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Civic Tolerance: A Thomistic Alternative

Rev. John J. Conley, SJ

In the *Summa Theologica's* "treatise on law,"¹ Thomas Aquinas elaborates a comprehensive philosophy of law, defined as "ordinance of reason for the common good, made by the one who has care of the community, and promulgated." (Q.90;a.4) Using analogy and participation, Thomas sketches the various types of law: eternal (Q.93); natural (Q.94); human (Qq.95-96). The treatment of human law analyzes the legal traits of political societies which successfully promote the common good. It details the limitations of the power of the state to foster this common good, either through the civic repression of vice (Q.96;a.2) or through the civic promotion of virtue (Q.96;a.3). A certain conception of civic tolerance emerges in Thomas's efforts to designate the frontiers of political power and to distinguish the political from the moral orders. Not only is the nascent conception of political tolerance significant in the genealogy of the limited state. It provides a clear counterpoint to the theory and practice of tolerance which dominates the liberal, democratic state.

The Thomistic conception of tolerance emerges most clearly in the negative response to the question of article 2, Question 96: "Whether it belongs to human law to repress all vices?" Thomas claims that the state must tolerate certain moral vices if it is to successfully promote the common good within the realistic confines of human nature. The justification of this civic restraint combines pragmatic, teleological and anthropological arguments.

First, Thomas argues that human law must carefully proportion itself to the particular group of human beings it attempts to regulate in the *civitas*. Any rule prudently adapts itself to the maturity of the person ruled. "The law for children is not the same as for adults, since many things are permitted to children which in an adult are punished by law or at any rate are open to blame." (Q.96;a.2) Similarly, the laws of the state must take into account the mixture of virtue and vice which characterizes the majority of a particular population.

¹ The "treatise on law" consists of *Summa Theologica* I-II; Qq.90-97. The translation used is the following: St. Thomas Aquinas, *The Summa Theologica*. Part II (First part) No.III, translated by Fathers of the English Dominican Province (New York: Benziger, 1922): 13-83.

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"Now human law is framed for a number of human beings, the majority of whom are not perfect in virtue." (Q.96;a.2) The purpose of civic law is not to provide a complete moral code for the members of society. In determining the details of the civic code, the state must carefully weigh the capacity of the state's subjects to bear particular restraints. Although specific restrictions will vary from one society to another, the civic repression of vice invariably falls short of punishing all the vicious actions condemned by the natural law.

Although civic policies of tolerance may vary, Thomas designates three criteria which guide every state in distinguishing between the vices punishable by the state and those better confined to the forum of moral exhortation alone. The first criterion concerns the gravity of the vice. "Human laws do not forbid all vices, from which the virtuous abstain, but only the more grievous vices, from which it is possible for the majority to abstain." (Q.96;a.2) The second criterion distinguishes harm to others, as opposed to harm to self. Human laws repress "chiefly those (vices) that are to the hurt of others." (Q.96;a.2) The third criterion underscores the social cohesion which should be at stake when the state outlaws a particular vicious action. Human laws must punish those acts "without the prohibition of which human society could not be maintained." (Q.96;a.2) As examples of such vices destructive of civic stability itself, Thomas cites murder and theft.

These criteria for the discernment of the relationship between civic law and the repression of vice manifest the careful balance between teleological and practical concerns in Thomas's account of tolerance. In determining its penal code, the state must correctly recognize those grave vices which destroy key human goods and which assault the very conditions of civic existence. Such recognition only arises in a proper grasp of human nature and its perduring purposes, as outlined in the earlier treatment of natural law (Q.94;a.2). Although the political order and the moral order are distinct, both must ultimately rest upon a unitary human nature, clearly recognizable despite its cultural variants. On the other hand, civic authority must weigh sensitively the particular moral personality of the majority of people in a given culture, if the

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state is to successfully defend and promote the goods proper to human nature in a society which is not the servile imitation of a universal type. A government which tolerates murder or theft in the name of cultural sensitivity has abandoned the ultimate criterion of human nature. A state which imposes a rigid legal code in the name of the human good, with little attention to the history and moral temper of the group which must obey this code, has forsaken the attention to cultural capacity which lies at the heart of political prudence.

Thomas reinforces these teleological and anthropological arguments by pragmatic considerations. The civic authority which confuses the political with the moral order ironically risks the destruction, rather than the reinforcement, of the common good. The state must weigh carefully the probable consequences of an overly comprehensive civil code. The strict repression of certain common vices can lead easily to the rise of greater evils. "These imperfect ones (citizens), being unable to bear such precepts, would break out into yet greater evils...." (Q.96;a.2) At its nadir, the rigid civic repression of vice can foster contempt for the law and for the state itself. "The precepts are despised, and those men, from contempt, break out into worse evils still." (Q.96;a.2) In establishing its legal code, the state must accurately assess the possibility of initiating an illegal subculture, even anarchy, through the rigid punishment of vicious behavior. Rather than fostering virtue, the puritanical pursuit of a moral civic order can drive the bulk of citizens to cynical despair.

Thomas complements strictly philosophical arguments for a tolerant polity by introducing the theological theme of divine providence. Citing Augustine's *Of Free Will*,² Thomas argues that a well-ordered commonwealth rightly consigns the punishment of certain vices to God alone. Only God's providence, not state tribunals, can measure perfectly and punish all vices. "Divine providence punishes nothing but vices. Therefore, human law rightly allows some vices, by not repressing them." (Q.96;a.2) As Augustine argues, human law cannot be blamed for the severe restriction of its scope, compared

² Cf. St. Augustine, *Of Free Will* I,5 (PL32, 1228).

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with the judicial sovereignty of God. It is in accord with God's providence that "this law does not prohibit everything that is forbidden by the natural law." (Q.96;a.2) In this theological perspective, the case for civic tolerance is grounded in the creatureliness of the human state. The legal and judicial system of the state cannot arrogate to itself the role of the complete judgment of human action which is proper to God alone. The state's transformation of itself into supreme moral tribunal is idolatry.

The memory of the text of Question 96, article 2, is significant. Although Thomas copiously cites the *Nicomachean Ethics* and the *Politics* in other passages of the treatise on law, Aristotle is absent from this exposition of civic tolerance. Only patristic authors, namely Augustine and Isidore of Seville, constitute the "authorities" of the article. In developing his theory of civic tolerance, Thomas leans heavily on considerations rooted in Christian theology rather than in the civic theory of his usual mentor. The doctrine of divine providence and sovereignty, the Biblical version of eschatology and the theory of the two Kingdoms (religious and political) provides the background for the distinction between the moral and political orders which grounds the Thomistic model of the limited state.

If Thomas distinguishes the moral and political orders in his account of civic tolerance, the two realms are never divorced. Throughout his treatment of legal restraint, Thomas emphasizes that the state can only pursue the common good by guiding each citizen in the acquisition of virtue. The only question for the state concerns which virtuous actions will be commanded and which vicious actions will be forbidden by civil law, and which vices and virtues will be consigned exclusively to the field of moral praise and blame. Thomas conceives the state as a moral teacher, carefully guiding the members of society toward a personal happiness rooted in the growth of virtue and the decline of vice. "The purpose of human law is to lead men to virtue, not suddenly, but gradually. Wherefore, it does not lay upon the multitude of imperfect men the burdens of those who are already virtuous, namely, that they should abstain from all evil." (Q.96;a.2) This prudent teacher may remove certain vicious or virtuous actions

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from the purview of the penal code; nonetheless, the fostering of virtue and the discouragement of vice remain central to the state's mission of promoting the common good. If the political and the moral remain distinct, civil law always rests upon the natural law. The well-ordered state does indeed "legislate morality," but it cannot legislate all of morality inasmuch as it cannot proscribe all the transgression which disfigure human nature. The prudential question for the state-pedagogue concerns which moral vices and virtues it will touch through the legislature and tribunal.

The distinctive contours of the Thomistic conception of tolerance emerge in comparison with the theories of tolerance which currently inform our political culture. These related conceptions of tolerance provide this contrast. The first theory grounds civic tolerance upon an anthropology of human rights and individual freedom. The second limits the power of the state by distinguishing private from public life. The third justifies state tolerance by appealing to the pluralism of moral belief and practice which typifies contemporary society.

The rights approach to tolerance, indebted to the libertarian anthropology of John Locke,³ claims that the state is built upon respect of the rights of the individual, construed as manifestations of personal freedom. Unless patent harm to the rights of others can be demonstrated, the state must refrain from intervention in the actions and, especially, opinions of its citizens. In this schema of civic tolerance, the key social good becomes the autonomy of the individual. Personal self-determination emerges as the salient human trait to be defended by the state. As Locke argues, the central value in the social contract between the state and the individual is the right of each citizen to dispose of self and property through equitable exchange.⁴ Civic tolerance simply honors the right of individuals to determine liberally their own destiny through the untrammelled exchange of goods and ideas.

³ Cf. John Locke *Second Essay On Civil Government* in *Works Of John Locke*, Vol.5 (Darmstadt: Aalen, 1963): 338-485.

⁴ Cf. *Ibid.*: 339-347, on "the state of nature."

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The Thomistic account of tolerance clearly diverges from this libertarian appeal to rights. In the Thomistic framework, the state must tolerate many evils which are not part of human rights. Rather than constituting a specification of human freedom, rights are claims to perform duties in conformity with the authentic goods of human existence.⁵ Thomas would undoubtedly agree with the libertarian that the state should not punish someone who intoxicates himself or herself in solitude. The Thomistic ground for such state tolerance, however, would not construe such behavior as part of the "right" of the individual to determine a personal path to happiness. On the contrary, there exists no conceivable right to such vicious and irrational activity. In the Thomistic perspective, civic intolerance violates political prudence or patience rather than assaulting personal right.

The divergence between the Thomistic and the libertarian accounts of tolerance illuminates one of the persistent problems in our current legal battles over the state's regulation of conduct. In the libertarian framework, a tolerated evil tends to transform itself into a right or even an entitlement. The tragic history of abortion politics illustrates this drift. Once one assimilates all tolerated actions into a set of personal liberties stamped as a "right," it is difficult to prevent civic tolerance of an action from gliding into state approval of the action. In the Thomistic framework, however, civic tolerance implies no such approval or recognition of a "right." The vicious action is simply excluded from judicial competence due to its levity or to the risk of greater evil. Nonetheless, the vicious action remains clearly evil, censured by society and discouraged by extrajudicial means.

Closely related to the rights-libertarian theory of tolerance is the thesis based upon the dichotomy between private and public life, John Stuart Mill's

⁵ For a contemporary Thomistic account of rights, cf. Andrew Varga, *On Being Human* (New York: Paulist, 1978): 116-124.

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*On Liberty*⁶ provides a classic *locus* for this particular theory of the limitations upon state power. In this perspective, the state should confine itself to the prosecution of those actions which patently violate the public order through grievous harm to others. More private areas of a person's life, such as one's religious opinions or sexual activity, simply do not concern the state as such. The criterion for determining whether the state should repress activity in a particular domain consists in the public or private nature of the vice under discussion.

The private-public distinction is not completely foreign to Thomas's theory of tolerance. The question on the repression of vice (Q.96;a.2) does highlight harm to others as a criterion for state intervention. The subsequent question on the promotion of virtue (Q.96;a.3) does distinguish the private good from the common good. Nonetheless, the private-public dichotomy plays a minor role in Thomas's justification of civic tolerance. The key dichotomy tends to be the distinction between grave and minor vice. In his justification of the severe judicial treatment of heresy, Thomas cites its damage to the supreme personal good of salvation.⁷ The act of suicide remains a civil crime, because of the patent gravity of homicide.⁸ In the celebrated justification of legal prostitution,⁹ Thomas relies primarily upon the risk of greater evils if this widespread vice were repressed rather than regulated by the state.¹⁰ It is not the private nature of the consensual sexual activity which grounds the state's tolerant legislation. For Thomas, the decision to pursue state action in a specific domain leans primarily upon the gravity of the vice's assault upon human goods and the gravity of the probable effects of state repression in this domain.

⁶ John Stuart Mill, *On Liberty* (1859) in *John Stuart Mill; A Selection Of his Works*, ed. by Robson (New York: Odyssey, 1966): 1-148, especially 96-119, wherein Mill delineates the limits to the authority of society over the individual.

⁷ Cf. *ST* II-II; Q.11; aa.3,4.

⁸ Cf. *ST* II-II; Q.64; a.5.

⁹ Cf. *ST* II-II; Q.10; a.11.

¹⁰ Cf. *Ibid.* Thomas explicitly follows the argument of St. Augustine, *De Ordine* II, IV,

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One final version of contemporary tolerance which differs from the Thomistic approach is the argument from pluralism. According to this thesis, the state should refrain from muscular intervention into moral affairs because of the radical diversity which characterizes moral beliefs and practices. John Kekes summarizes the pluralist viewpoint: "The basic belief that unites pluralists is that good lives require the realization of radically different types of values, both moral and non-moral, and that many of these values are conflicting and cannot be realized together. Living a good life requires the achievement of a coherent ordering of plural and conflicting values, but coherent orderings are themselves plural and conflicting."¹¹ Such a moral pluralism dismisses the possibility of a universal *summum bonum*¹² and prizes the diversity of values which vary from one person to another. In such a pluralist perspective, civic tolerance recognizes the irreconcilable differences among citizens in their divergent ethical values and in their conflicting versions of the good life. This radical moral and anthropological heterogeneity grounds the states's legal restraint and illegitimizes any state effort to impose a uniform moral code upon its citizens.

The Thomistic justification of tolerance clearly does not found itself upon such pluralistic considerations. Although Thomas recognizes certain possible changes in natural law from one society to another (Q.97;a.1), these changes are predicated of a relatively stable human nature. The human being's universal identity as a rational animal provides a perduring background for all moral deliberation and for the prudential translation of the natural law into human laws. The *summum bonum* of all humans remains the knowledge and love of God, even if this ultimate good is perceived and pursued with varying degrees of individual success. Whereas the pluralist grounds civic tolerance upon the heterogeneity of human beings, Thomas builds the limited state upon the fragility of human nature and its need of a restrained moral pedagogy by the state in order to flourish. Despite the varied capacity of individual members,

¹¹ John Kekes, *The Morality of Pluralism* (Princeton: Princeton, 1993): 11.

¹² Cf. *Ibid.*: 63-67.

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this pedagogy entails a relatively uniform acquisition of moral and intellectual virtues. It rests upon a unitary conception of human nature and human purpose.

The concept of tolerance sketched in the *Summa Theologica* can be helpful in the current political struggle over the limits of state power. It provides tools for political restraint which differ markedly from the libertarian and relativist presuppositions of the dominant case for tolerance. It limits the state's coercive reach, not in the name of rights or moral pluralism, but in the name of the human person, who universally requires careful moral tutelage and who universally risks annihilation under the weight of the intrusive state. It locates the ground of this tolerance, not in individual autonomy, but in political prudence and pedagogical patience. Finally, by providing theological tools for the political practice of tolerance, Thomas establishes a useful caution even for the post-Christendom state. Thomas reminds the state of its finitude and fallibility, constitutional limitations which restrain the state's exercise of power. The perfect scrutiny and judgment of human action, if it exists at all, remains reserved to God.

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Rorty's Heideggerian Liberalism

Michael Donovan

Since 1979's *Philosophy and the Mirror of Nature* disclosed Wittgenstein, Dewey, and Heidegger as 20th century precursors to his neopragmatism, Richard Rorty has continued to reconstruct his relationship to these three prolific writers. And his sympathies with Dewey's liberalism has been a dominate interest. Yet Dewey encouraged self-examination and self-redescription, promoting these tasks as part of being a liberal Democrat; while Rorty claims these matters are not part of liberal democracy. In fact he insists these "romantic" concerns are illiberal if applied to politics. So how Deweyan is Rorty's liberalism? Are his references to Dewey more than playful spins on only a few recognizable themes?

Rorty's relationship to Heidegger has been described as a "lightminded stance employing irony as a means of reshaping certain of the emphases of Heidegger's project."¹ Rorty's foci basically have been two-fold. First, finding a type of Deweyan pragmatism in *Being and Time*², he juxtaposes this early text with the later Heidegger's problematic attention to "the history of Being." Second, Rorty suggests Heidegger's texts are a *private* pursuit of self-creation, quite independent of his Nazi politics. While Heidegger was a "pretty nasty character," he remains "one of the century's most original thinkers."

There is a relationship between these two themes, a relationship other than the obvious. Heidegger is an obvious example of a romantic whose self-creative pursuits are, Rorty contends, best left out of our liberal politics. However, I'll propose Rorty's *liberalism* is Heideggerian in an important way. For it's sympathetic with *Being and Time's* analysis of "Das Man." This Heideggerian theme within Rorty's public politics accounts for his insistence that liberalism and romanticism are incompatible. It's also an illiberal theme within Rorty's often rewarding political motifs. It's a theme worth highlighting; a theme worth questioning; a theme worth challenging.

¹ David L. Hall, Richard Rorty: Prophet and Poet of the New Pragmatism (Albany NY: SUNY Press, 1994), p160.

² Martin Heidegger, *Being and Time* (New York NY: Harper and Row, 1962)

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A Question Concerning Rorty's Liberalism

Renewing the challenge of *Mirror*, Rorty's recent political writings abandon the claim that a society *needs* a philosophical justification. While eventually disassociating from Lyotard's use of "postmodern" to mark this point, these writings continue a postmodern distrust of any proposed metanarrative, a fundamentally first narrative that justifies all other discourses.³ Taking Thomas Jefferson's attempt to give priority to democracy over theological concerns as a clue, Rorty encourages a reconstructed philosophy that admits democracy's priority:

As citizens and social theorists, we can be as indifferent to philosophical disagreements about the nature of the self as Jefferson was to theological differences about the nature of God.⁴

Rorty admits that his writings may be post-philosophical in so far as philosophy is considered a metanarrative.⁵ But he doesn't abandon philosophy! He doesn't find all philosophical discussion meaningless or absurd. For example,

³ *Essays on Heidegger and Other's* introduction reads, Heidegger and Derrida are postmodern" philosophers.. I have sometimes used the term myself, in the narrow sense defined by Lyotard as "distrust of metanarratives." But I now wish that I had not. The term has been over used and it is causing more trouble than it is worth. (p1)

See Richard Rorty, *Essays on Heidegger and Other's* (New York NY: Cambridge University Press, 1991); hereafter cited as *Heidegger*.

⁴ Richard Rorty, *Objectivity, Relativism, and Truth* (New York NY: Cambridge University Press, 1991), p182; hereafter cited as *Objectivity*.

⁵ However "Habermas and Lyotard on Postmodernity" notes that"

In short, by telling a story about Kant as the beginning of modern philosophy... one might make the kind of fervent end-of-philosophy writings Habermas deplores look both *more plausible* and *less interesting*. What links Habermas to the French thinkers he criticizes is the conviction that the story of modern philosophy (as successive reactions to Kant's diremptions) is an important part of the story of the democratic society's attempts at self-reassurance. (*Heidegger*, p171; my emphasis)

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proposing we take the self to be like a "centerless web" -- i.e., "as random assemblages of contingent and idiosyncratic needs, rather than as more or less adequate exemplifications of a common human essence" -- he writes:

Such a theory does not offer liberal society a basis. If one *wants* a model of the human self, then this picture of a centerless web will fill the need. But for purposes of liberal society, one can do without such a model.⁶

While liberal societies can be complemented by philosophical narratives, societies are not justified by philosophical metanarratives.

For those who *want* a philosophical explanation of the social significance of Rorty's gesture toward foundational-philosophical metanarratives, it might help to think of societies, too, as centerless webs. Rorty writes,

epistemology views a conversation's participants in what Oakeshott calls an *universitas* -- a group united by mutual interests in achieving a common end.⁷

A foundationalist, epistemological-centered, social philosophy will take society to be a type of *universitas*. It will take society to be united firstly and fundamentally by a common end or ends; and politics gives priority to this end. Taking society to be a kind of *universitas*, one might propose politics is justified by an epistemological metanarrative. For a prior ability to know a society's common end -- as well as the need to know what it means to know society's end (i.e., something like what Rorty has called a "tribunal of pure reason") --

⁶ *Objectivity*, p192.

⁷ Richard Rorty, *Philosophy and the Mirror of Nature* (Princeton NJ: Princeton University Press, 1979), p318; hereafter cited as *Mirror*.

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legitimizes a political evaluation of a society.⁸ If the end is ahistorical then we need an ahistorical metanarrative; if the end is historical, then we need a historical metanarrative. But a prior attempt to know a society's common foundation is legitimate if there is such foundation. And if politics are not dependent upon a foundational philosophical metanarrative, then a society can be considered something like a centerless web. By itself, Rorty's move from philosophy, from philosophy as a metanarrative, might imply such a democratic metaphor. And this metaphor is, as I will show, a Deweyan one. Unfortunately Rorty's politics compounds this democratic message with a Heideggerian one.

This political liberation from a philosophical "tribunal of pure reason" is complicated by Rorty's redescription of philosophy. He considers philosophy a never-ending "intellectual" attempt to redescribe the vocabularies into which we are socialized. To quote 1989's article "DeMan and American Cultural Left":

The intellectuals are people whose talents suit them for the sale of redescription--the task of finding new metaphors, words in which to formulate new beliefs and desires. They are the people who are not content with the vocabulary into which they were socialized, and who are able to invent a new one. They are self-creators, in the sense that they can escape the moral and political vocabulary into which they were socialized and become new people by reshaping their self-image.

⁸ Putnam notes that Dewey doesn't rest democracy upon such "expert opinion." But Putnam's Deweyan democracy reduces politics to the public policy matters that are best suited for society's single common good. While Putnam promotes open discourse as the democratic means to these rules, the solution to this policy would still be the policy best suited for our single end. While not relying on the expert's opinion, it depends upon an opinion being expert. Thus, while distinguishing himself from, for example, MacIntyre (whose "doctrines tend to immunize institutionalized oppression from criticism") -- Putnam is still endorsing a democratized "tribunal."

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This romantic task, with its Nietzschean emphasis on self-creation, has been difficult for Rorty to reconcile with his liberal politics. Nancy Fraser has given a thorough study of the development of this theme⁹. She finds him "at pains" to avoid the utopian dream of an aestheticized culture, justified by its ability to make life easier for romantic attempts at personal perfection. She notes three stages in Rorty's response to this problem. First, he maintains romantic politics need not elevate personal liberty over democratic equality; then concedes that romanticism and concerns for equality don't mix, settling for either/or. Last, he settles into the ambiguity of *Contingency, irony, solidarity* and supportive essays¹⁰. Having a commitment to both liberal democracy and personal perfection, liberal romantics (i.e., liberal ironists) need a bifurcated vocabulary. Only attempts at personal perfection and pursuit of equality aren't unrelated. They're *conflicting* tasks! We're egalitarian democrats *and* elitist romantics. Yet how can we be both? An appreciation of Rorty's "Heideggerianism" helps answer this question.

HEIDEGGER'S "DAS MAN"

Sections 25 through 27 of *Being and Time*¹¹ introduces an early Heideggerian attempt to avoid an individualistic account of being human. Foreshadowing 1947's "Letter on Humanism," the *subject* of *Being and Time*'s analysis -- the "who" of its study -- is not an individualistic Cartesian 'I'. For Heidegger, being human entails "being-with" others; and "Being-with is not a knowledge of others but a 'kind of Being'."¹² It's a *way* of being rather than a

⁹ Alan Malachowski, ed., *Reading Rorty* (Cambridge MA: Basil Blackwell, 1990); pp303-321.

¹⁰ Also see "Freud and moral reflection" and "Moral identity and private autonomy: The case of Foucault;" both found in *Heidegger*.

¹¹ *Being and Time*,

¹² *Being and Time*, p161.

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kind of entity; it's our *co-existing* with other humans. It's this ongoing co-existing (though not only this) that Heidegger designates "Dasein."¹³

If *Being and Time* had stopped with these insights it not only would have offered an interesting reply to the problem of other minds, but have allowed for rewarding social philosophical directions. In so far as being human is not simply being an isolated individual, the subject of social/political concerns is no longer an isolated citizen. Neither is the subject of social/political discourse simply a collected "we," a group entity. Being human is, for Heidegger, fundamentally a grouping *activity*. Thus our politics can address the ways we are co-existing.

Of course in its analysis of Das Man -- roughly translated as "The One" -- *Being and Time* expands upon these insights. Humans not only are involved in a grouping activity, humans *surrender* themselves to a homogenous grouping activity. It is homogenous in the sense that we always act, Heidegger insists, as *everyone* acts. Thus, the subject of his analysis is not simply a grouping activity; it is the non-identifiable "one" to which everyone surrenders:

The "One" which supplies the answer to the question of the "Who" of Dasein, is the "nobody" to whom every Dasein has already surrendered itself in Being-among-one-another.¹⁴

Distinguishing the homogenous grouping of Das Man from being truly authentic ("The self of everyday Dasein is the 'One-self', which we distinguish from the authentic self"¹⁵), Heidegger insists that we each are incapable of becoming an exception to Das Man. Our authenticity must become a qualified one:

¹³ Nor is Dasein, as an artist friend of mine playfully and mockingly suggests, a principle.

¹⁴ *Being and Time*, pp165-166.

¹⁵ *Being and Time*, p167.

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Authentic being-one's-self does not rest upon an exceptional condition of the subject, a condition that has been detached from the "One;" it is rather an existentiell modification of the "One" ...¹⁶

Without elaborating upon the details of the "existentiell" character of this modification, it's clear that *Being and Time's* qualified account of authenticity is partly a way of being toward Das Man, a way of being toward the homogenous grouping of being human. But to become human is to surrender to Das Man.

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The deliberately conflicting relationship between Rorty's elitist romanticism and his egalitarian liberalism stems largely from *Mirror's* edifying alternative to foundational epistemology. Calling discourse that accepts the common beliefs of a society "normal discourse," *Mirror* portrays the edifying task of philosophy as an attempt to incorporate the abnormal into our accepted webs of belief. Yet this is always derivative of normal discourse. It's always a "protest"¹⁷ against established beliefs; and redescriptions "can *only* be reactive"¹⁸. This theme is expanded in essays throughout the 1980's. For example, returning to the passage from the 1989 lecture "De Man and the American Cultural Left"...

The intellectuals are...self-creators, in the sense that they can escape from the moral and political vocabulary into which they were socialized and become new people by reshaping their self-image. But just insofar as they retain a sense of the needs of other human beings, they feel *alienated* from these others -- all those who do not speak the new language which

¹⁶ *Being and Time*, p168.

¹⁷ *Mirror*, p377.

¹⁸ *Ibid*, p378, Rorty's emphasis.

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the intellectual invented in the course of reinventing herself. They also feel *guilty* insofar as they *cannot relate* their own projection of self-invention to the needs of those less capable of redescription and reinvention.¹⁹

As a reaction against "the vocabulary into which they were socialized," the intellectual's edifying redescription is always and only a *secondary* reaction *against* the beliefs of a society of fundamentally nonromantic nonintellectual. Thus Rorty is presupposing a conflicting dualism within his edifying alternative to traditional epistemology. And this dualism carries into his political writings, which presuppose a conflicting relationship between his intellectual romanticism and his nonintellectual liberalism.²⁰ This is, I contend, a consequence of the account of redescription stemming from *Mirror's* edifying conclusion.

Rorty's liberalism can be read as a way to maintain respect for individuality while adhering to a social philosophy that's strikingly similar to *Being & Time's* account of Das Man. To allow for individuality he suggests that all humans don't completely surrender to homogeneous social norms. One needn't always succumb to what "we" do. I can be, Rorty suggests, an exception to social homogeneity, marking an obvious difference between himself and Heidegger. Yet surrender is the norm, and individual redescription is *only* an exception. Further, Rorty's liberalism not only is compatible with social compliance--i.e., liberalism does not *need* romantic redescriptions!--but his liberal *must* accept egalitarian politics as simply "we" do. Rorty's liberalism must remain nonromantic. As such his politics depends upon strikingly similar themes to Heidegger's analysis of Das Man. This is why his

¹⁹ Heidegger, p136; italics mine.

²⁰ For example, *Contingency, irony, solidarity* claims that "in the *ideal*" liberal society, the intellectuals would still be ironists, although the non-intellectuals would not." See *Contingency*, p87; italics mine. See *Contingency* pp73-74 for Rorty's precise definition of "ironists."

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private romanticism conflicts with his public political commitment. This is how Rorty's Heideggerian liberalism deviates from a Deweyan liberalism.

Rorty's "Suspension of the Political"

So how can Rorty be both an egalitarian democrat *and* an elitist romantic? The article "Freud and moral reflection"²¹ provides an important clue. Noting Freud's "centerless" notion of the self -- which complements Rorty's account of intellectual redescription as playful exchanges of various identities -- the article emphasizes that these redescriptions are only *private*. A romantic liberal's *personal* identity as a liberal conflicts with her *personal* identity as a romantic. But her *private* romanticism does not conflict with her *public* political deeds:

Whereas Habermas sees the line of ironist thinking which runs from Hegel through Foucault and Derrida as destructive of social hope, I see this line of thought as largely *irrelevant* to public life and to political questions.²²

While applauding liberal societies for allowing pursuits of personal perfection, he insists these pursuits are private and apolitical.

Rorty's writings involve, I propose, a type of "suspension of the political." As with Kierkegaard's "suspension of the ethical," Rorty challenges the notion that politics is an ultimate concern, always compatible with or superseding all other commitments. Just as *Fear and Trembling*²³ claims ethics doesn't always supersede other commitments (even a commitment to a God that commands the immoral act of murder) Rorty insists that our politics don't always supersede other commitments (even a commitment to an unequalitarian romanticism). Rather, for both, we are left with ambiguous -- and sometimes conflicting -- commitments. Yet, unlike *Fear and Trembling*, Rorty claims the

²¹ See Heidegger, pp143-163.

²² *Contingency*, p83; my emphasis.

²³ Soren Kierkegaard, *Fear and Trembling* (New York, NY: Penguin Books, 1985)

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dilemma is *only* personal. A liberal romantic's public deeds are unambiguously democratic. Thus Rorty's suspension is compounded. Not only do we suspend a belief that politics is compatible with, or supersedes, all other commitments; we suspend our commitment to public political concerns as such. His romanticism demands we, at times, suspend political commitments *as public commitments*, maintaining them only as private romantic commitments. We're suspending our public commitment so that we may pursue apolitical private romantic concerns. Though the book doesn't name it, this "suspension of the political" is the thrust of *Contingency's* proposal that we "treat the demands of self-creation and of human solidarity as equally valid, yet forever incommensurable."²⁴ It is, I propose, a consequence of Heideggerian sympathies within Rorty's liberalism.

A Brief Response

For John Dewey, democracy is not simply a form of government:

The key-note of democracy as a way of life may be expressed, it seems to me, as the necessity for the participation of every mature human being in formation of the values that regulate the living of men together...²⁵

And,

...unless democratic habits of thought and action are part of the fibre of a people, political democracy is insecure.²⁶

Rather than being predominantly a governmental task Deweyan democracy depends upon "the bone and blood of people in daily conduct of life."²⁷ This is

²⁴ *Contingency*, p. xv.

²⁵ *School and Society*

²⁶ *School and Society*

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partially why Dewey associated his writings with Thomas Jefferson's. Both men avoid an overly legalistic approach to politics, which takes government legislation and enforcement as its fundamental concerns. Government is a contributing part, but only a part, of our attempts to excel politically.²⁸ It's a means -- or a tool -- used as part of our ongoing attempts to democratize our daily habits. Democracy involves each individual attempting develop "habits of thought and action" which allow us to be democratic toward every other citizen and group.

The relationships between different individuals, as well as the relationships between individuals and societies, is a crucial theme within Dewey's democratic motifs. It is worth our attention. *Reconstruction in Philosophy*²⁹ contends we err if we refer to *the* identity of a society and *the* identity of the individual in abstract terms. In good pragmatic fashion, it maintains that such purely abstract accounts neglect specific characteristics of actual societies and individuals. Who I, Michael Donovan, am, for example, involves (among others) such specifics as my being a philosopher, as well as a graduate of Boston University; I enjoy playing baseball; and I lived within and learned from Berkeley, CA, etc.

There also is, Dewey proposes, an intimate interdependence between individual and social identity. Individual philosophers, for example, live in societies that are, to some extent, philosophical; societies that are, in any way, philosophical include philosophers. Individual identity is never divorced from social identity; nor is social identity ever separate from all of its individuals'. They're mutual and interdependent. They have a type of *organic* interrelation.

²⁷ *School and Society*

²⁸ Richard Bernstein is a contemporary philosopher who -- with his attempt to recover a theory of praxis -- has endorsed the idea that politics is not merely a legislative matter. Of particular interest is his challenge of Hannah Arendt's distinction between the social and political. See *Philosophical Profiles* (Philadelphia PA: University of Pennsylvania Press, 1986), pp238-259.

²⁹ John Dewey, *Reconstruction in Philosophy* (Boston MA: Beacon Press, 1920), see pp.187-213; hereafter cited as *Reconstruction*.

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The insight that individual identity and social identity are interdependent has often been associated with a view of society as homogeneous, taking individual identity to be fundamentally that which is common with the homogeneous identity of a society. But Dewey proposes that both individual and social identity are complex and plural. To quote *Reconstruction*:

Just as "individual" is not one thing, but is a blanket term for the immense variety of specific reactions, habits, dispositions and powers of human nature that are evoked, and confirmed under the influences of associated life, so with the term "social." Society is one word, but infinitely many things. It covers all the ways in which by associating together men share their experiences, and build up common interests and aims; street gangs, schools for burglary, clans, social cliques, trade unions, joint stock in corporations, villages and international alliances.³⁰

For Dewey a liberal society is considered something like a centerless web.

In her critique of Rorty's romanticism, Nancy Fraser correctly points out the possibility that a society can involve conflicting descriptions. Though this is an important point, with considerable political implications, it's also noteworthy that this does not imply her image of a society as unique pockets of competing descriptions. First, this image risks overemphasizing differences. Conflict needn't imply unique pockets, isolated from each other, competing to be the only description. While societies can have conflicting descriptions, the fact that they are conflicting implies some sense of shared descriptions between these variants. Completely unfamiliar descriptions would not conflict. A society can have conflicts, but they remain *partial* conflicts, never completely

³⁰ Ibid, pp199-200.

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isolating its variants. Societies have common shared descriptions. Second, democracies' ongoing attempt to eliminate conflict needn't involve the exclusion of differences. Fraser does not openly endorse such a stance, but taking society to be a collection of competing pockets can confuse differences with conflicts, which is a slippery slope to the exclusion of differences as the only way to end conflict. In contrast, while Dewey notes that societies have social differences, he also emphasizes our common descriptions. Democracy needn't deny the common to allow for differences; it need only not maintain that a society is *first and primarily* these common descriptions. At its best, it gives equal footing to the common and the different. Thus, again, rather than referring to unrelated pockets, it might be more helpful to maintain the old, but reliable pragmatic reference to interrelated *webs*. Or we can speak of interweaving *fabrics*, some of which are wider (i.e., more common) than others; yet all of which make up a society. Metaphorical matters aside,, rather than alleviate differences between conflicting pockets, democracy attempts to achieve harmonious interrelationships between *various interrelated descriptions*³¹. Thus social pursuits are, contrary to Heidegger's *Das Man* (and Rorty's sympathies with it), not simply a surrendering to the common. Rather, societies can involve, among other things, the ongoing twists and turns, compromises, struggles and conflicts, between the multifarious commonalities and differences embracing citizens.

We also lack, I propose, reason to claim that redescription must be the one-way gesture that Rorty portrays. Comparing the relation between the romantic ironist and the nonironist to a child being "made to look ridiculous alongside the possessions of another, richer, child,"³² Rorty writes,

The redescriving ironist, by threatening one's final vocabulary, and thus one's ability to make sense of oneself in one's own

³¹ In proposing this, I wish to maintain an *egalitarian* account of an individual's personal identities, which Rorty finds in certain passages of Freud's. See Rorty's "Freud and Moral Reflection" in *Heidegger*, pp143-163.

³² *Heidegger*, p90.

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terms rather than hers, suggests that one's self and one's world are futile, obsolete, *powerless*. Redescription often humiliates.³³

Some individuals may be less "intellectual" and "romantic" than others. And the romantic pursuits of others do, as Rorty reminds us, often humiliate the less romantic. But social interaction is much more redescriptive, and redescription is much more mutual and interdependent, than Rorty typically suggests. Mutually accepted nonromantic descriptions needn't be a norm. Rorty's Heideggerianism, his sympathies with *Being and Times's* analysis of Das Man, seem exaggerated.³⁴ And Rorty's attempt to strip ordinary liberal citizens of our romantic ability to redescribe ourselves seems elitist. It robs the average person of her Socratic ability to tend to herself. It denies our ability, no matter how minimally at times, to reinvent ourselves, to do anything other than surrender to what everyone does.

³³ Heidegger, p90.

³⁴ In fact, Rorty seems inconsistent. He proposes that liberal democratic societies perform "acts of love," the mutual redescription of society and its newest members. This implies that liberal society is actively participating in (a type of) redescription. Yet these romantic redescriptions don't simply impose *our* language-game upon another; they involve redefining ourselves to include a previously unfamiliar person. Thus, by his own accord, some redescriptions are not the anti-social, alienating, gestures against which Rorty reacts. These are, I contend, romantic pursuits; and *these* romantic pursuits not only are part of a liberal society's "normal discourse," they demand that liberal citizens partake in *some* acts of redescription. This same tension can also be found between quotes in "Moral Identity and Private Autonomy" and "Unger, Castoriados, and a National Future," both found in Rorty's *Heidegger and Other Essays*. The first states: The Romantic intellectual's goal of self-overcoming and self-invention seems to me a good model (one among other good models) for an individual human being, but a very bad model for a society. (Heidegger, p196) While "Unger, Castoriados, and a National Future" states: In other words, if there is a social hope it lies in the *imagination* -- in the people *describing* a future in terms which the past did not use. (Heidegger, p186; my emphasis) The first quote is a consequence of what I playfully -- though seriously -- call Rorty's "Heideggerianism," while the second is, I believe, a Deweyan theme that conflicts with Rorty's "Heideggerianism."