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## AN APPLICATION OF PRAGMATISM: LEGAL PRAGMATISM

### INTRODUCTION

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If we look at pragmatism from the point of view of continental philosophy, we are able to realize their basic differences immediately. The rational tradition may be regarded as dominant in the twenty-five century long tradition of Western philosophy, which means that theory has got a central role contrary to practice. Pragmatism, on the contrary, has preferred practice to theory. According to both the old and the new pragmatism, life is basically practice, and theory is only one of the tools (philosophy included) we use in this practice to improve our own life and society. Needless to say, any kind of condemnation of theory is not inferred from this standpoint, only the denial of a theory-centered philosophical standpoint.

Pragmatism has never been a canonized philosophical movement. In leaving out of consideration the particular differences, we can claim now that both the old and the new pragmatism's representatives agree in some common principles (priority of practice to theory, anti-essentialism, panrelationism, meliorism, etc.), and they draw – among others – also the conclusion that the only ultimate criterion of theory's trueness is its practical usefulness. This is the case in the legal field, too. The pragmatist approach is applicable in every dimension of life, and if we apply it to law then we call it legal pragmatism. Legal pragmatism had a different meaning in some sense at the time of its birth, than it has nowadays, but there are some obvious continuities primarily in respect of the rejection of legal formalism, secondly in connection with the holistic approach of the particular legal cases, and thirdly regarding the consideration of the judicial application of law as making law. Within the latter theme Thomas C. Grey emphasizes

in his article, *Judicial Review and Legal Pragmatism* (2003) that the constitutional judicial review has become a common practice in democratic countries after World War II, which has a pragmatic nature:

„Over the last half-century, judicial review has gone from rare to almost universal in democratic regimes around the world. The judges who review legislation for constitutionality seem generally to do so in a style that is relatively informal or pragmatic, compared to what is usual in the rest of their legal system. This less formal juristic style seems to be contagious, spreading out to influence the way judges, lawyers, law teachers and legal scholars look at law more generally in the systems that have adopted active judicial review. Partly as a result of this, civil law systems are moving away from their traditional conceptualist notion of law as a gapless and determinate system of general principles controlling subordinate rules.”

(Social Science Research Network Electronic Paper Collection,  
<http://papers.ssrn.com/abstract=390460>)

Richard Rorty sets off his view regarding legal pragmatism on a general level, when he emphasizes, first of all on the basis of Thomas C. Grey's article, *Holmes and Legal Pragmatism*, that:

„I think it is true that *by now pragmatism is banal in its application to law*. I also suspect that Grey is right when he claims that *'pragmatism is the implicit working theory of most good lawyers'*. *To that extent, at least, everybody seems now to be a legal realist*. Nobody wants to talk about a 'science of law' any longer. Nobody doubts that what Morton White called 'the revolt against formalism' was a real advance, both in legal theory and in American intellectual life generally.” (PSH, 93. – Emphasis added: A. K.)

Rorty has obviously ceased from continuing the pragmatist tradition in some respects. It is out of question however, that his neopragmatism not only originally renewed the traditional pragmatism (incorporating even the latest European philosophical development: Wittgenstein, Heidegger, Sartre, Gadamer, Foucault, Derrida, etc. left out of consideration by the classic pragmatists), but his views are also in eminent harmony with some of Dewey's philosophical intentions:

„Dewey preferred to skip talk of 'authority', 'legitimacy' and 'obligation' and to talk instead about 'applied intelligence' and 'democracy'. He

hoped we would stop using the juridical vocabulary which Kant made fashionable among philosophers, and start using metaphors drawn from town meetings rather than from tribunals. He wanted the first question of both politics and philosophy to be not, 'What is legitimate?' or, 'What is authoritative?' but, 'What can we get together and agree on?' This is the strand in Dewey's thought which Rawls, especially in his later writings, has picked up and developed.

*Posner's vision of the function of American judges – his vision of their ability to travel back and forth between the present and the future and to try to fashion a moral unity out of our national history – fits nicely into Dewey's way of thinking. Nor is Posner's vision very different, I suspect, from that of most Americans who take an interest in what the courts, and especially the Supreme Court, are up to – at least those who are grateful for the Court's decision in *Brown v. Board of Education*. For those who believe that the Civil Rights Movement, the movement which *Brown* initiated, was an enormous boost to our national self-respect and a reassuring instance of our continuing capacity for moral progress, the thought that the courts do not just apply rules, but make them, is no longer frightening."* (PSH, 111. – Emphasis added: A. K.)

On a more general, philosophical level Rorty makes his standpoint even more unequivocal, when he writes that:

"I agree with Grey when he says: 'Pragmatism rejects the maxim that you can only beat a theory with a better theory... No rational God guarantees in advance that important areas of practical activity will be governed by elegant theories.'

Further, I think that pragmatism's *philosophical* force is pretty well exhausted once this point about theories has been absorbed. *But, in American intellectual life, 'pragmatism' has stood for more than just a set of controversial philosophical arguments about truth, knowledge, and theory. It has also stood for a visionary tradition* to which, as it happened, a few philosophy professors once made particularly important contributions – a tradition to which some judges, lawyers, and law professors still make important contributions. These are the ones who, in their opinions, or briefs, or articles, enter into what Unger calls 'open-ended disputes about the basic terms of social life.'" (PSH, 99-100. – Emphasis added: A. K.)

The present issue of *Pragmatism Today* has three main parts. Our readers will find in the first part the thoroughly elaborated writings about legal pragmatism.

These analyses undertake clearly the defence of legal pragmatism, and two excellent treatises of them, that of Susan Haack and Frederick Kellogg, rehabilitate Oliver Wendell Holmes' views. They interpret him in different ways, but one of their final results is the same: the early views of Holmes show the features of legal pragmatism.

The second main part offers a fantastic collection of the (into English translated) best papers of a pragmatist conference 2011. The participants of the II. International Pragmatist Conference of Córdoba (II Coloquio Internacional Pragmatista: Filosofía, Psicología, Política (28, 29 y 30 de septiembre del 2011, Villa General Belgrano, Córdoba, Argentina)) have analysed both the views of the traditional pragmatists, and that of the neopragmatists, so the reader may get an interesting panorama of the South American interpretations of the topic.

In our final main part, titled „Miscellanies“ we offer a treatise from Janos Boros („Truth in philosophy after Rorty and Dewey“) and a book review from Roman Madzia (Richard Rorty, *An Ethics for Today: Finding Common Ground Between Philosophy and Religion*).

#### Literature

- Grey, Thomas C., „Holmes and Legal Pragmatism“, 41 *Stanford Law Review* 787-870 (1989)
- Grey, Thomas C., „Judicial Review and Legal Pragmatism“, 38 *Wake Forest Law Review* 473-511 (2003) and Social Science Research Network Electronic Paper Collection, <http://papers.ssrn.com/abstract=390460>
- Rorty, Richard, „The Banality of Pragmatism and the Poetry of Justice“. In: Rorty, *Philosophy and Social Hope* (Penguin Books, 1999, PSH)
- Rorty, Richard, „Pragmatism and Law: A Response to David Luban“. In: Rorty, *Philosophy and Social Hope* (Penguin Books, 1999, PSH)

## PRAGMATIST CONTRIBUTIONS

### TO A NEW PHILOSOPHY OF HISTORY

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*“The philosophical value of this position is that it restores stolen goods to the world”  
(Mead, 1927a: 154).*

This work is written from the perspective of a New Philosophy of History (NPH), and as such it is interested in promoting what has come to be known as “linguistic self-awareness” for those of us who are interested in the consequences of our linguistic adoptions – whether from the perspective of history, of memory studies or of philosophy of history. NPH as a movement was born in 1973 with the publication of Hayden White's *Metahistory, The Historical Imagination in Nineteenth-Century Europe*,<sup>1</sup> and pursued by Frank Ankersmit, Keith Jenkins and others. During the last forty years it has received criticism on diverse fronts on account of its alleged attack on history. This, in turn, is said to be due to its adoption of linguistic idealism and determinism, which would lead to skepticism regarding historical knowledge. Therefore, it is from the perspective of philosophy of history that I encourage a dialogue with the contributions made by a pragmatist approach to language and knowledge, specifically those born from the reflections on social and historical studies, as is the case with George Mead's Social Behaviorism, and the Strong Programme in the Sociology of Knowledge lead by Barry Barnes, David Bloor and, more recently, Martin Kusch, who have not found a conflict between their sociolinguistic approximation to epistemology and their positive appraisal of history as science. Mead's work has been widely recognized in the sociological research field, and Argentina has been a pioneer at it. *Mind, self and*

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<sup>1</sup> Hayden White, *Metahistory, The Historical Imagination in Nineteenth-Century Europe* (Baltimore and London: The Johns Hopkins University Press, 1973)

*society*<sup>2</sup> was edited in Spanish in 1953 under the supervision of Italian-Argentinean sociologist Gino Germani.<sup>3</sup> More recently, it is worth noting the crucial place Jürgen Habermas bestows on Mead in his great work *The Theory of Communicative Action*. Nevertheless, the consequences of his work for philosophy of history remain unexplored to our day, and are worthy not only of a full article, but also of recognizing Mead as a crucial reference in our century's debates on historical knowledge. On the other hand, the Strong Programme, by pursuing and developing Kuhn's Wittgenstenian roots, has been immensely prolific in its sociological and historical studies of science, but has encountered resistance in the field of philosophy of natural sciences. Just like the New Philosophy of History, it has been accused of favoring an attack on science: yet another form of obscurantism. In this paper, I shall try to show that this dialogue between pragmatism and NPH is not an attack on science, but on a certain form of philosophy engaged in a form of dualism between mind-world or language-reality, individual-society, an engagement which, under a pragmatist light, makes no difference in practice. This dialogue is an invitation to reflect on scientific practice with the same resources with which scientific practice carries its task in creative knowledge.

The work is organized into three parts. The first one sets out a state of affairs in New Philosophy of History. The second presents the pragmatist contributions to those dilemmas raised by NPH. The third part suggests a dialogue between pragmatism and a lesser known but crucial text by Hayden White. In it, the author advances his metahistory while applying it to the analysis of a text by Proust, since it is an example of writing which

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<sup>2</sup> George H. Mead, *Mind, Self and Society, from the standpoint of a social behaviorist*, (Chicago and London: University of Chicago Press, 1934)

<sup>3</sup> Germani emigrated to Argentina in 1934, running away from Mussolini's Fascist Regime. He was a student and professor in the University of Buenos Aires. He led many books collections on social movements and the main sociological schools in the world. He founded Sociology Studies at the University of Buenos Aires in 1957 and was the head master up to 1966, when he had to flee again due to that year's *military coup*.



combines the use of tropes to talk about reality, with the linguistic reflection on such a use.

I. By virtue of NPH, philosophy of history opens to the linguistic turn, since it seriously considers and takes as an object of inquiry the fact that every reconstruction about what happened in the past carries with it the production in language of a representation which assumes, implicitly or explicitly, ontological, practical-political and aesthetic-expressive commitments. The result of this refinement in the dimensions of historical writing leads to the dissolution of essential separations between history and philosophy of history, or between historical narrative and literary narrative: every discourse on the past tries to make it intelligible through the elaboration of figurations that will allow us to relate synchronically events that have taken place diachronically. In this task, historians and philosophers of history deal with the linguistic resources provided by their culture, in order to produce a “realistic” consideration of the past capable of mediating among other alternative -even conflictive- considerations, the bare record, and the public.<sup>4</sup>

The NPH has not stopped at this claim of the linguistic character of the world. It has also encouraged the undertaking of a research program which introduces metahistorical concepts for the analysis of some historiographic controversies which seem endemic to historiography, since no evidence or agreement in evidence can ease an interpretive consensus about the past. Throughout his academic career, Hayden White has pursued an analysis of the drifts of realistic representations of the past. In it, he has used two fundamental strategic theories. First, the “theory of tropes” or “tropology”, which he takes from classical rhetoric to account for the differences and divergences between alternative, controversial interpretations of the past. Second, Erich Auerbach's “figural realism”, which he would use to track the diverse approaches adopted

throughout the history of Western literature to “realistically” account for reality. In consequence, White provides us with a metahistorical instrument to plot a history of realism in the West. The notions of figure and fulfillment are extremely useful to pinpoint the connections made by a number of authors between the events in order to adequately represent them, as well as those established in such successive attempts to represent. Each representation of the past turns out to be a figural articulation which presents itself as retrospectively fulfilling the promise that previous representations have not attained, but have left for posterity<sup>5</sup>. The contextual nature of realism, as well as its never-achieved account of reality, which leads to a constant motion in search for new representations, must not be taken, in Whitean terms, as a path of progress and coming closer to truth.

This is precisely why White's adoption of tropology makes sense, in order to reconstruct those conceptual drifts<sup>6</sup>. A tropologically informed metahistorical analysis

<sup>5</sup> Three methodological prescriptions can be derived from this. First, each representation of reality (either literary or historical) is a proposal to look at past events under a different light. We are invited to adopt another perspective, under the promise that under that new light we will see reality better. Secondly, no proposal is ever neutral or aseptic; they are always presented from some context (disciplinary and/or political), and it is this context to determine the achieved meaning. Thirdly, no representation will ever be in itself a consummation of its own proposal to represent. See Hayden White, “Auerbach's Literary Theory. Figural Causation and Modernist Historicism”, in White, *Figural Realism. Studies in the Mimesis Effect* (Baltimore: Johns Hopkins U.P., 1999), pages 87-100

<sup>6</sup> My aim here is to avoid a consideration of tropes as prefigurations of a text's style (the strong thesis in *Metahistory*), and pursue a line of research somehow suggested in “Narrative, Description, and Tropology in Proust”, which maintains that tropes shed light on conceptual and interpretive shifts. This strategy has been presented by Lavagnino, but I will support it from a different perspective and with another philosophical background. Cfr. Nicolás Lavagnino (2011), “Tropología, agencia y lenguajes históricos. Escepticismo, relativismo y ficción en la filosofía de la historia de Hayden White” [TN: “Tropology, agency and historical languages. Skepticism, relativism and fiction in Hayden White's philosophy of history”], in *Ideas y Valores. Revista Colombiana de Filosofía*, Vol. LX, Nº 145

<sup>4</sup> White, 1973, Introduction.



will allow us to appreciate that the lack of resolution of historiographic controversies by appeal to documentary evidence is due, on the one hand, to the fact that each interpretation of the past is a contingent articulation of the epistemic (mode of explanation), the aesthetic (mode of emplotment) and the ideological dimensions. On the other hand, it stems from the fact that the attained articulation is not dictated by evidence or reality in itself, but is rather a non-rational, non-logical adoption of one possible way among others of connecting act, action, actor, event, agency, circumstance, condition, plan, purpose, success, error, and failure. Metaphor, metonymy, synecdoche and irony would account for the differences in the connections of these basic elements that cut through the combination of explicative, aesthetic and narrative dimensions. Still, we must not think that each interpretation or historiographic representation can be analyzed independently in terms of its informing trope. Such a reading of tropology, favored by a Kantian interpretation of tropes as different modes of historical consciousness applied to content, leaves the door open, in my view, for a skeptic historical relativism. However, this account of tropological analysis has become canonical, and can be found in any appraisal – whether disapproving or positive – of White's work. In this article, I advocate for a reading of the tropological cycle in conversational terms, in order to avoid the idealism and linguistic determinism that White himself wished to avoid. I believe this can be achieved by thinking this cycle not in terms of structuralist accounts of language and discourse, but of pragmatist ones. In this perspective we could appreciate that tropology is relational, that is, each tropological act implies a drift in relation to some other trope. It is not merely an isolated formation of an content without a form; this is why it is by comparing diverse interpretations that we can capture their motivating trope. Each representation is in itself a contingent articulation of ways of emplotment, explanation and engagement in ideological commitments, which does not respond to reality, but to that tropological shift that answers to or rejects the previous articulation.

White has been – and still is – very much concerned with explicitly detailing the status of the metahistorical instrument used to analyze the representations and conceptualizations of social events or processes. Still, even though there is no doubt that it is metahistorical instruments we are dealing with, White is aware of the need to face the philosophical issues regarding the status of language in general, and of historical and metahistorical language in particular. In other words, appealing to metahistorical categories to analyze historical discourses or the conceptual changes it addresses, does not exempt him from facing possible accusations of determinism in relation to language and what it talks about. Precisely in the case of a science such as history, which takes pride on its empiricism and its fundamental attachment to evidence and facts, any introduction of historical concepts (to account for past events), or metahistorical concepts (to account for its own historiographic production), turns suspicious if said concepts are not derived from “evidence”, or cannot show some kind of connection to past reality.

The New Philosophy of History has been very fruitful in its offer of a powerful metahistorical tool to reveal all that is implied whenever a controversy about the past cannot be solved by merely bringing evidence into play. Nevertheless, my approach aims at showing how it has not been able to develop an effective defense strategy for its metahistorical instruments, as it alternately flirts with some Kantian version of them, or reedits the same language/reality dualism it aimed at dissolving in the first place. I believe this weak front is due to an insufficient emphasis on the social pragmatic nature of our linguistic practices. Specifically, NPH has noted its familiarity with classic pragmatism, neo pragmatism, and Wittgenstenian philosophy – as is the case with Keith Jenkins' and Frank Ankersmit's positive appraisal of Rortian pragmatism, or Martin Jay's recent appreciation of James' and Dewey's notions of experience.<sup>7</sup> But these

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<sup>7</sup> Keith Jenkins, *On 'What Is History?': From Carr and Elton to Rorty and White* (London, and New York: Routledge, 1995); Frank Ankersmit, *Sublime Historical*

approaches either have not been sufficient to avoid skeptic consequences, or have resulted in a regress to some form of experiential foundationalism. I would venture to attribute this to the fact that little attention has been given to those exponents of pragmatism which are mostly inspired by the reflection on the status of social and historical knowledge. They will allow us to appreciate the controversial pluralism characteristic of social and historical sciences as a sign of research fertility. The pragmatist reflections that I bring to discussion have a twofold origin. On the one hand, the notion of *meaning finitism*, inspired in Wittgenstein's *Philosophical Investigations*, developed by Barnes and Bloor following their research on sociology of knowledge, and more recently pursued by historian and philosopher of science Martin Kusch.<sup>8</sup> On the other hand, my work draws on classic pragmatism, particularly George H. Mead's *Social Behaviorism*, which gave origin to the sociological research program known as *Symbolic interactionism*.

II. I will follow Martin Kusch's presentation of meaning finitism in *Knowledge by Agreement*.<sup>9</sup> According to him, in its first and canonical formulation meaning finitism theory is stated, above all, in relation to empirical concepts, but is in fact a general theory of meaning.<sup>10</sup> The opposite of meaning finitism is called by Kusch "linguistic determinism", and its main interest is to explain how previously constituted meaning determines successive applications (extension) and how the term is true of that extension (determination and truth). In contrast, finitism claims that meanings are developed

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*Experience*, (Stanford: Stanford University Press, 2005); Martin Jay, *Songs of Experience: Modern American and European Variations on a Universal Theme* (Berkeley, Los Angeles, London: University of California Press, 2006)

<sup>8</sup> David Bloor, *Wittgenstein, Rules and Institutions* (London, New York: Routledge, 1997), Martin Kusch, *Knowledge by agreement: The programme of communitarian epistemology* (Oxford: Oxford University Press, 2002), and *A Sceptical Guide to Meaning and Rules: Defending Kripke's Wittgenstein* (Montreal and Kingston, McGill-Queen's University Press, 2006)

<sup>9</sup> See page 201.

<sup>10</sup> A complete formulation and discussion about the theory can be found in Bloor, 1997, op. cit.

through time, and will never be sufficiently stable or fixed so as to determine extension. Meanings are made and remade by language users; strictly speaking, they are social institutions, which establish the exemplars for correct usage but exist only in those practices where usages are judged, invoked, ascribed, corrected, challenged and agreed upon.<sup>11</sup> In order to appreciate this special consideration of the social, contingent and active nature of meaning, Kusch offers the example of a child's ostensive learning of classifications, and a theoretical consideration on the nature of social institutions. Let us now observe this case.

During training, the child acquires a limited set of a given category: that is, not every instance of application carries the status of exemplar. Given the local nature of learning, different children will carry different sets of exemplars. Why do we talk about exemplars, and not simply of the application of the term to a new instance? Because learning involves the ability to establish new and unpredictable applications. This means that every new application is not determined by some norm beyond itself, nor are the application cases identical; rather, every new application is performatively an assessment of similarity.<sup>12</sup> Three brief considerations may clarify this point. Firstly, judgments of similitude are not subjective, but contextual, and in most occasions there is agreement. Secondly, this persistent agreement can be explained both by a common physiology and by a common linguistic training of those taking part in the communicative interaction. Thirdly, even with a common physiology and training, there is still room for difference. That is, controversial interests and objectives will lead to a different appraisal of the similitude in cases. The set of exemplars of a given category changes with time, the child builds a set throughout time adding new exemplars to the old ones, discarding and replacing others, always in view of the interactions he is involved in.<sup>13</sup>

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<sup>11</sup> See page 206.

<sup>12</sup> See page 203

<sup>13</sup> See page 204

Let us now turn to social theory. The Wittgensteinian consideration of language games as the following of rules, and of forms of life as shared language games, has allowed philosophers such as Winch, Anscombe and Edimburg sociologists to think of society without falling into the individualism/holism dichotomy. This is because social institutions are also subjected to the logics of finitism; their production and reproduction is determined by rules or norms which are previous to the agents' actions. Furthermore, rules and norms are themselves social institutions, intrinsically woven into the discourse that refers to them. The discourse that creates institutions is self-referential: discourse about money creates money as a referent for it, which is why social actors must make decisions in relation to the use of money.<sup>14</sup>

Against those who fear that the linguistic turn will ineluctably fuse word and thing, the finitist version of the turn does not subscribe to the naïve affirmation that community makes of something a cat merely by calling it "cat": it does not equal "making" as "creating", with "making" as "categorizing". It merely points out, firstly, that the grouping of certain animals in order to call them "cat" does not respond to characteristics borne by the animals themselves; and secondly, that no agreement on how to group can guarantee or determine future applications of the term. Applications are not based on identity, but on similarity. This means that the set of exemplars continuously drifts and derives; applications are incessantly being negotiated, so much so that no isolated individual would be able to capture all similar cases: given the continuous deviations, the individual does not have resources to monitor his own performances by appealing to some independent criteria.

<sup>14</sup> See Bloor, 1997, page 29. Kusch says that many social institutions are like local consent models, that is, a certain application is correct rather than incorrect because interlocutors allow or even appreciate the way in which the similarity between a shared exemplar and a found entity has been judged. The environment causes, but does not determine, correctness. See pages 205-6.

The following **five thesis** may be useful to summarize this social consideration of meaning and language, which takes up on their contingency without leading to idealism or linguistic determinism:

1. Future applications of a name remain open;
2. No act of application is unfailingly correct: the relationship among the numerous applications of the "same" refer to similitude or analogy, not to identity;
3. All acts are arguable, in light of the drift in the set of exemplars, or due to interests;
4. Successive applications of a class term are not independent from each other; on the contrary, they influence new applications;
5. Applications of different terms are not independent from each other, as is the example of "duck" and "goose".<sup>15</sup>

Meaning finitism is precisely the rejection of the belief in fixed extensions: that is to say, if intention is meaning, and extension is the set of applications, then meaning will determine extension (i.e., fixate it for the future). For meaning finitism, extension has no existence outside of the speakers' decisions; the contents of a class ultimately depend on decisions.<sup>16</sup>

Having said that, although Kusch does stress the interested, situated and unpredictable character of stabilizations of meaning, this does not lead him to expel conceptual drifts to the realm of the unrepresentable or unknowable. On the contrary, historians can, retrospectively, reconstruct these drifts. It is as though for Kusch, meaning finitism did not question the common sense consideration regarding the radical

<sup>15</sup> Kusch has taken these five theses from Barry Barnes, David Bloor and John Henry, *Scientific Knowledge. A Sociological Analysis* (Chicago: The University of Chicago Press, 1996)

<sup>16</sup> This does not mean that the terms will necessarily be vague. "The distinction between vague and non-vague stands orthogonal to the distinction between meaning as 'finite' and meaning as 'fixed by extensions'. Take a concept like 'bald' is vague because we are collectivity willing to accept both "x is bald" and "x is not bald" as assertible of the same x at the same time." (page 208)

difference between past (as irrevocable) and future (the uncertain and undetermined). A presentist consideration of history would be a form of skepticism. It is in this precise juncture that I deem vital for all New Philosophy of History concerned with the possible idealist and deterministic consequences of its metahistorical instruments, to include a dialogue with George H. Mead.

The importance of Meadean Social Behaviorism for the development of social studies in communicative terms has met great recognition. By virtue of its behaviorist approach, it overcomes introspection, cartesianism and idealisms. Through its social approach, it surpasses the individualism to which Watsonian behaviorism remained attached. It produced an account based on a social and interactive consideration of meaning, situated or community-based, and according to interests.<sup>17</sup> Together with the members of the so-called “Chicago School” (including Blumer, who coined the term “Symbolic interactionism”), Mead gives shape to a sociological program which acknowledges the previous and constitutive character of society for individuals, while avoiding functionalism’s deterministic and teleological consequences.

His renowned work on the origins of significant communication based on gestural conversation has been crucial for those sociologies that place communicative action and linguistic exchange at the basis of social organization. Signification emerges and resides within the field of the relationship between the gesture of a human organism, and the subsequent conduct of said organism as it is indicated to another human organism by that gesture. If the gesture effectively indicates to another organism the given organism’s subsequent (or resulting) conduct, then it is significant. The matrix

within which signification is born, is a triple relationship between the first organism’s gesture, the gesture with the second organism, and the gesture with the subsequent phases of the given social act.<sup>18</sup> Gesture is not the expression or exteriorization of the organism’s inner sphere: it is gesture in the matrix of social acts.<sup>19</sup>

There has been wide recognition of the contribution of this social and systemic consideration of signification for the dissolution of dualisms such as mind and world, nature and conscience. Still, there is a crucial aspect of Meadean philosophy that makes it necessary for us to come back to it today, and bring it into a dialogue with exponents of linguistic turn in NPH: its commitment to the theory of natural selection and to emergentist thesis. As the author explains in *Mind, Self and Society*, the origin of human intelligence is nothing but the mutual adaptation of the acts of human individuals. This social human process is lead, in the lower levels of human evolution, thanks to communication through gestures and, in its higher levels, through significant symbols (gestures with significance are more than mere substitutive stimuli).<sup>20</sup> My proposal is to pursue a pragmatic appropriation of emergence as a research program, given that it does not take as a precedent in research the object it must explain.

I wish to make use of emergentism as a historical heuristic given that it allows us to track the emergence of human faculties and processes of extreme complexity, without presupposing an individual or mind apart from the process of emergence itself. The result of this

<sup>18</sup> See Mead, *Mind...*, page 80

<sup>19</sup> See, *ibid.*, pages 7- 8

<sup>20</sup> “That which takes place in present organic behavior is always in some sense an emergent from the past, and never could have been precisely predicted in advance—never could have been predicted on the basis of a knowledge, however complete, of the past, and of the conditions in the past which are relevant to its emergence; and in the case of organic behavior which is intelligently controlled, this element of spontaneity is especially prominent by virtue of the present influence exercised over such behavior by the possible future results or consequences which it may have”, *Ibid.*, page 98

<sup>17</sup> See John Baldwin, *George Herbert Mead, A Unifying Theory for Sociology* (Sage: Newbury Park Beverly Hills London New Delhi, 1986); Herber Blumer, *George Herbert Mead, and Human Conduct*, (Altamira: Lanham, 2003); David Miller, *George Herbert Mead, Self, Language, and the World* (University of Texas Press: Austina and London, 1973)

behaviorist and social approach is the acceptance of emergence to account for conscience or mind. Instead of appealing to *a priori* principles, this research program looks into sophisticated products of human society in terms of emergence, as a result of basic and vital social interaction: experience is conduct, and conduct is social.<sup>21</sup>

It is emergentism that makes the active-holistic consideration of significant acts more radical in its disabling of the linguistic idealism and determinism that lurk on every sociolinguistic consideration of knowledge embraced by new philosophers of history in general, and Hayden White in particular. Emergentism allows a dissolution of the dualism between historical knowledge (unfixed, changing and discontinuous) and actual past (fixed and irrevocable), accountable for historical skepticism. In "The present as locus of reality",<sup>22</sup> emergentism and active-holistic considerations of significant acts are applied to the study of the nature of the present and experience. Following Whitehead, Mead exposes the notion of instantaneous present as intangible since, strictly speaking, given that instants are infinitely dividable, they cannot be experienced. The present or presents are dense and diverse in its temporal range; they imply a future and a past to which we deny existence.<sup>23</sup> The density of the present is manifested in its own identifying traits: becoming and disappearing, coming to be and ceasing to be. Reality is the reality of our experience in the present, experience being a vital process of self-adjustment between an organism and its environment. It is in this context that, according to Mead, we may ask about the relevance of the existence of a past independent from the present for our experience, and for that of the scientist and the

historian.<sup>24</sup> What difference would it make to our research, if we accepted not only the reality of the past, but also its irrevocability, regardless of what happened later on? What would be the importance of the idea that nothing that happened after the occurrence of that past would be able to change its universal or eternal characteristics?<sup>25</sup> In relation to our own experience, the past or pasts which we face are both revocable and irrevocable. They are revocable in that even when the historian can reconstruct what happened, and give an authenticated explanation, he will prevent the reconstruction made by historians in the future from differing from ours. But it is also revocable because the world of future historians will not be able to differ from how it is today, unless it rewrites the past that we now see behind us.<sup>26</sup> The end or meaning of "what was" belongs to the same present in which that "what was" is explained. That "what was" is so for me or for us now, in our present, and will change for another present. "...against this evident incidence of finality to a present stands a customary assumption that the past that determines us is *there*. The truth is that the past is there, in its certitude or probability, in the same sense that the setting of our problems is there".<sup>27</sup>

Now, Mead seems to grant some ease for those who believe in the reality of the past, by conceding that irrevocability is never lost: what happened cannot be recovered. However, this does not mean that a real past in which we achieve discoveries will be relevant for our experience, since, again, we need to confront the real past with the present, from the viewpoint of the emergent, the happening of the emergent. The past that we observe from the viewpoint of the emergent is another past, a different one. Why? By definition, the emergent is not a necessary consequence of the past; before it emerged, the past was not a past of that emergent. Nevertheless, once it *has* emerged, the

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<sup>21</sup> "Consciousness, in the widest sense, is not simply an emergent at a certain point, but a set of characters that is dependent upon the relationship of a thing to an organism." *Ibid.*, p. 329

<sup>22</sup> En George H. Mead, *The Philosophy of the Present* (Prometheus Books: New York, 2002), page 35

<sup>23</sup> *Ibid.*, page 43

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<sup>24</sup> See, *Ibid.*, page 36

<sup>25</sup> See *Ibid.*, page 39

<sup>26</sup> See *Ibid.*, page 43

<sup>27</sup> *Ibid.*, page 37

connection with the past it followed *can* be discovered. In other words, the past can be reconstructed, but that reconstruction is a redescription that shows the emergent in the present as following from that past.<sup>28</sup> As Mead has shown in “The objective reality of perspectives”,<sup>29</sup> the reconstruction of the past in a present is part of that passing, it is an emergent of the process – a self-adjusting process of the organism with its environment. Perspective does not consist of thoughts from God’s viewpoint, or from one external to the process itself. Rather, it is a novel event, undetermined though conditioned by the environment locating those problems which promote a redescription or articulation of the system. There is no idealism (a pure game of ideas) or determinism (reality or past reality determining the ideas of them).

It is now time to tackle the Whitean consideration on the process of historical interpretation, in order to pragmatically embrace his metahistorical proposal, while avoiding idealism or linguistic determinism.

III. In “Narrative, Description and Tropology in Proust”,<sup>30</sup> White aims to identify the predescriptive and preexplicative function of interpretation, resulting from the stage he considers preliminary in the grasping of an object through conscience. The modality of discursive articulation cannot be elucidated in logical-deductive terms. Now, not only is White affirming linguistic holism, but he is also moving one step forward by suggesting that the relationship between the elements in an interpretative structure is tropological: that is, they answer to some of the four figurations in classical rhetoric. “Sodome et Gomorre” is, for White, a theory of interpretation applied to the interpretive endeavor itself. The passage in which Marcel contemplates the Hubert Robert fountain describes four perceptions of the falling water, as the character tries to distinguish it while approaching the fountain. The passage has, on the one

hand, a tropological structure and, on the other, a structural similarity with the three previous scenes: the one opening the chapter, an observation of a scene of homosexual seduction; Marcel’s efforts to recognize and identify the taxonomy of noble types and hangers-on; and, finally, an insight on the differences between genuine nobility and its imitations. Each scene shapes a different interpretandum: homosexuality, socially marginalized types, nobility, and a work of art. Each one contains four descriptions of its object in a different figurative mode – each scene has its own tropological structure – and each consists of narrative considerations on the narrator’s effort to recognize and identify the nature and classes of the contemplated objects. Each one, finally, includes a consideration of the narrator’s passage through the dominant forms of figuration: from metaphoric appreciation, to metonymical dispersion of its attributes, to synecdochic understanding of its possible nature, to ironic distancing from the process of interpretation itself.<sup>31</sup>

Interpretation is a discursive articulation carried forth in speech or writing, as a result of unpredictable movements of thought in the form of “turns”. It would not be possible to reconstruct this process logically, but only figurally and tropologically. This means that an interpretation not only presents us with its objects of interest or themes, but also refers us – **not literally, but tropologically** – to the process of figuration itself, which transforms the referent of an object of perception into a possible object of knowledge. That is to say, as discourse it is as much about what it speaks, as it is about the way

<sup>31</sup> The three scenes serve as main meaning for the scene of the fountain itself, since they allow us to understand the placing of the fountain description within the larger narrative, due to its metanarrational function: the fourth, ironic, description of the fountain as nothing but a fountain allows us to take it as an instruction on the part of Proust to read the events in this story as a story. Between the first and the fourth scenes the connection is not causal or logical, but tropical; this is why White understands it as unpredictable, unnecessary, non deducible, and arbitrary, but also functionally effective and retrospectively sayable as a narrative unit, once its tropical relation is discerned with what precedes it and what follows it (White, p. 132).

<sup>28</sup> See, *Ibid.*, pages 36-7

<sup>29</sup> En Mead, *The Philosophy of the Present*, page 171

<sup>30</sup> En Hayden White, *Figural Realism...*, pages 126-146

it speaks, without it being possible to establish a strict analytical distinction between the metalevel and the object language. Having said this, White affirms in quite dramatic terms that interpretation “wants” to speak the literal truth about its objects of interest, but at the same time it is in itself generated by a fundamental sense of the inadequacy of any literality convention for the representation of those objects.

Laid in these terms, it seems as though White is speaking of discourse as a self-conscious macro subject: a language that wishes, while it knows it cannot fulfill its wish. These expressions seem to leave the door open for all kinds of criticisms of linguistic determinism, reification, and so on. How can we embrace the metahistorical and metalinguistic instrument provided by tropology, while avoiding the slip into cartesianism, or linguistic determinism? How can we avoid a mechanistic reading of the drifts in language? How can we avoid seeing the topological cycle in teleological terms, directed towards an end?

There is a more mundane and less dramatic way of expressing the non logical, non empirical nature of this articulation. Finitism allows us to affirm that every articulation is the result of negotiations carried by active agents according to their interests, and that the relationship between the elements in each interpretation, as well as the different interpretations, can be reconstructed tropologically, instead of logically or rationally. Therefore, inadequacy is essential, not because the referent object is essentially determined and unattainable through language, but because each articulation is the result of a contextual negotiation, contestable by other agents.<sup>32</sup>

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<sup>32</sup> If, as in White, rhetoric is a theory of the topological grounds of speech, discourse and textuality, then that would mean that speaking in discourse can never be done from the perspective of a first-person singular, which would suppose an inner sphere which the critic or historian would have to capture through some kind of empathy process. White’s words on thought or consciousness could wrongly raise suspicions of an opening to introspection. On the contrary, it is my belief

Above all, we must notice that the units studied by intellectual history, history of science, and history of history, are not isolated entities, but ones whose interest lays precisely in their comparison, to observe change and continuity. As with the scenes described by Proust, each articulation and each step from one articulation to another can be topologically reconstructed, thus stressing the unpredictable and contingent nature of a drift which is conversational rather than logical or rational. This is not about structures, nor about objective or subjective relations. Tropology does not face us with an autonomous structure with its own rules – language or discourse – nor with the inner sphere of subjects – thought. Tropology shows us the conversational drifts, possible, contingent, and related to human affairs, in which epistemic, practical-moral and expressive issues come into play controversially and contingently, in a non coherent manner. In other words, it is about accounting for discursive articulation, as though we wished to go beyond the articulation itself, which comes to us at once as closed and coherent, and as not definitively satisfactory. However, this dissatisfaction must not be attributed to an objective inadequacy *vis-à-vis* the independent object. Rather, from a metahistorical perspective we can appreciate it as the result of conflicts of interest between active individuals.

According to White, Proust’s text brings into operation the topological instrument itself. It could be said that the Proustian passage may work as an exemplar of interpretation, which we could apply in the cases that interest us for a reconstruction of the structure of an interpretation, or an interpretive controversy, or the history of interpretations (figurative articulations and rearticulations) of an event or historical-social process.

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that it leads to a third-person insofar as it merely analyzes what is visible, and what is visible is that “the structure of the modalities of figuration utilized in the process of transforming the referent from an object of perception into a possible object of cognition” is “among the contents of the specifically interpretative discourse” (White, page 128)



Tropological drift is not a self-directed process from past towards present and future; actually, strictly speaking, it is a retrodictive articulation. There is no need to pass from metaphor to metonymy, and so on. There is no driving force for linguistic change – furthermore, there is no first metaphorical moment from which the other drifts would occur. It is only from the present (or, in other terms, from some specific starting point) that we can articulate the other moments as figures asking for completion, such as the metaphor that will be fragmented into a metonymy, or integrated through synecdoche. We use the future tense, but are operating on our past. All instances allow us to articulate the cycle and reconstruct controversy and agreement. The tropological instrument, by making explicit the practical compromises of each articulation, exposes which interests are in conflict or in agreement whenever a discursive articulation is revised.<sup>33</sup>

Specifically, our strategy proposes a pragmatist rereading of White's metahistorical project, as we seek to avoid linguistic determinism and idealism. This will enable, firstly, an appreciation of tropes as significant articulations which are contingent, situated and revocable. Also, it will prevent us from regarding the figural causation (connecting the steps from one trope to another) in terms of a linguistic stream which would be inevitable but unsatisfied by that reality resisting articulation. On the contrary, each tropological articulation is the result of a turn or drift, with which language presents itself as realizing what some previous articulation could not achieve. However, and this is the main point granted by Mead, the inefficacy of the previous articulation and alleged superiority of ours

<sup>33</sup> "...interpretative discourse is governed by the same "configuration" principles... as those used in narration, in order to endow events with the structural coherence of a plot... [Proust's text] ... tells a story in which the individual is both narrator and protagonist, and some themes are the processes of search and recognition, loss and recovery of meaning, recognition and misrecognition, identification and misidentification, naming and misnaming, explanation and obfuscation, illumination and mystification, and so on." (White, 1999, p. 143).

depends on the present situation, and the result is negotiated according to the situation's cooperative interests. If the previous articulation is a forerunner to the present one, this is not a condition that comes from the past, nor does it impel a specific determination from it. This is why the realism of our own tropological articulation depends on the context, and is thus contingent and revocable through further tropological turns. These will measure their superiority not by an effective comparison to the previous articulation, but rather in relation to new situations. This reading from the perspective of social pragmatism captures the contingency and revocability of every conceptual-linguistic articulation (in general, and historiographic ones in particular), without resorting to a reality reluctant to articulations or independent from them. Moreover, it allows us to acknowledge the usefulness of metahistorical instruments when analyzing historiographic controversies.

#### CONCLUSION

Pragmatist contributions born from reflections on social studies enable us to sidestep structural-functionalist social semiotics of language and metalanguage.<sup>34</sup> That is to say: the activities through which members of a society produce and handle situations in everyday organized activities are the same as the methods used to render those contexts explainable. White has shown a relentless

<sup>34</sup> In a similar direction, Cecilia Hidalgo describes the Wittgensteinian turn offered by anthropologist C. Geertz, which avoids the heteronormatization of language. The difference in philosophical and theoretical-methodological stands between Lévi-Strauss and Geertz is enormous, and their metaphors are a good illustration of it. It is metaphors of play and drama, and above all that of social action as text, that allow Geertz (1973, 1980, 1983) to distance himself from a structuralist-functionalist social semiotic. (Cfr. Hidalgo, "De las máquinas y los organismos a los juegos y los textos: el valor cognitivo de las metáforas en ciencias sociales" [TN: "From machines and organisms to games and texts: on the cognitive value of metaphors in social sciences"], in Tozzi and Lavagnino (eds.), *Hayden White, la escritura del pasado y el futuro de la historiografía*, [TN: *Hayden White, the writing of the past and the future of historiography*], Buenos Aires, EDUNTREF, in press).

effort to produce a metalinguistic instrument capable of tracking down conceptual or interpretative change, as well as articulations, disarticulations and rearticulations. My thesis is that in order to enter this metahistorical game of metalinguistic nature, it is not necessary to appeal to two separate ontological realms, with different rules – be it thought and language, language and world, concept and event, and the like. Tropes and metahistorical concepts are in themselves linguistic interventions, carried out in view of the interest in reconstructing conceptual change. This interest is situated and will have an impact on the resulting rearticulation which – whether conflictive or agreed upon – will always be contingent and subject to revision according to existing interests. Furthermore, each new metahistorical articulation (such as those made by historians of science or historians of history) is an intervention on the present which answers to an environmental readjustment; it is the emergence of a novelty the validity of which depends not on determining conditions of the past, but on the new negotiation – in this case, for the new community of historians of history or of sciences. There is no such thing as linguistic determinism, but rather active agents making use of their instruments. Nor is there a risk of self-refutation in self-referentiality: metahistorical devices can be applied to metahistorical exercise itself; figurations can be understood figuratively, as can tropes, tropologically.

Finally, it is true that there will be relativism, but this does not imply that metahistorical articulations and rearticulations are arbitrary or idiosyncratic. Rather, they are contextual insofar as they are the active products of the agents' interests negotiations; they are contingent and unpredictable in their revision. With this, we are not merely cautioning on the non-existence of laws or linguistic codes capable of guiding us through our metahistorical games; we are also acknowledging that we must negotiate our interests when it comes to the production of new rearticulations able to retrospectively reconstruct change or drifts.



