

IMPURE REASON | ALLAN VINDICATED | JANIK

I. Rationality, Wittgenstein and philosophy of science

There is scarcely a more important concept than rationality either in everyday life or in research. The traditional definition of the human being as rational animal reflects this importance as do the numerous ways in which the word rational and its cognates enter in to common discourse. In everyday life rationality bears upon the ability to reason and to act sensibly. Thus we frequently refer to the “rational” or appropriate thing to do in the circumstances. Conversely to assert that, say, someone’s decision was “irrational” is more or less to question that person’s mental balance. Thus being rational is in a sense being normal. However, the normalcy connected with rationality is devilishly difficult to define in the abstract, even if we have little trouble recognizing it in the concrete. Without a sense of what is normal we have no way of assessing the meaning of change either in everyday life or as students of society. In the academic context the issue of rationality is where the philosophical dimension of human activities most readily comes to light. A mere glance at those contexts provides abundant evidence of that. Thus the concept of rationality bears, among other things, upon choice and decision as it is conceived by economists and other social scientists, on the development of bureaucracies by sociologists, on cognitive structures as conceived by linguistics and psychologists, on issues relating to cultural relativism and the nature of religion among moral philosophers and philosophers of social science, on paradigm change among philosophers of science, on the adaptation of ideas to their environment to evolutionary epistemologists and, last but not least upon the very process of reasoning for communica-

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tions specialists. In many contexts rationality refers to the very idea of Enlightenment conceived as progress through the growth of scientific knowledge. In all of these contexts the issue of rationality is closely linked to normative theories of what ought to be taken to be normal with respect to human action.

All agree upon the classical definition of man as a rational animal at a superficial level; yet, paradoxically, these various conceptions of rationality are heterogeneous to the point of contradicting one another, thereby deflating all their claims to be the one true account. Moreover, the collapse of classical modern theories of rationality containing criteria for progress in the intellectual and social sphere such as logical positivism, structuralism and Marxism has led many post-modern thinkers to opt for an irrationalist position, deeply shot through with irony, according to which “anything goes”. So there should be little wonder why rationality is a central topic for philosophical discussion at the beginning of the 21st century. We seem to confront the horns of a dilemma with an overly constrictive and rather dubious theory of rationality on one side and a superficial irrationalism on the other. Wittgenstein’s practice-immanent concept of rationality offers us a way to pass between the modern and the post-modern horns of the dilemma.

However, we do well to begin by asking what the discussion of rationality has to do with Wittgenstein. In fact, he barely mentions the topic at all – there are only a handful of references to the word family “rational” (*Vernunft*, *rational* etc.) in the *Bergen Electronic Edition* of his papers. He did not discuss the topic explicitly. This means that if we want to talk about Wittgenstein’s connection with a new paradigm of rationality we have to reconstruct a position from his works. That position will bear less upon what he has said in his philosophical writings (and not at all upon his personal opinions) than upon the philosophical implications of the views articulated in his text. The question is important for us because it bears upon the practice of philosophy and its future.

One way of introducing the theme of Wittgenstein’s relevance for current discussions of rationality is to re-examine how his thought has had an impact upon one crucial controversy surrounding the topic in the 20th century. The case of Wittgenstein’s influence upon the debates in philosophy of science in the wake of Thomas Kuhn’s *The Structure of Scientific Revolutions* (1962) will be a useful reminder of Wittgenstein’s importance in questions

of rationality. This debate is of particular interest because it challenged the strong claims of logical positivism about the nature of knowledge and rationality such that it ultimately led to the dismantling of the most ambitious program to reform knowledge and society in modern times. Apart from the demand to eliminate metaphysics as a hindrance to progress and a potential danger to society, these claims can be reduced to three. First, only natural science is genuine knowledge. Claims to knowledge can only be considered scientific when they are verified on the basis sense data. Second, theoretical physics, and it alone, counts as science in the strict sense. Third, genuine scientific knowledge is all of one piece. All genuine disciplines should conform to the model of physics or in some way be deducible from it. Clearly, logical positivism's strong program for the unity of science represents a form of rationalism, for it in no way describes the practice of science. In its distorted concept of reason logical positivism in its extreme form (there were other ways of construing its program)¹ was not rational, but *rationalistic*. It is precisely the confusion of rationality with those "big stories" told by monolithic rationalism that Wittgenstein's philosophizing early and late vehemently opposed. Yet, for all of that, Wittgenstein never embraced irrationalism.

Thus it should not be surprising that the "Kuhnian revolution" in the philosophy of science, for want of a better term, was carried out by philosophers with a strong background in science and at the same time deeply under the influence of the later Wittgenstein such as Stephen Toulmin and Norwood Russell Hanson (Kuhn himself doubtlessly was exposed to Wittgenstein indirectly in his animated conversations with Stanley Cavell during his book's gestation period).² The Wittgensteinian notions that played crucial roles in the discussion then were the idea that seeing is "seeing as", the family resemblance character of the referents of a concept and the notion that examples lie at the basis of knowledge. Thus the lamentably forgotten Hanson could brilliantly exploit Wittgenstein's insights into the contextual

1. Cf. Allan Janik, *Wittgenstein's Vienna Revisited* (New Brunswick, NJ.: Transaction Publishers, 2001), Ch. 10, pp. 197–212.

2. Kjell S. Johannessen has made this point in conversation. Cf. Johannessen, *Tradisjoner og skoler i moderne vitenskapsfilosofi* (2nd ed.; Bergen: Universitetsforlaget, 1987).

nature of perception in order to demonstrate how all observation depends upon theoretical presuppositions. Similarly, the idea that theoretical knowledge is built up on the basis of canonical examples, so central to Toulmin's *Foresight and Understanding* (1961), had its origins in Wittgenstein, as did the idea so closely associated with Kuhn's work that all knowledge and a fortiori all science is not and cannot be all of a piece. Wittgenstein's ideas about how we use "paradigms" and the "family resemblance" character of concepts were thus crucial to those debates. Above all, the idea that the practice of science and scientific theory is the actual embodiment of scientific rationality, then much discussed inter alia in connection with the question of how scientists choose between competing theories, depending upon the notion that science is not simply theory but theoretical practice, leaned heavily upon Wittgenstein.

Wittgenstein was as much a grandfather to the movement towards a praxis-oriented philosophy of science as, say, R.G. Collingwood with his Aristotelian view of philosophy³ as the analysis of the absolute presuppositions of our scientific enterprises or Michael Polanyi with his emphasis upon the role of experimental skills in science.⁴ Even in the 70s it was clear to some of the participants in these debates that the revolution from a monolithic to a pluralistic account of scientific rationality was deeply under Wittgenstein's influence. So there are good reasons for expecting that Wittgenstein will be relevant to any discussion of rationality now. The practice-orientation of Wittgenstein's later philosophy offers us the possibility of escaping between the Scylla of rationalism and the Charybdis of irrationalism.

However, it is less that Wittgenstein's later philosophy offers us a new paradigm of rationality than that it helps us to recover an old, unjustly neglected one. The central notion in his later philosophy is the idea of following a rule, where there are no formal rules to which we can appeal, but examples to be imitated. This view of rule-following ultimately entails the primacy of practice over theory in epistemology. The primacy of practice, the assertion that in traditional terms belief is groundless, in turn, implies

3. Cf. R.G. Collingwood, *An Essay on Metaphysics* (Oxford: Clarendon, 1940).

4. Michael Polanyi, *Personal Knowledge* (London: Routledge & Kegan Paul, 1958).

that practice must take care of itself. That further entails that rationality is practice-immanent.

Theory can neither capture nor justify the multifarious character of practice. Moreover, the practice-immanent character of rationality determines that the rationality of our actions and beliefs must be *reconstructed ex post facto* on the basis of reflection upon what we *do* in the normal course of events. Such a claim and such reflection is the basis of the Common Law, which itself is rooted in the Aristotelian notion of *phronesis*.

Without in the least being aware of it, the later Wittgenstein's insistence upon the primacy of practice over theory in epistemology, as well as the self-sufficiency of practice, rehabilitated Aristotle's notion of practical rationality. In effect, Wittgenstein re-introduced the Aristotelian idea that norms are potentially present in practices: everything philosophers have wanted from theory has to be gleaned from reflection upon practice. It is important to emphasize Wittgenstein's relation to Aristotle here because it is Aristotelian practical philosophy, even more than skepticism or pragmatism, with which Wittgenstein has his deepest affinities. However, it is less that Wittgenstein merely restored a lost view than that the two views of rationality *complement* one another in profound ways. The resulting view of philosophy is a sobering, because realistic, concept of what philosophy can do in the world, which is none the less important for its sobering character. These are the themes to be explored here. In order to explore them we must, as the participants in the debates around Kuhn did not, go to the very heart of Wittgenstein's philosophy, the concept of practice and the idea of rule-following.

2. Rule-following and the preconditions of experience

Wittgenstein's later philosophy is an increasingly intense reflection upon the nature and implications of the idea that knowledge is first and foremost a matter of following a rule in a situation where there are no formal rules but only examples of actions to be imitated (*PI* § 208),⁵ i.e. where we learn the rules of the game by playing as it were (*OC* § 95). It is the knowledge embodied in actions like dancing and swimming, promising and apolo-

5. I cite Wittgenstein from Ludwig Wittgenstein, *Werkausgabe* (8 Vols.; Frankfurt, Suhrkamp, 1984).

gizing, experimenting and story-telling etc., etc. That means that all human knowledge is ultimately constituted through actions imitating an exemplary action, which has been shown to us by another. Our concepts originate as we “catch the drift” (“die Tendenz erraten”, *PI* § 210) of a series examples we imitate.

Learning in this way is learning to make practical judgments about the nature of situations and how we should – or should not – react to the demands those situations place upon us. In fact, what we learn this way turns out to be a “nest of judgments” (*OC* § 225, cf. § 140) forming a system into which everything we later learn comes to be incorporated. Our parents or guardians drill us at first by reinforcing our animal instincts such as, say, that of withdrawing our hand immediately from any heat strong enough to burn us. Thus they instill a certain regularity into our behavior and with it confer order and security, i.e. practical certainty, upon our lives. Such behavioral regularity becomes the system (*OC* § 410) in terms of which we further develop our own capacity to judge. As our parents/guardians drill us they also encourage us to respond appropriately to a given situation with words, whose meaning we only later come to understand. At the same time that they train us in using the objects around us they also train us to name and to discuss them. First we learn to say the word and only later learn what it means. Since we acquire language as part of a reinforced system of responses that must become second nature to us, we fail to have a synoptic view of what is in fact most rudimentary with respect to what we know. Thus Wittgenstein must develop the most curious stylistic techniques for reminding us of things that are so obvious and trivial that we in fact confuse ourselves systematically by overlooking them when we pose epistemological questions. These reminders have the form of perspicuous contrasts with the customary philosophical way of viewing things.

Wittgenstein’s profound reflections upon the epistemology of practical knowing led him to reject the priority of experience among the forms of knowing in *On Certainty*:

Now does experience teach us that in such and such circumstances people know this and that? Certainly experience shows us that normally after so and many days a man can find his way about a house he has been living in. Or even: experience teaches us that after such-and-such a period of training a man’s judgment is to be trusted. He must, experience tells

us, have learned for so long in order to make a correct prediction. But –
– – (OC § 434, trans. Denis Paul & G.E.M Anscombe)

The “but” at the end of the text is weighty indeed. In fact it poses the question, “*how* does experience teach us?” and in doing so takes Wittgenstein beyond pragmatism. In order to answer it he must add a third kind of knowledge to the two that we have been accustomed to distinguishing after Ryle, “knowing that” and “knowing how”, i.e. knowledge by *familiarity* (*Vertrautheit, Wohlvertrautheit, Bekanntheit*). In fact Wittgenstein is concerned here to establish the *practical* conditions of the possibility of our being able to learn from experience in the first place. Thus he wants to explore how it is possible for us to have experience at all. Experience emerges as we grasp the orders that our parents/guardians give us about, say, avoiding what is “hot”. Thus we come to have experience on the basis of their authority, which in fact structures our behavior as we come to interweave words and actions playing with them. The resulting ensemble of “language games” form a nest (OC § 225) and introduce a system into our behavior that in turn becomes the firmly fixed hinge (OC § 343) which makes intelligible goal-oriented action possible as well as develops our ability to learn further from experience on our own. Thus we learn by applying knowledge, which is not our own in a variety of new situations. We do not subsume facts under definitions, as traditional philosophers have largely assumed, but integrate new experiences and new knowledge into what already stands fast for us (OC § 144 *et passim*). This will later apply to scientists in their employment of models every bit as much as it will Boy Scouts learning to use maps.

Both are exercises in practical hermeneutics. Thus practice is not a weak and wobbly approximation of theory, as it often is presented in textbooks on epistemology, but the firm basis upon which our capacity to act and ultimately to represent the world accurately in true propositions is based.

All of this Wittgenstein takes to be an account of certain general features of human natural history into which the conundrums of traditional epistemology are to be dissolved. It is noteworthy that Wittgenstein sees nothing profound about the sort of information that is capable of dissolving philosophical quandaries. They are things that everyone knows about human activity, but which we somehow forget when we pose philosophical questions. We expect that the answers to those questions will be like the answers to scientific questions. In any case, the “facts” in question are anything but

esoteric. They are little more than commonplaces, which is why it would be absurd to consider them as constituting a philosophical theory (which for Wittgenstein is a contradiction in terms in the first place). Nevertheless, the role that these facts play in knowing in the concrete sense bears a certain curious resemblance to what Kant termed synthetic a priori propositions inasmuch as they are empirical and at the same time universal, given human natural history. They are facts of nature, which apply to all human beings but, paradoxically, they might be different. For example, “all children learn their mother tongue by playing with their parents/guardians” would be one. It is completely uncontroversial and anything but a philosophical thesis. If we can dissolve philosophical problems into such completely uncontroversial general facts of our natural history, the restlessly questioning philosophical mind comes to rest in an insight that satisfies its curiosity once and for all. This is what Wittgenstein aims at.⁶

3. Aristotle’s conception of practical knowledge

How are Wittgenstein’s views of concept formation related to the Aristotelian conception of practical reason? It is only possible to answer this question by doing something completely un-Aristotelian, namely, decoupling Aristotle’s concept of practical knowledge from his moral thought. We do this at our peril; however, when we do we discover that there are more points of contact than meet the eye. It is important to mention at the outset that it is the Aristotle of the practical writings (the *Ethics*, *Politics*, *Rhetoric* and *Poetics*), as opposed to the metaphysician,⁷ who is of interest here. Nor should we lose sight of the fact that, despite the important points of comparison between Wittgenstein and Aristotle, important differences between them will remain. These basically boil down to the fact that whereas Aristotle wants to constitute practical knowledge, the ability to determine in practice what is implicit in a situation and an appropriate reaction to it,⁸ Wittgen-

6. Cf. Allan Janik, *Wittgenstein’s Vienna Revisited*, Ch. 7, pp. 147–70.

7. Marjorie Grene concludes her study of Aristotle on the note that his universe is not ours at all. However she does not discuss his practical philosophy at all in an otherwise insightful study. Grene, *A Portrait of Aristotle* (Chicago: University of Chicago Press, 1963), pp. 227–51.

stein wants to direct our attention to the complexity of the *background* that is involved in making such discriminations. An adequate elucidation of the reasons for this difference would transcend the limits of this paper.

Practical wisdom is entirely concrete, displaying itself chiefly in actions rather than words. In the *Nicomachean Ethics* Aristotle describes moral virtue as based upon practical knowledge. Virtuous knowledge is a *knack* for *acting* on the basis distinguishing between what is too little and too much with respect to matters of pleasure and pain, of self-control with respect to fear and anger and in matters of social intercourse.

Practical wisdom is actively distinguishing, not simply between what is right and wrong in particular situations, but what is right or wrong *for me* in a particular situation. It is thus an entirely personal sort of knowledge, more like the craftsman's skill than the scientist's theories.

The distinguishing characteristic of practical knowledge as knowledge is that it can be developed only in the course of learning to behave properly (which is clearly more problematic for us than it was for him).⁹ Thus practical knowledge is not a matter of formal education or IQ, but *insight* into excellent *behavior gained from behaving well*. Like the champion swimmer's knowledge of swimming, it is immanent in the activity itself, "second nature" as it were: the ability to describe how accomplishment is attained is wholly independent of the activity itself.

Aristotle's analysis of practical knowledge is embedded in his discussion of the various types of intellectual excellence (*Nicomachean Ethics*, Bk. 6).¹⁰ He maintains that intelligence is exercised in three different ways: *speculatively* in inquiries into Nature, *practically* in determining how to act, and *productively* in making artefacts. The first of these activities requires three sorts of excellence, the second and third one each. Thus "science" or discursive reason (*epistemê*) refers to our ability to explain natural phenomena in the

8. I cite Aristotle parenthetically according to the traditional numeration. The main difference from Wittgenstein is that Aristotle considers this ability to characterize the knowledge of a statesman, *loc. cit.*

9. Cf. Alasdair MacIntyre, *After Virtue* (South Bend: University of Notre Dame Press, 1981) and related writings.

10. Pierre Aubenque's brilliant *La prudence chez Aristôte* (3rd ed.; Paris: Presses Universitaires de France, 1986) remains the standard work on the subject.

form of what we would today call theories. “Intellect” or “intellectual intuition” (*noûs*) refers to our capacity to grasp the most abstract principles upon which scientific knowledge is based, i.e., the basic concepts in logic, which can neither be proven positively nor denied consistently. “Wisdom” (*sophia*) is the synthesis of the two. “Art” (*technê*) is skilled craftsmanship; whereas “prudence” or practical wisdom (*phronesis*) is excellence with respect to determining the course of our own behavior.

The point of making these distinctions is that the specific character of practical knowledge is devilishly difficult to determine. So Aristotle wants to contrast it with intellectual intuition, with which it shares the properties of certainty and crystal clarity, but only in an analogous way. It is intuitive like the capacity to grasp mathematical principles, but involves an intuition of something particular in all its particularity, rather than abstract like the principles of mathematics. Practical knowing resembles art inasmuch as it creates order but that order is an order in my actions, which does not involve a “product” outside of my life itself. He further contrasts practical knowledge with sensory perception because it is a judgment that follows upon something individual that we “see”. However, what we “see” in this sense is not “sense data” that we passively observe – red, here, now – but forms or Gestalts.

The crucial point where we should seek the link between Wittgenstein and Aristotle is precisely at the end of Chapter 8 of Book 6 in the *Nicomachean Ethics*, for Aristotle will insist there that the kind of perception that is characteristic of the man of practical knowledge is analogous to the perception that distinguishes a figure as a triangle (1142a27).¹¹ Such a discrimination presupposes our ability to use language, something that Aristotle seems simply to overlook, and, in effect, smuggled in, in this crucial context. Here is where Aristotle ends and Wittgenstein begins, for the latter rescues Aris-

11. The idea that we perceive the forms of individual things as “common sensible”, not “proper sensible”, i.e. “sense data” and that such perception is what limits and therefore defines our knowledge of particulars, is taken to be the very foundation of the whole of the *Ethics* by commentators such as Dirlmeier. Cf. Aristoteles, *Nikomachische Ethik*, trans. Franz Dirlmeier, *Werke*, ed. Ernst Grumach (6 vols.; Berlin: Akademie Verlag, 1956), VI, pp. 267–9. I am indebted to Jan Stolpe for discussion about this crucial text.

tote by explaining how precisely that ability to discriminate is part of the behavioral constitution of language.

Like the later Wittgenstein, the author of the *Nicomachean Ethics* insists that practical knowledge, the ability to judge what to do in a given situation, is *constituted* in action, which explains why Wittgenstein and Aristotle, in opposition to Socrates, agree that to know something practically does not imply that we can give an account of it. Like Wittgenstein, who describes how meaning and understanding emerge from drill, Aristotle emphasizes how insight into how we should act in given situations emerges from what we might today be inclined to call conditioning. It is absolutely crucial that we only come to understand what it is to act well and pleasingly on the basis of learning how to perform excellent actions themselves. However, for all that, neither of them are behaviorists.

For both are committed to the notion that understanding emerges from training but is not simply reducible to mindless repetition. In fact there is something basically fulfilling in both their accounts of how we “catch the drift” of interweaving words and actions. Thus Aristotle emphasizes how imitating others is an intrinsic source of joy for children (*Poetics* 1448b); whereas Wittgenstein similarly insists that the drilling in terms of which children learn their native language is a form of play (*PI* § 7). In Wittgenstein’s epistemology it is a matter of learning to interweave words and actions into a myriad of different language games, whereas Aristotle’s practical philosophy explains how we develop a facility through practice instantly to select a course of action on the basis of an informed assessment of a situation.

To reiterate: the most important point where Wittgenstein compliments Aristotle’s account of practical knowing is precisely where the former presses his investigation of meaning and concept formation beyond experience to the practical conditions under which experience becomes possible, i.e. his account of what it is to follow a rule. This analysis, which has already been sketched above, helps to specify how practical knowledge can have the features of precision and certitude that Aristotle attributes to it and at the same time defy systematization on the form of a theory.

On Aristotle’s view practical knowledge or experience cannot be systematized for a number of reasons.

First, the rules in terms of which we organize our lives admit of exceptions. Practical knowledge is a developed ability for distinguishing between

the cases that correspond to the rule and those which are exceptional. Any attempt at generalization is always dangerous because the kinds of situations we find ourselves in are always particular. Thus the Aristotelian concept of practical knowledge entails a modest and healthy skepticism from the start but it is more than that. For Aristotle, the trick is to be able to distinguish what is normal from what is not in a variety of similar, but not identical, circumstances and act accordingly.

Second, practical knowledge for Aristotle is my knowledge of my personal limits. It is my knowledge of how I deal with particular things in particular situations. Thus it is personal knowledge, as Michael Polanyi pointed out in the context of scientific experiment. It cannot be of use to anybody else because each person must learn how to deal with individual things and specific situations for him/herself. Nobody can be a decent person for me. I must do that for myself. Whatever I might claim for myself, I cannot expect that it will be valuable for another person simply because we are two different people.

Thus the notion of *flexible* limits underlies Aristotle's *Ethics*. For Aristotle history and literature are repositories of practical wisdom precisely because they explore the complexities of situations. He considers literature, for example, an important source of such knowledge precisely because writers have the gift of educing a universal message from a particular situation. However, each of us has to learn to "tap" those sources for himself or herself in his or her own way. Put differently, it is a corollary of the obvious truth that I must become a decent person for myself, nobody can become a decent person for me, that I must establish for myself how to take the good advice that is passed on to me. Tradition as revealed through history and literature gives us examples of meritorious action, but I must concretely, i.e. in my own actions, establish what means will best realize these ideals in my life. The danger that results from lack of practical wisdom is that a person loses sight of the finitude and uncertainty that is part and parcel of human affairs and tries to see them from a "God's-eye-view": that is where *tragedy* commences. Indeed, one might say that tragedy begins when a person ceases to realize the essentially dramatic, i.e. unfinished or open-ended character of human knowledge.

The opposite of practical wisdom is not ignorance but a sort of folly that is potentially self-destructive. Thus a “science” of the ethical or political in the strict sense is something that Aristotle finds at best silly, at worst perverse. Confusing practical matters with the sorts of things that can be understood on the basis of theory will thus have a “mad”, potentially tragic character.

4. How practice takes care of itself: The Common Law

Linking Wittgenstein’s practice-immanent conception of rationality to Aristotle’s has nothing to do with wanting merely to turn the philosophical clock backwards. That is impossible in any case. The link to Aristotle can help us to appreciate how it is that letting practice take care of itself is not a matter of condemning us to a superficial relativism but itself a source of order. Here is where aspects of the Common Law, which itself has a certain historical link to Aristotle’s practical philosophy, can help us to appreciate that Wittgenstein does not condemn us to moral chaos.¹² Two notions are especially helpful here: the idea of a precedent and the idea that the actions of a normal person have a certain normative character. The latter has an explicitly Aristotelian character.

In the Common Law the decisions of a higher court (than the one in which a particular trial is taking place) have the character of *dicta*. This means that when a higher court has pronounced that a certain specific act is legal/illegal that decision is relevant to determining the question of legality of an act in a subsequent case. In short, the Common Law is based upon the idea, so central to *On Certainty*, that the decision of a higher court can make

12. On the Common Law see, Oliver Wendell Holmes Jr., *The Common Law* (New York: Dover, 1991); Edward Levi, *An Introduction to Legal Reasoning* (Chicago: University of Chicago Press, 1949). For a useful comparative perspective see Michel Fromont, *Grands systèmes de droit étrangers* (3rd ed; Paris: Dalloz, 1998) and “The Evolution of Modern Legal Systems”, *Encyclopedia Britannica, Macropedia* Vol. 22, pp. 917–947. The latter emphasizes: 1) that there is scarcely a “pure” system of law – Common Law and Civil (Roman law) have need of both precedents and statutes – and 2) that statute is becoming increasingly important within the Common Law system. However neither of these points vitiates the claim that the Common Law has functioned as the basis of the Anglo-Saxon legal system since William the Conqueror introduced it in the 11th century.

a fact into a rule that “stands fast” for us when we want to make other legal judgments.

Furthermore, Common Law, unlike Roman Law, must not directly stipulate that a given act, say, a business practice, is illegal for it to be so. In order to determine whether something that a person has done is legal or not the court places the matter before a jury that has the power to determine whether the act in question was reasonable or not in the circumstances, i.e. the sort of thing that a person of practical wisdom, i.e. of sound judgment, could have been expected to do in that situation. This procedure lends the Common Law a flexibility, transparency and social relevance that is lacking in other legal systems.

It does not, of course, guarantee that outcomes are beyond criticism because nothing can do that. Instead, the Common Law institutionalizes procedures for integrating particular, seemingly anomalous incidents into an ordered series and thereby pronouncing upon their legality and their rationality. The ability that qualifies the members of the jury to establish whether crime has been committed or not – and the practical knowledge that enables a person to act properly in a given situation – is what speakers of the English language call common sense. It is in fact nothing but what Aristotle called *phronesis*.

Both the notion of a precedent and the idea that the actions of a person of practical wisdom are normative within society reflect ways in which practice has come to take care of itself within the Anglo-Saxon world. It is noteworthy that the reasoning involved is analogical or metaphorical rather than formal or subsumptive. In any case, the Common Law, with its Aristotelian background, provides ample evidence that the dictum that practice must take care of itself does not inevitably lead to irrationalism but can be a principle of rational development as well as a source of Socratic self-knowledge. The point is that the idea that practice must take care of itself does not in any way imply that “anything goes”.

5. Leaving things as they are

The implications of Wittgenstein’s practice-immanent conception of rationality are sobering indeed. Wittgenstein himself recognized this when he said that all that philosophy so-conceived could do was to destroy idols, like a typically modern false conception of rationality, but destroying idols meant

also avoiding making the lack of idols itself into an idol,¹³ i.e. by embracing a typically post-modern irrationalism. The point is that Wittgenstein's conception of philosophy is eminently unheroic. Unlike Russell, Neurath, or Popper, Wittgenstein's philosophy has no "message" apart from the insight into the way that our concepts are rooted in our natural history that dissolves philosophical problems. (Curiously, Heidegger presents a special case here that bears comparison with Wittgenstein in many crucial points.) It is basically a matter of skilfully disabusing philosophers of deeply embedded prejudices in their assumptions about knowing. Neither science nor social criticism nor mysticism nor stylistic cleverness are in the least philosophically interesting to him. It makes no promises to cure the ills of the world. It does not show us the way out of the cave, to speak with Plato, but what it is to be the kind of a creature that lives there in the first place. It is a view that should be congenial to Nietzscheans for the insights it brings with it into the nature of "life" but it is nonetheless rational for all that. Nietzsche, not to mention his most important twentieth century disciple, Michel Foucault, too, strove to develop a natural history of morals, whose exact relationship to Wittgenstein's natural history of "thinking" bears further investigation, especially with respect to our understanding of what it is to be rational. But this, too, is a theme that is far beyond the scope of a brief discussion.

Wittgenstein was convinced that it is precisely the commitment to leave things as they are that confers upon philosophy its ability to grasp what remains unobserved despite the fact that it is continually before our eyes. Similarly, he seems to have rejected the idea that the philosopher could be the member of a community because as a member of that community he would have to accept its assumptions and presuppositions and thus obstruct his vision. This should be much more disquieting than it is normally taken to be, for a university, too, is a community. Can one be a philosopher in Wittgenstein's sense and a university professor? Wittgenstein seems hardly to have thought so. For example, he abhorred academic conferences to the point of leaving town when one took place. Of course, our investigation here cannot proceed from Wittgenstein's personal views but what follows

13. Cited from the Big Typescript by Anthony Kenny, "Wittgenstein on the Nature of Philosophy", *Wittgenstein and His Times*, ed. Brian McGuinness (Chicago: University of Chicago Press, 1982), p. 5.

from his principal philosophical insights and thus with the way philosophy should be practiced.

For him, being a philosopher means nothing else but analyzing the unspoken and thus unquestioned foundations of our enterprises. At best philosophical analysis can dissolve tormenting conceptual problems, it cannot produce solutions. What should we learn from that? I have argued elsewhere that the consequences of Wittgenstein's view of philosophy is the sobering but realistic thought that it is not philosophy but politics, not thought but action, that changes the world.¹⁴ If it is possible for one person to do so, that person would have to be schizophrenic. This amounts to altering the scale of relative values in the world – a matter that did not interest Wittgenstein the philosopher at all. In effect, he poses the question to us: why should we think that philosophy has to play a role here at all? Whatever the answer to that question is, it cannot be simply because philosophers have always wanted to change society and even less on the basis of their achievements in changing society for the better. In any case, understood against the background of Wittgenstein's own philosophical practice, there is nothing in the least controversial about this. Indeed, given his strategy and tactics for approaching philosophical problems, i.e. his very way of writing philosophy, it is almost impossible to imagine Wittgenstein changing anything. This would make him into a completely different philosopher.

To allege that philosophy should not aspire to change the world does not imply that no one can change the world, only that philosophers *qua* philosophers do not. Modern philosophers have been erroneously inclined to believe that they can in ways that would never have occurred to the medievists. Wittgenstein's idea would not be falsified by the fact that a philosopher did in fact carry through a political program or successfully pursue a line of social critique but that if he or she did so he or she would have *eo ipso* ceased to be a philosopher. If there is anything at all to Wittgenstein's position here, it is that there is a limit to our action that language itself places upon us.¹⁵ As in the case of the idea of private language, philosophers can deceive themselves about what they are up to. Wittgenstein was much more

14. Cf. Allan Janik, *Style, Politics and the Future of Philosophy* ("Boston Studies in Philosophy of Science"; Vol. 114; Dordrecht: Kluwer, 1989).

preoccupied with philosophers' self-deceptions than he was with questions of social justice or other such matters of relative value. There is something entirely realistic about this stance that both his critics and his followers frequently miss.

It is hardly possible to conclude this discussion without explicitly discussing the Wittgensteinian response to the problem of relativism. In what sense is Wittgenstein a relativist? In what sense does he reject relativism? The latter is the more convenient starting point. Wittgenstein rejects all theories of relativism for the simple reason that he rejects theory in philosophy.

So, if he is a relativist, it is not in terms of a theoretical claim about the relativity of personal or cultural values according to which all clashing values are a priori incompatible and incommensurable. Furthermore, the private language argument has been rightly taken to exclude the arbitrary determination of meaning on the part of an individual.¹⁶ In short, Wittgenstein rejects all strong claims about the relativity of our judgments. What he does not reject is the weak view that it is simply a fact that there is incompatibility and incommensurability with respect to values in the world. There are genuine disagreements about, say, what is a delicacy and what is disgusting in culinary matters. Think, for example, of the various attitudes people in different places have with respect to eating pork, beef, a sheep's eye or the raw heart of a goat. Such incompatibility at the level of fact neither explains nor justifies anything. It is just the sort of general fact about our natural history that might on Wittgenstein's view under certain circumstances help to dissolve a philosophical conundrum. However, the fact of cultural diversity is precisely what is in need of explaining. Explaining the circumstances under which value concepts have become incompatible and incommensurable with one another is not the task of philosophy but of history and social science. Philosophy's job is to leave everything as it is, i.e. to prevent us from ignoring legitimate differences by calling our attention to the way these dif-

15. Allan Janik, "On the Limits of Language and Other Nonsense", *Wittgenstein and the Future of Philosophy*, Schriftenreihe der Wittgenstein Gesellschaft Vol. 30, ed. Rudolf Haller and Klaus Puhl (Wien: öbv&hpt, 2002), pp. 171–175.

16. Hilary Putnam, *Reason Truth and History* (Cambridge: Cambridge University Press, 1981), pp. 49–74.

ferences are rooted in the natural history of an animal that speaks. That is the foundation of a robust relativism.

Does Wittgenstein offer us a new paradigm of rationality? The answer has to be “no”. The Wittgensteinian view that rationality is a property of human action, which attaches to practices that establish themselves over time, turns out in fact to be a welcome revival of the old Aristotelian notion. From a Wittgensteinian perspective, as well as for the Aristotle of the practical works, philosophical theories of rationality are not false, but beside the point. Theory by its very general nature cannot capture the plurality and complexity of what allows us to determine that is a situation normal. Only reflection into practice can do that. Wittgenstein requires us to take a close hard look at the world as we find it in order to understand how and why it functions as it does. Aristotle admonishes us to begin such inquiries with the questions, “what do we usually do?” and “what do we usually say about it?”, whereby the former clearly takes precedence over the latter. Wittgenstein wants to delve yet deeper into the practical conditions of the possibility of human concept formation, something that leads him to the construction of fictive natural histories that illuminate our real one by contrast. Wittgenstein compared the result of these self-questioning procedures with Freudian analysis.

For Freud the aim is to help us to exchange our misery for mere unhappiness. Wittgenstein pursues a similar kind of therapy in philosophy: the realistic abandonment of philosophy’s traditional pursuit of ideal castles in the air, which in fact makes us miserable, because frustrated, on account of philosophy’s incapacity to change the world. He reconciles us to facing the world as we really find it. His reflections result in a sobering, Socratic insight into how we are limited by being the kind of creature that we are, namely, an animal that speaks. Such self-knowledge is, paradoxically, both the presupposition for any genuine Enlightenment and an antidote to both rationalism and irrationalism.