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## **Wittgenstein and Rousseau on the context of justification**

**Abstract** The historical aim of this paper is to reveal some striking similarities in Wittgenstein's treatment of epistemic justification and Rousseau's treatment of political justification. The theoretical aim is to open up the possibility of an understanding of justification which requires neither the discovery of some fundamental ground for judgment nor the alienation of the judge from the community or practice to be justified.

Against the prevailing tradition in which justification occurs by reflectively rooting the practice in question in some unquestioned ground outside of and unaffected by that practice, a process which requires of the judge that her reason be untainted by practical involvements, both thinkers assert that justification can take place only within, being practically engaged with, whatever is to be justified. Indeed, we can go so far as to say for these thinkers that practical involvement is precisely the production of the grounds of legitimacy, and reasoned judgment is possible only from this engaged perspective.

**Key words** justification · language · Rousseau · social contract · Wittgenstein

Rousseau writes, in *On the Social Contract*, that the formation of a perfect and harmonious political association requires the 'total alienation of each associate, together with all of his rights, to the entire community . . . for', he explains, 'if some rights remained with private

individuals, in the absence of any common superior who could decide between them and the public, each person would eventually claim to be his judge in all things, since he is on some point his own judge. The state of nature would subsist and the association would necessarily become tyrannical or hollow.<sup>1</sup>

I would like to begin this paper with a simple observation, making the analogy which Stanley Cavell declines to make:<sup>2</sup> the content of this remark of Rousseau's closely parallels the central message of that series of remarks grouped into the so-called 'private language argument'. If each individual is arbiter of the right (in the absence of any common criteria, and shared practices of their application, by which the right could be determined) then 'whatever is going to seem right to [him] is right. And that only means that here we can't talk about "right".<sup>3</sup> Without a shared distinction between right and wrong, there can be no meaning, and, of course, no language. Thus it looks as if, for Wittgenstein as well as Rousseau, if we do not give over to our linguistic community the authority to decide between proper and improper (uses of a word), between correct and incorrect (reference), then we lose that which binds us as a community: it would not be possible for us to *communicate*.

This raises an interesting, albeit very general question: to what extent is Wittgenstein part of the social contract tradition, or, better still, to what extent does Wittgenstein view language as a social contract, forming a linguistic association founded, like Rousseau's utopia, on 'convention'?<sup>4</sup>

I should say at the outset that I will not spend time in this paper at this level of generality: the project of politicizing Wittgenstein's view of language has been successfully undertaken already in *The Claim of Reason*.<sup>5</sup> Instead I wish to focus on one important aspect of social contract theory – its treatment of the role of the individual will/consent in justifying the social contract and its provisions – and to explore, through this lens, the parallel treatment of justification in Wittgenstein. As Robert Arrington puts it, in a line which could be applied equally well to the history of political thought, 'Throughout the ages . . . attempts have been made to ground language in something non-linguistic, something that would explain why language is as it is and that could be appealed to in justification or criticism of specific linguistic practices.'<sup>6</sup> Both Rousseau and Wittgenstein engage this tradition of justification, and the similarities in their treatment, critique and extension of that tradition are, as I hope to show, strikingly similar.

But although more narrowly focused than our original question, this analysis is meant to serve that more general inquiry. And since the

answer to that question of the amenability of Wittgenstein's views of language to interpretation on a social contract model will largely depend on just what, exactly, that model *is* (and, in particular, what relation of individual consent to political legitimacy rightly characterizes a social contract theory), it is with an examination of this issue that this paper must begin.

## I

Beginning, then, from the most general of characterizations, a social contract theory is, as its name implies, one which 'offers an analysis of political authority in terms of a contract involving those subject to that authority. . . . The terms of legitimate political authority are the terms of this contract.'<sup>7</sup> Of course, as an analysis of the grounds of justification or legitimacy, this is necessarily unsatisfying, for it simply pushes the question of the grounds of that legitimacy back one step: what justifies contractual obligation?

The answer is not difficult to find: 'contract theory offers an account of political authority that is voluntaristic, that is, makes it dependent on acts of human will.'<sup>8</sup> Indeed, one of the more famous analyses of the contractarian tradition tells that history not as one of contracts, but of voluntarism: for the voluntarist, legitimate authority is that which is freely willed by its subject.<sup>9</sup> As Rousseau writes, 'What more certain foundation can obligation among men have, than the free agreement of him who obligates himself?'<sup>10</sup>

Still, the notion of a contract as the grounds of authority has work to do which cannot be done by the reliance on will alone: clearly the criminal does not, by any ordinary understanding of the term, *will* the authority by which he is incarcerated.<sup>11</sup> Nonetheless, that authority is legitimate, and is so because the criminal (as a member of society and, here, a subject of authority) can be said to have consented to the *terms* under which that authority is exercised, consented, that is, to the terms of the social contract. Thus the voluntaristic aspect of contractarianism must be understood not in terms of individual consent for each application of authority, but rather on the model of a single act of consent which originates and legitimizes one's commitment to the principles of the contract.

This aspect of contractarianism is most obvious in the theories of Hobbes and Locke, which go so far as to postulate a State of Nature during which no contract regarding the legitimate use of authority was in effect. Each thinker in his own way imagines an original act of collective will which brings into existence a contractual agreement

between all parties, and with it the beginnings of civilization. It matters little for present purposes whether this episode is meant to be descriptive of an actual historical event, or is rather an analogy for the position of each of us upon our entrance into civil society (or both); what is distinctive about these visions of the ground of political legitimacy is the assumed position of the willing subject prior to her acceptance of the contractual terms. She is imagined to be outside of society, in a state of nature, unfettered by the terms of the contract about which she has been asked to decide. Not that this is a surprising view. As Cavell notes: 'the idea is that it is a precondition of consent, on anybody's view of what consent may be, that each individual must give his own mind and that it cannot be given until the individual is in command of his own mind.'<sup>12</sup> Clearly, if one is under outside obligations, one is not fully in command of one's own mind; and if one is somehow implicated in and obligated to the very contract to which one is supposed to consent (or, if not literally obligated, then at least overly inclined because of one's involvement with the terms and practices of the contracted society), this undermines the very grounds of legitimacy which consent was meant to provide. Given these considerations, it looks as though the state of nature is the only legitimate position from which the social contract could be validated.

This is a common position, that one is in full possession of one's self only at a critical distance from societal involvements. According to this view, the free decision to agree to a given set of provisions (and thereby to join a given community) can be made only while situated outside that community. Here the legitimacy of one's community membership (and, derivatively, the legitimacy of the community itself) is dependent on decisions made by an extra-social ego, situated away from community bonds; the unencumbered, asocial self is the only truly free self.

To put it bluntly, however, Rousseau rejects the above position, and with it, necessarily, the species of contractual voluntarism sketched above. It can even look at times as though Rousseau rejects voluntarism altogether: in places where one might expect him explicitly to ground political legitimacy in the will of the ruled, he instead asserts that legitimacy is grounded in 'convention', and that such conventions are the product not of the people's consent, but of a great legislator, such as Moses or Numa who, like Lycurgus of Sparta, 'undertook to give institutions' to the people, '[imposing] on them an iron yoke' in order to 'create a body politic' out of the uncivilized masses.<sup>13</sup> As Riley notes, the only 'political societies in the proper sense' were, for Rousseau, the ancient polities of Rome and Greece, whose legitimacy was founded not on consent but on their ability to

instill true virtue and 'spiritual vigor' in their members.<sup>14</sup> Indeed, Rousseau was tempted enough by this model of society to write, in the self-suppressed *Première version du contrat social*, that the foundation of civil society is neither consent nor contract, but the '*utilité commune*'.<sup>15</sup>

And yet Rousseau clearly insists in *On the Social Contract* on consent as the basis of legitimacy, occasionally even exaggerating the role of consent in ancient societies to make his point.<sup>16</sup> He writes that the social compact 'by its nature requires unanimous consent . . . since every man is born free and master of himself, no one can, under any pretext whatever, place another under subjection without his consent'.<sup>17</sup> Clearly there is some contradiction, or at least equivocation, present in Rousseau's corpus. Riley notes a 'tension between [Rousseau's] contractual theory of obligation and his model of political perfection' and postulates that its cause is Rousseau's simultaneous acceptance of the will as ground of political legitimacy, and his suspicion of its likely content. After all, in the *Discourse on the Origin of Inequality*, Rousseau imagines the social contract as a kind of massive trick played by the rich on the poor to maintain the former's social privilege; here 'all ran headlong into their chains, in hopes of securing their liberty'.<sup>18</sup> Clearly will alone is not sufficient to guarantee the legitimacy of society.

Riley sees the root of the problem in Rousseau's notion of the will itself: 'sometimes the will is seen as the source of duty and legitimacy and sometimes simply as the manifestation of "particularism" and egoism' – this 'leads Rousseau to the notion of the general will, to a will that is not merely capricious and egoistic'.<sup>19</sup> The general will, in other words, is a will that wills the right thing, which has the proper content to ground and endorse a legitimate state. But this creates some obvious problems, both for Rousseau and for Riley's interpretation. How does one solve the 'greatest paradox in all of Rousseau: the paradox created by the fact that in the original contractual situation the motives needed by individuals to relinquish particular will and self-interest and to embrace a general will and the common good cannot exist at the same time the compact is made but can only be the result of the socialization and common morality that society alone can create'?<sup>20</sup> Rousseau is well aware of this problem, writing: 'for an emerging people to be capable of appreciating the sound maxims of politics and to follow the fundamental rules of statecraft, the effect would have to become the cause. The social spirit which ought to be the work of that institution, would have to preside over that institution itself'.<sup>21</sup>

It is an important weakness in Riley's analysis that he must assume that Rousseau did not take seriously what looks to be a fundamental

problem for his system. Because Riley takes contractual voluntarism to entail, prior to the original consent, a relation of mutual exclusion between the would-be subject and the contracted society, one is forced to conclude that the threat posed by the above paradox to the freedom of the legitimizing will would, if taken to heart, have 'led [Rousseau] to be a persuasive anti-contractarian'.<sup>22</sup> Clearly Rousseau is not anti-contractarian, thus (we might reason) he did not take the paradox seriously.

But the inevitability of the conclusion follows only on a narrow understanding of the entailments of voluntarism, an understanding not shared by Rousseau. While Riley is certainly right about Rousseau's suspicion of the content of an uneducated will, he is wrong to see Rousseau's attempts to ensure the will's proper content to be in tension with the demands of freedom; Rousseau's exploration of the socialization necessary to form the general will is itself an attempt to discern the conditions necessary to free will as such. The legislative genius who must bring the wills of the people into conformity with their reason is not infringing on their freedom, but rather, in Rousseau's often baffling phrase, forcing them to be free.<sup>23</sup>

Upon reflection, that Rousseau would not accept, to adopt a simple label, 'conventional voluntarism' is not particularly surprising. He is perhaps most famous for his critique of the notion of a state of nature, at least one from the position of which men could enter into legitimate contracts. For humans to be in close enough association, and dire enough straits, to even *consider* a social contract is for them to be in a position in which their liberty is already seriously compromised. In the pre-contractual state, the relations of personal dependence engendered by the close association of humans and the stirrings of *amour propre* make the possibility of a free or independent will extremely problematic; trapped by the need for recognition and the esteem of others, the will of the pre-contractual human is determined not by the autonomous workings of reason, but by the demands of his fellow beings made irresistible by the grip of *amour propre*. Free will outside the state is, for Rousseau, highly improbable; rather, it is only the force of the state and the generality of its laws which bring about 'the liberty of its members'.<sup>24</sup> As Fred Neuhaus boldly puts it: for Rousseau 'freedom can exist *only* as a part of a rational political order.'<sup>25</sup>

Not surprisingly, the *general* will figures prominently in Rousseau's conception of *free* will; indeed, as Rousseau writes: 'it is through the general will that [members of the state] are citizens and free.'<sup>26</sup> 'Rousseau takes the general will to secure, or realize, the freedom of individual citizens . . . by functioning as an embodiment

as well as a precondition of such freedom.<sup>27</sup> Thus, the importance of the general will is not limited to the fact that it can be counted on to will the proper things (although this is certainly true), but lies also in its being, in addition, the only truly free will. If the social contract is to be freely willed by its members it must be so willed by or through the general will, a situation which is possible only after there has been sufficient education, socialization and legally structured association among the members of a society to bring into existence the 'social spirit' necessary to preside over the institution – and legitimation – of a rational state. This arrangement is not a paradox – it is a demand of contractual voluntarism as Rousseau understands it.

It is not my purpose here to discuss the feasibility or soundness (much less the details) of Rousseau's political theory. What interests me is the fact that Rousseau imagines the legitimation of a rational state – the justification of the social contract – to be something which takes place *within* the already formed society. Rather than postulating an absolute origin in the act of collective (political) will which serves to propel individuals standing outside the soon-to-be-state *into* political association, an act of legitimation which justifies and grounds the political association in a point outside of, or underlying, the association itself, Rousseau imagines an historical continuum in which the act of will by which the social contract is legitimated is not a beginning, but an act which occurs within, is implicated in the very process of – indeed is a kind of a product of – the developing state. The act of will which justifies the state makes sense only within the context of that state, has the content it does precisely because of its intimate involvement with, and origin in, the state, and yet is at the same time free and legitimate for these very same reasons. Rousseau does not deny the role of free will in justifying the state, but in questioning the necessary preconditions for freedom he effectively relocates the grounds of legitimacy to within the state itself. To make a Hegelian analogy (and on this reading Rousseau's similarities to Hegel begin to look significant), consent for Rousseau is not to be understood as entailing the creation of the willed society, but is rather the act of taking ownership of the customs, laws and conventions which have been in one's possession for some time; it is the act of taking responsibility for the existing state, of which one is already a part, rather than an act of origination.<sup>28</sup> Thus, at the risk of repetition, the free will which legitimates the state is free, and thus *can* be the ground of justification, only because it is conditioned and shaped by the practices of the rational state; only the individual who is within the state, in possession of its customs, can possess the free will on which the legitimacy of the state is based.

## II

Justifying statements of fact with regard to sensations is a common aspect of our own linguistic practices. Thus we can easily imagine the following exchange: “The table is rough.” – What makes you say that? – “Well, it *feels* rough.” Accepting the place of such exchanges in our everyday communication – or accepting, at least, *that* such exchanges have a place there – ought to be unproblematic; the trouble comes when one attempts to understand the significance of such exchanges as regards the justification of statements of fact. According to the empiricist tradition (I take this to be a standard interpretation requiring no justification here) one ought to understand such exchanges in light of the very general principle that, ultimately, all statements of fact are to be justified or warranted on the basis of (individual) experience – more specifically, on the basis of sensory qualia. The only real justification for a statement of fact – the car is red, the tea is hot, the music is loud – is the sensation of the language user – looks red, feels hot, sounds loud.<sup>29</sup> And this is as it should be; for the empiricist words are, in essence, signs for, or names of, our sensations, and the meaning of words can be understood only in terms of (often as a reference to) said experiences. Thus sensations, standing as they do outside of language, can be understood as a kind of ground for language, a ground which can be appealed to in justification of particular instances of language use.<sup>30</sup> To repeat a passage quoted earlier:

From Plato’s *Cratylus* to the *Confessions* of Augustine, on to Locke’s ‘new way of ideas’ and Russell’s theory of acquaintance . . . attempts have been made to ground language in something non-linguistic, something that would explain why language is as it is and that could be appealed to in justification of specific linguistic practices. If, e.g., language is seen as an expression of thought or sense experience, it can properly be evaluated in light of its ability to express all they contain. . . . In these various ways language is thought to receive explanation and justification by being related to a foundation that is itself non-derivative, basic, and given.<sup>31</sup>

That Wittgenstein is critical of this trend in philosophy – and most especially critical of the kind of empiricist nominalism sketched above – is well known, and the conventional wisdom (at least the part attributable to the ‘private language argument’) might be briefly summarized thus: Wittgenstein denies that qualia (private sensation) can have intrinsic significance, and thus shows that sensation cannot be appealed to in justification of linguistic practices or individual



statements. What I hope to show here is that the upshot of this criticism is *not*, in fact, the denial of sensation as a ground for linguistic justification,<sup>32</sup> but a rethinking of what constitutes justification. Careful attention to Wittgenstein's statements will reveal that his treatment, critique and eventual preservation of sensation as a 'ground' of linguistic justification closely parallel Rousseau's treatment of consent as the ground of political justification.

We might start by noting that there is ample evidence for Wittgenstein's rejection of language-independent entities (qualia and such) as a justifying ground of language; it is certainly not my intention to deny this fact. He writes, for instance, in *The Blue and Brown Books*: 'But let's not forget that a word hasn't got a meaning given to it, as it were, by a power independent of us, so that there could be a kind of scientific investigation into what the word really means. A word has the meaning someone has given to it.'<sup>33</sup> And, likewise, from the *Investigations*:

'Imagine a person whose memory could not retain what the word "pain" meant – so that he is constantly calling different things by that name – but nevertheless used the word in a way fitting in with the usual symptoms and presuppositions of pain' – in short he uses it as we all do. Here I should like to say: a wheel that can be turned though nothing else moves with it is not part of the mechanism.<sup>34</sup>

It is quite easy to get the impression from such statements (examples of which are to be found all over the *Investigations*; see, for example, 272–4, 278–9, 293–4, 298, etc.) that Wittgenstein takes sensations to play no role in language or in the justification of given propositions, even to get the impression that he is denying the existence of a human inner life altogether. But Wittgenstein is aware of this temptation and is at pains to thwart it. 'Aren't you really a behaviorist in disguise?' asks his interlocutor. 'Aren't you at bottom really saying that everything except human behavior is a fiction?' – If I do speak of fiction, then it is of a *grammatical* fiction.<sup>35</sup> Or, earlier, 'But surely you cannot deny that, for example, in remembering, an inner process takes place.' – What gives the impression that we want to deny anything?<sup>36</sup>

Wittgenstein answers his own question:

How does the philosophical problem about mental processes and states and behaviorism arise? – The first step is the one that altogether escapes notice. We talk of processes and states and leave their nature undecided. Sometime we shall perhaps know more about them – we think. But that is just what commits us to a particular way of looking at the matter. For we have a definite concept of what it means to learn

to know a process better. (The decisive movement in the conjuring trick has been made, and it was the very one that we thought quite innocent.) – And now the analogy which was to make us understand our thoughts falls to pieces. So we have to deny the yet uncomprehended process in the yet unexplored medium. And now it looks as if we had denied mental processes. And naturally we don't want to deny them.<sup>37</sup>

Wittgenstein is at great pains here *not* to deny the existence of experience, inner life, sensations, etc., not even to deny that such things play a role in the use of our language. The problem, he says, came from a certain kind of analogy for these experiences – the beginnings of an attempt to understand them. Such analogical talk of states implies (perhaps even forces upon us) a certain picture of the nature of these yet-to-be-understood things: they, in order to exist as such, must have intrinsic, defining qualities. In order to be the object of our continuing investigation they must be objects capable of being investigated – autonomous, self-standing things, the defining qualities of which can be discovered and enumerated. And yet the idea of a language based on such autonomous qualia turns out to be untenable; thus the move to deny sensation so understood, in itself a sound philosophical move, looks like the denial of sensation itself. But, says Wittgenstein, it only *looks* that way: what we are denying is the applicability of the analogy, and it is only because we have become so attached to it that we see in the rejection of an analogy the rejection of the thing itself. He writes:

‘But you will surely admit that there is a difference between pain-behavior accompanied by pain and pain-behavior without any pain?’ – Admit it? What greater difference could there be? – ‘And yet you again and again reach the conclusion that the sensation itself is a *nothing*.’ – Not at all. It is not a *something*, but not a *nothing* either! . . . We have only rejected the grammar which tries to force itself on us here.<sup>38</sup>

The important point, at least for the time being, is that Wittgenstein is not of a mind to deny the existence or importance of sensations to our linguistic behavior. I take the upshot of his remarks to be that the notion of sensations with extra-linguistic intrinsic qualities defining their content, which content is the basis of linguistic meaning, is a bogus one. Such qualities, if they exist, play no role in the content of sensation or the foundations of meaning. However, this does not imply that there is no content to sensation at all, nor that this content is unrelated to linguistic meaning. We have simply misunderstood what

is implied by the existence of sensation, and so have been unable to see the relation of the content of experience and linguistic meaning.

Wittgenstein clearly insists on such a relation. He suggests, even, that we might explain to someone the meaning of the word 'pain' by pricking him with a pin – causing a sensation and naming it for him – 'See, that's what pain is!'<sup>39</sup> But his idea is most certainly *not* a return to a kind of sensational nominalism, for Wittgenstein intends us to understand this relation between experience and meaning as being quite the reverse of the relation suggested by that doctrine. As is clear in his discussion of the diary for sensation 'S', such a sensation, whatever it is, comes to have content – the experience comes to have significance – only insofar as it comes to play a role in our lives and activities. In particular, such a sensation is significant exactly insofar as it comes to imply, be related to, or become involved with, my understanding of a particular event, behavior, or practice. When I note that 'S' occurs when my heart monitor indicates an increase in pressure, it comes to be the way my rising blood-pressure feels. The significance of sensation is captured entirely by references to such content-full concepts as 'rising blood-pressure', or 'pain' – and, as a result, the content of the experience is likewise determined by the content of the concept of the thing experienced.<sup>40</sup>

Now, statements such as 'It feels like my blood-pressure is rising', 'It feels like a pin-prick', or 'It feels like a ball' are perfectly natural (and it is important that this is so), but because of this I think that it is easy to miss the philosophical significance of understanding the meaning of such statements in the way outlined above. There is no sense we can give to the 'like' in the above statement which we could understand independently of our conception of rising blood-pressure, pin-pricks, or balls; there is no indication of the existence of experienced qualities of the sensation which mediate the identification of the sensation with rising blood-pressure (so that, for instance, the quality of the sensation is the immediate or primary content of experience which one has learned to identify with some object or event). What is primary in perception is not sense data or qualia or some other characteristic to the sensation/perception (its intrinsic 'feel'), which the perception has independently of, or considered apart from, the concept of the thing so perceived; what is primary to perception (what makes it the (kind of) perception that it is) is precisely the concept of the object perceived, where this is understood in terms of the criteria of identity for (the content of the concept of) that object. Wittgenstein writes: 'And what is our reason for calling "S" the name of a sensation here? Perhaps the kind of way this sign is employed in this language game. – And why a "particular sensation", that is, the same one every time? Well, aren't

we supposing that we write “S” every time?”<sup>41</sup> Even the criteria of identity (sameness over time) for the sensation is to be understood in terms of the applicable criteria for its associated concept – don’t we write the same letter each time? Far from being a denial of sensation or its role in our linguistic practices, Wittgenstein’s critique of empiricism instead reveals the contents and significance of our sensations as deriving from the contents of our linguistic concepts.

Obviously, to further this inquiry into the contents of our experience we would, if this account is accurate, have to inquire into the origin and bases of the contents of our concepts. I do not wish to travel that road here, and for the purposes of the present work I think it will suffice to note that for Wittgenstein, as is certainly well known, the contents of our concepts come from the role these concepts/words play in their various language-games; whether we wish to analyze this use-based criteria of meaning in terms of forms of life, grammar, conventions, or any other of Wittgenstein’s tantalizing formulations, it should at least be obvious that there can be no attribution of meaning or formation of content outside of linguistic association or actual linguistic practice. The contents which define our concepts, which in turn define and grant significance to experience, can be defined only within language itself.

It would be quite natural; given this account of the origins of the content or significance of experience (henceforth simply ‘sensation’), and the usual understanding of the requirements of justification, to assume that Wittgenstein is thereby precluded from using sensation as a ground of linguistic justification. As Roger Arrington notes:

What do we have in mind when we ask for justification? Two paradigms come to mind. First, we justify beliefs by showing they accord with reality or that they are verified. Second, we justify actions by showing that they lead to desired goals and that they do better than alternative actions would. Can the grammar of language in principle be justified in either of these two ways? If not, and if no alternative mode of justification can be envisioned, then the very notion of justification is meaningless in this context.<sup>42</sup>

Arrington clearly understands ‘reality’, and anything else by which a statement could be ‘verified’ including the ‘goals’ of activity, to be entities which exist outside of the language/activity which they are meant to justify, and he shows, successfully to my mind, that no such extra-linguistic entities exist, at least within Wittgenstein’s ontology. For Wittgenstein, as we have noted ourselves, understanding or justification of statements, rules, or practices can be accomplished only from a standpoint within the language-game in question. Because of

this, Arrington imagines any attempt at justification will be 'a sham'. And yet he himself leaves open – and unexplored – the possibility of an 'alternative mode of justification'.

I make no claim that Wittgenstein goes very far in developing such an alternative, but the concept of justification was certainly in play in the *Investigations*. He asks: 'Was I justified in drawing these consequences? What is called a justification here? – How is the word "justification" used? Describe language-games. From these you will be able to see the importance of being justified.'<sup>43</sup> As Wittgenstein clearly recognizes, if there is to be such a thing as 'justification', it must be understood as yet another move which could be made from *within* the language. But interesting, and important, is the fact that this realization does not force him to give up on the notion of justification by reference to sensation. He writes: 'Justification by experience comes to an end. If it did not it would not be justification.'<sup>44</sup>

I think we can safely presume that justification by experience *is*, indeed, justification. He notes, in this vein, that statements of sensation themselves cannot be verified, and for this reason 'to call the expression of a sensation a statement is misleading because "testing", "justification", "confirmation", "reinforcement" of the statement are connected with the word "statement" in the language-game.'<sup>45</sup> Sensation cannot itself be justified, for justification ends with experience itself; it is the ground which turns the philosophical spade.

In retrospect, it should not be particularly surprising that Wittgenstein should see justification as an activity which takes place within language, and not as a kind of bridge between language and an external ground. As Cavell notes:

In Wittgenstein's view the gap between mind and world is closed, or the distortion between them straightened, in the appreciation and acceptance of particular human forms of life, human 'convention'. This implies that the sense of gap originates in the attempt, or wish, to escape (to remain 'stranger' to, 'alienated' from) those shared forms of life, to give up the responsibility for their maintenance.<sup>46</sup>

The attempt to step outside of, to remain at a critical distance from, linguistic convention, far from providing a stable ground for justification or critique, instead opens the very gap between language and world which 'justification' is meant to bridge. To remove one's self from participation in and maintenance of linguistic convention is to lose that through which meaning is possible, to be 'at sea' far from any justifying ground. If there is to be justification at all in Wittgenstein's language-games – and I believe there is – it cannot be accomplished

from the 'critical' standpoint of the linguistic non-participant; justification can be accomplished only at the level of intimate engagement with those very practices which are to be justified.

### III

On one level, the point of comparison which I wish to make between Rousseau and Wittgenstein is simple and crude: both thinkers, against a standard Enlightenment account of the requirements of justification, assert instead that justification can occur only within the practice/community which is to be justified. Thus they both question the critical value of alienation, a challenge which, if taken seriously, ought to give pause to a great number of contemporary theorists for whom community alienation and responsible self-possession are nearly synonymous.

But more subtle and difficult is what I take to characterize the positive revaluation of justification and its grounds: for both Wittgenstein and Rousseau it is the very participation in communal activities which gives content to the ground of justification. From this standpoint Rousseau's will is the practical equivalent of Wittgenstein's sensations, each given content by, being in this sense products of, participation in the conventions and practices of the community in question. To make use again of Hegelian terminology, both Wittgenstein and Rousseau 'cancel and preserve' the ground of justification by taking it up to rest within the bounds of society. But in relating this preservation so closely to practical engagement with the customs and conventions of the community, they both raise the possibility that this engagement *itself* is a kind of justification; while the will or sensation are the justifying ground, continued practical involvement with the conventions and institutions of society is the justifying act.

This would complete their reversal of a conventional understanding of justification, for on such an understanding the justifying ground is that which is uncovered or utilized by the act of justification – it is referred to in the guise of a pre-existing thing on the basis of which one may legitimize future participation in the activity of community; legitimate participation is in this sense the product or result of (the revelation of) the ground of justification. But in Wittgenstein and Rousseau the justifying ground is the literal product of practical engagement; the activity of justification is precisely the production of the grounds of legitimacy.

I take it that it is just such an idea which is implied by Cavell's reference to the 'responsibility [for the] maintenance' of social

convention; properly and fruitfully to participate in community practices is continually to maintain the legitimacy of those practices *in the very act* of participation: and to see one's participation as *creating* (the grounds of) legitimacy is surely one way to understand this dynamic.



I shall have to leave further rumination on the subject of justification and its possible forms to another paper. My purpose here has been only to reveal some striking resemblances between the treatments of this subject in the work of Wittgenstein and Rousseau; but I do hope to have given some impetus to the continuing exploration of justification which they began, and some reasons for believing that exploration will be fruitful.

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## Notes

- 1 J.-J. Rousseau, *On the Social Contract* from *The Basic Political Writings*, trans. Donald A. Cress (Indianapolis, IN: Hackett, 1987), p. 148. According to my interpretation the argument turns on the privacy of the judgment regarding the applicability of a right to a given situation, rather than on the individuality of the right.
- 2 In a discussion of Rousseau and the implications of individual consent in/and political associations (in which the passage I have quoted does not explicitly figure, although, to my mind, the connection could be easily made), Cavell writes: 'I plan no very immediate analogy from such thoughts to the problems Wittgenstein raises about "private language". But it does not seem to me excessively far-fetched to find analogous thoughts present from early on in the *Investigations*.' Stanley Cavell, *The Claim of Reason* (Oxford: Oxford University Press, 1979) p. 28.
- 3 Ludwig Wittgenstein, *Philosophical Investigations*, 3rd edn, trans. G. E. M. Anscombe (New York: Macmillan, 1958), s. 258.
- 4 'Since no man has natural authority over his fellow man, and since force does not give rise to any right, conventions therefore remain the basis of all legitimate authority among men': Rousseau, *Social Contract*, p. 144. Compare Wittgenstein, *Investigations*, s. 355: 'And this language like any other is founded on convention.'

- 5 Cavell writes, for instance, that ‘The philosophical appeal to what we say, and the search for our criteria on the basis of which we say what we say, are claims to community’; *The Claim of Reason*, p. 20.
- 6 Robert L. Arrington, ‘The Autonomy of Language’, from J. V. Canfield and Stuart G. Shanker, III, eds, *Wittgenstein’s Intentions* (New York: Garland Publishers, 1993), p. 51.
- 7 Michael Lessnoff, *Social Contract* (London: Macmillan, 1986), p. 2.
- 8 *ibid.*, p. 6.
- 9 P. Riley, *Will and Political Legitimacy* (Cambridge, MA: Harvard University, 1982).
- 10 J.-J. Rousseau, *Lettres écrites de la montagne*, in *Rousseau: Political Writings*, ed. C. E. Vaughn (Oxford: Blackwell, 1962), vol. 2, p. 206.
- 11 I do not consider here Hegel’s reformed criminal, who quite literally wills his punishment. It is an intriguing case, which for Hegel serves as the phenomenological transition from individualistic morality to a form of ethical life in which the will of the society at large (the social Spirit, not unlike Rousseau’s General Will) is accepted by each individual as their literal, occurrent will.
- 12 Cavell, *The Claim of Reason*, p. 26.
- 13 ‘Since no man has natural authority over his fellow man, and since force does not give rise to any right, conventions therefore remain the basis of all legitimate authority among men’: Rousseau, *On the Social Contract*, p. 144.  
The passages on Moses and Lycurgus come from *Gouvernement de Pologne* in *Rousseau: Political Writings*, pp. 163–5, and are quoted by Riley, *Will*, p. 107.
- 14 Rousseau, *Gouvernement de Pologne*, p. 166.
- 15 Rousseau, *Première version du contrat social* in *Oeuvres complètes de Jean-Jacques Rousseau*, Bernard Gagnebin and Marcel Raymond, eds (Paris: Pléiade, 1959 ff.), Vol. 2, p. 404. Quoted by Riley, *Will*, p. 106.
- 16 Rousseau writes of the Roman decemvirs: ‘Nothing we propose, they would tell the people, can become law without your consent.’ *On the Social Contract*, p. 164.
- 17 *ibid.*, p. 205.
- 18 *Discourse on the Origin of Inequality* in *The Basic Political Writings*, pp. 69–70.
- 19 Riley, *Will*, p. 99.
- 20 *ibid.*, p. 110.
- 21 Rousseau, *On the Social Contract*, p. 164.
- 22 Riley, *Will*, p. 110.
- 23 Rousseau, *On the Social Contract*, p. 162; 150.
- 24 *ibid.*, p. 172.



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- 25 Frederick Neuhouser, 'Freedom, Dependence and the General Will', *The Philosophical Review* 102 (July 1993): 363–95 (366); emphasis is Neuhouser's own.
- 26 Rousseau, *On the Social Contract*, p. 206.
- 27 Neuhouser, 'Freedom', p. 363.
- 28 Rousseau utilizes this distinction between possession and ownership for somewhat different purposes (possession is what one has on one's person, while ownership is possession which is recognized and respected by others as mediated by the authority of the state), but I do not think it illegitimate to apply the distinction as I have. See *On the Social Contract*, p. 151.
- 29 Note that one must be careful to distinguish questions of justification from questions of truth. These questions collapse into one another only on a kind of sensory idealism.
- 30 I have used as a kind of guide to this sketch of 'empiricism' Paul Feyerabend's 'Wittgenstein's Philosophical Investigations', which contains a summary of (one of) the positions which Wittgenstein criticizes. Collected in K. T. Fann (ed.) *Ludwig Wittgenstein: the Man and his Philosophy* (New York: Delta, 1967), pp. 214–50.
- 31 Arrington, 'Autonomy', p. 51–2.
- 32 And it is certainly not Wittgenstein's intent to replace sensation as the ground of justification with something else, like 'rules', 'forms of life', 'grammar', 'conventions', etc., claims to which effect will greet any brief perusal of the Wittgenstein literature. Although these all play important roles in Wittgenstein's re-evaluation of justification, I believe he ultimately preserves sensation as the source of linguistic justification.
- 33 Wittgenstein, *The Blue and Brown Books* (New York: Harper & Row, 1958), p. 28.
- 34 *Investigations*, s. 271.
- 35 *ibid.*, s. 307.
- 36 *ibid.*, s. 305.
- 37 *ibid.*, s. 308.
- 38 *ibid.*, s. 304.
- 39 *ibid.*, s. 288. Against the notion that sensations cannot have qualities which make them the sensations they are, Wittgenstein writes: "The smell is marvelous!" Is there any doubt whether it is the smell that is marvelous?  
     'Is it a property of the smell? – Why not?': Zettel, G. E. M. Anscombe and G. H. von Wright, eds, G. E. M. Anscombe, trans. (Berkeley: University of California Press, 1967), s. 551. Sensations have properties granted by their place within a language-game.
- 40 *Investigations*, s. 270: 'Let us now imagine a use for the entry of the

sign “S” in my diary. I discover that whenever I have a particular sensation a manometer shews that my blood pressure rises. So I shall be able to say that my blood-pressure is rising without using any apparatus. This is a useful result. And now it seems quite indifferent whether I have recognized the sensation right or not. Let us suppose I regularly get it wrong, it does not matter in the least. And that alone shows that the hypothesis that I make a mistake is mere show. (We as it were turned a knob which looked as if it could be used to turn on some part of the machine; but it was a mere ornament, not connected with the mechanism at all.)

And what is our reason for calling “S” the name of a sensation here? Perhaps the kind of way this sign is employed in this language-game. – And why a “particular sensation”, that is, the same one every time? Well, aren’t we supposing that we write “S” every time?’

41 *ibid.*

42 Arrington, ‘Autonomy’, p. 59.

43 *Investigations*, s. 486; see also s. 289, 378, p. 201.

44 *ibid.*, s. 485.

45 Wittgenstein, *Zettel*, s. 549.

46 Cavell, *The Claim of Reason*, p. 109.