

*Without Foundations: Justification in Political Theory.* By Don Herzog. Ithaca and London: Cornell University Press. 1985.

Don Herzog is in the tradition of William Saroyan, who made fun of a certain species of deep thinker by putting into the microcosmic bar room of *The Time of Your Life* a character with only one line, repeatedly muttered into his beer: "No foundations! No foundations—all the way down!"

Who, outside the building trades, needs foundations? What good do they do? Well, geometry has "foundations" (yes, it is a metaphor): the "solid," "unshakable" axioms that will "bear the weight" of the theorems "constructed" "on" them. Philosophers impressed by the skeptic-proof status of mathematics have long sought all-purpose foundations for the rest of knowledge. The quest began before the days of Socrates, but in modern thought the great foundations man was Descartes. In no conceivable circumstances could it be false to say or think "I am, I exist." A few more clear and distinct ideas, like the existence of God, nailed to this slab and up in safety rise the great edifices of Science and Theology.

Many subsequent thinkers, suspicious of Cartesian structural engineering, have nevertheless sought other foundation materials—typically the immediate deliverances of consciousness, "hard data," as Russell called them. And the winds of doctrine have buffeted them in their turns. But in the latter half of the present century the whole business has been brought into question. Long ago Stephen Pepper suggested that if we have to have a metaphorical description for the development of knowledge, why not try talking in terms of the emergence of a clearly perceived landscape as the sun rises and the morning fog is dissipated? Foundational theory of knowledge has rather suddenly gone out of fashion, Austin, Wittgenstein, Quine, and others having questioned the existence of a class of propositions the members of which are intrinsically certain and exempt from revision.

Herzog aspires to banish foundationalism from political theory also. He views Thomas Hobbes, John Locke, and the Utilitarians as having attempted to do political geometry, an enterprise bound to fail. David Hume and Adam Smith, who eschewed foundations, did the job right. (Later the author admits that the contrast is not stark, neither Hume nor Smith having been "wholly immune" to foundationalism. "Still, each one develops powerful justificatory arguments rooted in social contexts, arguments with no foundations." p. 161)

Two-thirds of the book is devoted to contemplating the rubble of the foundations that Hobbes, Locke, Bentham, and company purported to lay down, and now and again to take another swing with the wrecking ball. Hobbes (Herzog maintains) has three arguments for why we are obligated to obey the Sovereign: (1) From prudence: disobedience tends to put us back into the intolerable state of nature; (2) From necessity: irresistible force obliges; (3) From ordinary language: it follows from the meanings of such terms as ought, right, duty, and justice that opposition to the sovereign is wrong. Herzog holds that (3) is empty, and (2) is odd, so Hobbes's case really boils down to (1); and that won't do either, since as a matter of fact it is not true that all men desire peace; some really like war.

Locke's justificationism is no more effective, being based on contract, which is unhistorical; or tacit consent, which is (as Hume pointed out) hollow in view of the practically insurmountable difficulties of emigrating. Nor can Locke explain why consent is supposed to oblige.

John Stuart Mill, Herzog holds, was not a utilitarian at all but a self-realizationist without realizing it, consequently his philosophy was "untidy." Real utilitarianism, which is "any theory holding that the average or total happiness of the group ought to be maximized," is unsatisfactory, since it demands calculations that are never made and in fact can't be made. "Utilitarianism, for all its vaunted precision, cannot tell us what to do." (p. 157) Moreover, it makes society into a mystical whole, and it "purges information," i.e., requires us on principle to ignore relevant features and differences of experiences, such as their qualitative aspects and the identities of their subjects. He concedes, however, that this philosophy has attractive features: it eschews metaphysical and theological commitments, making human welfare the point of morality; "it offers (or seems to offer) reasons for its conclusions"; "it allows facts to affect and even determine our moral principles"; and "finally, it is in some ways a perfectly egalitarian theory" (p. 159). (Readers of *Reason Papers* will note the cloven hoof emerging from under Professor Herzog's academic gown.)

Herzog's refutations, which are very long, are in my opinion of unequal force: effective against Bentham's utilitarianism (and Sidgwick, Harsanyi, Brandt, and Hare come off no better), less telling against Hobbes and Locke. But I forgo rebuttals because I think there is a more fundamental (you should pardon the expression) trouble with the structure of the Herzogian argument against foundations of political theory.

The three-centuries-long ascendancy of foundations in theory of knowledge should bring home to us what a tenacious grip a metaphor can have. I am afraid that Herzog provides yet another illustration of this truth. Underlying his approach is an unexamined assumption that some of the classical political theorists have argued from foundations in exactly the same sense as theorists of knowledge have done. I shall try to show that this assumption is questionable, at least as it concerns Hobbes and Locke.

Herzog characterizes a foundationalist argument as "grounded on principles that are (1) undeniable and immune to revision and (2) located outside society and politics." (p. 20) But excepting *reductio ad absurdum*, every argument proceeds from premises that the arguer regards as true or at least worthy of acceptance (the etymology of "axiom") by the person being addressed, to a conclusion supposed to be entailed by the premises. So if there

is a contrast between foundationalism and some other mode of argumentative justification, it cannot consist merely in the purported degree of reliability or immunity to question of premises. As for being "located outside society and politics," this metaphor is, as the author admits or rather vaunts, "more suggestive than sharply defined." (p. 21)

In theory of knowledge, the literal homeland of foundationalism, the distinction is this: a foundationalist epistemology is one holding that nothing can qualify as an item of knowledge unless it is either a preferred item or derivable from a set of preferred items according to an approved procedure. The theory tells what kinds of items are preferred and what procedures are approved. In Platonism they are respectively Ideas and "seeing with the mind's eye"; in Cartesianism, clear and distinct ideas and painstaking inferences; in Hume's philosophy, "impressions" and the validation of concepts by tracing them back thereto; in Logical Positivism, protocol sentences and logical construction. A nonfoundationalist epistemology is one such as Popper's or Quine's which lacks a specified set of preferred items, in other words one in which no purported bit of knowledge is intrinsically *hors critique*.

This dichotomy cannot be literally applied to political theory, which is concerned with the right/wrong family of distinctions rather than (primarily) true/false. There is, however, a natural analogy: we may call a political theory foundationalist if it is one according to which evaluations (principles, norms, recommendations, policies, imperatives, value judgments, or what have you) are valid (warranted, true, right, approved, . . .) just in case they are either preferred evaluations or derived by an approved procedure from preferred evaluations, the theory specifying what are to count as preferred evaluations and approved procedures.

In these doubly metaphorical terms Benthamite Utilitarianism is certainly a foundationalist theory. There is a single preferred principle: maximize happiness; and a procedure for deriving specific policies: calculate a felicific index for the consequences of each of the practicable alternative actions and implement the one that comes out highest. It is a telling criticism of the theory to show that the procedure is incapable of being carried out; though this is not to score a point against foundationalism as such, only against utilitarianism.

It is not clear that Hobbes and Locke were foundationalists in the sense I have defined. What is the Hobbesian preferred evaluation? Herzog takes it to be the supreme desirability of peace. Since *Seek Peace, and follow it* is the first Law of Nature, we might suppose that the Laws of Nature have the preferred role in Hobbesianism. And they are indeed held up as Precepts of Reason. Nevertheless, they are dependent on context and recognized to be so by Hobbes; otherwise he would not have troubled himself to show that the seeking of peace, etc., are what Reason requires of us *given the facts about human nature*. If men were not competitive, diffident, and vain-glorious, the advice to seek peace and follow it would be pointless. And rational creatures free of these nasty propensities are not logical impossibilities. Moreover, even given human nature as it is, if conditions were such that the unrestricted indulgence of competition, diffidence, and glory would have no effect other than to add zest to an already sociable, rich, sanitary, refined, and long life—and this too is logically possible—Reason

would revise her priorities. Hobbes showed awareness of these points by his explicit refusal to infer any need for a world sovereign to put an end to the war of every state with every state, on the ground that by making war kings “uphold . . . the Industry of their Subjects” and do *not* produce misery (*sic!* *Leviathan*, chap. 13).

Thus (as far as I can see) Hobbes was a foundationalist only in the “rough” (Herzog’s word, p. 21) sense that he subscribed to principles held to be *de facto* universally applicable in human affairs because they express an invariable human nature—which is no more than Hume did, as Herzog recognizes (and deplors, p. 171, implying that anyone who purports to have “latched onto true and invariant human nature” is a “pigheaded doctrinaire”). But Hume is a Herzogian paradigm nonfoundationalist.

The case for a foundationalist Locke is even more dubious. No candidates at all present themselves for the role of preferred evaluation. Locke’s expressions can be misleading, but it is fairly clear, at least to me, that the apparatus of Contract is brought in not to serve as foundation piers so much as to provide a model for political obligation, which (*pace* Filmer) is to be regarded not as a blank check but as limited to terms spelled out in advance, like the rights and duties created by an ordinary lease or hiring agreement.

Thus Herzog does not make out a general case against foundationalism, nor does he claim to—perhaps out of anxiety not to lapse into laying down foundations to end all foundations. Instead, he offers three cases of foundationalism that don’t work, in contrast to two no-foundations theories that do work, and invites us to make an induction. But, unless I am mistaken, two of his three examples of the wrong way to go at political theory really exemplify his approved method, namely, to show that what you recommend is better than the alternatives available in the circumstances. Hobbes argued that *any* government is better than “the alternative,” which is always anarchy; and Locke tried to convince his readers of the advantages of limited monarchy.

I believe, however, that many of Herzog’s substantive criticisms of the alleged foundationalist theories are right (if sometimes a bit picky and overstated), and that Hume and Smith deserve the praises he lavishes on them. I think, moreover, that he is right about there being no future for foundationalism. And why shouldn’t someone—Herzog in his next book?—attempt a general refutation of the position? All that needs doing is to show, as with the epistemological analogue, that there is no reason to believe in the existence of any preferred evaluations.

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