methodology of rendering explicit the normative dimension or pragmatic presuppositions of the communicative process.

Communicative ethics endeavors to reconstruct the presuppositions and principles that are always already operative in the practice of communicative interaction oriented toward understanding. Habermas proposes that communicative action contains within itself unavoidable pragmatic presuppositions which have normative import. Our capacity to engage in discourse--our "communicative competence"--possesses a universal core of presuppositions and rules, some of which function as indispensable normative conditions of discourse aimed at reaching consensus. Anyone who engages in the practice of communicative understanding has, Habermas maintains, always already presupposed and accepted certain normative principles of argumentation, principles that no speaker may contradict without falling into a performative contradiction. Habermas writes:

Briefly, the thesis that discourse ethics puts forth ... is that anyone who seriously undertakes to participate in argumentation implicitly accepts by that very undertaking general pragmatic presuppositions that have a normative content. The moral principle can then be derived from the content of these presuppositions of argumentation....⁴¹

Moral principles are generated through an analysis of the structure of communicative action. This analysis brings to light substantive moral principles which are already performatively at play in that practice, and which are necessarily accepted by all speakers by virtue of their

participation in it. It is in these rules that moral theory is interested since it is these that constitute universally warranted principles of justice--principles indispensable in critically reflecting upon social norms and practices, regardless of the culture in which these are found.

An important component in the methodology of communicative ethics involves the demonstration of performative contradictions. This type of contradiction occurs when, as Habermas puts it, "a constative speech act rests on noncontingent presuppositions whose propositional content contradicts the asserted proposition."⁴² To engage in communicative action is to commit oneself to certain unavoidable principles of argumentation, and any normative claim that can be demonstrated to contradict these principles may be said to have failed. This kind of demonstration is intended to convince our interlocutor that he in fact already accepts, by virtue of participating in the discursive practice of argumentation, substantive moral commitments the content of which runs counter to his stated position. ("No one may speak" is perhaps the most obvious instance of a claim that gets caught up in a contradiction of this kind.)

Analyzing the structure of communicative action, then, brings to light universal normative presuppositions, and it is these that function as critical principles in a universalistic conception of justice. These principles, it is important to note, are not imposed upon the practice of argumentation from without, but are already operative (albeit prereflectively) in its performance. It is these principles that make communicative action the kind of practice that it is, in the sense that were they not operative in our various acts of speaking and listening, such

acts would not belong to this practice. Rather, they would be categorized either as strategic actions or as belonging to a different practice. (The act of listening, for instance, belongs under certain circumstances not to the practice of communicative action but, to take an example, to that of clinical therapy. The kind of listening that takes place when a psychoanalyst asks the analysand to interpret the significance of a dream or symptom is not an instance of communicative understanding since certain pragmatic presuppositions of that practice are suspended. The analyst listens to the statements of the analysand not in the sense that two speakers in a symmetrical relation listen to each other's statements in a common effort to uncover the truth, but as a means of clinically diagnosing or "seeing through" such claims in the manner of the scientific expert. What Gadamer calls "the anticipation of truth" is absent from this kind of listening, and for this reason it does not belong to the practice of dialogical understanding.)

The central principle of communicative ethics is that of universalization, which Habermas articulates as follows: a normative principle is universally warranted only if

All affected can accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction of everyone's interests (and these consequences are preferred to those of known alternative possibilities for regulation).⁴³

Habermas thus refashions the categorical imperative from what the individual subject could will to be a universal law without contradiction to what a community of speakers could accept as a universal norm of conduct. The Kantian model of moral consciousness as a solitary and monological act of reflection is replaced with a dialogical conception of

normative justification in which questions of social norms and public policy are subject to appraisal in a discourse of all who are potentially affected by that norm or policy. Norms generated in this fashion are said to capture universalizable interests, or to represent the general will.

Habermas specifies three rules of argumentation from which the universalization principle is derived, each of which has the function of offsetting hegemony in our discourse and ensuring communication which is free from domination. These discursive rules ensure that all speakers enjoy equal rights of participation and that no force but the force of the best argument shall hold sway within a community of speakers:

- (1) Every subject with the competence to speak and act is allowed to take part in a discourse.
- (2)
 - a. Everyone is allowed to question any assertion whatever.
 - b. Everyone is allowed to introduce any assertion whatever into the discourse.
 - c. Everyone is allowed to express his attitudes, desires, and needs.
- (3) No speaker may be prevented, by internal or external coercion, from exercising his rights as laid down in (1) and (2).⁴⁴

If communicative action is a search for the truth rather than an exercise in strategic action, speakers must not be constrained in what they may say. As participants in this practice, they must presuppose the conversational virtues of respect, recognition, tolerance, and open-mindedness, as well as the principles of freedom of expression and equal access to the conversation.⁴⁵ These substantive normative commitments, Habermas tells us, underlie the communicative process and make it the kind of practice that it is. It is these, then, that constitute the core of a universalistic conception of justice.

The set of principles that this method of theorizing generates is thus notably similar in content to that defended in one form or another by

Rorty, Foucault, Lyotard, and numerous other more or less like-minded thinkers. The constellation of values and moral passions which finds expression in many of their writings, and which is equally central in the thought of Gadamer and Habermas, is an assortment of related Hegelian, Kantian, and liberal themes: reciprocal recognition, respect for persons, freedom, equality, difference, alterity, plurality, solidarity, civility, and personal autonomy are particularly prominent themes defended in one fashion or another by these otherwise diverse authors. This assortment of moral and political values is best regarded not merely as an accidental feature of our particular time and place but as inherent to the universal human practice of persons coming together in solidarity to discuss, debate, and understand the world in which they live. It is the communicative process that underlies and makes possible all humane forms of community and just modes of interaction, and it is these principles that constitute the teleological and normative dimension of this universal practice.

These principles of right furnish critical reflection with a set of questions and concerns relevant in our efforts to form an appraisal of social practices, norms, and institutions, whether these be found within our own culture or without it. Without determining the course of reflection in a formal or methodological manner, principles provide a basis for the analysis of social phenomena and help direct our attention toward their more salient features. They allow us to ask, for instance, whether a particular practice or action respects the dignity of the individuals who engage in it and are affected by it; whether a habitual moral expectation is respectful of personal autonomy; whether a particular norm of conduct

recognizes equality between persons; whether public policy is a product of unconstrained communication within a free and open public sphere; whether such policy is representative of the general will or is a sell-out to sectarian interests; whether governmental institutions promote the freedom and autonomy of citizens or violate these in the service of a particular agenda or will to power; and so on.

These principles are constitutive of a conception of justice centered around the integrity of the human being, a theme that is at the heart of the liberal tradition. The themes of recognition, alterity, plurality, freedom, and so on, are especially prominent within this tradition of moral and political thought. It is here that justice is conceived in terms of the conversational virtues, and that social interaction is governed in principle by a respect for persons as individual ends in themselves. In liberalism the other has a status that is identical to the I: self and other are moral equals as well as equals before the law. The liberal conception of justice is dominated by an ideal of human beings freely choosing and pursuing their own values within a system of constraints based upon recognition of, and respect for, others as moral and political equals. Within this tradition, identifying the limits of what I or we may do in relation to the other--the extent to which our actions may legitimately influence, govern, or interfere with another's freedom--represents not only one relevant moral consideration among others, but what John Stuart Mill properly calls "the principal question in human affairs."⁴⁶ The principal questions for a liberal view of justice pertain to the limits of the legitimate exercise of power in relations between persons as well as between citizens and the state: Within what limits may one

impose duties upon another or otherwise restrict their range of options? To what extent may prevailing social norms reasonably govern the actions and life plans of the individual? Under what conditions may the state properly override the decisions of the individual citizen to act in the manner of his own choosing? Liberalism answers these questions by delimiting (in however imprecise and approximate a fashion) a sphere of activity within which one is at liberty to pursue goals of one's own choosing without interference from others or from the state. "The ruling idea" in a liberal view of justice, as one author expresses it, "is that people should make their own lives."⁴⁷ The limits imposed on human action by justice considerations ought to be such that the liberty of persons to fashion their lives in the manner of their choosing is respected in a way that is compatible with respecting the identical liberties of others. The liberal virtues of universal freedom, respect, equality, and so on, thus give rise to an ideal of moral interaction as maximizing the integrity and autonomy of the individual human being within the limits of respecting the integrity and autonomy of others. As Joseph Raz writes, "the [liberal] ideal of personal autonomy is the vision of people controlling, to some degree, their own destiny, fashioning it through successive decisions throughout their lives."⁴⁸

Liberal principles, then, represent the teleological dimension of the communicative process. In so arguing, it is important to avoid misconstruing this teleological dimension either as a fully realizable end-state (a point which will be elaborated upon in the following chapter) or as the result (in the sense of substantive outcome) of unconstrained communication. The substantive outcome of dialogue, of course, cannot be

anticipated philosophically. The principles that I have characterized as belonging to the telos of communicative understanding, then, represent not the anticipated outcome of actual communicative exchanges (principles which, as if by an invisible hand, are destined to be agreed upon by all speakers), but the telos which the practice itself is phenomenologically oriented toward attaining and which define dialogue as the kind of practice that it is. Principles of freedom, openness, respect, and so on, make such exchanges possible, and may or may not actually be agreed upon in the course of dialogue. Their philosophical legitimacy rests not upon the likelihood of their being found agreeable in the course of debate, but upon their status as conditions of the possibility of debate itself.

To conclude, I have argued in this chapter that moral theorizing provides an invaluable service to critical reflection in that it generates principles of right which may claim for themselves universal legitimacy. Although ethical theory cannot eliminate all interpretive conflict or the need for practical judgment, it serves the important task of assisting reflection by directing attention toward some of the more salient features of human action and by placing constraints upon what may reasonably pass for justice in interpersonal relations and social institutions. A theory of justice which is both universalistic and immanent to the domain of human practices adopts a methodology of identifying the implicit teleological dimension and normative presuppositions that belong to the practice of communicative understanding and formulating these as principles of universal right. This method is thus an incorporation of Gadamerian and Habermasian arguments. It is here that we may find an

area of common ground between hermeneutical and communicative ethics. Without representing a complete resolution of the debate between philosophical hermeneutics and critical theory, a theory of justice which proceeds methodologically by analyzing the normative presuppositions of hermeneutic dialogue or communicative action does represent an important--if limited--point of convergence between these two frequently antagonistic schools of thought. Both are committed to reconciling the need for critique with a recognition of the situatedness of reflection, and both attempt this reconciliation by articulating an historically conscious yet universalistic ethical theory. To this extent, a degree of consensus is possible between hermeneutics and critical theory. (A more wholesale appropriation of Frankfurt School themes and methods into hermeneutical ethics, however, should not be expected. Specifically, a hermeneutical moral philosophy must not adopt the ideal of scientificity operative in Habermas's thought. The vast scientific edifice that Habermas has constructed in his attempt to overhaul the foundations of critical theory--the reconstruction of historical materialism, the turn to evolutionary theory and Kohlbergian moral developmental psychology--represents a concerted endeavor to overlook the finitude of human understanding and to occupy a new totalizing perspective on social phenomena. This empirical bulwark cannot be reconciled with the basic tenets of hermeneutical philosophy. Habermas's assertion that "moral philosophy depend[s] on indirect confirmation from a developmental psychology of moral consciousness,"⁴⁹ or that ethical judgments and principles are in need of the corroboration of scientific knowledge and thus are open to empirical falsification, is a claim that we have no reason to accept. As

mentioned in chapter one, unless one were simply enamoured with scientific knowledge it is far from obvious why one should suppose that moral judgments require empirical corroboration. What moral philosophy is in need of is the perspective of universality, not the perspective of scientific objectivity.)

The conception of theoretical rationality described above raises a series of questions, to which I shall turn in chapter four, about the nature of practical rationality. A practice-immanent mode of theorizing presents a challenge to the traditional separation in ethics between theory and practice, and requires us to inquire into the relationship between the theoretical and the practical in hermeneutical moral philosophy. The questions which I shall address concern the manner in which ethical theory informs practical judgment, the nature of universal principles, the problems associated with applying principles to particular contexts, and in general the relation between ethical theory and practice.

NOTES

1. Rights-based moralities which assert that all justified moral beliefs have their basis in principles alone will not receive support here. There are relationships and norms of conduct which do not depend upon principles for their legitimacy, but upon local forms of self-understanding and conceptions of the good. The latter, I maintain, are subject only to constraint by principles rather than to foundational justification.
2. Jean-François Lyotard and Jean-Loup Thebaud, *Just Gaming*, trans. Wlad Godzich (Minneapolis: University of Minnesota Press, 1985), 73.
3. *Ibid*, 17.
4. *Ibid*, 98.
5. Richard Rorty, "Private Irony and Liberal Hope" in *Contingency, Irony, and Solidarity* (Cambridge: Cambridge University Press, 1989), 75.
6. See Bernstein, *The New Constellation: The Ethical-Political Horizons of Modernity/Postmodernity*.
7. Rorty, "The Contingency of a Liberal Community" in *Contingency, Irony, and Solidarity*, 67-8.
8. Lyotard, *Just Gaming*, 94.
9. Rorty, "Solidarity or Objectivity?" in *Objectivity, Relativism, and Truth* (Cambridge: Cambridge University Press, 1991), 30.
10. *Ibid*, 30.
11. *Ibid*, 29.
12. See especially P. Christopher Smith, *Hermeneutics and Human Finitude: Toward a Theory of Ethical Understanding* (New York: Fordham University Press, 1991); Matthew Foster, *Gadamer and Practical Philosophy: The Hermeneutics of Moral Confidence* (Atlanta: Scholars Press, 1991); and Georgia Warnke, *Justice and Interpretation* (Cambridge: The MIT Press, 1993).
13. In *Justice and Interpretation*, Warnke takes her inspiration not only from Gadamer's hermeneutics but also from the political thought of Michael Walzer, Alasdair MacIntyre, and John Rawls, among others.
14. Smith, *Hermeneutics and Human Finitude*, xvi.

15. Warnke, *Justice and Interpretation*, 5.
16. *Ibid*, 157.
17. This characterization is by no means intended to minimize the differences that separate numerous philosophers who belong within these schools of thought. Undoubtedly, many do not subscribe to all four of these points, and of those who do, important areas of disagreement exist with respect to a variety of issues, not all of which can be enumerated here. What I am describing here is something of an ideal position which is represented, in varying degrees and with different shades of emphasis, by a growing number of contemporary philosophers. It describes an area of limited, but nonetheless important, convergence between these related schools of thought.
18. The following observation is also made by Richard Bernstein in "From Hermeneutics to Praxis" in *Hermeneutics and Praxis*, ed. Robert Hollinger (Notre Dame: University of Notre Dame Press, 1985), 285-7.
19. Gadamer, "On the Scope and Function of Hermeneutical Reflection" in *Philosophical Hermeneutics*, 34.
20. The anti-theoretical position is distinct from that of the anti-universalist. Accordingly, I am here asking two questions. First, does hermeneutics commit itself to abandoning ethical theory in all of its forms? Second, if the answer to this question be negative (as I maintain), must a hermeneutical ethics commit itself to renouncing a universalistic position?
21. It is interesting to note that since the time of their debate, Gadamer and Habermas have both taken an increasing interest in ethical questions. Albeit in sharply different ways, both have defended a notion of communicative rationality and pointed out the need for unconstrained dialogue in matters of public policy. While nothing resembling a consensus has emerged between these two thinkers, what follows may indicate a general direction in which such a partial convergence could be found within moral philosophy.
22. This criticism is expressed by Cheryl N. Noble in "Normative Ethical Theories" (in *Anti-Theory in Ethics and Moral Conservatism*, eds. Stanley G. Clarke and Evan Simpson [Albany: SUNY Press, 1989]), and also finds expression in one form or another in Foucault, Lyotard, and Rorty.
23. Gadamer, "Hermeneutics as Practical Philosophy" in *Reason in the Age of Science*, 112.
24. A similar view of theory is defended by Gary Madison in "The Practice of Theory, The Theory of Practice" (*Critical Review* Vol. 5 No. 2). This author writes: "The theoretically true is not only that which illuminates, i.e. helps us to attain to a reflective consciousness of our practices; it is also that which can help us to get a better handle on our practices, can, in other words, aid us in *changing*, improving upon our practices. The truth of theory lies always, and only, in the practical." (*Ibid*, 190-1)
25. MacIntyre, *After Virtue*, 187-9.

26. The difficulty involved in identifying a practice's teleological dimension should not be underestimated. This is often a matter of considerable controversy. Physicians, for example, are often criticized for putting the profit motive ahead of the health of their patients, and they may well reply that doing so is entirely legitimate. They may reply that they are not only physicians but entrepreneurs, and that as such their activities are properly oriented toward profit maximization. The difficulty here stems from the fact that the professional activities of physicians appear to fall under the domain of two distinct practices: medicine and commerce. As distinct practices, medicine and commerce are oriented toward attaining very different goals, and this may well raise questions about which ought to take priority in instances of conflict between the physicians's profit motive and the well being of patients. Resolving issues of this kind would require supplementing phenomenological analysis of practices with an ethical judgment concerning which internal goods take priority in conflicts of this kind. Perhaps the most reasonable judgment in this case would be that while physicians are indeed entrepreneurs of a sort (analogous in important ways to accountants, lawyers, etc.), and thus that the pursuit of profit is a legitimate goal, the manner in which they pursue profit is constrained by responsibilities belonging to them by virtue of their profession. Undoubtedly, more argumentation would be needed to resolve this matter more thoroughly, but it is likely in this direction that solutions to conflicts of this kind are likely to be found.

27. Madison, "The Practice of Theory, The Theory of Practice," 201.

28. Here is a reason, incidentally, for thinking that the profit motive in business is no more in need of theoretical justification by philosophers than is the desire of athletes to win in competitive sports or of teachers to impart knowledge to students--prevailing trends in recent business ethics literature to the contrary notwithstanding.

29. Not all departures from the proper ends of a practice represent injustices, however. Some are subject to the criticism that they violate other kinds of moral consideration--that they fail to demonstrate the virtues, for instance, or ignore the obligations which stem from the practice in question. However, actions of the kind just mentioned are subject as well to the further charge that they represent violations of justice. It is the latter which are of primary interest to us here.

30. A difficulty immediately presents itself which did not arise in the case of the practice-immanent theories mentioned above. In the case, to take an example, of a theory of education, there is obviously no difficulty in identifying the starting point from which the theory proceeds: the practices of teaching and learning. The theory in this case aims at a thematic understanding of the practice of education, and articulates a set of principles for the critique and reform of this particular practice. In the case of a moral theory, however, there is no sphere of activities that we can delimit as belonging to the practice of morality or of justice. While there is a practice known as the administration of justice, there is no practice of justice or of morality. Justice and morality are best conceived not as practices but as a set of constraints on these and on our forms of interaction. What practice(s), then, shall we single out as the proper starting point for moral theorizing?

31. Gadamer, *Truth and Method*, 446.
32. *Ibid*, 378.
33. Gadamer, "Man and Language" in *Philosophical Hermeneutics*, 59.
34. David Ingram, "Hermeneutics and Truth" in *Hermeneutics and Praxis*, ed. Robert Hollinger, 45.
35. Gadamer, *Truth and Method*, 359.
36. *Ibid*, 361.
37. Ingram, "Hermeneutics and Truth," 39.
38. Bernstein, *The New Constellation*, 303.
39. Stuart Hampshire, *Morality and Conflict* (Cambridge: Harvard University Press, 1983), 136.
40. Kant draws an important distinction in *Critique of Practical Reason* between respect and admiration. (See Immanuel Kant, *Critique of Practical Reason*, trans. Lewis White Beck [New York: Macmillan Publishing Co., 1956], 79-81) The latter is an emotion which is directed toward particular characteristics of a person, their actions, and so on, while the former is directed toward persons themselves as dignified human beings. Respect generates obligations to treat all persons alike in certain ways in virtue of what we share as human beings, while admiration urges us to treat certain individuals differently on account of their personal characteristics. Accordingly, admiration permits of degrees while respect does not. It is this sense of respect that is analogous with Hegelian recognition and that deserves to be taken up in a conception of universal right. Kant's notion of respect, however, also has clearly metaphysical undertones which would be best discarded. Strictly speaking, it is not so much the person as such who constitutes the object of respect on Kant's view, but the person as an example of the moral law. It is only as a rational being choosing in accordance with, and on the basis of, the categorical imperative that one is an object of respect for Kant. It would be better to abandon all talk of the moral law and "the law made visible," and replace it with a notion of respect for persons as such.
41. Habermas, *Moral Consciousness and Communicative Action*, 197-8.
42. *Ibid*, 80.
43. *Ibid*, 65.
44. *Ibid*, 89.
45. Gary Madison argues along these lines in *The Logic of Liberty*. He writes: "By the very fact that people engage in discussion, they commit themselves to the principle that this is the way social issues should be resolved. That is, it is logically impossible for them, as discussants, to deny this principle. Thus, to

the degree that a person engages in discussion (abstaining, by that very fact, from the use of force), he is, whether he likes it or not, affirming a fundamental, universal norm, one on which the whole liberal philosophy depends." (Madison, *The Logic of Liberty* [Westport, Conn.: Greenwood Press, 1986], 266-7) Ricoeur expresses a similar view in speaking of discourse and violence as "the two opposite poles of human existence": "Violence is always the interruption of discourse: discourse is always the interruption of violence. A violence that speaks is already a violence that is trying to be in the right, that is exposing itself to the gravitational pull of Reason and already beginning to renege on its own character as violence. The prime example of this is that the 'tyrant' always tries to get discourse on his side. The tyrant, for Plato, is the opposite of the philosopher, the man of rational discourse. But in order to succeed tyranny has to seduce, persuade, flatter; it has never been the dumb exercise of brute force. Tyranny only puts itself across to the public by perverting language. The tyrant prefers the sophist's services to the executioner's; he needs the sophist to find words and phrases that stir up hatred and involve others ineluctably as accomplices in his crime." (Ricoeur, *Main Trends in Philosophy* [New York: Holmes and Meier Publishers, 1979], 226)

46. John Stuart Mill, *On Liberty* (New York: W. W. Norton and Co., 1975), 7.

47. Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), 369.

48. *Ibid*, 369.

49. Habermas, *Moral Consciousness and Communicative Action*, 119.

CHAPTER FOUR
PRACTICAL RATIONALITY

How ought a hermeneutical moral philosophy to conceive of the relation between ethical theory and the social practices which it takes as its objects of reflection? If practices are sufficiently reflective that they do not require the kind of metaphysical grounding traditional moral theories have sought to provide, but must nonetheless remain subject to philosophical criticism, how do principles generated theoretically inform or educate our perceptions of human actions and practices? Of what value are principles in deciding what justice requires in particular contexts in which interpretive conflict is present? I have argued in chapter three that universal principles establish constraints on what may reasonably pass for justice in our practices, norms of interaction, and public institutions, and that they assist our efforts at critical reflection by providing a basis for the analysis of social phenomena. They assist us in identifying the salient features of moral action, directing our attention in particular ways and along specific lines, but without ever producing final or definitive interpretations and judgments. Theoretical rationality, I have argued, does not descend upon the world of practice, so to speak, from on high--from a scientific, a priori, or prior to society perspective--but arises from within the region of practice itself, and proceeds by clarifying the principles already operative in the conduct of these

practices. Theorizing thus enables the philosopher to educate our practices and often to redirect action in light of universal justice considerations. What must now be investigated is the specific manner in which theoretical rationality, and the principles generated thereby, provide assistance to critical reflection: how, in concrete terms, do principles enable us to determine what justice demands of us in particular cases, and what is involved in the application of universal principles to such cases?

Universalism in ethics has traditionally been associated with a rigorously formal conception of practical rationality, one which views the application of universals as a technical or rule-governed procedure akin to application in the applied sciences. By and large, however, hermeneutical and nonfoundationalist philosophers have been inclined to reject formalistic conceptions of practical rationality (an inclination which I share). Gadamer in particular has insisted that the process of applying universals to particular contexts ought to be viewed not as a methodological procedure but as part of a practical effort to understand particulars without the benefit of rules (in the sense of decision procedures) of any kind. The question thus arises whether a universalistic ethics may avoid having recourse to a formalistic conception of practical application. More specifically, can it replace the excessively simple models of technical reason so often associated with moral universalism with a recognition of the essential difficulty and degree of conflict which inevitably seem to characterize practical reasoning? Or must it continue to insist that ethical reason is never at odds with itself, that its injunctions form a seamless whole, that its principles are known

clearly and distinctly and are applied in accordance with rules? Is it possible, in other words, to fashion a practical rationality that combines a recognition of the ineliminable difficulty (the contested and contestable nature) of moral and political judgment with a commitment to a universalistic ethics of principle? Is there a practical rationality that may be properly characterized as both practical--that is, nonmethodological, not having recourse to a technicized or deductivist view of the application of principles--and rational--that is, nonarbitrary, governed by considerations that we may characterize as good reasons?

In this chapter, the distinction between theoretical and practical rationality primarily turns upon the presence or absence of methodology in reflection. Ethical theorizing, as we saw in chapter three, is a mode of argumentation which proceeds methodologically. Its overriding concern is with universal principles and the manner in which these may be justified philosophically. Practical reason, on the other hand, is best characterized as nonmethodological and interpretive. It combines a commitment to universality with an orientation toward concrete particulars, and applies principles to specific cases without relying upon formal methods or rules. The notion of practical reason that I shall outline incorporates key elements in the ethical thought of Aristotle, Gadamer, and John Dewey. A moral philosophy which has its roots in the Aristotelian, hermeneutical, and pragmatic traditions combines a commitment to theory and universality with a recognition of particularity and the primacy of practice. It generates an understanding of the relation between theory and practice as one of reciprocity: a theory which arises from within the realm of practice must also return to it, equipped with a set of practical questions

and principles instrumental in our efforts to reform present modes of interaction. Principles generated theoretically do not relieve individuals of the responsibility of practical judgment and personal decision, but inform social criticism by helping to identify the salient factors of human action. Universal principles provide the theorist with a standpoint from which to reform our practices and to adjudicate certain of our moral conflicts.

APPLICATION AND PRACTICAL JUDGMENT

Moral philosophers are frequently given to polarizing the realms of the theoretical and the practical and to subjugating the latter to the former. Theorizing, it is commonly maintained, lies within the province of an unconditioned, a priori rationality, a rationality that undertakes an objective appraisal and ordering of social practices from the perspective of morality as such. Theoretical verdicts are pronounced from the moral point of view, are justified on the basis of a metaphysics of human nature or rational choice, and are subsequently implemented in practical contexts in a deductive manner. A proper ordering of human action is undertaken by means of a faculty of pure unconditioned insight which effectively eliminates by means of formal methodology the influence of the judging subject, prejudiced and interested as he is, upon the course of reflection. The theorist's epistemological methods provide access to truths not available to ordinary speakers (who must content themselves with naive or moderately reflective judgments), truths not only universal but necessary, objective, and scientific. Theorizing is thus seen as a means of

transcending the fray of ordinary practical dialogue between speakers whose commitment to the dispassionate appraisal of arguments and the impartial weighing of interests is viewed with skepticism. Within the domain of the theoretical is found knowledge, truth, necessity, and universality, while the practical is the domain of opinion, probability, contingency, and particularity. To be properly grounded, practices must be brought under the tutelage of ethical theory. The relation between theory and practice is thus strictly hierarchical: the latter, to warrant our approval, must conform to the demands of the former. Practices gain philosophical legitimacy by receiving determination from the superior insight and authority of theoretical reason.

This determination is achieved in a deductive fashion. The matter of applying principles to individual cases is commonly regarded by deontologists, utilitarians, and contractarians alike as a formal procedure of derivation. Determining what morality or justice requires in any given case of moral action is a matter of subsuming particular cases under universal principles in a meticulous and rule-governed fashion. Moral conflicts are all resolvable in principle through the conscientious application of decision procedures formulated a priori and thus in advance of any given case of moral conflict. Principles function as major premises in a practical syllogism, the conclusion of which represents the rational resolution of the conflict and the course of action to be followed. Practical reasoning is thus on all fours with scientific and mathematical demonstration. In each instance one proceeds in a rule-governed manner from premises set up in advance toward a particular conclusion. Formal algorithms, when properly applied, generate well founded judgments about

the direction which our actions and practices ought to take, thus eliminating any significant reliance upon the personal responsibility of the judging subject. Formalists propose methods of abstracting from the numerous contingencies and individual features of the particular case at hand, and focus upon a single dominant consideration--whether an action maximizes the general utility more perfectly than alternative possibilities of action, whether the maxim inherent to the action could be universalized without falling into a contradiction, whether the action could meet with the approval of rational choosers in a state of nature or behind a veil of ignorance, and so on. In each instance, rational choice is a matter of placing the particular case under the tutelage of ready-made and fixed principles, and deriving judgments in a rule-governed fashion. Practical rationality is thus assimilated to mathematical and scientific models of derivation and quantitative calculus.

This formalistic policy of abstracting from the numerous contingent features of particular cases and applying rules in a deductive manner has met with charges (particularly from neo-Aristotelians) of context insensitivity and excessive rigidity. Abstracting from the many individual features which belong to situations calling for moral appraisal leaves out of account many considerations which are deserving of attention and which may in certain circumstances deserve to modify the judgments we form. We may fail to do justice to the individual case when our judgment is preoccupied with a single dominant consideration to the exclusion of other potentially relevant, or even salient, factors. An excessive preoccupation with rules and decision procedures frequently leads one to overlook the detailed features of the case at hand, and

therefore the possibility of making an exception of a case on account of extenuating circumstances, the possibility of limiting the severity of our judgment owing to the special character of a particular situation, or the possibility of modifying the rule itself due to a new set of conditions and problems to which the old rule may fail to do justice. Critics of ethical formalism oppose the excessive simplicity and austerity of its procedures, and favor less rigidly methodological conceptions of moral reasoning. Philosophers in the Aristotelian tradition in particular caution against expectations of attaining scientific or mathematical rigor in practical reasoning. They urge us to refrain from glossing over the complications and layers of complexity which frequently characterize ethical contexts, and recommend that in practical reasoning we adopt a more responsive attitude toward particulars. Deciding upon what justice requires in any given case involves directing attention not only toward the universal, but equally toward the particular in all of its complexity. Generality, they maintain, must be balanced against particularity, knowledge of principles against a concrete awareness of context and of the several relevant features which belong to individual situations.

Practical reasoning within both the Aristotelian and hermeneutical traditions (particularly as this is represented in Gadamer's thought) is not a method of deriving conclusions from premises apprehended in advance, but an interpretive act which aims at uncovering the meaning of the case under consideration. Determining what justice requires involves a hermeneutic reading of the particular situation in light of universal moral considerations or principles. It involves a perception of its morally salient features--a perception which comprehends the case together with,

or in light of, the relevant universal. The paradigm of perception and understanding replaces that of technical application as this is conceived of in the applied sciences. Rather than viewing the application of theory and principles as a technical operation governed by algorithms, hermeneutics regards application as belonging to the practice of understanding texts. We reach an understanding of the text--the particular case under consideration--by identifying the ethical principle of which it is an instance.

Following Aristotle, Gadamer draws an important distinction between the kinds of knowledge involved in the applied sciences and in the application of moral principles. The former, governed by a technological understanding of the theory/practice relation, apply principles which are clearly and distinctly comprehended in advance of the particular case. The scientific technologist, standing over against the problem at hand as subject to object, applies a knowledge which is preexistent and complete. Principles fully determined in advance make possible (something approaching) an objective knowledge of the situation under consideration, principles which are then applied methodologically in solving the problem at hand. A proper application of scientific principles, accordingly, is one which subjugates--in as complete a manner as possible--the particular case to general theoretical requirements. Ideally (if counterfactually), technological practice represents a perfect instantiation of scientific principles, and the relation between the two is one of strict subordination. This also represents the prevailing view of theory application in much of the recent literature in what has come to be called "applied ethics." Principles apprehended clearly and distinctly by

theoretical reason are subsequently applied to particular cases in a systematic and methodological fashion. Good practice is then taken to be that which conforms with, or is closely determined by, theoretical principles.

Hermeneutics, however, views the practice of applying moral principles to particular cases as fundamentally unlike the technical application of the applied sciences. Practical reasoning in ethics is considerably more problematical than technological thought for several reasons. The first pertains to the manner in which principles are comprehended in moral knowledge. Such knowledge never attains the formal precision of scientific or mathematical knowledge because the principles which it employs do not possess the degree of clarity and distinctness which characterizes scientific principles. Principles of right are never fully determined apart from the practical contexts in which they are concretized or instantiated. While determining what justice requires in a given case does indeed involve an application of principles, such application is not a matter of standing over against the individual case and affixing to it a principle which could be fully comprehended independently of all instances of its application. It is best regarded as a reading of the situation--a perception of its moral significance--from within the situation itself. As an interpreter, I am not merely an observer of something standing over against me, but am caught up in an effort to understand the text in light of a principle. It is as an instantiation of a universal that the particular is understood, a universal that is not fully determined in its being apart from its practical applications.

This view is represented in Gadamer's thesis that the practice of understanding is inextricably bound up not only with interpretation but with application as well. Our understanding of universal principles of justice necessarily includes knowing how the principles in question are applied in practical contexts, just as understanding the meaning of a text involves applying the text to the reader's own situation. The meaning of a universal is comprehended not in itself or in isolation from all particulars, but as embodied in a variety of practical instantiations. In Gadamer's words, "application does not mean first understanding a given universal in itself and then afterward applying it to a concrete case. It is the very understanding of the universal--the text--itself."¹ Hermeneutics maintains that application

can never signify a subsidiary operation appended as an afterthought to understanding: the object of our application determines from the beginning and in its totality the real and concrete content of hermeneutical understanding. Application is not a calibration of some generality given in advance in order to unravel afterwards a particular situation. In attending to a text, for example, the interpreter does not try to apply a general criterion to a particular case; on the contrary, he is interested in the fundamentally original significance of the writing under his consideration.²

It would be mistaken to regard application as a process in which an independently existing particular encounters and is subsumed under an independently existing universal. Universals only come into being as such in the process of being instantiated in, or applied to, particular contexts. This is the meaning of Gadamer's thesis that understanding and application (as well as interpretation) must be regarded "as comprising one unified process"³--that is, that the meaning of a universal principle is inseparable from its particular instantiations.

To illustrate this, let us briefly consider the case of principles of human rights. While it is possible to state in a very imprecise way what these principles may mean by way of definition, such a definition will never capture the full extent of their meaning. It will remain merely formal and lack significant content until we understand their practical significance for human beings in concrete terms. We must understand the forms of legislation in which principles of human rights have their being, the actual ways in which they determine, govern, or constrain our actions if we wish to comprehend their significance in an adequate way. This entails that the conventional understanding of human rights as providing standards by which legislation may be assessed from a universalistic point of view must be qualified by pointing out that the distantiation which such principles make possible is never complete. Such distantiation always remains partial for the reason that the principles that inform the judgment of particulars must themselves be understood, in significant measure, in light of their applications. If one wishes to understand a certain principle of right, one will need to know exactly how the right affects people in their practical lives. What is the sphere of application, for instance, of the principle of freedom of conscience? What kinds of conflicts would be resolved by an appeal to a principle of this kind? Would a law protecting freedom of conscience have application in wartime when the issue of conscription arises? If so, would such a law apply to all individuals who describe themselves as conscientious objectors, or merely to those who do so on grounds of religious belief? Questions such as these will need to be answered if we wish to understand the practical significance of a right to freedom of conscience. Similarly, in order to

understand liberty we must know something about the various ways in which the individual's sphere of choices and actions is limited by legal and institutional factors, what actions may be undertaken without the threat of legally sanctioned interference, what consequences await one who oversteps the boundaries of the law, and so on. The principle of democracy may be defined as rule by the people, for the people, and of the people, but the vagueness of this definition is notorious--and inescapable. A formal analysis of this kind, while not altogether lacking in meaning, is nonetheless not terribly informative. To be understood, democracy must be seen in light of a variety of institutional arrangements and models--the American model, parliamentary democracy, direct democracy, and so forth. We must understand how the principle governs social practices, and in general what effects it produces in human affairs, if we wish to understand the principle itself.

The kind of knowledge involved in the application of moral principles is closer to Aristotle's notion of practical wisdom (*phronesis*) than to technical, scientific, or epistemological knowledge (*techne*, *episteme*). Aristotle held that practical moral knowledge involves a kind of reciprocity between universal and particular which is entirely absent in technical and scientific knowledge, and which cannot be successfully catalogued in a method. Practical wisdom is neither a formal procedure of derivation nor a method of determining which means would most efficiently bring about a set of pregiven ends. Unlike technical knowledge which begins with a clear and distinct grasp of both the ends which it sets out to achieve and the principles instrumental in achieving them, and which applies its principles in a more or less automatic way, *phronesis* is not

merely a logical subsumption of particulars under general rules known in advance. Instead, it is responsive to the contingencies of particular situations and involves a reciprocal illumination of general principles and particular cases. In *phronesis*, universal and particular codetermine each other. The perception of the particular case is mediated by a principle of which the particular is seen as an instance. The principle, in other words, educates our perception by illuminating the morally salient features of the particular case. It is revealed as an issue of free speech, as a violation of liberty, or as an act of courage. Universal principles are also in a sense mediated by the particular cases which they govern since the latter give concrete determination and content to the former. Universal and particular mutually convey intelligibility upon the other; each depends upon the other in order to be determined as the kind of thing that it is. Unlike technical application, then, the application of moral principles represents a combination of generality and particularity. It combines a commitment to general principles with a perception of the detailed features of individual cases.

Another important point of distinction between the application of principles in ethics and in the applied sciences concerns the absence of formal rules in determining the manner in which moral principles are brought to bear upon our practices. The application of universals in ethics, unlike what occurs in technical modes of thought, is not governed by algorithms. There are no second order principles for determining the correct implementation of first order principles. The reason for this is twofold. Were the application of first order principles to be directed by a set of second order principles or rules, these would in turn require the

guidance of third order rules for their application (for the same reasons that the set of first order principles required second order rules for their application), and so on *ad infinitum*. An infinite regress arises whenever we seek a methodological basis for the application of moral principles.⁴ Furthermore, a practical rationality which is genuinely responsive to the particularity of individual cases--which does not merely subsume particulars under general rules in a dogmatic and inflexible way but examines each case on its own merits--is too complex to be successfully captured within a set of formal rules. It is normally thought to be a feature of moral and political principles, for instance, that they permit of exceptions, many of which cannot be spelled out in advance of their occurrence. A formalistic view of application would need to either forbid the recognition of special cases and exceptions (thus opening itself to the charges of dogmatism and rule fetishism) or provide an algorithm for determining what types of cases ought to be treated as exceptions, as well as for deciding upon the proper course once an exception or a special case has been recognized. The difficulty in formulating an algorithm of this kind is that special cases rarely come in types; precisely what makes them special cases is that they are unique, novel, anomalous, and perhaps unrepeatable. While there may be certain classes of cases which deserve to qualify as exceptions to a principle--classes which may be spelled out and anticipated in advance--many cases deserving of special consideration cannot be so anticipated, and must be treated on a case by case basis.

The most sophisticated and complex of algorithms would remain incapable of catching up with and mapping the prudent application of moral principles. Application would be best regarded as a practical skill

in bringing universals and particulars to bear upon each other without following rules. It is a capacity for mediating between principles and specific contexts, a capacity which requires hermeneutic perceptiveness and attention to the detailed features of cases rather than methodological demonstrations. Practical rationality, like moral imagination, has an important analogical function. It illuminates a particular case by likening it to a relevantly similar case which we have encountered in the past (a precedent). It understands the case not only together with the appropriate principle but (since the meaning and content of a principle are inseparable from its applications) together with other analogous situations. Arriving at an understanding may involve identifying a relevant precedent, drawing comparisons between this and the present case, and grasping the universal of which both are instances. Accordingly, practical reasoning may proceed not only from universal to particular and vice versa, but also from particular to relevantly similar particular (without rules for deciding what constitutes a relevant similarity). The function of the universal here is to link different but nonetheless related situations, to render both intelligible without overlooking their particularity or uniqueness.

It is here that we touch upon the chief difference between practical and theoretical rationality. The latter employs methods which allow us to reason from premises to conclusion, and is concerned exclusively with the philosophical justification of universal principles. Practical rationality, on the other hand, is oriented simultaneously toward both universals and particulars, and illuminates these not methodologically but analogically. It proceeds in much the way that imagination constructs

metaphors--by likening one thing to another, pointing out interesting comparisons between seemingly disparate phenomena, seeing A in light of B (where A is a particular case and B is either a principle or another case).

What makes it possible to bring principles to bear on our practices, then, is not formal methodology but *phronesis* or practical judgment. Determining what justice requires in a given instance involves a nonalgorithmic application of principles to the case at hand, a subsumption of a particular under the appropriate universal without criteria of appropriateness. Herein lies much of the difficulty of practical reasoning. A large part of the explanation of why ethical debate is as difficult and conflict ridden as it is--why disagreements so often persist indefinitely even among speakers who profess commitments to the same norms and principles, or among philosophers who defend identical normative theories--is that while we must apply theoretically articulated principles to the practical world of interpersonal relations, public institutions, and human affairs generally, we are without rules for determining the manner in which principles ought to be applied and must rely upon the judgment of individuals. Practical judgment must be employed in resolving several kinds of difficulties involved in the application of moral principles. First, because there are no rules governing the subsumption of particulars, it is practical judgment that determines which principle is brought to bear upon the case at hand. One must decide what kind of issue it is and which principle is appropriate in resolving it: is it an issue of liberty or public safety, free speech or national security, friendship or justice? What is the universal of which

this particular is an instance? What principle is at stake in this case? What right is in question? What obligation comes into play? In many familiar cases of moral action there is no difficulty in answering questions of this kind. One "knows" that this is a matter of professional responsibility or personal autonomy, and thinks no more of the matter. Often, however, it is unclear to us what sort of issue we are confronting and what exactly is at stake in forming a judgment. Uncertainty may arise when, for example, our habitual characterization of an issue as one of public welfare or the common good is called into question by someone claiming to have been harmed or to have had a right violated in this pursuit of the common good: transfer payments to assist the poor are sometimes characterized as oppressive or harmful to certain taxpayers; government expropriation of private land for some public purpose is described as a violation of property rights. What is in question here is which principle ought to be applied in our reasoning about the case at hand. Are state welfare programs for the poor an issue in which the principle of the common good is at stake or is it a question of someone's rights (whatever those rights may be)? Is expropriating private land for a public purpose a question of the common good or property rights?

The difficulty is compounded when more than one principle may be brought to bear on a situation, and when these come into conflict with each other. This is a second instance in which practical judgment is called for in ethical reasoning. What must be decided here is which principle merits priority over which others in the event of conflict. In the issue of gun control, for example, does the principle of public safety take precedence over the right to bear arms? Does a professional

obligation outweigh a private obligation in a given circumstance? Does a promise to a friend take precedence over an obligation to tell the truth? We are confronted in our everyday moral experience with many questions of this kind, yet we are without rules for deciding which principle must be brought to bear in which case. The complexity of moral experience simply prevents us from formulating a priori a set of necessary and sufficient conditions under which this or that principle ought to be applied in governing our actions and judgments.

Nor are rules available in deciding upon a course of action once it is determined which principle ought to govern a particular case. Upon agreeing to both the theoretical legitimacy of a principle and its relevance to the situation at hand, we may still disagree about how the principle would be best applied given all the relevant factors of the situation. Many of the day to day decisions made by holders of public office are of this kind: given a mandate from the voters to implement a certain platform, given a set of principles and commitments and a notion of how these may be hierarchically arranged, some practical judgment is still required in order to determine the most suitable way of making these abstract principles concrete in our practices and institutions. We must decide, for example, what the rights to life and liberty mean concretely and what courses of action are consistent with them. What does respecting these rights mean in the case of an issue such as abortion? Is legalized abortion a way of protecting or violating these rights? Is assisted suicide a form of respect for human life or the reverse? Are paternalistic actions respectful of a person's autonomy or violations of it? Deciding upon a course of action is not formally prescribed by the

principle itself, nor is it dictated by a rule. Determining how to apply a principle includes a creative effort at interpreting the principle, and efforts at hermeneutic interpretation are not governed by rules.

Another instance in which judgment must be employed in practical reasoning is in situations where we must decide whether the case under consideration ought to be viewed as special or as an exception to a general principle. There may be special considerations which deserve to factor into our reasoning. We must decide, again without rules, whether the extenuating circumstances are sufficient to justify granting an exception, whether we ought to lessen the severity of our judgment and to what extent, how we ought to conduct ourselves given the uniqueness of the situation or an unprecedented set of circumstances, and so on. Periods of fundamental political, economic, or institutional transition within a society often require that special consideration be given in the way that we apply principles of right. Undertaking transitions from a totalitarian to a democratic state, from a command economy to a free market economy, or from apartheid to racial equality involve long term processes of such complexity that we must temper our judgments with a recognition of the difficulties involved in such transitions. We would not expect, for example, a fledgling democracy in a nation with a long history of oppression to instantly acquire a perfect human rights record the moment that tyranny is overthrown. We would be more likely to expect gradual improvements in this regard and would temper our judgments accordingly. In instances of this kind it may be necessary to recognize exceptions to certain principles of human rights as a temporary measure, perhaps as a means of maintaining law and order or

some other public good. An abstract rule formulated in advance for recognizing exceptions and deciding how to treat them most likely would be impossible to articulate--that is, if we expect practical reasoning to be capable of properly attending to the numerous individual features of the cases it confronts.

Practical judgment is also called for when familiar standards and norms fall short when faced with new realities and difficulties, and must be either modified or replaced. As Dewey has observed, there are times (including the present) in which societies encounter new sets of problems which habitual norms and customs have more than a little difficulty dealing with and require fundamental modification:

There are periods in history when a whole community or a group in a community finds itself in the presence of new issues which its old customs do not adequately meet. The habits and beliefs which were formed in the past do not fit into the opportunities and requirements of contemporary life. The age in Greece following the time of Pericles was of this sort; that of the Jews after their captivity; that following the Middle Ages when secular interests on a large scale were introduced into previous religious and ecclesiastic interests; the present is preeminently a period of this sort with the vast social changes which have followed the industrial expansion of the machine age.⁵

This may apply less to principles of justice than to customs and norms governing such things as manners, etiquette, and personal relationships. The spread of certain new diseases, for instance, may force us to modify norms governing personal relationships. New attitudes toward traditional notions of masculinity and femininity may require fundamental modifications in our understanding of courtesy and etiquette. A general decline in religious belief may occasion a whole series of changes in various norms of social interaction. Here again we are not going to

uncover rules dictating how we are to cope with these new realities, but must exercise practical judgment in reforming the rules themselves.

Aristotelians and other moral philosophers who make practical judgment a central theme in their notions of ethical reasoning often encounter the charge of vagueness from Kantians, utilitarians, and other schools of thought which insist upon the need for explicit methods governing practical deliberation. To a degree, some measure of vagueness is an ineliminable feature of practical judgment. A fully explicit theory of judgment which spells out the precise workings of this "faculty" or capacity--a theory which specifies precisely how it functions or ought to function, and which leaves nothing unsaid and nothing nonexplicit--should not be expected. "[P]recision is not to be sought for alike in all discussions,"⁶ Aristotle reminds us. There are limits to the degree of clarity it is possible to achieve in discussing a capacity of this kind. Be that as it may, however, it is important to take this criticism seriously and to provide as thorough an analysis as the subject matter permits. How much can we say about what practical judgment is, and about the manner in which it arrives at prudent decisions regarding the application of moral principles?⁷

I shall suggest that we think of practical judgment as a skill (a nonmethodological capacity) for mediating between universal and particular without following rules. It is a mode of perceiving and reasoning about particular moral contexts which, while employing principles, is not governed by them, nor by formal methods or criteria. It is a skill in detecting the salient features of moral action and in subsuming the individual case under the appropriate principle. In

practical judgment, we gain an understanding of what justice requires by comprehending the particular case together with the relevant universal. With Kant, we may say that "judgment in general is the faculty of thinking the particular as contained under the universal."⁸ Formulating a judgment is the activity of subsuming a particular under the appropriate universal, whether this be a concept, rule, principle, or law. This may serve as a formal definition of judgment in general. What I am calling practical judgment is a particular instance of this, one in which neither universal nor particular is immediately given for consciousness. It is neither "reflective" nor "determinant" in Kant's sense. It is neither the case that in practical judgment the particular is given and we are in a condition of having to find the appropriate universal under which to subsume it, nor that the universal is given and we must determine which particular belongs under it. In practical judgment, both the universal principle and the particular case are mediated by the other; they are codetermined. As mentioned above in distinguishing practical from technical application, the perception of a given case is mediated by a principle. It is comprehended as an act of friendship, a fulfillment of an obligation, or the violation of a right. The action is thus subsumed under a universal, and it is as an instance of this that the act is perceived. Its moral significance or status, its morally salient feature(s), are understood and judged under the assistance of a universal. If the perception of the particular case is mediated by a principle, however, so too is the latter mediated by the former. The principle illuminates the object of reflection in the same act in which the latter illuminates (or determines the content of) the principle itself. This is a dialectical process of mutual illumination.

Neither is immediately given in moral consciousness. Both universal and particular are determined in their being in the act of judging.

Practical judgment is thus the capacity that determines the manner in which this process of reciprocal illumination occurs. It is the skillful exercise of moving from universal to particular and vice versa, of determining both the universal to be applied and the manner in which it is applied. As a skill,⁹ it does not reach its conclusions deductively but aims at reconciling the principle and the particular case in a way which is "fitting" or "suitable" given as comprehensive an understanding of the case as is possible. The vagueness of speaking with Aristotle of what is fitting, what is appropriate under the circumstances, or what the situation requires, is deliberate and ineliminable for the reason that there is no set of necessary and sufficient conditions for determining the general or abstract content of these expressions. Nor is there a substantive common feature uniting all instances (possible or actual) of good judgment. What is fitting in many cases of practical judgment is a more or less straightforward application of a principle: it is deciding, for example, to avoid a temptation to inflict harm because doing so would violate a principle of right; it is deciding to tell the truth because of an obligation to do so. On other occasions, what is fitting is to grant an exception to a general principle on account of the special features of a case, or undertaking a reexamination of the principle itself. At times, what the situation requires is a certain severity of attitude, while at other times judgments must be tempered with compassion or an appreciation of the difficulty, the complexity, or the uniqueness of a given set of circumstances.

Knowing how to make distinctions of this kind in a prudent manner is the mark of practical judgment. One applies principles in such a way as to tailor them to the requirements of the individual case and with careful attention to any possible extenuating factors which may cause us to revise our judgments or rethink the principles and norms which we hold. Good judgment is thus a matter of fitting or tailoring a principle to the complexity of a particular case in a flexible way and without criteria of appropriateness. There is nothing mysterious in the claim that establishing a just fit between universal and particular--principle and application--is not determined by rules. This belongs to the nature of skillful behavior in general. The skillful performance of an action or an art includes a practical knowledge of how to tailor general principles to the complex requirements of the situation without consulting further rules. Indeed, it represents a primary point of distinction between one who has mastered a skill and a novice that the former is not forever consulting rules of how to perform an action, but has developed through training and experience an intuitive sense of how to execute a certain range of tasks. One has a sense of what the situation calls for and of how to perform whatever task is required.¹⁰ This is developed, as Aristotle pointed out, through practice and experience rather than by following rules. The skilled chef, for instance, is not forever consulting recipes and following their dictates to the letter. This is rather the mark of a novice. The practised chef has developed a taste for what is required in order to enhance a recipe and is able to go beyond the rules and improvise, adding and subtracting ingredients as the situation requires without being able to point to a rule. One does not conform to the recipe

in a slavish manner but improvises around it in order to achieve the desired result.¹¹

The limits of what may be said in general terms about skillful activity are here encountered. Exercising a skill involves a continual confrontation with novel situations to which one must respond creatively. Both the novelty of situations and the creativity of the response which such situations demand prevent an altogether explicit statement of the nature of skillful activity in general. Our response to a situation, while informed by its particular features, is underdetermined by such features. Moreover, while our response may be assessed, the assessment is itself an exercise in judgment. An evaluation of a student's paper, for example, may itself be assessed, but the latter assessment is no closer to attaining the status of formal reasoning than the former evaluation. Neither the performance nor the evaluation of skillful activity is determined by methods.

As a skill, then, practical judgment cannot point to a set of rules for establishing a proper fit between principles and their applications. It permits of neither certainty nor expertise but depends upon the perceptiveness and responsibility of the individual judge. It represents neither a mode of demonstrative knowledge nor a privileged insight into deep moral truths nor an outcome of a developmental process. At the same time, however, it is not merely a feeling or an arbitrary act of decision. Practical judgment is a reflective act of reasoning which is capable of seeing what is required and responding appropriately. It is a mode of perceiving and reasoning about particular cases with the aid of general principles--a subsuming of particulars under universals in

accordance with reasons. While falling outside the domain of deduction and induction, it is able to provide a reasoned defense of its claims. In practical reasoning one is not relieved of the responsibility of justifying one's choices and judgments, but the kind of justification which it produces does not compel the agreement of an interlocutor or constitute a proof. The reasons that it produces are constituted as reasons not on account of a general rule, but on account of particular features of an action or situation. We may, for instance, justify our characterization of an action as courageous by drawing attention to certain obstacles which the agent had to overcome in performing the action (and, at the risk of becoming repetitive, there is no general rule for deciding how many or what sorts of obstacles must be overcome in order for an action to qualify as courageous). The claim that an individual's autonomy has been violated unjustly may be similarly justified by pointing out the specific manner in which the individual's range of options has been restricted by the will of another. Practical reasoning is concerned with particulars, and it is the particular features of an action or situation which must be appealed to in our efforts at justification. This point is well expressed by Charles Larmore, who writes:

But if moral judgment is not thoroughly rule-governed, it is not arbitrary either. Judgment certainly involves risk. Yet it does not resemble the flipping of a coin or a decisionistic leap of faith. Judgment we do not exercise blindly, but rather by responding with reasons to the particularity of a given situation. The fact that we are struggling to comprehend is that our perception of these reasons as indeed reasons and the response that they motivate go beyond what the general rules given in advance (as well as characteristic sentiments and training) could alone make of the situation.¹²

In practical judgment we exercise a capacity to pick out the salient features of a situation in light of our experience and training as moral agents. The moral education which the individual receives always informs the capacity to reason about the fit between principles and their applications. Judgment is thus inseparable from the moral character and education of the individual. As Aristotle maintained, practical judgment is not only a capacity to reason well but an intellectual virtue which does not exist apart from the ethical virtues:

Practical wisdom, too, is linked to virtue of character, and this to practical wisdom, since the principles of practical wisdom are in accordance with the moral virtues and rightness in morals is in accordance with practical wisdom.¹³

As an intellectual virtue, judgment is acquired together with the ethical virtues and in the process of our education as moral agents.

Practical judgment is also a capacity which operates within a lifeworld and includes an important element of sociality. It is a product not only of the experience and moral education of the individual agent, but of the collective experience of the communities to which we belong. The connection between our ability to arrive at prudent decisions and our training and education within a particular community--our education in its characteristic concerns and habits of description--is far from accidental. The capacity for practical judgment draws upon an implicit understanding both of ourselves and of the historical community of which we are a part, upon the shared traditions and forms of life which make up our historical situation. A sense of the moral life of the community--a sense of what is possible and what is important for us in our specific time and place--always informs the process of reflection and the judgments which we

form. Moral perceptions develop within a lifeworld and do not represent the exclusive concern of the individual agent. To be constituted as rational or knowledge, judgments must be submitted to the collective experience and conversations of a community. In deciding upon the fit between universals and particulars, we bring our judgments into conversation with the similar judgments of others and in the process of hermeneutic dialogue our perceptions are modified and refined. As the conversation continues, as the pool of shared experience enlarges, practical judgments become less idiosyncratic and increasingly intersubjective. While consensus is not a formal criterion of truth in ethics, practical judgment endeavors to achieve as much intersubjective agreement as it can within the dialogical process. The locus of moral knowledge thus shifts from the judgment and training of the individual speaker to the wider social practice of hermeneutic dialogue. The latter, then, may be taken as the social or intersubjective counterpart to the skilled judgment of the individual subject. As is the case in critical reflection, practical judgment is ultimately inseparable from the practice of ordinary dialogue between all interested and competent interpreters.

THEORY/PRACTICE RECIPROCITY

The mode of reasoning that occurs in the application of moral principles to practical contexts is distinguished from technical rationality in that it is not governed by formal methods and must rely upon the practical judgment of both the individual speaker and the wider community of moral agents in dialogue. It subsumes particular cases

under universals without the benefit of second order rules, and reasons not only from universals to particulars but also from particulars to universals and from particulars to relevantly similar particulars. While practical rationality endeavors to illuminate an individual case by identifying the principle of which it is an instance, the principle itself is illuminated, or constituted as the kind of principle that it is, by the cases which it governs. Application is thus a dialectical process in which universal and particular are codetermined. Our perception of each is mediated by our perception of the other. The relation between moral actions and the principles which are brought to bear upon them thus is not one of simple subordination and methodological subsumption, but is instead one of a complex reciprocity in which neither universal nor particular is given in advance or comprehended apart from the other. This notion of practical rationality prevents our viewing ethical principles as determined or fixed prior to their applications, and gives rise to the view that the circumstances in which principles are implemented render the principles themselves changeable.

It is at this point in our discussion of practical rationality that we may uncover an important area of convergence within the traditions not only of Aristotelian and hermeneutical philosophy, but also of American pragmatism. The notions of hermeneutic application and judgment spoken of here are clearly located within the tradition of practical philosophy stemming from Aristotle and extending in the twentieth century into Gadamerian hermeneutics. As well, the dialectical view of the relation between moral principles and their applications represents a particular instance of the more general doctrine of the hermeneutic circle (the

doctrine of philosophical hermeneutics that the meaning of a text as a whole must be understood in light of its individual parts, and that the meaning of these in turn is understood in light of the text as a whole, and thus that the meaning of a text emerges in the circular movement from individual passages to the text as a whole and vice versa), and is thus firmly situated within the hermeneutical tradition. Our conception of practical reasoning, however, also has an important heritage within the pragmatic tradition, particularly as this is represented in the ethical and political thought of John Dewey. The pragmatic view of the function of principles in reflection, together with the broader thesis concerning the relation between theory and practice in ethics, has an important affinity with hermeneutical practical philosophy. For both schools of thought, the relation between moral principles and individual cases--and, parallel to this, the relation between ethical theory and the social practices which are taken as objects of reflection--is one of reciprocity and two-way illumination. Both share an opposition to the traditional polarization in ethics between the theoretical and the practical, and to the subordination of practice to the demands of theoretical reason. For hermeneuticists and pragmatists alike, the realm of theory is intimately linked with the realm of practice, and the relation between the two is one of a complex reciprocity.¹⁴

Perhaps the most basic thesis articulated and defended in a variety of ways by the tradition of American pragmatism is that the value and function of theories, principles, and beliefs consist in the effects which these produce in the realm of human practices. Theorizing generally--whether it be ethical, political, logical, empirical, or what have

you--is an exercise conducted not for its own sake, but as a means of furthering human experience and well being, of resolving conflicts within social interaction, and of facilitating our commerce with the world. The rationality of philosophical theories and principles in general is determined not solely on the basis of their conceptual or methodological rigor--by being "well grounded" upon a metaphysical foundation--but by their power to produce effects which modify and enhance the course of human experience and action. In particular, Dewey's pragmatic approach to ethical theory emphasizes its capacity to educate practical judgment by generating principles instrumental in the detection and remediation of defects within various forms of social interaction. The usefulness of theory consists in its ability not to "ground" social practices, but to critique and reform them. Ethical theorizing which has its basis within the realm of human practices acquires value only by returning to this realm and informing the judgments made therein. It is redeemed only through its practical applications--through educating our choices and establishing the possibility of reforming existing institutions and practices for the benefit of human beings.

Following (albeit at a distance) within the tradition of practical philosophy stemming from the *Nicomachean Ethics*, Dewey's pragmatic view of the aim and function of moral theory demonstrates an orientation toward the identification of specific social ills and away from abstract generalities and decision procedures. It endeavors to achieve a kind of reconciliation in practical judgment between an understanding of the detailed features of individual cases and a commitment to ethical principles instrumental in reaching such an understanding. On the pragmatic view,

moral principles are applied to cases in an experimental fashion and always with an eye to their practical consequences. The pragmatic emphasis upon consequences--not merely the "logical entailments" but the actual, real world effects upon individuals brought about by the application of principles--gives rise to a mode of reasoning which Dewey terms "experimental intelligence." Practical reasoning is likened to experimentation in that it proceeds by projecting the consequences most likely to follow upon the application of a principle within a given set of circumstances, follows their progress through various stages and in their numerous ramifications, and arrives at a determination informed by a knowledge of the consequences most likely to result. Judgments of this kind are upheld in the tentative manner of hypotheses until the actual effects brought about by the application of a principle are known. If these be approximately of the kind projected in our deliberations, the judgment is positively affirmed; otherwise it is revised in the fashion of experimental reasoning.

It is not only particular judgments but the principles themselves which must be tested and revised in light of the effects which they generate in being applied to a variety of situations. Principles, for Dewey, are not followed to the letter like bureaucratic regulations, but employed as possible means of eliminating injustices and enhancing human well being. It is not the function of principles, on this view, to prescribe courses of action without consideration for the effects which their application produces on individuals. The moral principles which are brought to bear upon practices are not categorical imperatives to be applied rigidly to all cases, but are likened by Dewey to hypotheses and

instruments in the sense that they are applied as a means of serving what are essentially practical ends. As hypotheses, they are implemented through trial and error, with careful attention paid to the actual conditions that their application occasions, and are responsive to the situational complexities of the case under consideration. As Dewey expresses it in *Reconstruction in Philosophy*:

[T]he principles which man projects as guides of reconstructive action, are not dogmas. They are hypotheses to be worked out in practice, and to be rejected, corrected and expanded as they fail or succeed in giving our present experience the guidance it requires. We may call them programmes of action, but since they are to be used in making our future acts less blind, more directed, they are flexible. Intelligence is not something possessed once for all. It is in constant process of forming, and its retention requires constant alertness in observing consequences, an open-minded will to learn and courage in re-adjustment.¹⁵

Moral principles conceived of pragmatically are viewed as flexible and malleable in their applications, and lose the pretence of unconditional necessity and finality characteristic most especially of Kantian deontology. Their authority in practical reasoning is directly dependent upon their capacity to educate and reform social practices and to assist our efforts at mutual accommodation.

Herein lies an important distinction Dewey draws to our attention between principles and rules. The latter are taken to be fixed procedures for the direction of specific courses of action and are applicable in all cases regardless of the outcomes produced. Rules are thus general in character, and their role in practical deliberation is to determine the specific manner in which we ought to set about pursuing our ends. The service which principles provide in assisting reflection, on the other hand, is not to set down iron clad procedures but to provide a basis for

the analysis of moral action by directing attention to its more salient features. Principles furnish critical reflection with the perspective needed to investigate social phenomena. They are instruments of analysis which are modified with use and adjusted to suit the particular case at hand in a manner reminiscent of Aristotelian *phronesis*. Dewey writes:

Rules are practical; they are habitual ways of doing things. But principles are intellectual; they are the final methods used in judging suggested courses of action. The fundamental error of the intuitionist is that he is on the lookout for rules which will of themselves tell agents just what course of action to pursue; whereas the object of moral principles is to supply standpoints and methods which will enable the individual to make for himself an analysis of the elements of good and evil in the particular situation in which he finds himself. No genuine moral principle prescribes a specific course of action; rules, like cooking recipes, may tell just what to do and how to do it. A moral principle, such as that of chastity, of justice, of the Golden Rule, gives the agent a basis for looking at and examining a particular question that comes up. It holds before him certain possible aspects of the act; it warns him against taking a short or partial view of the act. It economizes his thinking by supplying him with the main heads by reference to which to consider the bearings of his desires and purposes; it guides him in his thinking by suggesting to him the important considerations for which he should be on the lookout.¹⁶

The pragmatic application of principles requires a certain flexibility and responsiveness to individual situations. It makes no attempt to gloss over the complexity of a case but, on the contrary, is attentive to complexity and to the myriad of effects which may follow upon a principle's implementation in practice. It is the practical effects of a judgment, and not its adherence to a rule, which are ultimately authoritative in determining its appropriateness within a given case. To apply a principle is thus always to apply it differently--to apply it in a fashion which produces the most desirable outcome possible under a given set of circumstances--and requires a creative effort at interpreting both the case under consideration and the principle which is brought to bear

upon it. Prudent applications are thus the very opposite of simple repetitions of prior decisions. Moral principles which are clung to and upheld without regard for the consequences of their application, or their usefulness in producing the most satisfactory set of conditions in the present case, are no longer principles in the pragmatic sense but rigid and dogmatic rules.

The pragmatic notion of application thus demonstrates a certain affinity with the Aristotelian notion of equity (*epieikeia*), the intellectual virtue described in the *Nicomachean Ethics* as the "correction of legal justice."¹⁷ Principles and laws which are, and must be, formulated in general terms are not without a certain deficiency when questions of application arise. On account of their generality, principles may in certain instances fail to attend adequately to the particularity of a case. They may lead us to overlook certain of its features which are deserving of special consideration and which may qualify it as an exception to the rule. The deficiency is owing to the fact that principles have the character of universality and must be formulated in abstraction from individual cases while moral actions are necessarily particular. The generality of principles never entirely catches up with the particularity of human actions; the latter inevitably contain complications and complexities which principles formulated in abstract terms cannot anticipate, thus requiring that in practical judgment we cultivate an attitude of flexibility and adapt the principles to the complex requirements of the individual case. "For when the thing is indefinite," Aristotle writes, "the rule also is indefinite, like the leaden rule used in making the Lesbian moulding; the rule adapts itself to the shape of the stone and is not rigid."¹⁸ In

demonstrating the intellectual virtue of equity, we apply principles and laws while attending carefully to the particularity of cases and without overlooking the consequences of our judgments. For Aristotelians and pragmatists alike, it is flexibility and not pedantry which is the mark of practical reasonableness.

Dewey reserves some of his harshest criticism for philosophers who so privilege the abstract realm of concepts, rules, and decision procedures that they become oblivious to the consequences of moral reasoning upon our practices and the concrete problems which arise in the world of experience.¹⁹ This attitude of unconcern for the effects that result from applying principles to practical situations is perhaps best represented by the Kantian moralist, whose a priori laws and unconditional duties narrow excessively the field of inquiry and give rise to a certain rigidity in disposition and judgment. For all of its theoretical simplicity and ordered systematicity, this very unpragmatic view of ethical reasoning gives aid and comfort to the moral absolutist, the stickler who makes literal conformity to rules a kind of virtue unto itself. Viewing principles as unconditional demands rather than pragmatic means of analyzing social phenomena gives rise to a fetishism for rules. It limits the sphere of moral inquiry to the disposition of the will, makes virtues of servility and obedience to demands, and confuses conscientious action with a rather unimaginative and slavish adherence to rules. All that the system requires is that one not go astray from the norm, that one obey the letter of the law as if it were a transcendental deliverance. It encourages an insensitivity to context, a lack of regard for the complexity

of difficult cases, and a perfect unconcern for the effects upon individuals of principled judgments. As Dewey writes:

*Probably the worst evil of this moral system is that it tends to deprive moral life of freedom and spontaneity and to reduce it (especially for the conscientious who take it seriously) to a more or less anxious and servile conformity to externally imposed rules. Obedience as loyalty to principle is a good, but this scheme practically makes it the only good and conceives it not as loyalty to ideals, but as conformity to commands.*²⁰

When principles are conceived of as fixed standards to be followed to the letter without the possibility of recognizing exceptions, or without regard for the practical effects of their application, when they lack the flexibility of principles understood along Aristotelian or pragmatic lines, the locus of moral attention shifts away from the concrete, the practical, and the particular, and toward the abstract, the conceptual, and the transcendental. In our quest for moral certainty, we become mesmerized by the theoretical elegance and methodological precision of our principles and lose sight of what principles are for: criticizing and improving upon particular social practices, resolving conflicts between persons, and assisting our efforts at mutual accommodation. Like dead metaphors, moral principles can deteriorate into idols when we lose sight of their intimate connection with practices and their role in resolving particular conflicts.

As I have argued in chapter three, both the pragmatic usefulness and theoretical legitimacy of principles are ultimately inseparable from their capacity to aid critical reflection by clarifying the ends which belong to practices. A practice-immanent ethical theory not only arises from within the region of human practices, it must also return there and provide an instructive critique of our various forms of social interaction. Like Plato's philosopher, it must return to the practical world from

whence it came and provide assistance in our continuing efforts at reform. (Unlike Plato's philosopher, it does so by means of a skilled and practical judgment, and not a faculty of pure rational insight.) This makes for a reciprocal relationship not only between universals and particulars, but between theory and practice: theorizing which takes its point of departure from within the realm of human practices is given the pragmatic function of critically assessing and reforming these practices in light of a theoretical knowledge of principles already inherent to them. Principles of justice require to be tested anew on each occasion of their application and with an eye to their practical consequences. The basic questions to be addressed in practical reasoning are thus whether in the present case the principle in question is instrumental in helping us attain the ends that belong to our practices, whether an exception must be made in light of its failure to cope with a special set of circumstances, whether it is in need of revision, and so on. What Dewey's pragmatic thesis adds to our account is the view that questions of this kind are not properly answered without regard not only for the particularity of the individual case, but for the practical consequences of our judgments. Judgments must be as responsive to effects as theory to practice and universal to particular.

Viewing the relation between theory and practice in this way requires us to rethink as well the relation between the collateral notions of justification and application. Theoretical argumentation justifying the universal or cross-cultural legitimacy of principles does not establish any kind of necessity within the domain of practical application. Lacking the a priori necessity of the categorical imperative, moral principles require not only to be justified theoretically, but to be tested in their applications

and occasionally revised in light of what is brought about in each instance of their implementation. The justification which principles acquire in theoretical reasoning must be regarded as, in a sense, incomplete; what they require beyond this is a kind of supplementary justification which only practical reasoning can provide. Practical application, typically viewed as entirely absent from and subsequent to theoretical justification, would be understood more appropriately along pragmatic lines as intimately associated with justification, indeed as a test case for the latter. Theoretical determinations about what morality requires are, so to speak, on probation until it is established that in the present case (and not merely in the abstract) the principle in question is instrumental in helping us attain the ends that belong to our practices. Upon the occasion of a principle's application (particularly in difficult cases), we must decide whether it contributes to the realization of these ends, not in the general case, but in the present set of circumstances. Does, for instance, a certain policy which is designed to promote the common good succeed in its office under this particular set of conditions, or do these conditions render the policy ineffective or counterproductive? Does a principle of justice, justifiable under normal circumstances, also serve in times of war, or during periods of radical political upheaval or economic depression? It will not do in such cases to confine our attention to the theoretical worthiness of principles and the correctness of the methods used in justifying them. It must be recalled in applying principles that their justification is a function of their pragmatic instrumentality in attaining ends inherent to social practices, and that the worthiness of an instrument is dependent upon its capacity to realize

certain practical tasks and resolve particular difficulties. If, in a given instance of its application, a principle fails in this regard--producing outcomes which either fail to attain or actively subvert the practice's internal goods--then the principle in question is not only nonapplicable but without justification in that instance. Difficulties arising in its application not only provide an occasion to reexamine a principle and the arguments used in justifying it, they may also constitute a kind of pragmatic falsification of a principle generated by theoretical methods. A corollary, then, to the thesis of theory/practice reciprocity is that there must be a similar reciprocity between the justification of principles and their practical applications.

It is important to note that in speaking of the pragmatic or instrumental function of principles, the analogy between instruments and principles is far from perfect. As noted in chapter two, the moral concepts which inform critical reflection are not like tools in our hands which we take up at will and then set aside once they have performed their task. The appropriation and application of moral concepts is considerably more problematical than this, as I have attempted to describe in chapter two and in the present chapter. While serving an instrumental function, principles are not objects in our hands--they are not thing-like at all--but media of interpretive disclosure. They are linguistic concepts which inform critical reflection by disclosing the phenomena in particular ways, and if hypostasized deteriorate in the fashion of dead metaphors into idolic rules of conduct.

Neither principles nor the ends that belong to practices ought to be construed as reified objects. We must resist hypostasizing principles

into moral rules and absolutes, just as it is imperative similarly to avoid hypostasizing the ends that belong to our practices, confusing their teleological dimension with any kind of final goal or end-state which could ever be fully realized in practice. It warrants emphasis that the ends that are inherent to our practices and which theorizing endeavors to elucidate are in no way to be construed as perfectly realizable end-states or final destinations at which human beings could ever arrive. These are ends which we are forever in the process of bringing into being in practical reasoning, but which can never be fully attained. They are ends which are not ends, as it were--a teleology without a telos,²¹ if such a thing be conceivable. We shall never catch sight of perfect democracy, but we may continually strive to fashion public institutions which are increasingly representative of the general will. The aim of better capturing the public will in forms of legislation may orient our judgments, but the possibility of a perfect instantiation of the general will is forever closed. In practical reasoning, all that is achievable is to continue the process of transforming the present with the aim of creating a more just set of conditions and institutions. It must take the process of reform as its object rather than the articulation of any particular eschaton. This Deweyan emphasis upon process over end-states represents a component of the larger pragmatic thesis concerning the relation between knowledge and action--or theory and practice--according to which knowing is a species of activity aimed at facilitating our commerce with the world and transforming existing conditions. What moral philosophy is in need of is an understanding of the theory/practice relation which reflects this priority of process over end-states. This, I maintain, can be accomplished

only by challenging the traditional polarization of theory and practice in ethics and viewing the relationship as one of reciprocity.

As a final note on principles, we may recall an observation of Gadamer's regarding the hermeneutic structure of moral principles or universals. As mentioned in chapter two, moral concepts are always underdetermined with respect to their meaning and resist being encapsulated within univocal expressions. They are always characterized by a measure of indeterminacy which precludes the possibility of offering exhaustive analyses of their content. Their meaning, as Gadamer notes, is "not fixed in the firmament like the stars; they are what they are only in the concrete situations in which we find ourselves."²² On their own and apart from their applications, moral principles permit of only very imprecise definition. Their meaning--while never fully determined--is comprehended only within the history of their interpretations and applications. A principle, so to speak, is its history (its "effective history," to use Gadamer's expression). It is the history of its unfolding and application in practice, of its influence in regulating practices, in governing human conduct, and in shaping public institutions. Its meaning is supplemented upon each occasion of its implementation, just as the meaning of a text is disclosed anew in each instance of its interpretation. Our understanding of principles is necessarily incomplete not only on account of the limits of human understanding, but because principles do not permit of exhaustive analysis. They are lacking both precise boundaries and a precisely specifiable common property which would make each of its applications a true instance of the principle.²³ The applications of a principle contain only what Wittgenstein calls family resemblances:

they "have no one thing in common which makes us use the same word for all,--but ... they are *related* to one another in many different ways."²⁴ It is on account of displaying any one of several related qualities--and not a single essential property--that we characterize a particular case as an application of a principle, while the principle itself is merely this set of overlapping resemblances. The principle is, as one author puts it, "only the analogousness of the cases to each other."²⁵ It is understood only analogically and not *sub specie aeternitatus*.

As hermeneutic in structure, moral principles are subject to interpretation even while they inform our interpretations of moral action. There is thus a double indeterminacy operative here: human action, being without a fully determinate meaning, is understood through interpretation and judged in the light of a principle which itself lacks a univocal meaning and is interpreted anew in each case of its application. Principles which disclose the phenomena hermeneutically must themselves be interpreted. The meaning of both the principle and the situation on which it sheds light are underdetermined on their own, and are codetermined in practical reasoning. While there is thus an ineliminable degree of indeterminacy in practical rationality understood along hermeneutical and pragmatic lines, the temptation to construe indeterminacy as arbitrariness ought to be resisted. Judgments are fallible to be sure, but they are neither decisionistic nor devoid of rationality. It would be best to renounce such dichotomies--still operative within numerous schools of moral and political philosophy--as rationality and decisionism, certainty and arbitrariness, together with the theory/practice opposition. Dichotomies of this kind had their credentials

established only by moral epistemologies which promised metaphysical foundations and transcendental guarantees, and these epistemologies can no longer claim our favor. They presupposed that infallible decision procedures were available for determining the justice or injustice of moral actions, that principles are apprehended clearly and distinctly, that human actions have a single and fully determinate meaning, and so on. This indication of the fallibility of practical judgment--the possibility that our choices may need to be reexamined on occasion, that our principles may require periodic revision, or that we may be in error--is not a cause for undue anxiety, but a reminder of the limits of our reflective capacities.

NOTES

1. Gadamer, *Truth and Method*, 341.
2. Gadamer, "The Problem of Historical Consciousness," trans. Jeff Close, in *Interpretive Social Science: A Second Look*, eds. Paul Rabinow and William M. Sullivan (Berkeley: University of California Press, 1987), 125-6.
3. Gadamer, *Truth and Method*, 310.
4. The inevitability of an infinite regress of this kind arising in formalistic notions of practical application may be seen by taking the example of Habermas's view, an author who has been much concerned in recent years with countering appeals by neo-Aristotelians to the centrality of *phronesis* in practical reasoning. Defending the need for a procedural rationality governing the implementation of first order moral principles, Habermas has singled out the following second order principles for the direction of practical reason: first, "all relevant aspects of a case must be considered" (Habermas, *Moral Consciousness and Communicative Action*, 207); second, "means should be proportionate to ends" (*Ibid*, 207); third, and more recently, Habermas has proposed that "practical reason must be informed by a principle of appropriateness. What must be determined here is which of the norms already accepted as valid is appropriate in a given case in light of all the relevant features of the situation conceived as exhaustively as possible." (Habermas, *Justification and Application: Remarks on Discourse Ethics*, trans. Ciaran Cronin [Cambridge: The MIT Press, 1993], 14) Rules of this sort, Habermas believes, make possible a procedural, and hence impartial, application of first order moral principles. The difficulty with this view, beginning with the first rule alluded to, is that what are to count as the relevant aspects of a case are often far from self-evident. What would be needed is a third order rule for determining not only what considerations qualify as relevant, but (if relevance comes in degrees) which among these relevant considerations is salient for our judgment. Formulating a general rule of this kind, of course, would be exceedingly difficult and probably impossible. The second rule above--that "means should be proportionate to ends"--would require a further rule specifying what constitutes proper proportion. Finally, what Habermas calls the principle of appropriateness appears to be an oxymoron. As it is normally conceived, appropriateness is not a formal rule-governed notion at all, but belongs within an Aristotelian vocabulary of what is "fitting" or "suitable" under the circumstances and given the contingencies of a particular case. This is determined, on Aristotle's account, not by following rules but by exercising practical judgment. Were appropriateness to be refashioned as a formal principle, one would again require a further rule for determining what counts as appropriate in various types of cases, as well as a rule specifying conditions of relevance. Habermas's formalistic view of application, in short, would land us in an infinite regress of rules--or, at the

very least, an impossible quagmire of rules for the direction of rules for the direction of rules.

9. John Dewey, *Theory of the Moral Life* (New York: Irvington Publishers, 1980),

10. Aristotle, *Nicomachean Ethics*, 1094b13.

11. With Charles Larmore, I concur with Aristotle and Gadamer in refusing to offer an altogether precise description of the nature of moral judgment. Larmore may be overstating his case, however, in writing: "Although we can understand what kinds of situations call for moral judgment, the kinds of tasks that moral judgment is to accomplish, and the preconditions for its acquisition, there is very little positive we can say in general about the nature of moral judgment itself. We find ourselves providing what are really negative descriptions: The activity of moral judgment goes beyond (while depending upon) what is given in the content of moral rules, characteristic sentiments, and tradition and training. We appear able to say only what judgment is *not*, and not what it *is*." (Larmore, *Patterns of Moral Complexity*, 19-20.) We ought to endeavor to say as much as we can about this capacity, and we may be capable of offering some positive characterization of what practical judgment is even if it falls short of the degree of explicitness formalists would prefer.

12. Kant, *Critique of Judgment*, trans. J. H. Bernard (New York: Hafner Press, 1951), 15.

13. Gadamer and Harold I. Brown have both likened judgment to skillful behavior. See Gadamer, *Truth and Method*, 31; and Brown, *Rationality* (New York: Routledge, 1988), 165.

14. "[E]xplicit checking of the rules," as Harold Brown puts it, "is not a model of competent behavior--it is a model of unskillful behavior." (Brown, *Rationality*, 157) Brown goes on to write in the same context: "When we are learning a new skill, or trying to improve a skill that we have already learned, we may pay careful attention to each of the component activities that the performance requires. But paying attention in this way impedes the smooth flow of our performance, and that flow will not be achieved until we can carry out that activity without paying attention to each act that goes into it." (*Ibid*, 161) What distinguishes the initial learning or acquisition of a skill from a developed and competent performance is that in the latter the rules (many of which are mere rules of thumb) are no longer "followed" but "mastered"; they are creatively adapted to the situation and more than occasionally departed from entirely. Moreover, as Brown also points out (*Ibid*, 162), many skills are acquired without our ever being taught an explicit set of rules. Language use, for instance, may indeed conform to rules, but the acquisition of this skill does not depend upon grasping and following these. Often the rules are articulated only after the skill has been acquired, and they are adhered to only as a means of perfecting an already acquired skill. And, as mentioned in chapter two, mastering this skill not infrequently involves departing from established rules of language use as a means of shedding a new light on the phenomena.

11. Indeed, when one who has mastered the culinary arts is asked to identify the rules used in practising this art, one tends to reply with such singularly unhelpful statements as to use neither too much nor too little of this or that ingredient, to cook with an oven which is neither too hot nor too cold, to prepare servings which are neither too large nor too small, and so on. These are not formal algorithms articulated in isolation from their applications but practical suggestions formulated with the intention of capturing (perhaps for pedagogical purposes) what is involved in a skillful performance within a set of extremely imprecise rules of thumb. The vagueness that belongs to these rules of thumb or practical suggestions is ineliminable.
12. Larmore, *Patterns of Moral Complexity*, 20.
13. Aristotle, *Nicomachean Ethics*, 1178a16-18.
14. It will by no means be suggested here that Gadamer and Dewey hold identical or nearly identical views on the issue of practical rationality. What I shall describe rather is an area of limited and partial, but nonetheless important, agreement between these two otherwise quite different schools of thought.
15. Dewey, *Reconstruction in Philosophy* (Boston: Beacon Press, 1957), 96-7.
16. Dewey, *Theory of the Moral Life*, 141.
17. Aristotle, *Nicomachean Ethics*, 1137b12.
18. *Ibid*, 1137b29-30.
19. "Rationalistic logic," Dewey writes, "formerly made men careless in observation of the concrete in physical philosophy. It now operates to depress and retard observation in specific social phenomena. The social philosopher, dwelling in the region of his concepts, 'solves' problems by showing the relationship of ideas, instead of helping men solve problems in the concrete by supplying them hypotheses to be used and tested in projects of reform. Meanwhile, of course, the concrete troubles and evils remain." (Dewey, *Reconstruction in Philosophy*, 191-2)
20. Dewey, *Theory of the Moral Life*, 139.
21. I borrow this phrase from Gary Madison's *The Phenomenology of Merleau-Ponty: A Search for the Limits of Consciousness* (Athens, Ohio: Ohio University Press, 1981), 252.
22. Gadamer, "The Problem of Historical Consciousness," 122.
23. I use the phrase "precisely specifiable common property" with due circumspection. A principle may indeed be defined, but, as mentioned above, such definitions are very imprecise and any supposed common property uniting all instances of its application is never grasped clearly and distinctly. Democracy may be conceived as rule by, for, and of the people, but the vagueness of this definition is obvious. Indeed, it is not a single property at all, but three related yet distinct properties. This fact is responsible for

certain difficulties in its application: are laws, for instance, which are enacted for the people but not by the people democratic? Are laws enacted by a benevolent monarch out of genuine concern for the good of all persons democratic? If not, would they become democratic if the laws would (hypothetically) be agreed to by the people if given a choice or if (actually) approved in a nonbinding plebiscite? There do not appear to be definitive answers to questions of this kind, illustrating the general point that any alleged essential property which would unite all instances of a principle would be lacking precise specification.

24. Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe (Oxford: Basil Blackwell, 1989), 31.

25. Smith, *Hermeneutics and Human Finitude*, 82.

CONCLUSION

I have argued in this study that in the aftermath of foundationalism the question of ethics must be posed anew. The principal question facing moral philosophy can no longer be how practices and judgments can be grounded upon a firm, epistemological basis. Abandoning the search for objective grounds is entailed by the thesis articulated by philosophers of various schools of thought, and which receives perhaps its most pronounced emphasis in philosophical hermeneutics, that all modes of reflection are situated within finite perspectives which preclude the possibility of attaining an objective or ahistorical vantage point on human affairs. Growing skepticism concerning a rationality that transcends the fray of practice and tradition, and which serves in the neutral role of referee of ethical life, forces us to take seriously the proposition that our capacity to rationally reflect upon moral action has limits. Normative discourse never attains the perspective of objectivity, no matter how sophisticated our methods or how meticulous our reasoning. The dream of complete distanciation--be this in the form of an a priori, scientific, or presocial perspective--would best be forgotten and replaced with an awareness of the historicity of moral and political discourse.

While critics of foundationalism in general have recognized the need to renounce certain of moral philosophy's traditional aspirations and

methods of reasoning, the full extent of the consequences that follow from abandoning foundationalist premises in ethics has not always been appreciated. Spelling out some of the more important of these consequences has been a central aim of this work. Beginning from premises adopted by philosophical hermeneutics, and pertaining to the finitude and perspectivity of all modes of reflection, I have suggested that the principal question of ethics in the aftermath of foundationalism is the question of critique: how is it possible, given the radically situated character of human existence, to critically reflect upon the practices and traditions which constitute the social world to which we ourselves belong? How is it possible for a rationality that is rooted in historical tradition and the realm of practice to adopt a critical posture toward the same tradition and practices without generating an impossible circularity? From what standpoint is rational criticism of the ground on which we stand possible, if not from the standpoint of "morality as such"? What methods or principles are available to a critical rationality that is situated within a finite perspective and immanent to the domain of practice? Is there, in short, a conception of critical rationality that may be properly characterized as both critical--as introducing an attitude of suspicion toward habitual understandings of human action--and rational--that incorporates some manner of philosophical adjudication into ethical debate without reintroducing totalizing perspectives?

This represents not merely a shift of emphasis in moral philosophy but a fundamental change in direction away from the quest for epistemological guarantees and toward an investigation into the conditions of the possibility of ethical critique. Ahistorical grounds for judgments

and practices of the kind sought by foundationalist ethical theories are neither required nor possible, yet what is very much required is an account of both the theory and the practice of criticism--an account of the standpoint that social criticism occupies and of the philosophical resources, principles, or methods that educate our perceptions and prevent criticism from deteriorating into an exercise in unreasoning negation. I have divided my analysis into two overriding sets of questions, the first pertaining to the self-understanding of critique (what kind of practice it is, and from what perspective it occurs), and the second addressing methodological issues (concerning the manner in which principles may be theoretically justified and their role in informing efforts at critical reflection).

The first set of questions is the focus of chapters one and two, where my main concern is to inquire into the practice of critical reflection, given that this can no longer be construed as an aperspectival and ahistorical insight into deep moral truths. Taking human finitude seriously entails that a certain emphasis be placed both upon the rootedness of reflection and upon the partiality and fallibility of moral perceptions. The illumination that ethical critique makes possible is achieved only with difficulty, and its determinations never provide anything approaching total enlightenment. Beginning from a similar set of premises, Foucault and Habermas characterize critical reflection respectively as a mode of historical investigation which forswears universal theoretical perspectives, and as a dimension of explanatory science which aims at uncovering the objective meanings of social phenomena. Both views generate difficulties arising from the perspectives

which the social critic is said to occupy--a transcendental perspective (the standpoint not only of universality but of scientific objectivity), on the one hand, and a non- (or, at any rate, unidentified) perspective on the other. To understand the practice of criticism, we must begin by identifying the standpoint from which it occurs, and it is here that Foucault and Habermas succumb to the twin dangers of speaking from a place which is no-place and speaking from a totalizing perspective.

It is with these twin dangers in mind that I characterize ethical critique as immanent to the realm of practice, tradition, and language. It is situated within an ethical-political horizon from which a particular set of categories and prejudgments is recovered and brought to bear upon the phenomena which it encounters. Critique is properly viewed as belonging to the practice of interpretive understanding, or as a mode of hermeneutic reflection. As such, it endeavors to judge the moral status of an action in the same gesture in which it discloses meaning in a manner analogous to the reading of texts. Critique aims at clarifying human action and uncovering significance within our moral lives by means of linguistic and imaginative interpretation. It is a practice that displays a dialectical structure, the two moments of which are factual recollection and semantic innovation. As a mode of hermeneutic reflection, ethical critique is not governed by formal methods, but is dependent upon the perceptiveness and responsibility of the individual critic. Its perceptions represent partial disclosures of the phenomena rather than authoritative pronouncements on their essential meaning.

The second overriding set of questions is the focus of chapters three and four. The main concern of these chapters is to inquire into the

possibility of adjudicating between conflicting interpretations of moral action. If ethical critique is best understood as a hermeneutic practice, can it also be a rational one? Is a conception of critique that places imaginative interpretation at its center compatible with a universalistic ethics of principle? If it is, then how may such principles be theoretically generated, and what assistance do they provide in educating interpretation?

I have argued that a modest form of adjudication is indeed possible in ethical debate, one which informs critical reflection without privileging any particular interpretations as definitive or accurate representations of the truth. Such adjudication is made possible by universal principles of right, principles which serve not as formal decision procedures but as perspectives and instruments for the analysis of social phenomena. Principles of justice provide a rational standpoint for critical reflection which is at once universalistic as well as immanent to the realm of human practices. An historically conscious universalism recognizes the need for critical perspective in assessing the norms and practices found not only in our own tradition but within foreign traditions as well, yet in a manner that does not overlook the facticity of ethical reflection. Abandoning foundationalist premises does not entail that we must renounce ethical theory in all of its forms, nor does it preclude the possibility of constructing a universalistic conception of justice. What it entails is that any project of theory construction must not invoke an historically unself-conscious and unconditioned rationality which pretends, in the manner of foundationalist and formalistic theories, to

sever all connection with tradition and practice, or take up an objective standpoint on human affairs.

A practice-immanent theory of justice takes its bearings from the practice of dialogical understanding, a practice that hermeneutical philosophy describes as having ontological import and universal scope. This practice contains an implicit normative dimension which it is the task of ethical theory to render explicit. Like all practices, communicative understanding is teleologically oriented toward the attainment of specific ends, and it is these which hermeneutical ethical theory fashions as principles of right. The universal legitimacy of principles generated in this manner is a function of the universality of the communicative process itself. The mode of theorizing that I characterize as practice-immanent bears an important methodological resemblance to communicative ethics, although the differences between the Habermasian formulation of communicative ethics and my own must be born in mind. Habermas's commitment to ethical formalism and his interest in making ethics scientific via evolutionary or competence theory are both irreconcilable with the view defended here. What moral philosophy is in need of, I have argued, is the perspective of universality, not that of scientific objectivity. Even if such a thing were possible, ethical critique would have nothing whatever to gain from becoming a scientific mode of discourse. Also, the principles of justice that this method of theorizing generates are, on my view, more in keeping with the liberal tradition than with Habermas's more egalitarian and neomarxist view. It is universal freedom, mutual recognition, unconstrained communication, respect, and the rest of the

liberal virtues that are at the heart of a hermeneutical conception of justice.

On the question concerning the relation between theoretical and practical reason, I have argued that this relation is best conceived as one of reciprocity. A mode of theorizing that arises from within the realm of practice is given the task of articulating principles instrumental in educating and critiquing the various social practices which are taken as objects of reflection. In practical reasoning, universals and particulars are codetermined in that the principles that illuminate, or are brought to bear upon, particular contexts are themselves determined in their being by the cases that they govern. The intelligibility of both the universal and the particular is established dialectically and in a manner reminiscent of the hermeneutical circle. This process of codetermination is governed not by algorithms but by practical judgment, a capacity that is best understood as a skill in reconciling universal principles with particular contexts without following rules. In orienting itself simultaneously toward universals and particulars, and as a nonmethodological and interpretive mode of reflection, practical reason is distinguished from theoretical reason, the exclusive concern of which lies with universals and the methods that may establish their justification.

Accordingly, a hermeneutical conception of ethics recognizes the interpretive character of critical reflection while remaining committed to both theoretical and practical modes of reasoning. Critique is a hermeneutic practice that is oriented toward the uncovering of meaning in human action as well as the injustices that such actions contain. This practice is made possible both by the categories appropriated from

tradition and by theoretically generated principles of right. It is thus that a rationality that is at once hermeneutical and critical overcomes many of the standard oppositions of modern moral and political thought. In rejecting such dichotomies as objectivism and subjectivism, rationalism and decisionism, theory and practice, hermeneutics gives rise to an historically conscious universalism. It gives rise to an ethics that maintains a commitment to philosophical rationality while renouncing foundationalist premises.

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