Elizabeth A. Povinelli
Department of Anthropology
University of Chicago
1126 E 59th St
Chicago, IL 60637
773/702-7714 office
773/702-4503 fax

"National Policies of Cultural Recognition and the Asymptotes of Reason."

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Science consists entirely of theories -- tentative, fluid proposals based on people's best bets for how the world works. It is because they are not set in stone that these ideas have a chance of being nudged closer and closer toward describing reality, or discarded in favor of something better.

"It's a Fact: Faith and Theory Collide over Evolution."

Introduction

I begin with what might seem an indulgent meditation on a mathematic form. Let the above curve represent Understanding, the rate of whose slope is determined by a specific form of communicative action. And let the axes, x and y, represent respectively Truth and Goodness. At every historical period, a, b, c, our communicative calculus appears to have driven either or both horizontal and verticle slopes closer to their respective axes. But even as the slopes move towards Truth and Goodness, reflexive reason threatens to distabilizes the certainty of our progress. If we reflect on "*a*" from the perspective of "*b*", or "*ab*" from "*c*", -- that is, if we reflect historically, -- we must acknowledge that *then* we were as we are *now*, certain that we were moving even though, we now see, that we were as far from truth and goodness as ever. We quickly reassure ourselves. Now we know better and, in knowing, we have pushed ourselves away from this previous moment. Reason has punctured our blindness, allowed us to diagnose the forces driving us off target. We have calculated the social pressures below these forces and mapped their ideological permutations. All these recalibrations were made possible by the same communicative action we swear is determining the slope of reason. With a lot of swearing, we pull our lines closer to the axes where we wish them to anchor. Of course this has all taken time. And in time, even now, we begin to see the feintest outlines of a new diagram forming, driving back the slope.

In the first section of this essay I examine the various forms and guises that this mathematical imaginary takes in Habermas's, Rawls's and Rorty's accounts of

public reason in liberal multicultural (or pluralist) democracies. It is the contention of this essay that these theorists ground their defense of liberal political culture in a belief that democratic forms of public reason move asymptotically towards some positively defined axis (whether truth, goodness, understanding, betterment). And, not only theorists. This creed of faith connects past and present liberal discussions of state and public aspects of cultural difference, nationalisms and internationalisms. Presidents and parliamentarians, public spokespersons and their putative publics point to and act on the belief that a certain form of public reason will eventually lead to a truthful, -- or, more moderately, -- a better form of national and international culture. Whether defined narrowly as a *political* culture or more broadly as a moral and philosophical *culture*, a form of communicative practice, -- reasoned and rational public debate, -- is thought *to get us somewhere*; to curve understanding towards a positively valued limit. We may never reach this ultimate (or, final) truth or good, barred in the last instance by exactly that which allows us to approach it, the humanness of our *human* reason. But through our public use of reason, we inch toward infinity.

Drawing on public debates and public discourse in Australia and the United States, the second section of this essay compares this public profession of faith to actual instances in which liberals confront a moment of fundamental difference within a multicultural national context. In these moments, a very different liberal creed of faith appears; namely, that principled public debate must give way to a liberal ought and, not only give way, but that this ought should be protected from critical judgment. The essay uses these moments to reconsider the generative grounds of liberal accounts of the directionality of public reason through the reconsideration of their accounts of subjectivity and textuality. Habermas and Rorty, in particular, represent important attempts to integrate a pragmatic theory of language to a practical theory of liberal national and international multiculturalism (see also Dickerstein 1998). This essay asks whether the communicative model underpinning their accounts of the subject of public reason and public intolerance is "reasonable" in a specific sense, whether it brings to bear on their account of public reason a reasonable account of metasemiotics and subjectivity.

Why does it matter that a mathematical imaginary underpins liberal accounts of the movement of public reason in a period characterized by a new level if not mode of social and cultural desseminations and associations (Harvey 1989; Appadurai 1996; Ong 1999)? I would suggest this mathematical imaginary matters because the legitimacy it provides commonsense state and public approaches to national forms of cultural and social alterity. For convenience sake we can turn to Michael Walzer's recent small book, *On Toleration* (1997). Walzer reminds us of a certain commonplace among liberal theorists, that all liberals acknowledge that "we choose within limits," that few would ever be so daring as to advance "an unconstrained relativism," and that not every act should be tolerated (Walzer 1997, 5-6). Then Walzer does what liberal theorists often do, he sets the problem aside. In actual worlds of difference, however, the

problem cannot be set aside. Citizen/subjects are confronted with instances of what they experience as a fundamental difference, -- an encounter with the abhorrent, inhuman, bestial. What do we do in these moments? How do we frame our actions? As often as not liberal states and the liberal citizens composing those states mark these moments as beyond reason. Then they murder physically or discursively.

It is not the contention of this essay that these moments can be avoided or that they cannot be avoided, that they should or shouldn't be eliminated. In one sense, I do not go far beyond where Walzer himself goes. I do not doubt that all subjects of language (textuality) experience certain cultural or social forms as marking the limits of understanding. And that, in these moments liberal subjects must chose between saving what they consider to be their lives or the inhuman lives they believe they are facing. But it is the contention of this essay that if liberal theory faced the murderous rage more fundamental to liberalism than the proceduralisms of its reason and if it acknowledged that nothing good was born from this murder then moments of fundamental difference might bring into being a new form of multiculturalism subjectivity. Perhaps this multiculturalism and its state institutions would become post-liberal in its dwelling in the profoundness of all moments of annihilation. Certainly, if we acknowledged we murder others without redemption, a new form of liberalism would be forced into the world, with an ethics of murder displacing our tired game of customized relativisms.

1. Slouching towards Bethlehem.

One of the most influential scholars working on the historical emergence of democratic forms and spheres of public reason is Jurgen Habermas. Since the publication of *The Structural Transformation of the Public Sphere*, Habermas has spent a substantial part of his career studying the communicative actions that characterize the proceduralism of public reason within the democratic public sphere in order to understand how it curves cognitive space toward reasonable and rational understanding and how it contributes to the formation of specific "lifeworlds" (see Habermas 1984, 1989, 1991, 1998).

Eschatological in form and purpose, Habermas's texts announce as much as describe the good news of the advent of public reason. With nothing more or less than a set of communicative devices and procedures, Europeans ruptured history as they broke the back of traditional forms of cognition. At the same time, these communicative procedures became the only means by which modern subjects could coordinate action and achieve consensus once previous forms of social integration had been loosened (Habermas 1984, 340). Not every society exercises reason in a way that Habermas would describe as public. Nor is public reason a form of communicative action Habermas views as equivalent in value to all others. Public reason exists only within democratic societies: it is a form of reason arising from its specific form of social organization. And it is only within liberal democracies that the public

use of reason carves out a social space, the public sphere, in which man can produce this particular form and mode of understanding.

Many might find odd my characterization of Habermas as a scholar seduced by a belief in the asymptotic movement of public reason. Afterall, Habermas explicitly rejects a focus on the substantive ends of reason. Indeed, as is well known, Habermas argues that democratic forms of public reason are distinguished from other social forms of public debate and public rhetoric, institutional and personal discourses, and ideologies on the basis of its proceduralism. The proceduralism of the democratic public sphere allows -- indeed, insofar as no other interactional forms or practices weld them into a community, necessitates -- free and equal citizens to present criticizable validy claims to other free and equal citizens who accept or reject these claims on the basis of their truth, sincerity, and legitimacy as refracted against the "objective world (as the totality of entities about which true statements are possible)," the "social world (as the totality of legitimately regulated interpersonal relations," and the "subjective world (as the totality of experiences to which a speaker has privileged access and which he can express before a public)" (Habermas 1989, 120). Meeting publicly to discuss public matters, -- the definition of a public sphere as such, -- autonomous, reasonable, and rational subjects ("private persons") bracket the social differences that exist amongst themselves and present to their fellow citizens the most robust true, sincere and legitimate argument they can muster for or against a matter of public import. But notice, while Habermas rejects substantive propositions as the grounds for liberal democracies, like many liberal theorists he treats procedual reason as if its function were to curve space toward better, more truthful or, minimally, more broadly shared substantive forms. It is a form going somewhere, rather than, more simply, a form going. And, it is here, at this switch point between what procedural reason is formally and what it is said to be for, or to produce, -- and between what it produces and how we characterize these products, -- that we see how a substantive concept (truth, betterment, or understanding) conditions, disciplines, and seduces our evaluation of the forms operating liberal political culture.

To appreciate the importance of proceduralism's direction to Habermas's defence of Enlightenment models of rationality (what he also describes as "the project of modernity") we need to turn to his reading of the school of American pragmatism, especially the Peircean model of semiosis. As we do so it is useful to remember that Habermas's work has been primarily interested in a cluster of related problems. How the "institutionalized production of knowledge that is specialized according to cognitive, normative, and aesthetic validity claims penetrates to the level of everyday communication and replaces traditional knowledge in its interaction-guiding functions" resulting in the "rationalization of everyday practice that is accessible only from the perspective of action oriented to reaching understanding" (Habermas 1984, 340). How do "argumentative practices of justification" replace "other practices that are regulated merely by social convention" (Habermas 1998, 15)? And,

how do these argumentative practices of justification (procedural reason) penetrate into the level of everyday communication, producing distinctly modern social products, behaviours, and dispositions. These are fundamental questions in Habermas's search for a noncoersive basis for liberal regimes of power.

A pragmatic model of semiosis provides Habermas a robust model for describing how these discursive and cognitive changes are mediated by individual (individuated) uses of public reason rather than socially structured coercive regions of power. For Charles Sandars Pierce every act of semiosis is composed of the tri-relationality of sign, object and interpretant. Every act of interpretation proposes some substantive grounding between sign and its object, though the object itself can only be indicated (characterized) in part. Thus every act of interpretation minimally creates a dynamic object (or "dynamoid" object, that object external to the sign) and an immediate object (the object internal to the sign). The fragmentation of the object is mirrored by the fragmentation of the sign and the interpretant. Habermas, like Peirce, understands the aim of properly formed public reason to be on the propriety, validity, and truth of every interpretive grounding (proposition) of the sign to its object and the goal of public reason to be the constitution of a simultaneity of form between sign, object and interpretant. This simultaneity Peirce called "the final interpretant." Every act of interpretation exercised under proper habits of reason, drives understanding towards an "ultimate interpretant"; or, "final opinion," even as it alters the subjectivity of the interpreter and, through this interperter, the form of society. The object itself (that thing external to the sign) lends public reason a helping hand, the friction between the dynamic and immediate object inciting a feeling of partial explanation, pushing back against every descriptive, designative, and modal proposition. In this model of semiosis, "Truth is the conformity of a representatem to its object, -- *its* object, ITS object, mind you" (Peirce 1998, 380). In all cases, except for a "certain percentage of the human race" who are "insane and subject to illusions," properly formed public reason determines the values and forms of truth currently deriving the cognitive curve of human being (Peirce 1998, 26).

Now thought is of the nature of a sign. In that case, then, if we can find out the right method of thinking and can follow it out, -- the right method of transforming signs, -- then truth can be nothing more nor less than the last result to which the following out of this method would ultimately carry us. In that case, that to which the representation should conform is itself something in the nature of a representation, or sign, -- something noumenal, intelligible, conceivable, and utterly unlike a thing-in-itself (Peirce 1998, 380).

Speakers register the constant calibration and recalibration of *something* characterizable as Peircean semiosis in their ordinary use of modally inflected statements like "x might be true of y if y has the following dimensions (a, b, c)." In such statements, speakers seem to be examining the ground relationship between x and y based upon a set of presumably previously agreed upon

characteristics (or characterizable qualities) of y. "Just checking to see if we're on the same page," might be how a speaker described what she was doing in standard average American English. As she was "just checking" she would also be laying into the world of interpersonal and intrasubjective reflection, conscious or unconscious, the propositional grounds from which argument, justification, explanation, and reason unfold. "I should call my mother and yet I do not"; "The government should provide housing to the homeless and yet it does not"; "This thing should react when I press it, but it look, nothing happens": these instances of reflexive judgment on personal, social and natural being-in-the-world register a perceived gap between what a subjects intuit is probable, possible and necessary in and for her world and what happens anyways. They open the world to reason, to anger, to (in)tolerance, to argument.

It is exactly the quotidean nature of these reflexive moments that attracts Habermas to them. For Habermas believes that these ordinary instances of talk register the movement of cognitive forms and modes of justification between specialized worlds and lifeworlds. We might add that these moments of reflexivity also provide the means for substantive ideas to travel and unfold in their respective social spaces and times. Thinking and saying reflexively, observing and commenting upon the differences between intuitions and practices, opens commonsense to debate. But we need to remember that commonsense can just as effectively be opened by communicative practices grounded in nothing more than the stubborn insertion of a modal form ("might be") into a proposition. And note, a grammatical category (in this case, modality, in other cases, negative particles) can be inserted into *any* proposition at *any* time in such a way as to signal an "otherwise" to *any* actual given statement *no matter there exists no actual content* to that otherwise *as of yet*, and no matter that no rational critical engagement with the grounding relation motivates the insertion. Again, in ordinary english, it is called being contentious.

Let me set these problems aside for the moment, and note, instead, that if in the first instance, Habermas is interested in the fact, types and scales of cognitive migration across lifeworlds, in the last instance, he is interested in where those migrations take us as reasonable and rational subjects and communities in a world of increasing rates and modes of cultural interaction. In Peirce's work and in the school of north American pragmatism more generally, Habermas finds intellectual support for his rehabilitation of the project of modernity as opening up a possibility of arriving at truer statements in properly formed communicative (semiotic) action. Habermas is careful to note that "one cannot explain the rightness of normative judgments along the lines of a correspondence theory of truth, for rights are a social construction that one must not hypostatize into facts" (Habermas 1998, 226). For Habermas, all "rationally motivated agreements" remain "*provisional*, a coherent order of reasons constructed *for the time being* and exposed to ongoing critique" (Habermas 1998, 227). And yet, Habermas preaches a faith that "new information and better reasons" brought forth under proper communicative

procedures lead to better judgments, more truthful validity claims. The idealizations built into truth claims and the procedures for carrying out communicative action allow validity claims to "overshoot" current local standards and norms that have become established in any particular "community of interpreters" (Habermas 1998, 15). The question is then how to understand the quality and direction of various types of closures to argumentative reason, taking into account the "dynamoid" remainder of facticity. Pragmatics allows Habermas to specify the conditions under which the idea of an unending process of argumentation is striving toward an achievable limit, -- "an ideal limit like a straight line, the vanishing point Peirce called the `final opinion'" (Habermas 1998, 226-7).

But why must we, or why do we, believe anything more about procedural reason than this: any procedure dictating how arguments must be produced will tend to produce knowledge ameniable to those forms? Where is the proof that this production travels toward some vanishing point? That it goes anywhere, desirable or not outside the normative standards produced by the procedure itself. This progress toward infinity's edge Habermas gives no content, no anchorage. Without doubt the communicative practices we describe as public reason produce new, relatively shared understandings of the present, past and future, of the contours of this and other places. But neither the new nor the shared should be conflated with the good, the better or the more truthful, a conflation Habermas himself tries to avoid even as he dances around the vanishing point of the final interpretant. Jurists continually confront evidence of the disjuncture between the shared, the new, and the good. The public secret of the jurical enlightenment is that public reason often leads to shared acts of evil that look good in the moment. But as new moral, philosophical, and religious understandings emerge from the proceduralisms of democratic discursivity, the law is forced to reflect on the trail of its own, albeit, unintentional bigotry, prejudice and malice; and the law is forced to development discursive methods for expunging this malice from the history of common law without implicating the good of the common law itself. Particularly troublesome are cases that challenge common and constitutional law. In Australia, debates about the moral and material responsibility of the state and public to the Stolen Generation, -- the ten to thirty per cent of Aboriginal children forcibly removed from their parents from 1910-1970 as part of the state's policy of cultural assimilation, -- are not made less anxious by the knowledge that administrators who formulated the policy and the public who took notice did so with the best of intentions for their "wards." Nor that the High Court ruled the policy constitutional though retrospectively misguided. Quite the contrary. Their good intentions and constitutionally protected evils make present goods suspect.

Why then does Habermas draw this possibility into his discussion of communicative action, political culture, and world cosmopolitanism? Why not view public reason as no more or less than a *dispositif* in the broad theoretical sense this term developed in French critical theory or as an abstract machine in Deleuze's sense (Althusser 1971; Foucault 1970; Deleuze 1986). By now

well-rehearsed critiques of Habermas side-step these questions, indeed, at times seem seduced by what amounts to an act of faith: that western forms of democratic proceduralism (or its idealized form) have moved humanity forward, are capable of moving humanity forward, toward something, somewhere, better. Juridical cases like the Stolen Generation diacritically modify liberal judgment with the historical reflexivity I discussed above. State judgments are vitiated by how past knowledge ("we were wrong") threatens the present with the future perfect ("we will have been wrong"). Given this uncanny temporality that cases like the Stolen Generation exemplify, the belief that the judgments we are making today will have been right tomorrow, that today we inch towards infinity or slouch towards Bethlehem though yesterday we were moving blindly back and forth, seems an act of sheer willful ignorance. And yet without this belief, -- or this interpretative "frame," -- would the worth of liberal political forms seem as unique across the historical spectrum of political culture?

While Habermas remains one of the strongest proponents of the Enlightenment belief that democratic forms of public reason move cognition closer to -- if remaining forever exiled on the near side of -- truth, he is hardly the only modern or, for that matter, postmodern social and political theorist to ground his support of liberal political culture in this form of mathematical reason. What makes the liberal belief in the asymptotic movement of public reason so interesting is that it is shared by nominally oppositional liberal (and radical) political camps, let alone the unapologetic polemics of Francis Fukuyama ("The End of History") and Samuel P. Huntington (*The Clash of Civilizations*). Take, for instance, John Rawls who, contra Habermas, rejects outright the belief that deliberative democracies provide the grounds for the resolution of competing moral, philosophical or religious truths and goods, let alone for the creation of shared substantive forms.

For Rawls "the political culture of a democratic society is always marked by a diversity of opposing and irreconcilable religious, philosophical, and moral doctrines" which is "the inevitable long-run result of the powers of human reason at work within the background of enduring free institutions" (Rawls 1996, 4) Rather than resolving differences, *liberal society produces the very religious, philosophical, and moral differences that shock and appall it*. Ordinary citizens in their ordinary interactions produce what they then find themselves characterizing in strong negative deontic terms. Citizens of a nation find themselves saying of other fellow citizens things like, "I must reject your practice or cease to be a decent person" and "*You* must not be allowed to act in such a way if *we* are to survive as a community." Though attributing the cause of this increasing diversity to the porous nature of nation-states and their resultant increasingly diaporic and multicultural nature, Charles Taylor has also noted that an "awkwardness" within liberal democracies arises "from the fact that there are substantial numbers of people who are citizens and also belong to the culture that calls into question *our* philosophical boundaties" (Taylor 1994, 63, *my emphasis*).

If liberal communicative practices open rather than close the gap of social and cultural difference -- indeed, rip apart a previously presumed social order -- the fundamental question for Rawls is how it is possible "for there to exist over time a just and stable society of free and equal citizens who still remain profoundly divided by reasonable religious, philosophical, and moral doctrines" (Rawls 1996, 4)? In the proliferating diversity of liberal democracies why don't citizens act on their beliefs; or, how do they act on them and preserve other fundamental values whose intuitional depth is mark by the same strong modal forms? As simple example: how do citizens get rid of those forms of culture that rob them of their "humanity" without violating the injunction against "intolerance" and cruelty, violations, we hear, that are among the worst things liberal subjects can do (Rorty 1989, 74). To make matters worse, in actual liberal multicultural democracies, citizen-subjects are not allowed a simple ethics of intersubjective or intercommunal conflict (Rawls 1971, 41). Not only do citizen/subjects face-off against each other on moral matters, they are often split within themselves, finding that to act on the moral compulsion as one type of person is to violate a moral compulsion as another type of person -- and, to discover in this split that they are both people, though perhaps not equally and though, perhaps, not in ways that would support Rawls's claim about political intuitions. They find themselves at once and the same time mothers, sisters, and police officers each with different moral and ethical encumbrances. In other words, sometimes, often even, liberal subjects experience themselves at cross purposes, or in the cross-fire of competing injunctions. I do not here mean to refer to conflicting or competing political or social loyalties -- in the sense of an allegiance to two or more different social groups. I mean, instead, that they experience competing, conflicting if not strictly contradictory deontic orders.

We are left wondering the sense of Rawl's commitment to political liberalism given his clear and forceful analysis of how liberal forms of political life produce the social conflicts, -- conflicts within and across citizens-subjects, -- it is given credit for repairing (as if we gave the plumber credit for repairing a piping system she continually bursts). Let me address the question of these communal dysorders by first reviewing how Rawls summarizes his and Habermas's model of liberal politics and public reason. In his "Reply to Habermas," Rawls summarizes what he sees as the two critical differences between his and Habermas's model of liberal public reason; namely, their differing "devices of representation" and location of social analysis. As for their differing "devices of representation" Rawls argues that Habermas's focus on an ideal discourse situation as opposed to his own focus on the original position ("justice as fairness") makes the two models appear more different that they actually are. "Justice as fairness" only seems a substantive form of a different order to Habermas's notion of proceduralism because Rawls names his original position as such. Rawls then argues that what significant differences might exist between the two models are magnified by the differing social "locations" and aspirations of their analysis. Habermas wishes to develop a "comprehensive doctrine that covers many things far beyond political philosophy," whereas Rawls seeks only to move "within the category of the political" leaving philosophy, religion and morality as they are (Rawls 1996,

375-376).

We see in these characterizations Rawls proposing to resolve some of the tension his model of the dysordering nature of deliberative democracies generates by fragmenting cultural types -- political culture separated from all other forms and modalities of culture (a surgical operation Habermas also performs) -- and distributing their effects across these social fields. The unresolvable differences democratic societies produce *sui generis* are claimed to accrue at the level of the moral, philosophical, religious and cultural, leaving untouched a minimal set of shared commonsense political "intuitions." These intuitions provide the shared grounds to which liberal citizens can retreat when they find themselves disagreeing so vehemently that they threaten to rip apart the political fabric of national or international life. In other words, one order and mode of culture (political culture, the original position) is cast as the foundation upon which we build our tower of Babel. Indeed, rather than destroying its foundations the various languages of disagreement a healthy democratic society produces (what M.M. Bakhtin described as heteroglossia) provide the material democracies needs to stretch its reason toward infinity's end. And, because all liberals share this foundation, at the base of liberal democracies is reasoned and rational consent rather than either a minoritarian or majoritarian form coercion, force, or harm.

But let us examine more closely the rhetorical functions of Rawls's claim that the deepest intuition of democratic society is expressed by the original position ("justice as fairness"). Rawls could link a set of intuitions with a community in either of two ways. He could either start with the intuitions and find who had these intuitions or he could start with a group of people and discover what their intuitions were. The Rawlsian community is, for the most part, defined in the second way. But let us imagine how the first option would proceed. Original positions would simply be those beliefs some group takes as self-evident, requiring no explanation of their rightness, goodness, or truthfulness. We could describe these intuitions as the "current positions" of the group. Some explanation could be provided but it would be understood as a sort of weak placeholder or partial concretization of commonsense. Current positions would index such depths of intra- and intersubjective understanding for this group that they hold their ground even in those instances when a person may wish she felt otherwise, may wish she was not plagued, or more modestly, irritated, by the feeling that she *should* act in some way (say: resolve her public differences through the procedure of justice as fairness), and yet she is is *nonetheless* irritated by a "knowing" she is not, at a fundamental level, in command of. It is through her. But where it comes from, and what it is, she cannot say.

But Rawls does not use the phrase "current position." And, I think, he cannot if he wants to animate the self-evident goodness of liberal theory and if he wants to preserve the fiction of that all members (citizens) of modern liberal democratic states share the original position as their deepest intuition. Thus he does not start with the actual citizen/subjects of contemporary liberal

multicultural nation-states, but instead with an "original position" preternaturally linked to the fact of free and equal rational human being. The strong noumenal point-of-view outlined in *A Theory of Justice* may have given way to a weaker political, historical point-of-view in *Political Liberalism* but our deepest intuitions must remain a an unexamined partner to free and equal, reasonable and rational human being as defined under a historical form of political and economic society (for noumenal being Rawls 1971, 251-257; for a pluralized noumena see Rawls 1996, 304-310). Note, Rawls has dictated that nothing can be rational or reasonable, free or equal outside the particular historical social form of liberal capital democracies. All else is unreasonable, irrationality, unfree and unequal: all, I think, Rawls and most of his readers would consider if not bad qualities, then certainly suspect ones. Thus any discussion of the over-throw of these political and economic principles can be banned from reasoned and rational public debate, maintained as seditious, negated by force even when a democratic body of citizens, freely, equally, reasonably and rationally vote for such an overthrow: Algiers, the fear of a elected government of communists or facists in Italy. The "impulses from new forms of life" must be strangled the moment they question our (uncommon) political culture. And they can be strangled without shame because they are the perverse offspring of citizens who do not share the original position, -- suspect citizens.

What allows Rawls to convince himself and his readers that this exclusion of certain life forms from reasoned and rational human being is for the good, or even, ok? That it can be done without Kantian shame?

The overall criterion of the reasonable is general and wide reflective equilibrium; whereas we have seen that in Habermas's view the test of moral truth or validity is fully rational acceptance in the ideal discourse situation, with all requisite conditions satisfied. Reflective equilibrium resembles his test in this respect: *it is a point at infinity we can never reach, though we* **may *get closer to it in the sense that through discussion, our ideals, principles, and judgments seem more reasonable to us and we regard them as better founded than they were*** (Rawls 1996, 384-5, see also 1971, 39-41).

Once again this strange movement to an infinitely deferred end-of-history is dangled before readers, and with this curvature, the formal ideology of the enlightenment belief that rationality has a direction and an historical origin. Rawls may more narrowly define the discursive space that public reason curves, but he no less than Habermas interprets this curvature as veering towards better, more truthful, forms and as possible only within a democratic form of life (Rawls 1996, 213). But if this is an accurate reading, what do we make of Rawls's use of "may" or his clear rejection of any possible arrival let

alone disembarkment in the port reflexive equilibrium. I would suggest that "may" and "can never" allows Rawls and his readers to experience their exclusive possession of enlightenment within contemporary discursive prohibitions against ethnic and national chauvanisms and discursive prescriptions, as Charles Taylor notes, "not only that we let them survive," -- not only the tolerance of other cultural and civilisational forms, -- but that we "acknowledge their worth" (Taylor 1994, 64). The weak modal term, "may," registers these competing injunctions and desires as it provides a way for readers to inhabit both simultaneously. "May" (and "can never") defends against the claim of intolerant chauvanism without impeding the feeling that surges through it -- though we may never reach infinity *our* ideals, *our* principle and judgments, *our* forms of public reason are, in being for the good, the best way forward.

But why must we believe that shared intuitions ("general and wide reflective equilibrium") are anything more than that: general, wide, shared, reflective equilibrium? Or be surprised that the forceful imposition and defense of an ideologically saturated form of political-economy should be reflected in political ideology (our deepest intuition that our justice is fair)? We can put the same question to Rawls that we put to Habermas. Why do we go beyond where speakers themselves often stop -- that these modal forms index a subject's sense of her deepest conditions of being, including the risks and pleasures that various forms, scales and modes of cultural life pose to that being? The fact that she shares these intuitions with others, whether a majoritarian or minoritarian set of others, is irrelevant to the question of whether these intuitions are good, rational or reasonable. All sorts of social systems and their communicative practices have appeared reasonable and rational to those within them. Original positions may be the shared political (presuppositional) grounds to which liberal democratically-inclined citizens retreat to avoid outbursts of violent intolerance, but this does not necessitate anything inherently reasonable about them. I noted above that liberal jurists and historians have their hands full cleansing the ever unfolding present of the shared reasonable and rational atrocities of past good, liberal democratically-inclined people. Viewed in this light, the divorce of politically modified cultural intuitions from other modes of cultural intuition is an understandable if awkward attempt to remove from serious public debate any discussion of political and economic forms and relations. By casting these topics outside reasonable and rational public debate, out of the bounds of humanism, humanity, the human, the murder of these beliefs and the people who espouse them evokes neither shame nor critical self-reflection of the exact type Rawls defends.

Let me end this section with a discussion of the antifoundationalist paradigm developed in the work of Richard Rorty for Rorty is, perhaps, best known for his attempt to severe liberalism from its ideologically-informed metaphysical foundations in order to reestablish its worth in an age without transcendence. Can Rortian liberalism survive without an asymptotic brace? If we take Rorty at his word, he believes that shared beliefs, intuitions, and truths are simply that,

shared, and nothing more. The modal forms Rawls describes as "original positions," Rorty describes as "final vocabularies" -- expressed or experienced aspects of being and value that are the subject-effects of language games (Rorty 1989). Rorty agrees that domination-free communication and domination-free poetic culture is necessary for liberalism to flourish. But he disagrees that an essential meaning of the good life or an essential core of truths will or can ever be found outside the dictates of particular language games. Simply put, suprahistorical transcultural human *being* and *value* do not exist for Rorty.

Rorty's ideal liberal is not, therefore, a dispassionate philosopher in search of the holy grail of Truth, Goodness and Justice, but a poet privately plagued by self-doubt about her deepest moral convictions, about what appears to her as a set of commonsense intuitions. Rorty's ideal liberal is obsessed with the private worry "that the process of socialization which turned her into a human being by giving her language may have given her the wrong language, and so turned her into the wrong kind of human being" (Rorty 1989, 75). Her doubt is born from the knowledge that all truths are the contingent values of linguistic functions; that no one "vocabulary" is closer to reality than another; and that the values one cleaves unto most dearly may well be harmful to others. So deep and wide are these final vocabularies and so saturated and mired is subjectivity within them that their commonsense appeal cannot be escaped through critical reflection on the propriety, validity, and truth of their interpretive groundings. Metalinguistic reflection on one's final vocabulary and its interpretive grounds simply binds a person more deeply into the structures of that language. Only an encounter with an other can break the hermetic seal of linguistic subjectivity (Rorty 1989, 80). But Rorty attributes extra qualities to the "true" liberal subject. And these extra qualia are important to how he keeps liberal forms moving towards the better even as he rejects the idea of a transcendental, extralinguistic, Good or Truth. Of these qualities the most important is his ascription to the true liberal of an abhorrance of the "systematic administration of pain and humiliation" (Rorty 1998, 319).

Note, in this sociosubjective universe, the Rawlsian question of how to maintain a just and stable society of free and equal citizens who are profoundly divided by reasonable religious, philosophical, and moral doctrines is transformed into the question of how a liberal subject can come to recognize the pain and humiliation (the harm) her final vocabulary does to an other; and, after this recognition, how she can decide when this pain and humiliation is bad or harmful. Enter the market-place of passionately defended ideas. While the ideal Rortian liberal subject privately suffers her anxieties and doubts, she publicly passionately defends her values until the organic philosophers, poets, ethnographers and literary critics, -- the minor philosophers of late modern times, -- demonstrate to her not so much what she can gain by incorporating an other set of values into her own, but how she can avoid inflicting unjust pain and humiliation on others, acts that are the worse thing she could do, that in doing, she becomes not.

The external cry of the pained other has become the necessary supplement of Rortian liberalism, producing not only the liberal subject's own sense of her good, but also nontotalitarian forms of propositional truth! If for Rawls heteroglossia provides the juice for the machinery of political liberalism, for Rorty new semantic world disclosures "provide fresh grist for the argumentative mill" providing the "novelties" that forestall a collapse into totalitarian regimes of truth (Rorty 1998, 319). Unfortunately, the grist Rorty condemns to the mill are those multitudinous others whose pain we might be unintentionally causing. They provide what the liberal subject requires to change since the knowledge of the contingency of all moral vocabularies is not enough to cause him to flee his particular moral vocabulary. He could not flee even if he so chose because, in Rorty's pragmatic deconstruction, to be a human subject is to be and become a value through and of language. Linguistic values (semantic, logical forms) cohere the self. They constitute the subject and society *as such* and as specifically valued beings-in-the-world-of-others. Listening to the articulated cry of a pained minority subject is the only means by which liberals can know when they are causing harm, pain, and torture to to others, and why this pain is unjustified; i.e., of the type, scale and quality that makes it systematic. In effect Rorty differentiates two distinct and distinctive liberal roles within multicultural liberal nationalisms. Liberals will listen to and evaluate the pain, harm, torture they might unwittingly be causing minority others. Nonliberals and other minority subjects will present their pained subjectivity to this listening, evaluating public.

We might pause and consider two points before accepting these new liberal classes. First, in the Rortian universe, no less than in the Habermasian and Rawlsian, the form in which minority poets must pitch their pain is predetermined by the rules within which this communicative game is played. The most rudimentary and unassailable rule, -- not an agreed upon intuition, but a ticket to the party -- is that the communicative event must occur in a form liberals misrecognize as free of coercion, in effect barring the entry of all but already absorbed others. Liberals do not suffer in the face of the other because liberalism is never exposed to real risk. The Hegelian *Aufehebung*, -- the risk and possibility faced by tarrying with a determinate negation, -- is transformed into what Theodor Adorno and Max Horkheimer long ago described as the standardization of pseudo difference (Horkheimer and Adorno 1996).

This leads to my second point, the distribution of social functions that Rorty calls for provides liberalism with a sense of a world being continually stripped of harms, a world necessarily experienced by liberals who do the stripping as a *better* world brought into existence by their own good will and reason. The articulate pain of the nonliberal other allows the liberal subject to feel herself to have been unintentionally causing wrong even as she is provided the means of constantly feeling herself to be moving to the right. In other words, liberalism rejuvenates its form by feeding off the passions of others, minority subjects who acquire social value insofar as they alienate their subjectivity into *ressentiment* and become an articulate site of public harm, a point Wendy Brown has already trenchantly made (Brown 1995). Though Rorty will again and again

reject substantive goals, ends, and means for his project, he has already handed over to liberalism everything that could possibly be intuited as good -- the commonsense notions that harm, pain and torture is bad and that a world continuously stripped of them is better. Having defined the liberal subject as those for whom cruelty is the worst act, Rorty provides nothing so much mere cover to a wild liberal chauvinism. The slope of liberalism is forced toward truth and good by the very people liberals harm. Worse, if liberalism is not to become a totalitarian regime it must have the pain of the other.

2. States of Ought and Ethics of Murder.

Few serious scholars of political culture under-estimate the chauvanism of the claim that in public reason and the political culture that sprung up with it, human beings stumbled upon the best of all possible social worlds; and found, for the first time in history, the real grounds for an uncoerced form of perpetual peace, truth, and betterment. The argument that political history ended with the beginning of public reason is exactly the type of proposition Rorty describes as a "platitude." Perhaps we should not be surprised, then, to see such different political theorists relying on this faith, in one way or another, to buttress their justification of liberal forms of political culture. But our faith in the asymptote of public reason is most accutely tested in postcolonial and diasporic contexts consisting of a contrasting set of final vocabularies and, if not contrasting, differing forms of public rhetoric, discourse, and debate. It is in actual national and transnational conditions that the asymptotic creed must square its curve, must answer questions of who "we" includes and in what contexts; how, whoever and whenever this "we" is, it values a range of modally experienced moral and cultural differences; and finally, what can be demanded of states and nations from within these variegated spaces of difference.

Afterall, long before and long after the emergence of the bourgoise public sphere, non-western societies held public debates, even revelled in the art of public rhetoric and persuasion. It is certainly no secret that from the Greek arena to the Samoan *fono* cultural forms of public rhetoric have flourished and have been, and often still are, vital to the peaceful production and reproduction of "local" societies under changing global conditions (see for instance Duranti 1994). Indeed, throughout the twentieth century anthropologists have celebrated the role these oral traditions play in maintaining social order and providing the guarantee of social harmony. Nor is the public significance of nonwestern forms of public rhetoric, debate and reason only of interest to professional intellectuals. Though many anthropologists have shifted their focus to other topics, how nonwestern public arts and public culture maintain(ed) and reproduce(d) social harmony has captured the attention of liberal public spokespersons and politicians who are interested in the stabilizing effects of these public rhetorical forms on diasporic communities within the liberal nation.

For instance, in its Sunday magazine, the *Sydney Morning Herald* recently celebrated the emergence of singing Samoan chiefs, said to have transformed a notoriously violent Sydney suburban housing estate into a functional part of the multicultural Australian nation (McHugh 1999). The *Herald* credits traditional Samoan forms of public rhetoric with recreating social order out of extreme social dysfunction brought on by entrenched economic marginalization and social discrimination. But we need not strain our ears to realize that this diasporic form of public rhetoric is not considered a modern, democratic or liberal form of public reason by the *Herald*, nor that it would be considered as such by political theorists like Habermas and Rawls (for theorists of counter-publics see Negt and Kluge 1993; Robbins 1993). These forms of talk may be a necessary supplement to the social and economic structural failures of liberal democratic nationalism, but they are neither a part of public reason, nor, strictly speaking, reason at all as defined by liberal enlightenment standards. In the *Herald's* rendition, Samoans do not expose their views to reasoned debate independent of the heteronomy of social status and difference. Samoan chiefs do not seek to bend reason towards truth, but to bring the truth of traditional social differences of rank, gender and caste to bear on social practice. Though it may ensure a type of peace, this form of public reason does not create nor seek to create a free peace among equal citizens, nor justice as fairness per se. And, the *Herald* is no more suggesting that Samoan forms of public rhetoric become the commonsense plueprint for a modern Commonwealth and its public sphere than cassava gardens take over commercial potato farms.

As this example suggests, even if we were to accept that Rawls's model applies only to democratic forms of society, actually existing democracies, to borrow a phrase from Nancy Fraser, can no longer be characterized as consisting in any straightforward way of people who share the same democratic intuitions (Fraser 1993). Moreover, the groups which constitute the nonliberal interior of liberal democracies defy easy categorization. How do we differentiate among valued and stigmatized subalterns and minorities. Indigenous people, regional separatists, skinheads and queer nationalists: all have corporeal practices or modes of association that may challenge liberal ideals of fairness, freedom, and equality. Political theorists tend to mitigate the problem this diversity poses by reducing it to the broad question of how to tolerate the intolerable. Strictly speaking, however, the problem is not intolerance per se, but differentiating what makes one set of practices intolerable in relation to one group but not in relation to another. (Why German racial nationalism seems of a different type of problem than indigenous racial territorialisms.)

Neither can we assume that the people who *do* share certain intuitions about democratic procedures limit the scope of their ideal or real politics to national or state borders. Though Rawls might wish to restrict his discussion of political liberalism to democratic nation-states, in actually existing democracies, state officials, politicians and publics do not follow his lead. The United States government functions in international space as if liberal democratic and capital

forms were universal by right (or as Clinton put it, as being "on the right side of history") even if they were not universal in fact. The hegemonic nature of this stance is suggested by the practices of ordinary U.S. school children who evidence at an early age an understanding of the universalist conceit of liberalism. The inability of U.S. citizenry to nationalize their national imaginary is hardly a malaise unique to them. Australian attitudes evidence a similar tendancy to stray into southeast Asia. And Islamic and Judaic nationalized orthodoxies are no less inclined to conceive of their sexual and gender standards as universal human norms.

Thus I think Habermas is right to turn away from the specialized discursive forms and intuitions that academic, governmental and scientific communities have about political culture and towards the dialectic between these forms and the lifeworlds within which they are expressed or rejected. When we shift our focus to the quotidean discourses found in mass media forms like newspapers and television shows, we hear a modern democratic lifeworld very different to the one fantasized in liberal throught. In this actual world, citizens seem commited to an unreflexive majoritarian OUGHT in certain definable instances of cultural alterity. And, perhaps more interestingly, they explicitly defend a core antirational proceduralism as the necessary grounds for an enduring liberal democracy. In moments when a majoritarian (hegemonic) "intuition" is confronted by a specific type and degree of "moral" alterity, a quotidean understanding of the majoritarian OUGHT displaces the ideal of public reason. A deeper more fundamentally felt ideal replaces it: survival. The more a social form and practice threatens a subject's immediate survival the less persuasive is the proceduralism of public reason. Let me give two examples of what I am referring to: the first, a police case taken from the Australian frontier circa 1936 and its 1996 counterpart and, the second, an episode from the American soap opera drama *Law and Order*. Both instance drammatize the problem of fundamental difference for liberal state proceduralisms of reason.

In northern Australia in the first half of the twentieth century, the Federal Department of the Interior formulated a native policy that prohibited government and nongovernment interference in tribal customs when "no white person was involved." This policy existed in lieu of any formal federal or juridical recognition of Aboriginal customary law. The late and violent settlement of the north led to many clashes between indigenous and settler groups such as one in the Daly River region between "Peanut Farmer Harkins" and a group of "Mulluckmulluck men." On 11 June 1936, the Administrator of the Northern Territory of Australia, Robert H. Weddell, sent an urgent telegram to the Commonwealth Department of the Home and Territories in Canberra. "CONSTABLE PRYOR FROM DALY RIVER ARRIVING ON 12TH JUNE WITH 6 ABORIGINES CHARGED WITH RAPING LUBRA STOP UNDERSTAND OFFENCE IS MORE OR LESS TRIBAL CUSTOM WHEN FEMALE ABORIGINAL WALKS ON SACRED GROUND RESERVED ONLY FOR MALES SUCH FEMALE BEING REQUIRED [TO] HAVE SEXUAL INTERCOURSE WITH ALL AND SUNDRY STOP MORE NATIVES WOULD HAVE BEEN IMPLICATED BUT FOR THE

TIMELY ARRIVAL OF PEANUT FARMER HARKINS

Rather than praise the investigatory promptness and moral sense of northern police, the Secretary of the Department of the Home and Territories, C.A. Carrodus, reprimanded them for their actions and implicitly threatened their careers. "YOUR TELEGRAM 11TH JUNE WAS CHIEF PROTECTOR CONSULTED BEFORE APPROVAL GIVEN FOR ARREST OF NATIVES STOP ON INFORMATION GIVEN BY YOU MATTER APPEARS ONE IN WHICH THERE SHOULD HAVE BEEN NO POLICE INTERFERENCE." In a strongly worded follow-up letter sent six days after the above telegram, Carrodus continued his criticisms of the northern police and the Administrator, "It is considered that the action of Constable Pryor in arresting the natives and bringing them to Darwin was at variance with the spirit of the instruction given by the Minister and conveyed to you in my memorandum of 10th February, 1936. It is also considered that steps should have been taken to prevent the departure of Constable Pryor from Daly River with his charges when details were known in Darwin." The spirit of administrative policy was clear -- neither settlers nor police should interfere with Aboriginal practices where "tribal laws only are concerned and where no white person is involved."

This case and related ones provoked heated debate within administrative departments of the Australian government and in the public sphere of letters. Government officials and employees as well as citizens outside government argued about the administrative, legal and moral problems of the frontier policy. For instance, though the Acting Chief Protector of Aboriginals, W.B. Kirkland, complied with the policy, he protested to Weddell that it should not matter whether certain Aboriginal practices were tribal, nor whether a white person was directly involved. If indigenous customary practices evidenced a degree of moral abhorrance then they should be "suppressed." If force was necessary so be it: "Certain rites and customs of the aboriginals should be suppressed and it may be argued that the only method of suppression justifiable is the application of the white law. Notwithstanding the opinion expressed in the Department's memorandum of 18th June, it is respectfully submitted that ritual rape is such a custom." In Kirkland's protest we see the splitting that contrasting deontic moments cause. The citizen Kirkland and his deontic duties as a "decent man" faced administrative Kirkland and his deontic duties as an officer of the government.

In the end, Kirkland and others retreated to moral culture rather than political culture -- a moral rather than legal or administrative limits decided the fate of the policy. In 1940, "The Mulluk Mulluk" murderers were found guilty. In his verdict the presiding judge decreed that "The tribal area [was] to be rid of the influence of a recent introduction the Karawadte ritual." The basis of his decision was similar to an earlier recommendation that Kirkland had made to Weddell. If indigenous customary practices evidenced a degree of moral abhorrance then they should be "suppressed." Plainly and simply, principled and just law must give way to moral law; the moral perspective of the natives

must give way to the moral perspective of the nation whether this was fair or just according to indigenous or settler standards.

I would not deny that there were numerous instances of cultural tolerance between indigenous and settler groups in the Australian frontier. And yet, there is nothing historical about the problem this case exemplifies. Today as yesterday as sixty-five odd years ago, liberals experience certain moments of cultural alterity as moments of social and subjective threat. Though as a matter of juridical fact, Aboriginal "customary law" is no more a recognized part of the Australian common law today than it was in 1936, 1896, 1789, this legal fact did not dissuade the 1996 Queensland Government from proposing "a radical scheme" that would make "customary law -- including the use of corporal punishment -- compulsory in isolated black communities" (Emerson , 4). The legislation was intended to police juvenile crime in remote communities through the policed agency of traditional culture. Viewed as a means of unburdening state resources, this state backed compulsory return of customary law would, however, be mediated by majoritarian commonsense standards of corporeality, (standards that are never described lest in the description the imaginary of a shared majoritarian intuition about this corporeality be punctured). The Minister of Aboriginal and Islander Affairs, Mr Lingard, reassured an imagined jittery constituency that "extreme punishments such as spearing would be ruled out" though "other forms of corporal punishment would be acceptable but would have to be monitored" (Emerson , 4). Far from inciting the public to consider their own commonsense intuitions about corporeality, -- to critical interrogate the validity of how they were grounded, -- Lingard cites the always only bracketed force of liberalism, "[t]here is no doubt that some people might say that customary law might go too far and that some time we might have to look at that but I think the elders would have enough common sense not to go too far" (Emerson , 4)

In these moments of fundamental difference, the question of what unites us in our Humanity across the variegated fields and modes of cultural difference gives way to a sense certainty that some forms of culture exile the practioner from human being because they are experienced as in direct violation of "our/my" ways of life. And, as I will elaborate below, these are violations of a person's subjectivity and social being Moments of fundamental difference place the subject in extreme duress, various levels and modalities of subjectivity begin to peel away from each other, moral duties and encumbrances begin to fragment and with them the person him or herself. In these moments, no matter their duration, force seems to be the agreed upon means of protecting liberal society and its subjects. Subjects cast off their civil robes and fight for their social lives, drawing on whatever formal and informal institutional sources of power are at hand. When we examine such moments of liberal intolerance, William Connolly's notion of "tactical tolerance" becomes all the more critical, if in its negaitve form (Connolly 1991, 43). Intolerance is the necessary means by which tolerance can be manufactured, the disciplined other made to recognize and internalize the burden of their refusal to mold

alterity into difference. And, though I do not discuss this aspect at length in this essay, economic and legal rights and resources are hinged to the ability of minority groups to produce this particular form of cultural difference (see Povinelli 1998).

Let me now turn to a representation of procedural reason in the shadow of fundamental difference in an episode of the American television soap opera *Law and Order*. In "title" the child of members of a thinly disquised sect of the Church of Scientology dies because her parents, believing in the healing power of prayer, refuse all medical intervention. The police are faced with the question of whether or not to prosecute the parents for manslaughter. The episode discusses at length whether doubt, -- a crisis of faith in times of emergency, -- opens religious belief to legal prosecution. If the parents doubted their faith but nevertheless withheld medical aide was the action constitutionally protected. Interesting stuff for evening network television, and the grounds for fairly interesting substantive public discussion. But I want to put this discussion in perspective by fast-forwarding us to the end of the episode. The case is now in court. The leader of the Church is in the witness stand. In reply to a question posed by the prosecutor, the Church leader reminds viewers of the constitutional separation of church and state so fundamental to the liberal democratic proceduralism. The prosecutor has the second to last word in the exchange, retorting with another set of questions: if child abuse was a religious belief held by some people, should the state stand aside and let the children be abused? If the handling of snakes by children was a religious belief some people held, again, should the state stand by? Viewers might hear not so veiled references to David Koresh and Apalachian snake handlers. Liberal theorists might hear and rightfully point to the prosecutor's conformity to the proceduralism of public reason, opening belief to reasoned and rational argument. But this surely would misinterpret the communicative event. For these questions are not to be answered (the judge has the last word, ruling the prosecutors questions "out of bounds"). The questions are performative marks of the line past which the procedures of public reason should not tread. These performatives, issue intolerance as a question, but a question that teaches audiences how to stage the internal limit of liberal tolerance as a reasonable openness to a very open and shut case.

These brief moments in the discursive time of late liberalism suggest how in certain contexts of alterity liberal intuitions about reasoned and rational public debate give way to a deeper form of liberal certainty, "nothing can or should deter us from our conviction." Indeed, it was just these types of entrenched, seemingly irresolvable differences that led Rawls to move away from a theory of political liberalism based on moral integration to one based on political integration (Rawls 1996, 134-5). But, these cases, suggest that liberal subjects do not retreat to justice as fairness or to the proceduralism of reason in moments of crisis, but to survival. In these moments, the end of reason is not where reason leads. The archangel of tolerance is replaced by a proceduralism of murder and the murder of proceduralism. Here amidst the

ordering rubble of intolerance and murder we begin to understand why so many liberal theorists cling to a faith in the asymptotic qualities of public reason. For liberals to experience their aggressive acts of survival as such would be to violate their deepest myths about themselves, to exile themselves in the unresolvable position of Kirkland or Peanut Farmer Harkins, divided in themselves by an other. Something must survive or come into existence in order to redeem the murders we commit to get us to some good. Reflexive judgments about our own historical failures are often enough. For the discovery that liberal goods have produced wrongs positions liberalism as out of that wrong, into right, out of the state of misapprehension and into a state of grace. This temporality allows past murders to be transformed into contemporary salvations, allows the murders we are commiting now to one day be redeemed.

But murder is a serious accusation. Especially if, as I am claiming, nothing is said to come of it, nothing rises from the dead. Thus, to make something of this accusation let me turn to the questions with which this essay began. Why we believe the constant recalibrations occuring in the public sphere or in our everyday conversations are going somewhere? Is the communicative model underpinning liberal pragmatics "reasonable" in the simple sense that it is underpinned by a reasonable model of subjectivity and textuality? And, finally, how might a theory of metasemiotic subjectivity allow us to develop an ethics of liberal murder?

We can begin by returning to Rawls's observation that the breadth and strength of a group's intuitions vary across the variegated fields of political, religious, and moral life (though it is never quite clear if he understands these fields to be sociological "spheres" or subjective states neatly or messily compartmentalized). Rawls's archeaological and distributional model of intuition makes sense from a contemporary metasemiotic perspective if we understand him to be describing the differing levels (or, degrees) of textual subjectivity that a person "feels" and expresses with a variety of grammatical, syntactic, and pragmatic forms. In other words, Rawls is simply pointing out that subjects have an intuitive understanding (or metasemiotic sense) of the various modes, scales and levels in which they are situated in socially-mediated semiotic forms.

By socially-mediated semiotic forms (or textualities, genres) I mean to refer to the ways in which speakers consciously and unconsciously draw on linguistic principles to coher communicative events into relatively durable forms that index (or hinge) two different contextual orders. On the one hand, genres index what we might loosely describe as the spacetime of interactional referentiality (the genre "says" the type of the place and time participants are in and thus what their proper and improper roles are) and, on the other, they index what we might again loosely describe as the discursive cotexts (the relevant genres and the roles, stances, and values they entail). The formal characteristics of genre -- a phrase, tone, or poetic structure -- tacitly guide participants in knowing what type of event they are engaged in. One participant might explicitly name the

interactional genre -- "hey, we're suppose to be working, here not playing." In both cases, genre poses interactional space and time as of a particular type, and thus making a certain claim about what are the proper and improper roles and expectations of the interaction. Space literally curls around these forms, suddenly a work office is an intimate space, an employee a lover. And, genre curls around socially inscribed space.

Like linguistic signs, the sense and value of textual genres, -- whether spoken or written, -- are derived from their place in an unfolding differential network of genres. And, like linguistic signs, the sense and values of genres are provisional. To understand why let me introduce a few concepts in metasemiotics as elaborated by Michael Silverstein. In metasemiotic approaches to language, pragmatics refers to language usage, including the semiotic realm of indexical meaning. Alongside semantic structures and pragmatic functions, metapragmatic discourses and functions have been distinquished by Silverstein in ways that will prove helpful to us here. On the one hand metapragmatic discourse refers to folk (including academic) discourses about language usage; namely, locally ennunciated, historically specific rules of linguistic etiquette including discourses about how, whether, and which people should acquire any particular linguistic etiquette and discourses about the contexts of its proper usage. If pragmatic function refers to those features of language that encode context and the context-presupposing and entailing nature of language usage, metapragmatic discourse includes all implicit and explicit references to such encodings, usages, and (im)proper contexts of usage. Metapragmatic function, on the other hand, regiments the ongoing pragmatic function of language into coherent interpretable text and interlocutionary events of whatever type such that they constitute a successful or failed communicative event. Metapragmatic functions, or principles, are the means by which Thingy-ness is achieved and artifactualized.

Let me try to suggest the stakes of this approach through a few examples. Every linguistic event, no matter its scale or mode, -- that it, no matter if we are discussing a linguistic event at the scale of the sentence or paragraph or in a genre or nongenre mode, -- is only provisionally coherent because every linguistic event is liable to be pulled apart by the very principles that allow it to coher. Take, for instance, the following exchange.

a: Do you know where she went?

b: No. I only know she is not here.

From the perspective of metasemiotics most signs perform multiple functions. In its semantic capacity, "she" conveys the sense and value of number, person, and gender. But "she" also acts pragmatically, pointing to and carving out a contextual object which fulfills the designated roles of number, person and gender. A woman out there somewhere. Or so it seems if we start from the

perspective of grammar. Finally "she" acts metapragmatically to coher this communicative event into a sensible coherent chunk of textuality. Imagine substituting "he" for the second instance of "she." If the substitution was intensional we could assume either that the "she" and "he" were two different persons ("her" location linked to "his") or that the second speaker had rendered the interaction uninterpretable for some reason. From a metapragmatic perspective the second speaker could, however, have simply switched speech genres. We might be overhearing two gay men in the Castro or, for that matter, in Iowa City. When viewed through metapragmatic functions, the *commonsense* assumption that "she" indexes sex-of-the-body rather than sex-object-choice is revealed to be part of the semiotic apparatus of heteronormativity. Once we see that semantic and pragmatic values can be rendered or realigned by social actors, consciously or unconsciously, then we begin to see that these values are neither neutral nor extra-societal but sites of potential social contestation and revalutation.

All genres and the contexts they presuppose, index and entail are liable to be contested in an analogous fashion. On the one hand, speakers can contest whether a genre is the appropriate genre for a type of interactional space and whether it provides the necessary roles and values to do the work that needs to be done in that space and time. On the other hand, any genre can be coordinated with any other: certain semiotic dimensions of one genre can be enlain into the other. Indeed, initially illegitimate or nonnormative cross-mappings of generic forms provide the grounds for potentially new social imaginaries and formations. For example, Habermas' discussion of the emergence of a particular form of bourgeois liberal subjectivity in eighteenth century Europe is a relevant example of these genre extensions, entextualisations, and refigurations. The long distance free traffic in economic news created by early capitalist trade led to aesthetic innovations in public and private textual forms and to subsequent social expectations about how speech should be regulated in the emergent space of the public sphere. Contemporary feminists have drawn these, by now, quotidean genres and the expectations they entail for how "humans" or "liberal democratic peoples" ought to speak to one another into their debates about how women and men ought to speak to one another. Public reason is, in fact, nothing more than the constant coordination and recoordination of unfolding generic forms over time under certain procedural rules for their invagination.

The question with which we are left is as conceptually simple as it is sociologically complex: why do people take up and discard with varying degrees of interest or horror certain generic forms or generic folds? Why do citizens some of experience the generic texts of others, -- their "culture" -- as a threat to their lives rather than an absract mapping exercise? In the shadow of these questions we see the poverty of current liberal political theory in relation to actual liberal subjects and, indeed, any historical human subjects. I want to make three rather simple points about subjects and textuality to suggest [1] why we might want to develop a more delicate and robust metasemiotic theory of

subjectivity; [2] how such a theory might help us understand the asymptotic chauvanism of liberal multiculturalism; and [3] how such a theory would ground an ethics of murder.

We can begin with the commonplace that ordinary human languages demand that subjects inhabit multiply coordinated roles across provisionally coordinated generic textual space. As I noted above, the Protector of Aboriginals, Kirkland was simultaneously a settler citizen of Australia and an official within the Northern Territory government, roles that placed him under two competing laws (moral, juridical); or made him experience the disjunction between the deontic orders of each "law." The fictional characters within *Lawand Order* continually referred to their competing duties in similar terms. Second, subjects become subjects of textuality through language usage (gaining competence in semantic, pragmatic and metapragmatic orders). Understanding that subjects become such through language usage demands we begin from an unaccustomed position. Structural, post-structural and logico-semantic schools all take a grammar eye's perspective; even self-proclaimed pragmatists like Rorty continually embed their descriptions of social and political life in the field of grammar. But shifting perspectives all us to see how subjectivity is tethered to a continual process of mapping across these various textual fields, and from textuality into context and subjectivity (see Povinelli 2000b).

For our purposes here, becoming a subject of textuality can be split into two very rough phrases, the subject's entry into language and her subsequent continual movement with and across higher level linguistic forms (genres, textualities). From the perspective of the prelinguistic subject spacetime initially emerges out of a constant stream of bodily, linguistic and semiotic orientations. Jean Laplance and Jean-Bertrand Pontalis long ago noted, that human beings are born into a world suffused with socially mediated textuality (Laplance and Pontalis 1986). Even the notion that "these people are molding my body to fit social time and space" is a relatively high level inference. Long before a subject is able to make such an inference, her body is being impressed with the diectics of socially mediated spacetime. Strictly speaking, the first semiotic experience of a subject is regimentation, formedness in contexts, and the risks of becoming formed and remaining unformed in a formed world. This baptism into the risks of socially mediate textuality is perhaps the deepest layer of subjectivity. From the seemingly most intimate to most public, -- from a parent telling her child not to speak "like that to me" to a teacher placing an unruly student in the corner, from a woman whispering in her lover's ear how she likes to be spoken to in bed to a speech coach instructing a candidate to pitch his voice in a presidential debate, from spouse demanding her partner risk the loss of love for the advancement of her career to a poet demanding her reader risk entering a demanding scene, -- form will always be associated with the risk and possibility of being.

There are, however, levels or scales of risk and possibility associated with differing types of regimented being. The content of these regimentation varies

culturally and historically. No matter the content, these earliest scenes of semiotic baptism provide subjects with their deepest intuitions, a level of socially-mediated subjectivity not fully accessible to explanatory reason. Ordinary people in their ordinary conversations continually and confidently use various grammatical means to indicate their degree of commitment to this level of being via their commitment to various propositions. They might attach qualifying phrases to their statements of commitment and compulsion ("I can do that because..."), they might not ("I must but I cannot really explain why"). In any case, the terms hegemony, doxa, final vocabulary, and original position are meant to convey this taken for granted level of subjectivity. But we are mistaken to understand subjects as defending their hegemony, doxa, or original positions in moments of fundamental difference. They are defending themselves as they experience themselves in various propositional modes.

If they are defending themselves they are also constantly defending, expanding, and contorting themselves as the surface of linguistic textuality is constantly reshaped and reformed by social interaction. This remapping occurs both in ordinary conversations as ordinary people create ordinary interactional texts; that is, as they ask and answer, implicitly or explicitly simple questions like: Who are you? Who are you and I together in this place and time? What are we doing here? And it occurs in public debates about who are we the people? What type of place is this nation? Our state? Who are we together? Answering these private and public questions demands some shared set of presuppositions about you as a token of some known type. And it includes all the kinds of you (she, women, roles types of women et cetera) I have known, plus all the other social types and roles you are not. In other words, a theoretically endless set of presuppositional maps are and can be laminated into every interactional space. This emergent and theoretically infinitely extendible interactional text is mapped into and arises out of contexts. What is this place in which "we" are acting? Is this love or business? Intimate or public or ritual? Serious or playful? Frank or guarded?

How does understanding the metasemiotics of subjectivity help us understand the asymptote of reason and modal judgments that lead to liberal intolerance and murder? The coordination I have been describing across the generic fields of cultural space suggest that Habermas, Rawls and Rorty are not wrong to sense a semiotic movement in public reason. Subjects are continually calibrating communicative instances across various types of textuality and their normative contexts. And they are calibrating and coordinating every given instance of textuality against previous instances in which those texts were used and all the actual persons who mediated and are associated with them. In other words every conversation, let alone every use of public reason, demands the subject consciously or unconsciously coordinate at least the following three domains: [1] the social roles proper and improper to any generic space; [2] the unfolding nature of this generic space and thus the unfolding nature of the social roles within it; and [3] her own subjective relationship to these roles and genres. This metasemiotic coordination is itself continually evaluated by liberal

frames -- the values of various procedural forms of coordination.

This type of metasemiotic mapping is analogous to Peirce's understanding of the dynamic relationship between the object, sign and interpretant and their various fragmentations. But these mappings do not go anywhere. They do not veer towards a final interpretant, vocabulary, truth, or understanding. Nor is the convergence of all these maps a universally valued trajectory; their alignment is not better or worse than their unalignment in some transcendental sense. Socially productive work may involve the opening or closing of the gaps between these various subjective and textual domains. Cultures may interpret and value these openings and closings in varying ways across various contexts. One culture might value the innovative breaking of generic frames, while another would see this textual act as dangerously aggressive, evidence of incipient psychosis. A speaker might innovatively map across various registers even if his discursive culture does not value such innovations.

Not only is the movement of coordination not going anywhere, it is hardly free or equal -- and this is why at moments liberal subjects displace the injunctures of reasoned and rational public debate. Remember the subject is herself the effect of these socially mediated textualities, an effect that colors her experience of moving into and out of various social forms. Some registers are experienced as closer to the subject herself, especially those registers which were welded into subject in the baptismal scenes I described above. The stakes the subject has to social form are not, therefore, simply physical risks, physical coersions issuing from the institutional outside. Moments of fundamental difference are moments that maximally resignify the provisionality of existence across the various orders and modalities of subjectivity in textuality. They are moments of a fundamental rendering, a dys-hesion that quakes the slumbering faultlines of semiotic subjectivity. In these moments the subject does face death, either her own in some measure and manner, or anothers, or both.

What if we were to understand the movement of reason, the contradictory compulsions of ought, was not leading to goodness and the truth, but to the conditions of our being and being-annihilated? That the evidential and deontic particles we find ourselves using index nothing else than the very condition of our being? Just that, that, and nothing more. Annihilation of being is not necessarily good or bad, but it is an experience. (Many people may love destroying themselves in relation to an other. A pleasure stigmatized as masochism in the west. But this abjection of the subject may be eroticized, or ritualized. And what if we were to say that the only truly moral judgments are those which have this stake, scenes familiar enough, colonial scenes, postcolonial scenes, diasporic scenes, multicultural scenes. If we were, then to bracket these moments, to ignore them, or to say cavalierly that everyone has their limits, is to formulate an ethics of deception and deceit. Rawls's reuse of the phrase the "burdens of judgment" sums up perhaps all I am really getting at here (Rawls 1996, 395). If we were to say that we murder others for no other

reason than to save our own lives, -- that every judgment where I feel my own life threatened forces me to decide whether your death is more reasonable and appropriate then mine, -- would transform what liberalism and multiculturalism meant, would open liberalism's blind faith to the world of its becoming.

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