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Item Type	Preprint
Authors	Del Mar, Maksymilian
Publisher	Philosophie.ch
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Download date	2026-07-12 15:55:08
Link to Item	http://hdl.handle.net/20.500.12424/190350

Swiss Philosophical Preprint Series

35

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**Normativity and Thoughtfulness:
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added 19/02/2009

ISSN 1662-937X

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Abstract

This paper argues that we ought to conceive of normativity as a matter of the exercise of fallible abilities that make a fragile pact with the future. To conceive normativity in this fashion we also need to change our image and practice of thinking, i.e., we need to endorse thoughtfulness, which consists in the ability and willingness to widen the scope (or, sometimes, change) that which we find insightful. This approach to normativity, and this image and practice of thinking, is at odds with the dominant contemporary approach to normativity, which, it is argued here, is characterised by an attempt to play god, i.e., to create and play in artificial, fantasy worlds where we can know and master all there is to know, such that we can read off, or determine in advance, the appropriateness or correctness of future actions (or events, beliefs, etc). As long as we continue to play gods in our approach to normativity, we will continue to hide away from our limitations, including, most importantly, our fallibility, animality and mortality. When we hide away from our limitations in this way we radically underestimate the demands of moral and political life.

Introduction

According to Hannah Arendt, the Greek answer to the question, what makes us think?, ‘lies in the conviction of all Greek thinkers that philosophy enables mortal men to dwell in the neighbourhood of immortal things’ (Arendt 1971a, 129). It is no coincidence, then, Arendt continues, that ‘ancient etymology repeatedly derived the key word “theorein” and even “theatron” from “theos”’ (Arendt 1971a, 129). This paper will return, later, to Arendt and to how she developed a notion of thinking – which shall be referred to here, also using one of her terms, as thoughtfulness – that is more able and willing to face up to our fallibility and our mortality. For the moment, Arendt’s reminder of the ancient roots of the desire for immortality, and its historically intimate relationship with the practice of theory, will serve to usher in the theme for this paper.

A god, as conceived of here, is someone always in control; she has all the facts and knows all the rules; he knows what is the case and what ought to be for all future times and places. Of course, the world has to co-operate for there to be such a god: it must be such that

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there are facts and rules to be known; further, if those facts and rules come in propositions (as, thankfully, they do), then the world too must be proposition-friendly; finally, if these propositions are to form a coherent and consistent whole (as they should, and as they ideally do), then they ought to be (as, happily, they are) governed by the rules of logic and the norms of rationality. Strange as it may be, the story goes, the world is exactly like that – it fits in perfectly with the capacities and abilities of aspiring gods who, albeit sometimes slowly and painfully (like martyrs) learn to understand the world; learn to come to know all about it, master it, such that, wise with age, they are able to impart wisdom to the rest of us, particularly those minnows and mortals who never have the courage to stand back and see the wood for the trees.

How does this god-like behaviour translate into the practice of theorising, thinking, philosophising? Sadly, it does so all too easily. For is it not the case, if we are honest about it, that, more often than not, we construct theoretical pictures in an attempt to build self-sufficient free-floating castles, i.e., places where we are in the position of knowing all there is to know, such that we can evaluate the future actions of all those who are participants – all those poor mortals who, like characters in some novels, exist in the form of descriptions composed by an omniscient and omnipotent narrator? Theorising in this way, i.e., playing god, we try to create something permanent, something incontrovertible. This helps us to forget, even momentarily, our own inescapable limitations: our impending death and the fact that we cannot get outside of ourselves (i.e., that we cannot lever ourselves outside into that Archimedean viewpoint); that we are, in short, rooted in nothing but our fallible abilities, and that we are engaged in a long journey, sometimes joyful but often painful, of learning and unlearning.

Examples of the creation of these artificial worlds – these playgrounds for gods where all can be known and all can be mastered – are, unfortunately, not difficult to find in the

practice of philosophy, both in the past and in contemporary times. This paper focuses on examples featuring in one debate, though a prominent one and one that links up many different areas of philosophy (including epistemology, metaphysics, metaethics, ethics, and theories of rationality), namely: the debate over the nature of normativity.

When looked at from a certain distance – as this paper will attempt to do – the debate over the nature of normativity smacks of an attempt to find a ground (for our judgements of all future cases) outside of ourselves. For the theorist of normativity to be satisfied, it seems that this ground must be something permanent, immutable, and impermeable by doubt (there is no room here for sceptics or anarchists or other such undesirables), from which that theorist can proceed to read off or determine in advance the appropriateness (correctness, goodness, reasonableness, validity, objectivity etc) of actions (or thoughts, events, beliefs etc).

Insofar as this is the approach we take to normativity it reveals our desire to hide away from our humanity – our fragility, vulnerability, fickleness, ephemerality – and our desire to replace it with some divine elixir, some taste of the immortal, i.e., some view from which we can control, or feel we are in control, of the future. Further, as noted above, normativity so conceived is also an attempt to hide away from the fact that we cannot step outside of ourselves, and that we cannot inhabit some realm that is not constituted by our abilities, and thus also our limitations.

The divine approach to normativity tends to rest on the long-established appeal of the following related distinctions:

1. The distinction between the internal and the external point of view;
2. The distinction between action for reasons and mere regularities;
3. The distinction between the intentional and the non-intentional;
4. The distinction between the normative and the natural;
5. The distinction between what ought to be the case and what is the case;

6. The distinction between an instrumental good and a good in itself; and
7. The distinction between a man-made law that can be broken and a law of nature that cannot.

The divine approach to normativity also tends to be accompanied by the following claims or assumptions:

1. That any realm of human activity (social, epistemic, moral, rational etc) is governed or regulated by norms, whether explicit or implicit;
2. That human conduct is determined, or at least can be determined, by the prior formulation of beliefs or intentions;
3. That human conduct can proceed in accordance with, such that it is motivated or guided by, normative requirements (such as reasons, norms, or rules etc – again, whether implicit or explicit);
4. That human beings can be, and at least some of the time actually are, in control of the future;
5. That there is a realm of phenomena of which it can be assumed, at least at any one time, that it cannot be defeated by unforeseen circumstances in the future;
6. That human beings stand, at least sometimes though more often than not, prior to phenomena, prior to action, forming beliefs, reasons for action and plans, individually and autonomously, thanks to which and in accordance with they act; and
7. That there is such a thing as mere conformity, mere compliance, or mere rule-following (and the opposite of these, i.e., mere rule-breaking) that is not the subject of a judgement made by someone, somewhere (which itself can be problematised, i.e., subject to another judgement, ad infinitum).

Clearly, it will not be sufficient to merely list these features. Accordingly, the first part of the paper will go on to offer a discussion of some of the literature in order to show how the distinctions and propositions mentioned above feature in that literature. The aim is not to be comprehensive or even faithful to the detailed nuances of the literature – that is obviously outside the scope of a single paper. Rather, the aim is to point to some of the features from a distance, in order to convey the general tendencies, but hopefully without undue violence to the views expressed.

The second part of the paper goes on to argue that this approach, called hereinafter the ‘divine’ approach, to the nature of normativity is mistaken. We need not, and we should not, approach normativity from the perspective of an aspiring god. Rather, we need to recognise that normativity rests on the exercise of fallible abilities that make a fragile pact with the future. As we shall see, approaching normativity in this way will also imply another image and practice of thinking, i.e., as a matter of thoughtfulness. Thoughtfulness, in short, is the ability and willingness to widen the scope (or, sometimes, change) that which one finds insightful. As shall be argued in part three of this paper, the exercise of thoughtfulness is of extreme importance in moral and political life.

Why is the dominant approach to normativity, characterised by the above-listed distinctions and propositions, mistaken? The second part of the paper will argue that this approach relies on an over-simplified spatio-temporal model in which we are said to proceed, as if on a line, from a beginning to an end point, and where at least some aspects of the future are assumed to be not liable to be challenged by contingency. This model is too simple because it neglects the following insights:

1. That we do not always have the end in sight when we act (but that it often seems as if we do from the benefit of hindsight);

2. That we exercise hindsight much more often than we think, and that we get very good at camouflaging it; and
3. That there are other temporal phenomena, such as feedback and revisability, which the exercise of hindsight tends to ignore.

Further, the simple spatio-temporal model of the dominant approach to normativity also radically underestimates the demands of moral and political life. In our moral and political lives we cannot afford to play in the artificial, fantasy worlds of divine playgrounds. Rather, we live in a world where we ought to realise that our pact with the future is fragile, i.e., always revisable. In living a good life, morally or politically, we must be open to unlearn what we have previously thought was incorrigible; we must welcome being surprised, coming face to face with that which we could not have predicted, or that which we could not have recognised; we must be capable of renewal and change; we must not wish to reduce everything to the familiar and the same; we must always be ready to be confronted by an otherness that we cannot contain or understand; we must be prepared to attempt to live up to demands we know we cannot satisfy. Otherwise, we are living in the grip of a picture; a picture in which we can do no wrong; a picture we have mastered, a picture we can apply to all future scenarios – a dream, a hopeless dream, and ultimately a nightmare not only for us, but for those around us.

After discussing the shortcomings of the divine approach to normativity, the second part of the paper will also offer, as promised, an account of the approach to normativity that it would be more desirable for us to adopt, at least if we do not want to underestimate the demands of moral and political life. As noted above, our approach to normativity ought to be based on our fallible abilities and the fragile pact they make with the future. These abilities can be characterised in numerous ways, but the approach taken here is that what we need to

recognise (in order not to underestimate the demands of moral and political life) are the following two abilities:

1. The ability of consensus, i.e., the ability to co-ordinate our actions, which includes, sometimes, coming to at least some form of (revisable or defeasible) agreement. As we shall see, part of this ability is learning to use, and learning to discipline both ourselves and others via, the language of reasons, norms, rules, beliefs, principles etc; and
2. The ability of concern, i.e., the ability to notice that something or someone requires or needs our care. As we shall see, it is crucial that we understand that the objects of our care are not ones we can foresee or determine in advance.

We can fail in our exercise of these abilities; further, and more importantly, we can also fail in maintaining a tension between these two abilities (though it is often the second we need to cultivate more, as it is often it that loses out in any competition between the two abilities). Of course, and in keeping with the arguments made against the divine approach to normativity, what counts as a failure is not and cannot be determined in advance – it will always require judgement by someone, somewhere, which itself may be evaluated, and so on. We can, however, offer some suggestions for what the exercise of these abilities consists in and how they ought to be maintained in tension. The paper offers, or at least attempts to offer, these guidelines with modesty – indeed, with the modesty required of a conception of normativity as human, all too human.

The third part of the paper then draws the links that it is argued hold between these different approaches to normativity and the kind of image and practice of thinking (or, philosophising) we adopt. What the human, all too human approach to normativity requires, in contrast to the divine approach, is an image and practice of thinking that is here called thoughtfulness, i.e., it is the ability and willingness to widen the scope of (or, sometimes,

change) that which we find insightful. In other words, our conception of normativity ought to be, and indeed perhaps only can be, approached from the perspective of thoughtfulness, i.e., an attitude that faces up to and celebrates our limitations, rather than shirks away from them in a divine playground. To renew the humanity of normativity, then, is also to renew the humanity of the image and practice of thinking. If we do not renew the humanity of thinking, of philosophising – if we keep ourselves locked up in the fantasies of the heroic, of the mastery of a totality, of the familiarity and comfort of a philosophical home that is ruthlessly defended from objections (i.e., from all those that we then tend to characterise, and respond to with fear and violence, as aliens, strangers, and infidels) – then we will risk losing the courage of modesty, of openness, of the need to keep learning and unlearning, to keep growing not into ourselves but out into the infinite complexity of the world and the infinity of otherness. At stake are the demands of moral and political life, and whether or not we underestimate them.

Part I. Divine Normativity

In a recently published paper, Arendt argues that Immanuel Kant's political philosophy, where, she says, the concept of law dominates, became and has continued to be 'the criterion for the whole realm of politics to the detriment of all other political experiences and possibilities' (Arendt 2007, 721). Under this conception, lawfulness becomes 'the only legitimate content of human living together and all political activity is ultimately devised as legislation or application of legal prescriptions' (Arendt 2007, 721). In the early twenty-first century, the weight of the concept of law (or at least Kant's alleged version of it) continues to be a burden, not only on our understanding of political life, but also of moral life, and social life more generally. Put differently, the legacy of Kant, understood as Arendt portrays him, continues to thrive in the highly juridical environment of the contemporary debate over the

nature of normativity.¹ Contemporary philosophy, particularly in the analytic tradition, and especially in its fascination with problems associated with the application of the general rule to the particular circumstance, continues to dwell in the shadow of Kantian legalism.

Consider, for example, Robert Brandom's *Making it Explicit* (1994), which, for all its efforts to reject and not fall into the trap of regulism, i.e., the claim that all norms have to be explicit rules, does not, in the end, by virtue of his endorsement of implicit norms, escape the broader net of legalism. Brandom is persuasive when he argues, in the words of one of his most careful respondents, Gideon Rosen, that to the extent that regulism attempts to 'ground facts about what ought to be done directly in facts about what is or would be done under specified circumstances' (Rosen 1997, 166), it certainly seems to miss something important about normativity. Indeed, the same argument can be made against regulism as can be made against the alleged normativity of constitutive rules. Constitutive rules, such as the rules of chess, are not normative, the argument goes, because they merely describe in what circumstances someone can be said to be playing chess (see, e.g., Horwich 2008). In other words, something appears to be lost here in the very process of institutionalising, formalising, or simply stating a rule of the form, 'if...then.' And that something, we might be tempted to say in agreement with Brandom, is the attitude we might take to these rules. Thus, we might be tempted to agree with Brandom that 'it is one thing to judge a performance correct; quite another to take it or treat it as correct in practice' (Rosen 1997, 166). Once again, we might be

¹ Some will argue, forcefully, that to say this about Kant is but to reiterate a caricature. This paper does not wish to enter the usual exegetical difficulties. However, it will be useful here, even if only to pay respects and redress the balance a little, to recall Peter Railton's discussion of the much-neglected instance (sometimes conveniently forgotten in anecdotes about Kant) of Kant missing his afternoon walk in order to continue reading Rousseau's *Emile*. Railton (1999, 352-3) continues: "And we like Kant better, impersonally as well as personally, for showing in a concrete but dramatically appropriate way just how attuned he was to the insights that awaited him in Rousseau, how capable he was of being displaced from the ruts the mind is wont to settle into. We here find in Kant and his mind something good, something estimable in its own right. That afternoon's display of 'mental attunement' is much more impressive than would be the strength of will, consistency, or resistance to inclination that Kant would have exhibited had he instead overcome the desire to continue reading *Emile* and maintained above all a resolve to take an afternoon walk each day, exactly at the same time. Thus does Kant's omission strike a bit at the self-conceit of critics who might attempt to look upon him with intellectual condescension as hermetic, narrowly moralistic, trapped within his own technical language and scheme of categories. For when we appreciate this story we cannot help but feel, freely, a kind of admiration for Kant as an intellect." This is an aspect of the image of the exercise of the intellect that shall be endorsed in part three of this paper.

tempted to agree with him that this ‘practical attitude is a behavioural stance that can be adopted mutely, even by creatures who cannot think or speak’ (Rosen 1997, 166).

However, we need not accept Brandom’s positive account in order to agree with him that constitutive rules are not normative, and that regulism is mistaken. Indeed, we should not agree with him, for he merely restates some of the biases of legalism. He does so in two ways. First, he does so when he posits a realm of implicit norms, i.e., norms that are said to have been there all along. The second, and closely related, move is to posit ourselves in the privileged position of taking a prior attitude to those implicit norms. On Brandom’s account, then, we are in control of that which influences us because we have already taken up an attitude to it as appropriate (or not, as the case may be). Further, it is because we adopt practical stances of what is or is not appropriate that the realm of implicit norms can be said to regulate or govern our conduct. Not only are we, then, in control of what we do take to be appropriate or not, we can also, ipso facto, change what we take to be so. As Kathrin Glüer and Åsa Wikforss articulate it recently, Brandom’s pragmatic phenomenalism claims that:

...“deontic statuses” are to be explained in terms of our normative attitudes. Something’s being correct, that is, is to be explained in terms of the attitude of taking it to be correct. Consequently, the norms in question are “in some sense creatures of ours.” And precisely to avoid a fatal regress of rules, such phenomenalism needs to “go pragmatic.” The most basic form of norm, that is, are norms that are implicitly “instituted” by our practices: “the direction of explanation to be pursued here first offers an account of the practical attitude of taking something to be correct-according-to-a-practice by appeal to those attitudes.” (Glüer and Wikforss 2009, 60-1; quoting Brandom)

Brandom wishes to show that these implicit norms that we take to be correct are ‘creatures of ours’ because he wants to make room for a layer of phenomena over and above the natural world; a space of reasons that is accessible to nobody but creatures like us; a protected world, a safe haven from the hostile, unpredictable world of nature. Consider the following from Brandom:

Being rational is being bound or constrained by these norms, being subject to the authority of reasons. Saying 'we' in this sense is placing ourselves and each other in the space of reasons, by giving and asking for reasons for our attitudes and performances. Adopting this sort of practical stance is taking or treating ourselves as subjects of cognition and action; for attitudes we adopt in response to envioning stimuli count as beliefs just insofar as they can serve as and stain in need of reasons, and the acts we perform count as actions just insofar as it is proper to offer and inquire after reasons for them. Our attitudes and acts exhibit an intelligible content, a content that can be grasped or understood, by being caught up in a web of reasons, by being inferentially articulated. Understanding in this favoured sense is a grasp of reasons, mastery of proprieties of theoretical and practical inference. (Brandom 1994, 5)

This ambition is divine because normativity is assumed to exist only to the extent that it rests, secure and autonomous, above the din and clatter of the natural world. As Glüer and Wikforss remind us, this is why Brandom wants the normative to be non-reducible to anything else; for it to be norms all the way down (2009, 61). This extraordinary ambition to avoid the natural world, to make the realm of the normative independent and autonomous, and ourselves in control of it by virtue of our attitudes, is a prime example of the divine impulse, i.e., the impulse to create a world accessible only by us and of which we are completely in control.

To recapitulate, insofar as Brandom believes and sets out to reveal the implicit norms that regulate our conduct, he is falling pray to the divine ambition, i.e., to play god by constructing a world that is regulated by norms that only the theorist (or others who adopt Brandom's insights) can reveal. Further, insofar as Brandom believes and asserts that what makes those norms normative (rather than simply constitutive) is our attitude to them, he places us in the driving seat, always aware and capable of changing (because we adopt an attitude to) that which is influencing us (dictating to us what is appropriate or not). Finally, insofar as Brandom believes and argues that the realm of the normative is norms (implicit norms propped up by our behavioural stance) all the way down, he constructs a playground for the theorist who can, calmly and wisely, make explicit all that which dwells in this peculiar realm.

However, there is another feature of the divine view lurking here, which can be easily missed. For it is also in positing a realm of constitutive rules and a natural world governed or regulated by laws out of our control, that a fantasy world, a divine playground, is constructed. In other words, it is by assuming there to be a difference in kind between the natural and the non-natural, the non-intentional and the intentional, the descriptive and the normative, the realm of what is and the realm of what ought to be, and so on, that Brandom perpetuates the desire to inhabit a fantasy world which can be knowable and masterable by acquiring knowledge and mastery of the laws (or constitutive rules) that are said to regulate or govern it. What the realm of constitutive rules assumes is that it is possible for some set of ‘if...then’ hypotheses to themselves determine whether something obtains, e.g., that it is somehow these hypotheses themselves that cry out ‘wrong!’ when, say, a player in a chess game makes a knight-move with the bishop piece. This neglects to recognise that whether or not some action is correct or appropriate is always a judgement made by someone, somewhere. That constitutive rules are phrased in the form, ‘if...then’, and that they describe the consequence(s) of some fact(s) obtaining, does not render them autonomous to the extent that they do not depend on our ability to evaluate some action – and thus our taking into considerations that may be relevant for evaluating it. As G.E.M. Anscombe was at pains to point out in her paper, ‘On Brute Facts’ (1958), we cannot know in advance, or make an exhaustive list, of all those possible circumstances that we may consider relevant in exercising our judgement as to whether or not the person making a knight-move with the bishop-piece did something incorrect or wrong (e.g., the move may have been on a film-set where it was simply not important whether the actors were ‘playing’ chess or not).

The general point here is that the appropriateness or correctness of something cannot be read off some list of requirements (whether we think of them as explicit or implicit), or determined in advance. To the extent that certain ‘laws’, in the form ‘if...then’ hypotheses

(such as scientific laws or the rules of chess), can determine what is appropriate or correct, these are completely artificial worlds, fantasy worlds, divine playgrounds, where we exclude all that which we cannot exclude from everyday life, namely, the openness of the future. All these features – i.e., the positing of some realm of implicit norms; the positioning of ourselves in the privileged position of having already taken an attitude to all that which influences our action; and the positing of some realm of constitutive rules or natural laws from which the allegedly autonomous world of normativity (where it is norms all the way down) – are part of the divine ambition to create something immortal, something not dependent on the exercise of our fallible abilities (e.g., to judge) in the face of a fragile pact with the future (i.e., a future that always remains open).

All this returns us to the weight of the concept of law, and to the contemporary fascination with problems associated with the application of the general to the particular. All these problems are the classical problems of both legal theory and legal practice. They are sometimes referred to as the problems of determinacy and indeterminacy, or the problem of the allegedly un-democratic exercise of power by judges (for, it is said, these unelected officials ought to be applying the law, not creating it).² In other words, all these problems express our anxiety in the face of a future that we cannot control, and thus also conveys the desperate attempts to create worlds where we can enjoy the illusion that something does not depend on the exercise of our fallible abilities. Let us look at some more examples.

For one, we have the very notion of intentionality – or, more generally, the very idea of aboutness. Viewed from the distance and perspective undertaken in this paper, the idea of intentionality is part of a family of strategies thanks to which we attempt to place ourselves as spatio-temporally independent, as intervening in the world, or as standing prior to phenomena

² The argument being made here should not be read as indicating that this position is not without its merits (especially in certain kinds of legal-political set-ups). For example, Jeremy Bentham was right to rouse us from our insensitivity to the possibilities offered up for judicial corruption, moral righteousness and unaccountability by an uncoded common law (see Bentham 1970). The problem is that the view from, and problems associated with, legalism has tended to dominate the literature to the exclusion of other views and problems.

and in control of the possibilities for action. When we are in this space, it seems, we are nowhere, in some non-place, standing above the usual pursuit of the future by the past. It is as if, via the very effort required for self-consciousness or self-awareness, we are able to step outside of the world, out of the rough and tumble of time and space, make ourselves absent or invisible, and propel ourselves into an autonomous and private realm in which we can calmly identify and thereafter weigh our options. In this non-place, we can celebrate and revel in our selfhood. In this non-place, too, we can come to be aware of and master the rules (or norms) that we already know govern the particular activity or environment we are considering entering or participating in; we can decide who we wish to interact with and on what terms; we can decide exactly what we will do, for what reason, and thus also delimit our responsibility for unforeseen consequences; we can come to feel we control the future, or at least, to reiterate, come to feel we are not responsible for all that which we cannot predict or control.³ It is a remarkably self-serving myth; a myth peculiarly designed for ourselves (we often claim that it is only humans that are capable of this, and indeed only those that are reasonable, i.e., like us); and a myth that allows us to forget, like all divine myths, about our fallibility, mortality, and the fragility of the pacts we make with the future.

Another similarly divinely inspired idea is the notion of action guidance, and the related and often repeated dogma (in theories of norms and normativity) that the very aim (or function) of norms is to guide action.⁴ There are two forms of this idea, depending on whether one takes the perspective of the first or the third person. From the first person perspective, we are said to be either capable of knowing, mastering and thereafter manipulating these norms

³ A recent and particularly powerful exposition of how we can use, and how we have often used, the notion of intentionality to disavow responsibility is provided in Veitch 2007. One example is the reliance of the Australian government in *Kruger v Commonwealth* (1997) 146 ALR 126 on the language used in the legislative instrument at the time of the forcible taking of Aboriginal children from their families (and into the families of white Australians). The instrument said that the power to take the children was to be exercised in their best interests. The High Court of Australia concluded that because the power was to be exercised in such a manner, so the government could not be held accountable for the Stolen Generation policy.

⁴ The literature is too vast to cite. It appears in every theoretical account of norms and normativity that this author has ever read (including legal, moral, and political theory alike).

(or any other kind of requirements, including laws and regulations) such that we can be motivated by them, be responsive to them, or simply follow them. From the third person viewpoint, we are said to be capable of seeing whether someone else (or indeed, ourselves taken as an object of our judgement) conformed or complied with the requirement in question. Both of these forms are part of the attempt to forget that we cannot depend on anything else but the exercise of our fallible abilities that make a fragile pact with the future.

The first does so because the fallibility, if there is any, is said to reside primarily in the norms themselves: are they appropriate to the circumstances; can we rely on them to do the right thing; are they nuanced enough to tell us what to do in hard cases? More often than not, in recurring examples offered in the literature, it is assumed that these norms are sufficient, and that the problem is our lack of motivation to obey them or our lack of responsiveness to them. When we ask, ‘was this or that action moral?’, or ‘was this or that action just?’, we do so by reference to the norms or reasons (or other kinds of requirements, such as laws and regulations) that are supposed to account for what it was that we did, or what happened. Certainly, we may identify a central actor, as we do in our story-telling practices, but when we speak of the actor, we speak of the reasons for which he acted, or the beliefs that made her do what she do, or the value to which he was responding, and so on. The actors we refer to are straw-people; our theoretical portrayal of them in such a fashion is often but an excuse for scrutinising the reasonableness of the norms (or requirements) we posit as, or already assume to be, relevant. We may, and we often do, apportion credit or blame to the person, but we do so often on the basis of the reasonableness of the norms (or requirements) that we take to have guided that person.

A similar distancing from – or forgetting of – our fallible abilities can be seen in the third-person perspective. Part of this has already been noted above: we depend on the idea that some norm (or requirement) guided the person. If we judge that the person was not

motivated by what we think was the appropriate norm (or requirement) or not motivated by what we think was the appropriate one, then we evaluate the action as wrong and apportion blame. The very possibility of rule-following or rule-breaking, or ‘mere’ compliance or ‘mere’ conformity, depend on this notion of action-guidance, i.e., of it being a matter of fact that the person in question was or was not guided by the appropriate or correct norm (or requirement). If we reflect upon it, we shall soon realise – even without, with all due respect, the sometimes unnecessarily complicated arguments made in the rule-following literature – that the notion of mere compliance, conformity or regularity is a fantasy thought. How can there be a mere regularity that is not the occasion of a judgement made by someone, somewhere? How could there be a case of a mere compliance with a rule, or mere conformity with a norm, that somehow appears in and of itself – not evaluated to be so by someone, somewhere? Of course, that judgement, made by the third person, can itself be wrong or right – but not in some absolute sense of, once again, mere conformity, compliance or rule-following, but simply because someone, somewhere, evaluates to be so. At no time can the appropriateness or correctness of an action (or anything else) be determined in advance, simply read off the relevant requirements. Rather, in each case, the appropriateness or correctness depends on the fallible activity of judging.

To see just how well-entrenched is the idea that appropriateness or correctness depends on some conditions or criteria (often identified by the theorist, who is said to have knowledge and mastery of them) one need look only to much of the contemporary literature on practical reason. Its most prominent advocate, John Broome, states unequivocally that ‘reasoning is correct if it makes your mental states conform to normative requirements you are under’ (Broome 2003, 180). Again, elsewhere in the same paper: ‘Whether a piece of reasoning is correct...is determined by the formal relations that hold amongst the propositions that constitute the contents of the premise-states and conclusion-state’ (Broome 2003, 185).

Another prominent theorist, Ralph Wedgwood, in his recent *The Nature of Normativity* states, again with untrammelled confidence, that ‘we count as thinkers because we are appropriately sensitive to normative requirements, the source of which is a coherent system of eternal and necessary truths about what we ought to think or do or feel’ (Wedgwood 2007, 3). In his account of the ought of thought, Anandi Hattiangadi also makes much of the notion of the normative as action guiding (he contrasts it to the notion of normative as relative to a norm; see Hattiangadi 2007, 39 and *passim*). Similarly, in their recent paper ‘Against Content Normativity’, Glüer and Wikforss, despite distancing themselves admirably from some dominant trends in the literature, repeat the same dogma about the need for a notion of some activity being governed by a rule R, where it is possible for a thought or inference to be straightforwardly in accordance with R (Glüer and Wikforss 2009, 55). The same sort of distinctions, and the same sort of positioning of ourselves in privileged positions as prior to phenomena, or the positioning of the theorist in the godly role of articulating the timeless determinants of what makes us good thinkers, reasoners, etc, is seen in the literature that claims that belief is regulated or governed by truth, and truth is regulated or governed by the norms of logic, and so on (see, Engel 2007; and Shah 2003). All this, in turn, is part of the same family of the ambition to play god, as theorist, or to picture all of us as gods (on the model of the theorist),⁵ whose abilities are not fallible, but where the fallibility lies with the norms (or requirements) that guide us (or that we fail to be motivated by or responsive to). Appropriateness or correctness is never in doubt – it is always assumed (from some godly perspective) as capable of being read off, or determined in advance by, the relevant requirements (of course, what makes them relevant is forgotten too – for this, also, depends on a fallible judgement).

⁵ That theorists are prone to picturing social agents on the model of the philosopher has been pointed out by Bourdieu 1990.

An example of this godly perspective can be taken from the classical paper by Paul Boghossian on ‘The Rule-Following Considerations’ (1989). There, Boghossian uses the following illustration to counter the argument that ‘the correct dispositions are constitutively those which agree with the community’s’ (Boghossian 1989, 536). He states:

The community, I submit, however exactly specified, is bound to exhibit precisely the same duality of dispositions that I do; it too will be disposed to call both horses and deceptively horsey looking cows on dark nights ‘horse.’ After all, if *I* can be taken in by a deceptively horsey looking cow on a dark night, what is to prevent 17,000 people just like me from being taken in by the same, admittedly effective, imposter? (Boghossian 1989, 536; original emphasis)

But from what immortal and infallible perspective – from what balcony other than godly – do we already know that what was there in that field was a cow, rather than a horse? Boghossian here sets himself up as the omniscient and omnipotent narrator – as the great and infallible author of the great and infallible, watertight, example – i.e., he already knows, and cannot be wrong about knowing, what is correct or incorrect, appropriately observed or the object of an illusion or hallucination.

The difficulties here are to do with another dogma of the normativity literature, namely, the spectre of the possibility for errors and mistakes, which, it is often asserted, is required in order for normativity itself to be possible (see, e.g., Lavin 2004). What is forgotten here, as in the above example, is the need for a judgement to be made as to whether or not an error or mistake has been made. Once again, it is assumed that it is possible, or examples are constructed so that it is possible, to read off, or determine in advance, by reliance on some set of normative requirements (already assumed to be relevant), whether or not an error or mistake has been made. The point is that we do not, and cannot, know or guarantee in advance what will be an error or a mistake. We do not and cannot because we cannot foresee all the possible defeating circumstances. When we construct an example to show that errors or mistakes must be at least a possibility for appropriateness or correctness to be possible, we

forget that we construct a fantasy world in which we have already made the judgement of what is right or wrong, correctly observed or illusory or hallucinatory and, furthermore and crucially, that we have defined out of existence the possibility of that judgement being inappropriate or incorrect (because of the way we have constructed the example).

All this is related to the very possibility of the distinctions listed in the introduction, namely, to recall, the long-standing distinctions between the internal and external point of view; the natural and the normative; the intentional and the non-intentional; what is the case and what ought to be; an instrumental and an inherent good; and a law that can be broken (i.e., a man-made law) and one that cannot be (i.e., a law of nature). In all these distinctions, one of the sides assumes that we can determine something in advance without the possibility of defeating circumstances, e.g., we can determine when and where a natural law (say, against gravity) will be broken, forgetting that the law of gravity is unbreakable only in an artificial world where potentially defeating circumstances have already been defined out; similarly so with the object of an intention (or the content of a belief) or an inherent good – in all these cases, once again, it is assumed that we act, or assert, in circumstances where some things are certain, not immutable to doubt, not subject to the openness of the future. And to think *that* is to attempt to place ourselves, even for a moment, for a blessed moment, in the realm of the gods, on Mount Olympus, protected from the winds of change, and dwelling comfortably in immortal armchairs. Of course, more needs to be said about the untenability of these distinctions – this will be done in the second part of the paper where certain spatio-temporal complexities will be introduced into the over-simplified spatio-temporal model relied upon for the distinctions to hold. For the moment, this part of the paper hopes to have revealed something of the general tendencies of a divine conception of normativity.

Part II. Normativity Human, All Too Human

It was mentioned in the introduction that the making of the distinctions and propositions relied on in the divine approach to normativity rests on an over-simplified spatio-temporal model in which we proceed, as if on a line, from a beginning to an end point, and where at least some aspects of the future are assumed to be not liable to be challenged by contingency. We have also seen the simple spatio-temporal model at work in the first part of the paper where some of the features of the divine approach to normativity were discussed. It is time now to show some of the alternatives, for without any conception of the alternatives it is very difficult, if not impossible, to get out of the grip of the divine impulse.

The introduction listed the following as neglected insights:

1. That we do not always have the end in sight when we act (but that it often seems as if we do from the benefit of hindsight);
2. That we exercise hindsight much more often than we think, and that we get very good at camouflaging it; and
3. That there are other temporal phenomena, such as feedback and revisability, which the exercise of hindsight tends to ignore.

All these are closely interrelated, but for clarity, let us take them in turn.

From the benefit of hindsight we are creatures who act in accordance with reasons; we are pulled by our beliefs, which themselves necessarily aim at truth; we rely on certain forms of evidence we take to be reliable; we carefully open up the future by considering possible paths of conduct, and weigh and balance considerations for and against each one, before making our decision, which itself turns into a performance by our bodies; sometimes we have great obstacles to overcome, such as our own temptations, the unruliness of our senses, the decadence of our sensual delights, or our occasional indifference; and, once we identify this tug-of-war with our temptations, then, if we are good, we look deep into ourselves in order to

look for the motivation to act in the way we know we ought to act. Not only is this our self-understanding, but, from the benefit of hindsight, it is also the understanding we have of others. We assume others also reason their way to action; we assume they form intentions (sometimes intentions to form intentions of a certain kind) thanks to which they act; and when we evaluate what has happened, in the immediate past or some time ago, we attempt to identify an actor, hopefully no more than one or two, who, heroically (like we would have done), overcame certain obstacles, including primarily his own weaknesses, to impose his will, and caused the consequences we perceive to have been caused almost by the sheer weight of his reasoning (for illustrations and a discussion outside the mainstream philosophical literature, see Tilly 2006). We ask, ‘why did he do so and so?’, and the form of the question already lends itself towards an explanation, or justification, or condemnation, in the form of a reason for action, or a value towards which the person must have been oriented, or perhaps even an end which the person, like an acorn, was naturally and inevitably pursuing. Any ‘why?’ cannot, at least in common parlance but also in much of philosophical analysis, take for an answer something that does not place us in some ghostly realm, reasoning prior to action, manipulating or being manipulated by that which lies ahead, motivated by, guided by, or responsive to something always and already known.

The implications of this picture for our understanding of moral and political life are profound. Indeed, they are potentially very dangerous, for they make us believe that the moral and political realm are both already full with proper ends, fitting values and objects of concern; all that is left are the weaknesses of our wills, and the strategies we need to overcome them. We already know – or if we do not, the theorist will point them out to us, patiently and calmly, tolerating our ignorance – the norms of social life, the norms of good reasoning, the rules that govern the formation of belief, the conditions for knowledge, the criteria for existence, the determinants of meaningfulness, and much besides. We may forget

them occasionally; we may need to be reminded of them by those with the luxury to write up lists of them; but, on the whole, there is no more to discover or create; at most, there are problems to do with knowing what the norms that we already know require of us in particular situations, and problems to do, once again, with our overcoming our temptations not to follow them.

The power of hindsight is an extraordinary thing, and, precisely because it has caught on like tulips, it is remarkably pervasive in all the many different ways in which we express what we feel happened, or is happening or will happen, as we do in stories, predictions, cries of anguish and anger, lamentations of misunderstanding by others, melancholy and joy. Quietly, and with amazing stealth and elegance, it seeps into the sinews of everyday life. And, because we are so good at, and enjoy repeating what we have previously engaged in, so this exercise of hindsight, like other things regularly exercised, becomes ever more tenacious.

Occasionally, however, we do have glimpses of cracks in its armour: we speak, for example, of intuitions, of gut reactions, of value-laden perceptual judgements, of immediate appropriateness, of orientation by perceptual affordances, of cognitive short cuts, of categorisations and types and schemas and scripts, and of a situational sense (a welcome overview of this literature is provided in Kaufmann and Clément, forthcoming). Sometimes, in explanations of these kinds of phenomena, we step back into a linear spatio-temporal model in which we proceed from a beginning to an end point, with some things not liable to be challenged by unknown contingencies. On the whole, however, these kinds of phenomena point to recognition of something much more fragile, much more tentative, much more exploratory and spontaneous, much more responsive to that which has not yet been recognised, learnt, and subsumed under the empire of the same, the familiar and the already digested (and digestible) – something not-yet, perhaps a hope or a fear, but not something that has already crystallised, taken on a shape or form, or acquired a character or a property. And

yet, as shall be dwelt on more later, it is precisely openness to this not-yet – to that which one has not yet had knowledge of, not yet even considered as an object to be known – that is the cornerstone of moral and political life.⁶

Unfortunately, this paper is not the occasion for a survey of the literature that seeks to resist the pull of the benefit of hindsight. It is, in any event, quite thin on the ground, especially within contemporary analytical philosophy (a recent exception may be Erik Rietveld 2008, who speaks of ‘situated normativity’). The point of the preceding discussion was merely to articulate some of the features of the picture of ourselves and others projected by the benefit of hindsight, and to show that it is not a picture we need to feel compelled to adopt.

The second point in the list of neglected insights above is that we exercise hindsight more often than we think, and that we get very good at camouflaging it. Unveiling our strategies of camouflaging the exercise of hindsight is a difficult thing. Any example – precisely because it is an example that has already been constructed and is just being described – will be imperfect, for it will have already been subject to the benefit of hindsight. Philosophers of history, as well as novelists, have, of course, struggled with these problems ever since the beginning of their discipline or practice. They have, for example, called upon the aid of the receding horizon and tried to inhabit the mind and body of the historical actor or the character faced with a future he or she does not yet know (most famously, per R.G. Collingwood and H.G. Gadamer); but these hermeneutic gymnastics are often doomed in their own way; just like anti or alternative histories, they respond to what they know already happened; after all, they have already identified the relevant actor, the source of power – a power that might not have been, but because of the way we have interpreted what followed, has become a major figure, a hero of history. The genealogical method can fare better. It pays

⁶ The language of the ‘not-yet’, particularly in the context of the demands of moral life, echoes the work of Ernst Bloch. To elaborate upon Bloch’s contribution is, however, outside the scope of this paper. See, Bloch 1986.

to try to imagine, for example, the time before we ever used pronouns; how did we communicate then? How did we reflect, and on what? How did we attribute credit or blame? Did we use names before we used pronouns, or vice versa? Did the introduction of pronouns make us treat others in a different way? These kinds of imaginative exercises are useful – they remind us that what we rely on now was not the relied on before, that it did not – as hindsight would have it – always exist. For hindsight not only sweeps the contingency of the future under its massive carpet; it does the same for the brittleness of the interpretations we make of the past.

If we continue in the genealogical spirit, we can attempt to think of the time before a particular practice (or norm, rule, standard etc) was problematised and became either outlawed or looked down upon. Examples of these are many: the time before women could not vote; the time before black children could not ride on the same buses as white children; the time before we began to think about the consequences of how we treat the environment. Perhaps, in the not too distant future, we will come to speak of the time before when we butchered animals in order to eat them. It is amazing, wondrous, how quickly we come to forget that what we have learnt, what we have come to take for granted, is something that was not the case before; something we did not know and appreciate; something we did not care about. For, in hindsight, we are not that vulnerable; in hindsight we are always in control of that which has been and is, and will be.

The third of the above points asks us to consider other kinds of temporal phenomena, which do not fit into the linear model that we rely on so much to explain, justify or condemn, actions and events, whether our own or those of others. The first of these is the notion of feedback. This is a very different idea to that of hindsight; in fact, its dynamics are completely at odds with that of hindsight. Further, feedback is a two-way mechanism, i.e., it proceeds back and forth; it catapults us into one perspective from which we see the other in a certain

way, and then reverses the viewpoint. If it establishes anything, it is a profound uncertainty about the direction of the causal relation amongst the elements we have identified and that are the subject of our explanation.

Consider, as an example, the way feedback can help explain the distinction we often conjure up, and get perplexed by, between what we think is the case and what we think ought to be the case. First, what we think is the case, at any one time, can easily become an object of what we think ought to be. As a bachelor, Henry may have had the practice of going every morning for a coffee and reading. After a while, Henry may not even have noticed he did so; or, if he did, he would describe his daily ritual as a matter of fact about what he does. After getting married, and incurring other obligations – perhaps ceasing to be a student, and having to get up at some unreasonable hour of the morning – Henry comes to react to the breaking of his ritual, by asserting to his partner: ‘but look, I really need to have a coffee every morning; it is good for my wellbeing; it really ought to be the case that I am allowed to go.’ An ‘ought’, in this case, colonises the ‘is’ because the ‘is’ is endangered. Similarly so with the following example: every time Anais goes to the shops, she buys mandarins. She does not notice, until one fateful day, that the mandarins she has always bought have always been fresh. Then, on this fateful day, Anais return to her apartment, picks off the skin of a mandarin, bites into it, and immediately spits it out, grimacing: she is enraged. She goes to the shop and says, ‘look, you really ought to sell fresh mandarins.’ The point is that unless and until Anais discovers – and, crucially, it is a discovery; something she does not and cannot anticipate or expect – that it is possible for mandarins to be rotten, then she will continue to think fresh mandarins are what is the case, rather than what should be. The dynamics here can work the other way around as well; in fact, they are probably more commonplace the other way around. Suppose that a group of us decides to set up a think tank. We get together and we decide that in order to get some good work done, we will adopt a closed-door policy. In other words, we will have

none of that dropping in on colleagues and mindless chatter, or smokes shared on the balcony, etc; rather, we will agree that none of us ought to disturb the others, at least during the periods between designated social times, such as lunches, etc. If all of us refrain from dropping in, unexpectedly, on our colleagues, we will soon enough have transformed what began as an ‘ought’ into an ‘is’; in other words, we begin with a fragile pact, which metamorphoses into something we probably will not even notice; something we will take for granted; something that, on reflection, we will describe simply as ‘what is the case around here’, conveniently forgetting the initial agreement – at least until the ‘is’ itself is endangered by a newcomer, who begins to visit us at unexpected hours, and to whom we must explain that in this workplace, ‘no one ought to disturb the others outside specified times.’

The second temporal feature is that of revisability (or defeasibility). This is a similar notion to that of feedback, but it refers more to the attitude we might take to a particular lesson we have drawn from experience, and to the moment of suspension during which we are unsure about the status to ascribe to a particular lesson. When we learn something – such as learning how to play chess – we may act with confidence upon future occasions when challenged to a game. However, we may come to discover, when meeting for the first time a player much better than us, that what we were taught as the rule (say, the rule of castling) was not quite correct (at least according to the better player; imagine, for example, that we were in the habit, when castling, of touching the rook first, instead of the king). In doing so, we might come to act with less confidence about the rules we have previously learnt; we may come to adopt a more circumspect attitude to the lessons we have acquired in the past. Indeed, in certain domains of activity, we may try to maximise our uncertainty about all – or as much as possible – that we have learnt; we may open the door to wild scepticism in order to get ourselves out of a rut we have fallen into; out of the same insights and methods we find we keep reproducing. This notion of suspension of our judgement, of the softening of the

confidence with which we act, of adopting an attitude of uncertainty – all this is missed when we attempt to squeeze out the temporal notion of revisability; and we do this when we tend, from the benefit of hindsight, to present ourselves not as creatures who learn and unlearn, and live in a world of fragile insights and methods, but as creatures who are always in control of that which we know.

The empire of hindsight covers our understanding of normativity in a divine shadow; in it, as has been noted above, we are beings who know what has happened, is happening and could happen; beings endowed with an incredible power of the past, the present and the future. In all those examples constructed by the theorist of normativity, we are either ourselves gods, or the theorist is the god who is always and already able to tell what is correct or not, appropriate or not – what kind of action or event will turn us into a good thinker, a good person, a just society, or a just scheme of distribution or recognition. In restricting our examples in this fashion, and in picturing ourselves and others as relishing in the clear and distinct air of Olympus, we radically and tragically underestimate the demands of moral and political life. There is, however, a picture of ourselves and others, and also an account of normativity, that need not underestimate the demands of moral and political life. It will be impossible to offer a full account here, but a sketch is certainly called for.

The account of normativity we ought to adopt is one that we recognise is based on the exercise of our fallible abilities and the fragile pact they make with the future. Although there may be different ways of characterising those abilities, the two that are focused on here are the following: first, the ability of consensus; and second the ability of concern.

The ability of consensus consists in coming to (revisable) agreement on certain issues and, sometimes, on certain methods for (temporarily) resolving disputes. This ability allows us to co-ordinate our actions in particular domains. It also allows us to discipline each other, which we often do in pursuit of co-ordination or agreement, or in order to create and be part a

community in which we feel a sense of solidarity and in which we support and encourage each other. This ability manifests itself in our participating in common ways of doing and seeing; in our expressing ourselves via common gestures and employing other strategies of communication; and in the awarding of prizes and the imposition of punishments. The language it uses is that of reasons, norms, rules, standards, ideals, aims, goals and purposes. By repeating this language, over and over again in each other's company, we become familiar with these forms of mutual discipline and evaluation, we come to expect them, and we feel something untoward has happened when they are not used or relied on. How much consensus we come to is very difficult, if not impossible, to ascertain, but the levels of co-ordination needed for some activities is remarkable – everything from language use to driving on the streets requires that we pay attention to each other and certain common objects, acknowledge each other, and adapt to each other, in more ways than we can enumerate.

The ability of consensus also has other features. When we, or our ancestors, come to agree on something – a set of standards, a calendar of special days (or indeed a calendar at all), a set of rituals, costumes, ways and means of preserving the past, on who is to have what power or role to do what in a community, and many other things besides – then it will often be the case that any departure from that something will be difficult, perhaps painful and sometimes violent. It will also often be the case that strategies will emerge to defer the problematisation of certain things agreed upon, e.g., instead of undermining the rule against torture, we establish exceptions, such that these exceptions do not place in jeopardy the force (even if it is 'just' a symbolic force) of the general rule; or, instead of changing the constitution, we come to agree on certain methods and principles for applying it or extending it (e.g., by setting up courts, agreeing on some principles of constitutional interpretation, and so on). The making of exceptions and proceduralisation are just two aspects, perhaps of a more subtle character, out of many that comprise the ability of consensus.

The ability of concern is quite different. It is, for example, more akin to Max Weber's ethic of responsibility, than to his ethic of conviction (see, Weber's 1919 lecture, 'Politics as Vocation', available in Weber 2004). The former, for Weber, was characterised by the performance of actions that may be in conflict with each other; they may have no internal unity, coherence or consistency; they are uncertain and doubtful; as Richard Sennett puts it in his discussion of Weber's ethic of responsibility, 'the very diversity of these acts makes them painful: a man feels that it is impossible to set things right, to follow a simple course, to feel certain inside about what he must do' (Sennett 1970, 131). This ethic, continues Sennett, is a sign of a person's 'willingness to get involved in the kind of messy, disorganised social experiences that are immune to some transcendent end or justification' (Sennett 1970, 131). Sennett's own term is that of 'caring about,' rather than 'caring for.' The former for him is a form of wanting to take control over another, as opposed to simple, creature-like curiosity about the other. The concept of caring about, for Sennett, 'is thus a product of learning human limits, learning the limits of a person's concern and power in the world' (Sennett 1970, 121).

Others have spoken powerfully of the importance of an ability to reach out to otherness and not subsume it under the empire of the same – not to see it in one's own terms and under the canopy of that which one already understands, but to stand face to face with the other. Fittingly, Emmanuel Levinas has sometimes articulated this idea in a temporal register. He says, for example, 'the relationship with the other is *time*: it is an untotalisable diachrony in which one moment pursues another without ever being able to retrieve it, to catch up with, or coincide with it. The non-simultaneous and non-present are my primary rapport with the other in time. Time means that the other is forever beyond me, irreducible to the synchrony of the same' (Levinas and Kearney 1986, 21; original emphasis). This links up, of course, as it does in Levinas, with the Jewish ethics of the becoming; of that which cannot be satiated; of that which is infinitely demanding.

At one end, then, the ability of concern is open-ended; it is a constant not-yet, a ceaseless striving, an insatiable demand. At the other end, however, it is a reminder of our own limitations. For it is there that we are confronted with the fact that it was not until recently that we – meaning certain communities in the West – gave women the right to vote, black people the right to own property, homosexuals the right to share their lives together, and began to consider seriously our impact on the earth (and future generations who will be born into it) and implement strategies for recycling our waste. The question – how does something emerge as an object of concern for us, how do we come to care about something – is a question prior to the issue of motivation or obligation. By being aware that we are never in the position of having achieved ethical mastery, i.e., by being aware both of our inevitable limitations and of the insatiable demand of otherness, we have a chance at being less complacent, and perhaps also more able to exercise concern. Our limitations do not consist only in the fact that we (including me individually, and you and me, and other kinds of groupings) find only certain things valuable at this time, in this place. They also consist in the kinds of environments we live in – the forms of life of, for example, schools and armies – where we are given more or less opportunity to not only reflect upon that which we find valuable (and possibly widen it or change it), but where we may also be given less opportunity to exercise (and develop) a certain sensibility to that which may be crying out for assistance, including, most importantly, that which is often suffering the most and cannot speak for want of energy or oppression.

Both the ability of consensus and concern are important, but just as important, if not more so, is the relationship between them. What is particularly significant is that both abilities inform each other and work together. The danger here is not only that one of the abilities will come to dominate the other – though this is a real danger, and one, moreover, that will most often result in the ability of consensus dominating the ability of concern. The danger also lies

in communities becoming ever better at reaching overlapping consensus, but without widening the scope of their concern, and thus potentially without being properly attuned to the kinds of suffering and pockets of vulnerability being produced by the system agreed upon.⁷ Behind the veil, to borrow from John Rawls (1971), we may very well identify possible lives, potential platforms of opportunity – possible and potential at least from the perspective we currently have, based on the institutions that are already in place. In doing that, we may very well come to a better, more just, distribution of resources – especially when we combine our method with the principle of maximin (i.e., to the greatest benefit of the least disadvantaged) – but we cannot forever rely on a distribution based merely on the possibilities and platforms we saw, inevitably, from a specific time and a specific place. In that respect, the ability of concern must constantly inform the ability of consensus. The ability of concern, however, is not autonomous: it depends on seeing what has been agreed upon, what the effects of that agreement are, and what are the kinds of suffering and pockets of vulnerability that have, perhaps unwittingly, been created as a result of a certain kind of institutionalised scheme. If we reach into the language of contemporary critical philosophy, we must not only combine recognition with redistribution (see Fraser and Honneth 2003), but we must make sure that both strategies are in constant dialogue with each other.

Clearly, much more remains to be said about how a focus on these two abilities, and the need for an ongoing relationship between them, can help us not underestimate the demands of moral and political life. Doing so is outside the scope of this paper, but what does need to be briefly addressed is the further feature of the human, all too human approach to normativity, namely the fragile pact that these abilities make with the future. As has already been noted, and unlike the divine approach, the conception of normativity offered here gives precedence to the revisability of the ways in which we both make sense of the past and

⁷ The concept of structural violence is useful to draw upon here; see, e.g., Farmer 2004.

anticipate the future, and to the dynamics of feedback thanks to which we sometimes express things as being so-and-so and sometimes as ought-to-be-so-and-so. Giving precedence to revisability and feedback is combined with an acknowledgement of the fact that human conduct is always influenced in more ways than we can, at any one time, in any one place, be aware of or critical about. To say this, in turn, is not to say that there is a realm of implicit norms, or that life is regulated or governed by rules that we do not yet know, but that we could come to know and thereafter adopt attitudes to; for to say that would be to revert back to the immodest legalism we ought to resist being dominated by. Rather, it is simply to acknowledge that whatever it is that we may come to think influences us will in itself only ever be part of what in fact does influence us – with the proviso that to assert that there is something that ‘in fact does influence us’ is only a figure of speech, a curse of the language we use, i.e., a language that makes us posit the existence of that which we cannot know. In any event, in all cases (of revisability, feedback and the acknowledgement of influences we cannot, at any one time or place, be aware of or critical about) what we come to realise, and properly with a sense of celebration rather than disappointment, is that life always has more imagination than we do; just like the demands of moral and political life can never be satiated, but only ever imperfectly and tentatively answered.

Part III. Thoughtfulness

Adopting a conception of normativity as based on the exercise of fallible abilities (of consensus and concern) that make a fragile pact with the future requires a different image and practice of thinking. That image and practice is one of thoughtfulness, i.e., the ability and willingness to widen the scope of (or, sometimes, change) that which we find insightful. The introduction promised to return to a conception of thoughtfulness that Arendt first hinted at in *Eichmann in Jerusalem* (Arendt 1964), but developed at more length in the first volume of

The Life of the Mind (Arendt 1971a). For present purposes, the most significant parts of that volume were also published in the earlier paper, ‘Thinking and Moral Considerations’ (Arendt 1971b). In that paper, and in the relevant part of the volume on thinking (see Arendt 1971a, 166-179), Arendt urges us to respect what she calls ‘the answer of Socrates.’ It will pay, first, to remind ourselves how the notion of thoughtfulness was introduced by Arendt with reference to Eichmann:

For when I speak of the banality of evil, I do so only on the strictly factual level, pointing to a phenomenon which stared one in the face at the trial. Eichmann was not Iago and not Macbeth, and nothing would have been farther from his mind than to determine with Richard III “to prove a villain.” Except for an extraordinary diligence in looking out for his personal advancement, he had no motives at all. And this diligence in itself was in no way criminal; he certainly would never have murdered his superior in order to inherit his post. He merely, to put the matter colloquially, never realised what he was doing. It was precisely this lack of imagination which enabled him to sit for months on end facing a German Jew who was conducting the police interrogation, pouring out his heart to the man and explaining again and again how it was that he reached only the rank of lieutenant colonel in the SS and that it had not been his fault that he was not promoted. In principle he knew quite well what it was all about, and in his final statement to the court he spoke of the “revaluation of values prescribed by the Nazi government”. He was not stupid. It was sheer thoughtlessness – something by no means identical with stupidity – that predisposed him to become one of the greatest criminals of that period. (Arendt 1964, 287-88)

It was against this background that Arendt endorsed the answer of Socrates. Unlike professional philosophers, Arendt says, Socrates ‘felt the urge to check with his fellow men to learn whether his perplexities were shared by them – and this’, she continued, ‘is quite different from the inclination to find solutions for riddles and then demonstrate them to others’ (Arendt 1971a, 172). This ‘aporetic’ feature was visible in Socratic dialogues: the argument did not lead anywhere, or went around in circles (Arendt 1971a, 169). There are three images that Arendt uses to further unravel the Socratic answer. First, Socrates is a gadfly: ‘he knows how to sting citizens who, without him, will “sleep on undisturbed for the rest of their lives” unless somebody comes along to arouse them’ (Arendt 1971a, 172). Second of all, Socrates is a midwife: he ‘purged people of their “opinions”, that is, of those

unexamined pre-judgements that would prevent them from thinking’ – in other words, ‘because he is sterile himself...he knows how to deliver others of their thoughts’ and he knows ‘whether the child is a real child or a mere wind-egg of which the bearer must be cleansed’ (indeed, for Socrates, it is always a wind-egg; Arendt 1971a, 172-3). Third, and finally, Socrates is an electric ray: he ‘remains steadfast in his own perplexities and...paralyzed himself, paralyzes anyone he comes into contact with’ (Arendt 1971a, 173). As a gadfly, midwife and electric ray, Socrates does not claim to teach anything or to make men wise (Arendt 1971a, 173).

Arendt’s description and endorsement of Socrates is instructive. Her recalling of Alfred Whitehead’s lament that history is a collection of footnotes to Plato rather than to Socrates is also evocative. For this is part of the difficulty: as soon as thinking is professionalized and bureaucratised; as soon as a community of thinkers arises, which adopts its own technical terms, carries with it the legacy and gravitational pull of its stock of typical examples, and adopts certain conventions for the expression and presentation of thinking, then something is endangered – not necessarily lost, but endangered. As Ludwig Wittgenstein noted, ‘the philosopher is not a citizen of any community of ideas. That is what makes him into a philosopher’ (Wittgenstein 1970, §455).

Arendt’s account of thinking does not, however, remain confined to the ideal of Socrates.⁸ She is right – at least from the perspective of thoughtfulness endorsed here – when she argues that ‘thinking is always out of order, interrupts all ordinary activities and is interrupted by them’ (Arendt 1971a, 197). She is also right when she says, in the same spirit, that ‘thinking inevitably has a destructive, undermining effect on all established criteria, values, measurements of good and evil, in short, on those customs and rules of conduct we treat of in morals and ethics’ (Arendt 1971a, 175). Thinking unfreezes these ruts, these

⁸ Arendt is aware that positing Socrates as a model is ironic, for it is the last thing he would have wanted; see Arendt 1971a, 168-9.

previously laid down paths; the wind of thought stirs in you, shakes you from your sleep, and makes you fully awake and alive; it makes you ‘see that you have nothing in your grasp but perplexities, and the best we can do is share them with each other’ (Arendt 1971a, 175). But did Arendt need to go further and argue, as she did, that ‘the thinking activity arises from the fact of withdrawal’? – That thinking ‘always deals with absences and removes itself from what is present and close at hand’? (Arendt 1971a, 199).

Earlier in her account of thinking, Arendt traces the persistence of the idea that withdrawal is a hallmark of thinking, and of the philosopher. The philosopher withdraws from whatever is material, e.g., the body. As Arendt notes, ‘thought is swift, clearly, because it is immaterial, and this in turn goes a long way toward explaining the hostility of so many great metaphysicians to their own bodies. From the viewpoint of the thinking ego, the body is nothing but an obstacle’ (Arendt 1971a, 44). Not only does the philosopher withdraw from the body, but he also withdraws from ‘the “beastliness of the multitude” into the company of the “very few”’ (Arendt 1971a, 47) – a kind of priesthood of professional thinkers. This ‘life of thinking’, says Arendt, ‘knows neither joy nor grief’ – thus indicating another withdrawal, this time from the life of the emotions – and ‘is the most divine of all’ (Arendt 1971a, 47).

The most prominent withdrawal in Arendt’s portrayal of images of thinking is probably that from ‘the common sense world of appearances’ (Arendt 1971a, 88). The senses, as exercised in everyday life, are not to be trusted; the body, as noted above, is an obstacle. What is required of a philosopher is that she goes behind appearances to the true nature of things. Ordinary persons are participants in the world of things; they are absorbed in particulars and pressed by urgent business; a whole world of invisible things (those implicit norms, or the laws of nature waiting to be discovered) would ‘remain forever unknown if there was no spectator’, i.e., the philosopher, ‘to look out for it, admire it, straighten out the stories and put them into words’ (Arendt 1971a, 132-3). In all of this, it is our mortality, our

fallibility, our animality, that is the problem, the obstacle to be overcome, to be withdrawn from. For the Greeks, the chief task of thought ‘was to remedy our mortality, and make ourselves more like gods’ – the alternative, horror of all horrors, was ‘to sink down to the level of animals’ (Arendt 1971a, 134). Love, too, on this conception, whether it be love of wisdom or friendship, is ‘ultimately united by the striving for immortality of all things mortal’ (Arendt 1971a, 134). Excluded from the contemplation of the everlasting ‘were all matters concerning human affairs, because they were contingent; they could always be different from what they actually were’ (Arendt 1971a, 139). This was so even for G.W.F. Hegel, who, although he cast his keen eye upon human affairs, could only do so on the basis that ‘the course of human affairs on the earth also followed such laws, the laws of the incarnation of the Absolute Mind’ (Arendt 1971a, 139). Arendt characterises the move made by Hegel as a move away from immortality to necessity (Arendt 1971a, 139) – to the elimination of the accidental – but for present purposes this distinction is not important. What is important is the exclusion of all things fragile and ephemeral, contingent and accidental – including all those that have been the objects of disgust of the ages; all those hideous and ugly things – such as ‘hair, mud and dirt’ in Plato’s *Parmenides* (Arendt 1971a, 150-1).

This legacy of withdrawal from all things human, or the subsumption of the human under everlasting laws has been and continues to be incredibly tenacious. It was there in Roman philosophy, where the aim was to ‘teach men how to cure their despairing minds by escaping from the world through thinking’ (Arendt 1971a, 152). ‘Nil admirari’, claimed the Romans – ‘do not be surprised at anything, admire nothing’ (Arendt 1971a, 152). Use the mind, urged the Stoics, in such a way ‘that reality cannot touch’ you (Arendt 1971a, 156). Bracket reality; call upon philosophy, said Cicero, to compensate you for ‘the frustrations of politics and, more generally, of life itself’ (Arendt 1971a, 160); turn to philosophy, Boethius remarked in his cell awaiting death (and presumably desperate to prepare himself for the

ensuing tortures), so that you can negate, by thought (for thought is in your power), all that can affect you – so that it will lose its hold over you; thinking, said Boethius, can make the real unreal (Arendt 1971a, 161).

Now, if this is the image and practice of thinking we have inherited, then we have been put on notice. For, to hide away from our humanity, our animality – to attempt to cleanse and purify all that which we are disgusted by, including our own bodies, but also, more dangerously, those too poor and vulnerable, those that are said by the more fortunate to not meet the standards of those tall, well-dressed, pleasant-smelling and rational etc – is but to remind ourselves of the greatest horrors of the twentieth century. When set against this background, it is not a surprise or a coincidence that Cora Diamond recently combines her passionate critique of our treatment of animals with an account of thinking that faces up to, and does not hide away from, the difficulty of reality (see Diamond 2008). ‘What interests me’, she says, ‘is the experience of the mind’s not being able to encompass something which it encounters’ (Diamond 2008, 44). Like Levinas, and others who have sought not to underestimate the demands of moral and political life, she is acutely anxious about our capacity, our all too ready capacity, to subsume otherness, the not-yet, the as yet unrecognised, under the empire of the same, the familiar, the comfortable. Diamond’s term for this is ‘deflection’, i.e., what we do ‘when we are moved from the appreciation, or attempt at appreciation, of a difficulty of reality to a philosophical or moral problem apparently in the vicinity’ (Diamond 2008, 57). Diamond calls on us to resist deflection, and insists on embracing the difficulty of philosophy in the face of the difficulty of reality (whilst maintaining a distinction between the two kinds of difficulties):

The hardness in philosophical argumentation is not the hardness of appreciating or trying to appreciate a difficulty of reality. In the latter case, the difficulty lies in the apparent resistance by reality to one’s ordinary mode of life, including one’s ordinary modes of thinking: to appreciate the difficulty is to feel oneself being shouldered out of how one things, how one is apparently supposed to think or to have a sense of the inability of thought to encompass what it is attempting to reach. (Diamond 2008, 58)

Diamond's passionate plea for embracing the difficulty of philosophy in light of the difficulty of reality echoes the suggestions of some other thinkers who have asked us to embrace, rather than hide away from, the messiness and disorganisation of social encounters (Sennett 1970), and the inevitable incommensurability and thus also conflict between values (see Berlin 1969; and Veitch 1999). It also echoes all those who have urged us (and also expressed this, lived this, in their own style of writing) to philosophise with a hammer (Friedrich Nietzsche) and talk less while walking around slowly, as slowly as possible, looking (Wittgenstein – this language was also picked up by Saul Kripke 1982). It is this spirit, too, that is visible all the way from Diogenes, the thinker who dwelt in a barrel, to a call made recently by Isabelle Stengers and Yves Despret for devising our inquiries in such a fashion that 'they maximise the recalcitrance of those you interrogate' (see Latour 2004). This same human, all too human impulse is visible in all those, within legal and political theory, who speak of the rule of law as a space of disagreement, with room for both rhetoric and revisable agreement (see MacCormick 2005), and characterised, at its best, by the kind of ferocious debate, to be conducted in good faith, that one witnesses in Jewish theological and pedagogical practice (see Hartman 1985). Within that kind of space we cast ourselves out – in a leap of faith (see Williams 2008) – vulnerable, unsure, uncertain, aware of our own limitations, but nevertheless filled with the courage of wonder and care, perplexity and concern.

There are, then, resources we can draw on, and there is, certainly, a lot more that would need to be said in order to provide a properly rich and nuanced account of the notion of thoughtfulness offered here, and thus of the image and practice of thinking that is here endorsed. For one, we would have to pay attention to the physicality of thinking; we would need to return, with excitement, to the potentialities of the body for thinking. This would mean looking at thinking as a way of life, just like soldiering or nursing: that it has often been

solitary, at home sometimes in an armchair by a candle, or sometimes in an office with individual desks (hence, perhaps, the preference, shown by philosophers, to self-consciousness and self-awareness); and that it has been principally expressed in language (hence, perhaps, the bias by some philosophers towards the view that human beings always think in language).⁹ By studying these forms – these common ways of thinking and platforms for thought – we can also entertain the possibilities for alternatives: e.g., for thinking expressed in non-linguistic forms, in company with others, and in different spaces and environments.

It is that capacity to consider and be open to venturing down alternatives that Wittgenstein calls upon when he says ‘it is very difficult to describe paths of thought where there are already many lines of thought laid down – your own or other people’s – and not to get into one of the grooves. It is difficult to deviate from an old line of thought just a little’ (Wittgenstein 1970, §349). The most important point is that we cannot foresee and control these possible lines of thought; this future book of flights. We are not in control, and cannot master, our possibilities and potentialities. We can, however, approach them with hope, rather than fear. We do so when we acknowledge that we have not always known what we know now, what we feel so confident about now, or what we take for granted now. We also do so when we reach back into the past and ruffle it up; break with our usual understandings of what we have understood to be the legacy of the past, of the lessons we have learnt. In order to make the kind of hopeful, courageous pact with the future that is here being called ‘fragile’, we also, then, need to face the bottomless of the past; we need to approach the past with generosity and imagination. In other words, the idea of widening (or, sometimes, changing) that which one finds insightful and that which one finds valuable demands that we remain open to revise both what we have learnt and what we anticipate or expect to find in whatever

⁹ A review of the literature on philosophy as a way of life, both ancient and contemporary, could do worse than begin with the work of Hadot 1995, Bourdieu 1990 and Collins 2000.

direction we look. We cannot live without understanding the past in a certain way – without making sense of what happened and what happens in a certain way – just like we cannot live without a certain kind of anticipation or expectation of future actions and events. But what we are apt to forget, precisely because we rely on that sense-making and anticipation so much, is just how vulnerable it all is; how delicate it is in face of the imagination of life itself. And, when we do so forget, we risk making ourselves too complacent, not acutely sensitive and open enough, to change that which we find insightful and valuable. When we do so, we radically underestimate the demands of moral and political life.

Ultimately, it is only thanks to a different image and practice of thinking that we will be able to engage seriously with a human, all too human – rather than a divine – conception of normativity. The creation and treatment of philosophical topics – the agenda of thinkers – is not necessarily determined, but is no doubt highly influenced by, the images and practices of thinking itself. When we think and express our thoughts, we articulate who we are at that point in time and space; we provide a glimpse into how we live and how we deal and struggle with the experiences we encounter; we convey something of what we notice and how we remember it; we show how we love and what we do when we are reminded, mostly without wanting to be, of our own mortality, fallibility and animality. If we are not able to do so in our lives as thinkers, we have little, and perhaps no, chance, to articulate that sense in which we can only ever rely on our fallible abilities and the fragile pact they make with the future.

Conclusion

This paper has sought to argue that we ought to dispel our divine ambitions – our need for heroism and martyrdom – when attempting to provide an account of normativity. We are not able to master and be in control of either ourselves or the world – we are not like that, and the world is not either. Further, to the extent that we succumb to the temptations of Olympus, we

seriously underestimate the demands of moral and political life. The Jewish tradition offers wise advice: the good can only be that which is about to come, which has not yet arrived, which is radically other and infinite in its questioning. As such, it is also alive: it is a living covenant (Hartman 1985). We can leap into the world only in faith; only with the confidence of faith, and not with the arrogance of reason. To do this, we must act with the courage of our humanity: our vulnerability, our fallibility, our animality, and our mortality. We must not shy away from the difficulty of reality; rather, we must face it; we must face those winds with energy and openness.

For a long time now, both our image and practice of thinking, and our understanding of moral and political life, has been burdened by the weight of a certain kind of concept of law. It is a concept that refuses to accept the bottomlessness of negotiation and re-negotiation. It is a concept that inbreeds the desire for purity – for chaste wills – living in a world of everlasting peace, harmony and happiness. It carries along with it a life of withdrawal, of disengagement, of spectatorship, and for an urgent and pressing desire for dwelling in fantasy worlds, where the bonds and constraints of everyday living are shed, and where all that can be known is waiting to be discovered, solved, and thereafter preached, from the rooftops, down to the din of the admiring masses. As long as that is our spirit, we will continue to ignore the infinity of otherness and our own limitations; we will continue to stick with the righteousness of our solutions – we will not budge – we will not want to live in the constant mess and motley that demands nothing but living together in conflict, but not in violence; in the clash of purposes, but not the clash of swords; in strife and adventure, but not without learning the lessons of listening to each other, watching out for one another.

Let us pause for a moment with this lionised language. This paper does not argue that all philosophers, all thinkers, are inspired and driven by the divine impulse presented here. That impulse, as represented here, is no doubt a caricature, as all representations are. The

views presented here are not presented in all confidence: I am genuinely unsure about them. I am unsure, for example, about the wisdom of arguing that normativity resides in nothing but our own fallible abilities that make a fragile pact with the future. When we argue in this fashion perhaps we miss, as Charles Larmore has recently argued, something very important that consists in the autonomy of morality (Larmore 2008). There is a certain danger in thinking everything lies inside of us – that kind of metaphor may propel us in directions I would recoil from: solipsism, narcissism, and in the end, further withdrawal. That kind of metaphor may also ignore the warnings made by Alasdair MacIntyre against emotivism and against engagement with traditions of ethical inquiry (MacIntyre 2007); it may also perpetuate the old ghosts in the machine, thereby ignoring the world-opening views of those that argue for the extended mind and distributed cognition (see, e.g., Clark and Chalmers 1998; and, more recently, Ross et al 2007). I also worry that this paper may have given unduly short shrift to the views of those cited under the divine conception of normativity: would they not agree with the arguments made here for a human, all too human normativity, while pointing out that what they do is precisely that, i.e., that when they speak of ‘rules or norms that regulate or govern life’ they speak but of certain ideals that we aspire to (in, say, the spirit of the Jewish tradition), and that when they speak of motivation and responsiveness they are speaking precisely of fallible abilities. If that is so, then I have misunderstood these theorists – though perhaps I have also been misled somewhat by their language. In any event, if the debate continues, as undoubtedly it will, then hopefully we will not pass each other by like ships in the night, but hop onto to each other’s decks, and get to meet the crew, enjoy the different view – and disagree (hopefully) but not without openness and, as Wittgenstein might have said, not without the willingness to go down the difficult path, to go the bloody hard way (as recounted by James Conant 2002).

If there is anything I have learnt so far it is this: that I can and ought to aim at truth when thinking; that I can and ought to express my thoughts as clearly and powerfully as I possibly can; that I owe it to my fellow human beings, who now, and in the past, have wrestled with these and other issues and the thinking life more generally, to listen and read them carefully, and to keep returning to them, to keep learning from them; but that after all this is said and done, and after I have produced a paper such as this one, that what I need is the courage to say, ‘I have given everything, this is who I am right now, I lay myself bare for you, but I remain open to change, I know what I have produced is limited, incomplete and revisable – indeed, that is all I know – and I look forward to sharing my perplexities with those who honour me by reading what I have given, by reading what I hereby give.’

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