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The Rhetorical *Phronimos*: Political Wisdom in Postmodernity

M. Lane Bruner

Where is wisdom to be found in the political realm? Where is the wisdom to aid us in the never ending struggle to achieve the fullest human good within the uncertain, unpredictable, compelling, and oftentimes unjust realm of human action? Throughout history the answers have remained elusive. The incessant search for wisdom among his fellow citizens in ancient Athens led Socrates to a cup of poison for “corrupting the youth” and “denying the gods.”¹ Across the ages, those who would dare to question political authority have been consistently imprisoned or publicly put to death, oftentimes with great fanfare. The history of what passes for statecraft has been a history of governments undermining the power of critical citizens and of wars waged between parties equally convinced of the virtuousness of their characters, the rightness of their causes, and the wisdom of their rulers. With its almost ceaseless violence and warfare, political history suggests that humans simply *lack* political wisdom.

And today, if we thought there might still be political wisdom somewhere, where would we go to look for it? Could we turn to our personal character, our religious faith, or our confidence in our way of life? Could we look for political wisdom in the ways our communities imagine themselves ethnically, culturally, and economically, or in the discourses that dominate the construction of those conceptions, or in the institutions that follow from those conceptions? If hard pressed to go out into the world and find political wisdom, where would we go and to whom could we turn? Surely we could not turn to our scientists with their “objective” forms of inquiry (“I only help design the computer technology that guides the bombs; I don’t decide when to drop them.”), or to technically proficient professionals who stay focused on the object of their particular professions rather than the human consequences of their techniques. Surely we could not turn to the managers of the self-interested organizations in which we work (“I am only responsible for the company’s bottom line and the profitability of bomb making, not the social effects of our profit taking or of the bombs themselves.”), where resources are always distributed according to prevailing discourses of power that seek to take more than they give, that constrain open deliberative processes, and where organizational goals “rationally” take precedence over social reason. And surely we could not turn to our self-interested governments in the explosive conditions of the “new world order,” with its increasingly stark contrasts between the rich and the poor, its increasingly terrible military technologies, and its ethno-

cultural and religious hatreds (“Let’s use the bomb!”).

Not only does the search for political wisdom in history prove relatively futile, previously influential notions of political wisdom such as Aristotle’s concept of *phronesis* (roughly translated today as either prudence or practical wisdom) have been made increasingly suspect by centuries of philosophical debate over the possibility of human rationality.² The hallmark of Cartesian rationalism was the assumption that the same degree of certainty could be attained in the social sciences as well as the physical sciences.³ Subsequently, political philosophers from Immanuel Kant to John Dewey to Jürgen Habermas have fought for the idea that every mature individual, given the right conditions, was capable of productively critiquing government (arguing that widespread political wisdom was both necessary and possible).⁴ However, social and political philosophers over the last two centuries, like astronomers over the last millennium, have worked to “de-center” the rational subject, making the notion of political wisdom increasingly problematic. In astronomy, Ptolemy theorized that the earth was the center of the universe, just as Enlightenment philosophers theorized that humans could rationally and objectively govern the world. Copernicus next theorized that the earth revolved around the sun and was influenced by previously unrecognized forces, just as modernism ushered in an era of philosophy focused on how the “rational” subject was influenced by outside forces beyond their control (the psyche, the economy, the metaphorical nature of identity, etc.). Einstein then devised his theory of relativity, and postmodern philosophers left the fully rational, autonomous, and “centered” political individual for good, maintaining that humans, lost in violent fields of absence and difference, are compelled to maneuver through endless mazes of politically consequential language games, disciplinary practices, and patterns of subjection. The intellectual leaders of both modernism and postmodernism, in sum, have shown in a variety of ways that humans are irrational at their core, so what possible hope can there be for political wisdom and/or responsible statecraft?

Phronesis, therefore, although it is one of our few available conceptual resources for reconsidering the possibility of political wisdom in contemporary circumstances, is highly suspect. Not only does it predate the philosophical movement from modernity to modernism to postmodernism, it is a term centrally concerned with intentionality, virtuous character, and moral confidence (i.e. through wise deliberation, civic and personal virtue, and a keen sense of justice, individuals take intentional action in uncertain but compelling circumstances to maximize the virtue of citizens and states and to achieve the common good). It is a concept that appears to fly in the face of the contemporary philosophical conclusion that rational individuals, as political animals, simply do not exist. Despite this apparent conclusion, however, in this short essay I would like to revisit Aristotle’s notion of *phronesis* as a thought experiment, carefully separating, as did Aristotle, the “rational” (theoretical wisdom) from the “reasonable” (practical wisdom). After

briefly tracing some of the post-Cartesian attacks on the rational subject, reviewing Aristotle's notion of *phronesis*, and re-considering two contemporary debates in critical and political theory, perhaps it will be possible to overcome key objections and articulate a practical and theoretical conception of "postmodern" political wisdom.

"Rational" Citizens and Their Political Realms

In 17th and 18th century Europe and the United States, social and political philosophers such as John Locke, Jeremy Bentham, Immanuel Kant and Thomas Paine had a great deal of faith in the power of the rational public. Publics composed of autonomous individuals were thought to have the potential to check arbitrary state power through rational deliberation. Contemporary critics, however, could point out that many of the ideas prevalent in political theory at that time were "productive fictions" emerging with, and strengthened by, colonial-capitalism. Notions such as sovereignty, self-determination, free trade, the public, individuality and objectivity were related to notions of freedom ideologically ameliorating the painful disruptions in local (usually illiterate) community caused by urbanization and the expansion of market economies. In other words, there were ideological underpinnings behind Enlightenment political philosophy, oftentimes making it more "symptomatic" than "realistic."⁵

Subsequently, both modern and postmodern thinkers have reminded us of the numerous obstacles facing citizens who through their supposed rationality are to deliberate and rule wisely. Karl Marx, for example, undermined the notion of the fully free, objective, and rational individual by explaining how economic relations profoundly influence individual and social identities.⁶ Sigmund Freud argued that unconscious impulses direct our patterns of daily actions and interactions and that society itself is based upon modes of repression.⁷ Friedrich Nietzsche undermined the notions of rationality and objectivity by arguing that all of our language, and therefore our very apprehension of the world, is fundamentally metaphorical and that our poetic constructions, taken as concrete truths, directly impact our individual and social conditions.⁸ Ferdinand de Saussure argued that identity itself was based on difference in his work on linguistics,⁹ and continental philosophers such as Michel Foucault, Jacques Derrida, and Hans-Georg Gadamer extended these insights into various branches of critical theory. Foucault, for example, argued that identity/subjectivity unwittingly disciplines and necessarily establishes variously enabling constraints.¹⁰ Derrida maintains that all attempts at moral closure and identity are doomed to shipwreck on the narrative absences and exclusions such closures and identities require.¹¹ And Gadamer has persuasively argued that meaning/subjectivity is always a "fusion of horizons" and that identity is not simply controlled by the interpreter but is always an encounter with an unexpected and ultimately unknowable Other.¹² Each thinker, in his own way, has pointed out how

human beings are not as rational and objective as they might have once believed.

While such examples only scratch the surface of critiques that have been leveled against the rational individual, contemporary critics could rightfully maintain that to speak of “character” or “virtue” or “wisdom” today as a stable set of beliefs, characteristics, or deliberative practices designed to compel “right action” for the “common good” requires considerable qualification to remain philosophically informed. In light of these and other insights into human subjectivity, “strong positions” appear motivated by so many unintentional factors and irrational forces that moral certainty in the political realm is simply irresponsible, unless those “positions” are of a highly refined and reflexive type usually not found in the political realm.¹³

Not only are individuals generally incapable of being politically rational, they also experience “the political” on a variety of oftentimes mutually incompatible levels. The contemporary theorist of political wisdom, therefore, must both be philosophically informed about the wide range of constraints on rationality as well as with the range of political realms in which processes of identification (one of the main subjects of modern and postmodern political theory) take place.¹⁴ Here, perhaps surprisingly, is where a review of Aristotle’s notion of *phronesis* first proves useful, for he is generally believed to be the first to have systematically conceptualized four interactive “layers” to the political realm in which political wisdom was active: the realms of self-interest, family relations, legislation, and statesmanship.¹⁵ In the “market democracies” of today, for example, there is a unique political terrain that involves self-interest (e.g. corporations as legal “individuals,” economic liberalism/market ethics, radical individualism), family relations (the general breakdown of the extended family into a considerably weakened “nuclear” family under the ideological haze of “family values” discourse), legislation (a general dismantling of the New Deal in the United States and the “welfare state” worldwide, and a simultaneous trend toward un-elected supra-national governance through trade and finance agreements), and deliberative and judicial procedures (the simultaneous expansion of the nation state system and the decline of the real political power of individual states, the decline of representative democracy, the rise of executive authority, and the rise of transnational court systems). Any contemporary characterization and enactment of *phronesis* would, at least according to Aristotle’s conception, have to take such “layers” and their interactions into account.

But is a workable revision of *phronesis* even possible in our postmodern and post-essentialist age, where anyone absolutely certain (the True Believer) in the quasi-metaphorical realm of human affairs is viewed as philosophically naïve, if not downright dangerous? Socrates willingly drank the poison, because, guided as he was by the “voice” (of conscience?) that would come to him, he believed it was the practically wise thing to do, concerned as he was with educating the Athenian citizens to the virtue of incessant self-criticism.¹⁶ But is Socrates’ behavior, which was pre-Aristotelian, perhaps anti-democratic, and situated in a slave-holding and

misogynist culture, or Aristotle's theory, obviously ignorant of the insights of modernism and contemporary identity theory, adequate models for political wisdom in post-modernity? In what follows, I respond to these questions and argue that it is indeed possible for a contemporary form of *phronesis* to exist in our post-rational age both in theory and practice. If Aristotle's definition of *phronesis* as wise deliberation applied to virtuous character in action (where the ultimate form of practical wisdom is "statesmanship" in the realms of self-interest, family, legislation, and deliberative/judicial procedure) remains at all useful, then perhaps it will prove beneficial to review that definition and then to reconsider *phronesis* through the lens of contemporary philosophical and political debates.

Aristotle's Theory of Knowledge

To initiate a discussion on the possibility of a coherent contemporary conception of *phronesis*, it is helpful to understand Aristotle's own definition of the term and how it differs from his definitions of other forms of knowledge. Once *phronesis* is defined we can move on to an explanation of the role of rhetoric within Aristotle's epistemology, how identity philosophy relates to the rhetorical arts, and how recent debates in critical and political theory impact Aristotle's theory of political wisdom. At that point a rudimentary characterization of what postmodern political wisdom might look like can be offered.

In all, and as is relatively well known, Aristotle identified five "means of judgment": intelligence (*nous* and *dianoia*), scientific knowledge (*episteme*), art (*techne*), theoretical wisdom (*sophia*), and practical wisdom (*phronesis*).¹⁷ Intelligence basically refers to the human capacity to apprehend the material world (sense perception and conceptualization), scientific knowledge concerns the relatively certain forms of knowledge associated with physical and mathematical laws, and art is concerned with the knowledge that comes from the mastery of a skill or profession. But the means of judgment of special interest here is not to be found in either the sciences or the professions, for the arts and sciences each have their own particular ends while *phronesis* is only concerned with what brings about the greatest human good. Furthermore, while the arts and sciences have relative certainty within the realm of their own disciplinary practices, negotiating among those practices requires another type of knowledge altogether: wisdom.

As noted, within Aristotle's epistemology, there are two distinct forms of wisdom: theoretical wisdom (*sophia*) and practical wisdom (*phronesis*). Theoretical wisdom deals with metaphysics, philosophy, theology and universal truths, and though "it is the highest form" of knowledge, according to Aristotle, practical wisdom has "greater authority" because of its concern with the concrete day to day affairs of human beings in action.¹⁸ Practical wisdom deals with ethics (actions which result in a virtuous life) and politics (actions which result in a well-ordered state), and is principally concerned with wise deliberation, right action, and virtu-

ous character.¹⁹ It is, in Eugene Garver's words, "the ability to confront the permanent possibility of instability," for in the realm of practical wisdom there are no certainties, only probabilities.²⁰

While the ancient Greek philosopher Heraclitus purportedly claimed that, "To be wise is one thing: to know the thought that directs all things through all things,"²¹ he also noted that "the *Logos* proves incomprehensible, for although all things happen according to the *Logos*, many act as if they have no experience of it."²² Following his distinction, there would need to be two forms of wisdom: one form that deals with transpolitical universal truths (*Logos*) and another that deals with the practical and imperfect realm of human affairs (a combination of *Logos*, *mythos*, *ethos*, *pathos*, and *praxis*). Generally speaking, philosophers tend to be more concerned with the former realm, while rhetoricians tend to be concerned with the latter realm: the public stage of human action where equally compelling if not equally influential or virtuous characterizations compete for allegiance in the formation of identity and community.

Phronesis and the Role of Rhetoric and Dialectic

Rhetoric, as a term, is oftentimes confusing because it can be conceptualized in a wide variety of ways: as a product (persuasive public speech), a process (the ongoing transformation of identities through discourse), and a critical practice (a critical analysis of identification practices and the systems of governance that result from those practices). Rhetoric can also be thought of as a tool (e.g. marketing), as a means of strengthening the values of a community (e.g. epideictic discourse), or as a menace to society (e.g. deceptive language used to obscure the truth or protect dishonorable interests). Defined narrowly, rhetoric is concerned with persuasive public discourse, while more widely it is concerned with all processes of identification and identity formation. Within both definitions, however, we are in the realm of rhetoric if I can change or reinforce your characterization of your self, your community, or your government, for then we are in the realm of language in use, in the realm of the political (for good and ill), in the realm of the probable rather than the certain, and therefore in the realm of practical/political wisdom.²³ Complicating the fact that rhetoric can be defined in a wide variety of ways and can refer to a wide range of objects, university English departments teach rhetoric as composition while Speech Communication departments teach rhetoric as public speaking to first year students. While those familiar with the history of rhetoric may not be surprised at this diversity, it nonetheless can bewilder those looking to nail down what "rhetoric" is all about, let alone the relationship between rhetoric and political wisdom.

Despite public confusion about "rhetoric" (it is all of these things and more), it is crucial for a coherent articulation of postmodern political wisdom to understand the significance of the term to philosophies of identity and contemporary

political theories. However, it is useful to start by once again returning to Aristotle, his foundational definition of rhetoric, and how he understood the relationship between rhetoric and *phronesis*. In Aristotle's system of knowledge, rhetoric is an art (*techné*) that consists of observing the available means of persuasion, considering how they can be applied to achieve a civil state and virtuous citizens, then acting upon those considerations through *phronesis*.²⁴ *Phronesis* is neither an art nor a science because it cannot guarantee its object (human good) by logical deduction or rational method alone. Instead, *phronesis* is the virtue, if not the foundation of all virtues, of political actors attempting to take right action in the realm of the probable through good character.²⁵

To properly position *phronesis* and rhetoric within Aristotle's theory of knowledge, it is also important to understand how his five "means of judgment" deal with different objects of knowledge. In a passage of great import for political scientists, Aristotle argues that "we must not look for the same degree of accuracy in all subjects; we must be content in each class of subjects with accuracy of such a kind as the subject matter allows, and to such an extent as is proper to the inquiry."²⁶ Knowledge, therefore, should properly be divided into two classes: the scientific (rational) and the deliberative (reasonable).²⁷ The former class deals with invariable principles and the relative certainties of math, the physical sciences, the productive arts, and theoretical wisdom, while the latter deals with variable principles and the relative uncertainties of political actions situated in time. Hence the unique role of rhetoric, for as the rhetorical theorist Barbara Warnick points out:

Because *phronesis* can be applied only in the particular case and because human affairs are intrinsically changeable and contingent, the standards for right action must be relative and applied to the case at hand rather than invariant and universal. In determining such standards and the effects of action, rhetoric plays a vital role. It deals in probabilities and considers regularities across situations. Since such regularities and the general convictions regarding them can be known, rhetoric possesses a kind of knowledge, but it is qualitatively different from that possessed by *episteme* or *sophia*.²⁸

While we may ultimately discover that the standards for right action in the political realm have both universal (rational) and probable (reasonable) dimensions, it is nevertheless the kind of deliberative knowledge produced by rhetoric that is of special importance for the articulation of a postmodern understanding of *phronesis* as political wisdom.

Aristotle argued that there were two categories of persuasive arts related to practical wisdom: rhetoric and dialectic.²⁹ Both operate in the realm of the probable and are applied only to subjects that admit of more than one outcome. Dialectic, a counterpart of rhetoric, is interactive dialogue with (usually small) groups of interlocutors capable of following extended logical arguments where

the purpose is to discern true and false reasoning.³⁰ Dialectic could be viewed as dialogue between experts within a technical field of expertise, but in a broader and arguably more important sense as open and critical dialogue on deliberative issues by experts in argumentation guided by mutual good will seeking a common good. However, such “ideal speech conditions” are hardly the norm.³¹ Rhetoric, therefore, as opposed to dialectic, is the art of persuasion applied to (usually large) groups who are either incapable of following complex reasoning or who lack the motives, good will, skills, or shared premises required for dialectics. In this sense, rhetoric is “anti-dialogic” inasmuch as its application assumes a certain lack of deliberative skill and good will in the audience (but of course is dialogic in the broader sense of discourse entering into and circulating within an ideational economy).³² With rhetoric, the persuader must understand and begin her work from the accepted opinions of audience members rather than claims already established through expert dialogue and wise deliberation. Assessing the prejudices, ideology, commonsense, etc., of the audience, therefore, is also of paramount importance to the practically, as opposed to the theoretically, wise.

Assuming that conflict rather than cooperation, misunderstanding rather than understanding, and self-interest rather than community interests are the norm in the vast majority of human relations, rhetoric at its best, coupled with dialectic when possible, produces a kind of knowledge in the service of *phronesis*: higher quality arguments and wiser deliberation in the service of virtuous character, right action, and a well-ordered state in the realm of the probable. But, as we now know, the criteria for “higher quality,” “wise,” “virtuous,” “right,” and “well-ordered” are incessantly subject to contestation, and “the good” in the political realm will be relative to the hegemonic characterizations that prevail at any given moment in time. Today, it is not so easy to assume, as Aristotle did, that rhetoric “is valuable because truth and justice are by nature more powerful than their opposites” and that “virtue” and “good character” can be easily determined. Social truth itself must be rhetorically negotiated in a way more radical than Aristotle may have supposed

Practical Wisdom and Its Areas of Application

It follows that, at least according to Aristotle, we should think of practical wisdom (here conceived as political wisdom) as the wise use of the persuasive rhetorical arts to most probably construct virtuous character and good government. It is both a form of criticism (unmasking presumed certainty in the deliberative realm) and a form of praxis (contributing to wise/r deliberation for the sake of the common good).³³ Wisdom in the political realm is a practice of dealing not only with people usually incapable of extended dialogue on complex matters (both within and between disciplinary practices), but with people who are self-interested, who are constrained by various familial roles, who are employed by self-

interested organizations, who are “represented” in various fashions, and who are “condemned to choose” from the possibilities provided by the broader material and ideational economies in which they find themselves.

As a result of the multi-layered form of the realm of political wisdom (personal identities, disciplinary identities, collective identities, state identities), it is arguable that political wisdom, to be effective in all of the political areas in which the persuasive arts prevail, needs to be *applied* to the realm of individual action within ideational/material economies (the art of the self), to the realms of disciplinary identity and collective identity construction (the arts of professional and public character), and to the realm of institutional design (the art of statecraft). In the realm of individual action, the individual is “separated” from his “natural” conditions through language and the consequences of language.³⁴ There are no promises whatsoever that reason, let alone rationality, will prevail. Maneuvering within the maze of assigned and achieved roles and the disciplinary practices in which those roles are embedded is one key area that must be incessantly tackled by the politically wise.

In addition to our personal ethics, and in light of the warnings about moral certainty in postmodernity, it is also important for the politically wise to recognize the importance of professional and public character. Familial roles, professional roles, “ethnic” roles, class roles, gender roles, citizen roles, each have a personal and a public dimension: personal in that individuals experience subjection to them and, sometimes, empowerment by them, and public in that they are negotiated through discourse and inter-subjectively enforced. In an age of competitive states that purport to represent the interests of “nations” and historically distinct “peoples,” the persuasive arts are also central to the problem of state identity construction.³⁵ The eminent social historian Erich Kahler noted almost half a century ago that the history of the world, in many respects, is the history of the character of communities.³⁶ International relations theorists more recently are equally adamant in their insistence that transformations in discourse result in transformations in the nation-state system and vice versa.³⁷ Each of these areas applies to the realm of political wisdom in post-modernity.

In addition to being “subject” to personal and collective identities, individuals are also caught up in institutional structures that have ossified over the years because of certain kinds of agreements made by individuals in the past. Political wisdom, therefore, relates not only to concrete human action within matrices of disciplinary practices and the fabrication and political consequences of private and public character, it is also concerned with argumentation processes within and across disciplines and how different forms of consensus and identification lead to different kinds of institutions and governments. Therefore the final key areas of incessant concern to the politically wise would be public deliberative processes and statecraft.

These three dimensions of political wisdom (the rhetorical self, the rhetorical

community, and the rhetorical state), would require the *phronimos*, at the very least, to understand from the outset that shared premises and good will are not to be expected in the political realm, that the deliberative arts of rhetoric and dialectic must be brought to bear on the particulars of the political moment, that any conception of the “common good” will necessarily lead to political exclusions with material consequences, and that it is crucial to have the capacity to distinguish “rational” arguments from reasonable arguments. Additionally, it is useful for the *phronimos* to have an understanding of the history of governments (i.e. the transformation of states from tribe to monarchy to nation-state to transnationalism), the evolution of constitutionalism, and consequent developments in civil society to understand the shifting relationships among collective identities and forms of state.

In sum, the political actor who claims to be politically wise realizes first and foremost the utter absence of certainty in the political realm; this is her wisdom. The *phronimos* does not expect “rationality” to prevail, does not expect dialogue (although institutional systems can be created that maximize the possibility that pseudo-certainties are maximally problematized), does not expect good will, does not expect shared premises, but does expect conflict, exclusion, faction, violence, self-interest, ethical shallowness and deceit. However, this is not a cynical but a practical wisdom based on the expectation that because identification happens as it does, the politically wise must interact with identification processes accordingly within the “systems of governmentality” that prevail. There is an obvious series of unavoidable paradoxes here. First, there is the paradox of agency. On the one hand, intentionality has been problematized by postmodern thought, forcing us to consider how we are “thrown” into identities and situations. On the other hand, it is arguable that postmodernism is actually an extension of the ongoing Enlightenment project of self-awareness and freedom from unrecognized authorities. Therefore, the postmodern rhetorical *phronimos* is simultaneously a willful agent and a constrained subject. Second, there is the paradox of forging common ground and establishing a common good. Clearly, the politically wise person, in her knowledge of the processes of identity formation, nonetheless must seek not only to act upon a notion of the common good and help to create a shared vision of the common good, but simultaneously must recognize that any attempt to do so entails exclusionary and marginalizing consequences. Therefore, part and parcel of the conception of the common good, the politically wise person must incorporate an incessant reflexive appreciation of limits and a willingness to allow transgressions to illuminate and modify those limits. Third, there is the paradox of action itself. Any decision is a limiting form of closure that does a necessary “violence” to alternative possibilities. However, since action in the political realm is unavoidable (actions must be taken to resolve issues characterized as needing attention given the constructed conception of the common good), this dimension of violence is unavoidable. The key, for the postmodern *phronimos*, is to so con-

struct articulations of the common good and the personal, familial, professional, and collective institutions that support them, to minimize that violence. While enumerating the conditions for the possibility of such a state of affairs constitutes a certain idealism, the entire project is necessarily shot through with paradox (since any articulation of necessary conditions constitutes the “violent,” even if temporary, imposition of ideational and institutional limits).

Such a characterization of contemporary political wisdom compares in interesting ways with current debates between philosophers and political theorists, particularly the debates between philosophical hermeneuts such as Gadamer, deconstructionists such as Derrida, and “rational” and “critical” political theorists. A review of these debates, I maintain, supports the characterization just provided of the politically wise person as a postmodern rhetorical *phronimos*.

Dialogue versus Deconstruction

Contemporary political theorists are centrally concerned today about how identification happens as it does, and they are generally well aware of recent developments in identity philosophy. It is not surprising, then, that many of their debates revolve around questions raised by the identity logics that follow from contemporary philosophies of identity formation. These debates should be of particular interest to those concerned about the role of dialogue in fostering more competent forms of political governance, particularly given the perspective of theorists who seek to multiply institutional and discursive sites of contestation, dissensus, and transgression rather than seek (or expect) unity, dialogue, and consensus. Given that “rational” certainty is conceptualized as the enemy of political reason, the debates are directly relevant.

To briefly outline the issues that inform these recent debates in political theory, the relatively recent philosophical debate between Gadamer and Derrida is particularly useful.³⁸ Some of the distinctions between these two thinkers provide the setting for the more recent debate in political theory between Habermas and Chantal Mouffe. The debate between Gadamer and Derrida can be summarized as two different identity logics: Gadamer’s logic is based on philosophical hermeneutics and Derrida’s is based on critical linguistics. Put simply, Gadamer believes that dialogue, based upon good will, is the paradigmatic instance of human communication. Derrida, conversely, maintains that all forms of consensus are based upon exclusions (all identity is based on absence and difference). According to Derrida, dialogue is not the paradigmatic instance of human communication because Gadamer’s “good will” does not exist in the vast majority of communicative instances. Instead of seeking dialogue and consensus through good will, therefore, Derrida argues for a conception of justice as an incessant personal and institutional vigilance to the exclusions necessarily created by identification processes.³⁹

There is little doubt that Gadamer has thoroughly explained how interpretation (hence meaning making) is an incessant process whereby the horizon of the Self fuses with the horizon of the Other (thus he definitely contributes to the general thrust of contemporary identity philosophy and the de-centering of the intentional subject). In his famous *Truth and Method*, he discusses in depth how meaning making and identification is a “fusion of horizons” when the image, characterization, or sign/symbol (with the meaning ostensibly offered by it) “fuses” with the individual’s own apprehension of it through their unique ideational and experiential horizon. A child from a ghetto, for example, would likely interpret a pastoral scene of a child playing in an expansive field before a farmhouse in a much different way than would a child from a farm. The message is the same; the interpretation is different. However, Gadamer’s further insistence on the primacy of “good will” as a prerequisite for communication and his belief that the paradigmatic instance of human communication is dialogue, at least in his philosophical debate with Derrida, drifts too far away from the teachings of continental philosophy of the Nietzschean-Saussurian-Foucauldian variety.⁴⁰ According to these latter thinkers, identity requires difference, freedom requires constraint, and disciplinary practices, language games, professions, collective identities, and institutional settings all impose certain capacity-generating limits. In the general clash of these discursive-material practices, we find ourselves situated in economies from which there is no escape and in which we find ourselves incessant transgressors. Since capacity-generating disciplinary systems (*technes*), each designed for a particular object, punish those who transgress their rules, and since rules change from system to system and “right action” in one is “wrong action” in another, instead of dialogue motivated by good will as the paradigmatic instance of human communication we actually have Hobbes’ war of all against all.

Indeed, one would be hard pressed to seriously maintain that the history of the world has been a history of dialogue or that the normal communication situation in the political realm is not saturated with power, unless one were prepared to argue that violence, or at least transgression, is a form of dialogue (or at least communication). And one might not be equally hard pressed to say that violence certainly “sends a message.” Militaries have been used throughout history, as have their weapons, to send messages (“let’s drop the bomb!”). Institutional constraints also send messages. If a college student enters a classroom late or turns in a late paper he may be punished with a lower grade. If a doctor fails to properly diagnose a condition she can be sued for malpractice. If a husband fails to adequately communicate with his spouse he may end up divorced. If a soldier refuses to obey an order and “defend his nation” he will either be imprisoned or executed. There are “familial” language games, gender games, professional games, citizenship games, legal games, etc., in which we all find ourselves variously embedded, and whenever we wittingly or unwittingly

“break the rules” we immediately find out about those rules. Our transgressions reveal the limits, and since limits should be available for critical reflection transgression and conflict arguably serve positive political purposes.⁴¹

So, at least according to Gadamer’s critics, violence sends a message as do the constraints imposed by social institutions, and the general mode of social interaction is based on conflict, not dialogue. For the individual subject, life unfolds on an ultimately “undecidable” terrain. Freedom, therefore, is not some magical extraction from the fabric of these texts, but is the ability to recognize and react to the constraints imposed by characterizations, institutions, and communities, and that ability can only be nurtured through acts of transgression and subversion coupled with a mastery of the persuasive arts. Paradoxically, the more transgression there is the more freedom there is, under certain conditions, and those conditions are clarified when one examines the classical notion of practical wisdom in tandem with contemporary political theory of the Derridian variety.

The principal relevance of this debate to postmodern conceptions of political wisdom is that Gadamer appears to put the cart before the horse. Good will is not something to be presupposed in political communication; instead, it is the hoped for outcome. The problems revolve around the articulation and institutionalization of the “common good” in ways that encourage transgression and dissensus. Arguably, Derrida’s notion of “deconstructive justice” and Judith Butler’s discussion of the incessant problem of the relationship between the particular and the universal are good places to begin. Admitting the logical tension between any kind of willed action and postmodern attention to the constraining systems in which we are hopelessly enmeshed, Derrida’s notion of deconstructive justice suggests a logic that seeks articulations of identity and the institutions that support them in ways that maximize self-critique. Judith Butler’s philosophical position on the construction of concepts of the “common good” resonates with Derrida’s.⁴² Butler concurs that the problem with all universalizing discourses (such as those that might seek to articulate a “common” good) is that they necessarily marginalize; therefore, it is only reasonable to construct identification practices and institutions in ways that maximize the incessant realization of that fact. Only through such a procedure can the possibility for good will be maximized, and this, then, is the “ethical norm” suggested by postmodernism.

Critical Political Theory and the Rhetorical *Phronimos*

As already noted, debates among contemporary political theorists in many ways mirror the debate between Gadamer and Derrida. Should theory work to build a “rational” consensus based on deliberative norms and procedural practices

that will mitigate against the problems associated with identity construction and maximize the possibility for wise deliberation and dialogue (e.g. Habermas), or should theory help to diversify sites of contestation and transgression given that consensus within the political realm tends toward tyranny (e.g. Mouffe)? Political theorists such as Mouffe and Ernesto Laclau, and identity theorists (broadly conceived) ranging from Nietzsche to Slavoj Žižek, maintain that subversion is at the heart of constitution, absence and difference are at the heart of identity, and that the abstract and complex processes of identification in which we participate have direct and profound impacts on our sense of self, the way others read us, and our forms of community.⁴³ This “identity logic” leads to the conclusion that any consensus does a certain violence, creates an Other. Whenever we have absolute closure in our characterizations a “not what it is” or “not who we are” is being created, and constraining sets of institutional limits are imposed. To reveal the limit, therefore, not to achieve consensus, at least according to these theorists, should be the watchwords of any contemporary understanding of political wisdom.

But here again a return to Aristotle’s notion of *phronesis* is useful, for we discover that if Descartes had read his Aristotle more carefully, if he read Aristotle at all, he might have saved social philosophy over two centuries of grief. The central question among many political theorists today remains whether or not universal rules can be determined to maximize the human good, or, for others, to what degree theoretical wisdom and practical wisdom can intertwine. Aristotle made it clear that timing, appropriateness, and a lack of certainty were part of practical wisdom; therefore, the certainty of the arts and sciences was not possible in the political world. And yet here do we not already have theoretical principles applied to the world of particulars (i.e. that timing, appropriateness, and a lack of certainty are universal dimensions of practical wisdom)? Perhaps there are other dimensions of theoretical wisdom that apply to the rhetorical *phronimos*.

As we have seen, Aristotle noted that *phronesis* operates in four realms: the realm of self-interest, the family realm, the institutional realm, and the realm of government. Furthermore, through his discussions of government and his familiarity with the wide variety of constitutions and governments in his own time, he further embodied the qualities of a *phronimos* in ways that can be applied to our own age. For example, it is a curious thing that the contemporary world defends democracy at all, for if we read Aristotle’s *Politics* carefully the best government possible when “the many” govern is not democracy but polity.⁴⁴ As is well known, Aristotle claimed that kingships, aristocracies, and polities are good regimes because in each the government was primarily concerned with the common advantage. When these healthy forms of government decay, they tend to fall into tyrannies, oligarchies, or democracies. Tyranny occurs when an individual uses government to their personal advantage at the expense of the people. An oligarchy is when “those with property” hold power at the expense of the people, and a democracy is when the poor use government to the disadvantage of the propertied classes or

when there is a tyranny of the majority.

So how can we combine Aristotle's notion of *phronesis* and his theory of government with critical political theories seeking to multiply sites of political contestation and institutionalized transgression? How might the world today look to Aristotle? Initially, it seems likely, given his obvious concern for probable knowledge and the arts associated with persuasion, that he would not take issue with the renewed interest in symbolic persuasion as the basis for personal and collective identity construction. Given his belief that polities were potentially problematic because "where more are concerned it is difficult for them to be proficient with a view to virtue as a whole,"⁴⁵ and given his belief that "self-interest" was the norm, not the exception, in the political realm, it is also reasonable to assume that he might side with Derrida.

And how might today's hegemonic form of government and our general political conditions appear to Aristotle within his four realms of practical wisdom? Today, might he not likely note that we are under a global corporate oligarchy and far from global polity, although every state prefers to call themselves a democracy?⁴⁶ The dominant ideology (or the dominant unquestioned philosophy of political economy) he would likely note is market ethics combined with liberal democracy. Being an expert on comparative governments, he would undoubtedly recognize that the present neo-liberal world philosophy is based on the belief that when interests are set against interests (i.e. when markets are created) then political freedoms will naturally follow.⁴⁷ Representative of this point of view is F.A. Hayek, who claimed that "competition . . . is the only method by which our activities can be adjusted to each other without coercive or arbitrary intervention of authority. Indeed, one of the main arguments in favor of competition is that it dispenses with the need for 'conscious social control.'"⁴⁸

Aristotle would undoubtedly lament such a conclusion, given that there is no such thing as government without social control. He would not be so naïve as to believe that unrestrained self-interest alone could provide a sufficient basis for practical wisdom (Kant certainly understood this as well). As Aristotle noted in his *Ethics*, "[T]he end of political science is the supreme good; and political science is concerned with nothing so much as with producing a certain character in the citizens or in other words with making them good, and capable of performing noble actions."⁴⁹ So practical wisdom must be centrally concerned with virtuous character, but can that character be confined to self-interest? No. According to Aristotle, "One species of knowledge then is the knowledge of one's own interests . . . yet it is perhaps impossible for a person to seek his own good successfully without domestic economy or statesmanship."⁵⁰ This is not to say that we can simply transplant Aristotle into our current context, but to suggest ways in which his theory of practical wisdom might be appropriately modified to become a more contemporary conception of political wisdom.

Identity Construction and Political Wisdom

Here is an initial attempt at outlining of a postmodern form of political wisdom. First, our notions of virtuous character must derive from our theoretical wisdom concerning identity construction and the political realm. The identity logic of Nietzsche, Foucault, and Derrida is persuasive, and it has now been effectively argued that identification processes necessarily constrain and only potentially enable. The *phronimos* must be practical and not expect rationality in the political realm, and the “art of the self” must be based on an eternal vigilance about the limits necessarily imposed by processes of identification. Second, in contemporary “market democracies” civic virtue is rarely a concern of institutional actors and oftentimes public deliberation occurs between corporate, government, and non-government actors representing competing interests and having different premises who compromise through a process of confrontation and transgression. Here we have a world of professions and sciences without *phronesis*. Within such a political milieu, whose ultimate logic is one of self-interest, the individual is subject to all of the constraints imposed by the available roles within those fundamentally dramatic and political situations (political in the sense that power is at work within the drama and the “wrong move,” quite separate from any notions of “virtuous character,” can have very concrete negative consequences - e.g. loss of job, excommunication, etc.). We have to be practical: in the human realm of political action any abstract notion of virtuous character and right action must be tempered by the constraints imposed by the particular discursive/institutional regime imposed on the actor at the time.

Third, the politically wise individual would also be concerned about any threats to political pluralism on both the local, national, and international levels. The rise of multinational corporations and multinational government organizations are at the forefront, for example, of a general trend that is transforming the landscape of government and replacing deliberative democracy with executive democracy. Organizations such as the World Trade Organization now have non-elected judges and unrepresentative internal court systems that adjudicate between competing states when conflicts arise.⁵¹ When the WTO court renders a judgment against a particular country then that country must either change their policies or suffer economic and political consequences. To join the WTO, or to receive financial assistance from the World Bank, the International Monetary Fund, or international development banks, countries must oftentimes agree to “structural adjustments.” These structural adjustments are guided by very clear meta-institutional characterizations guided by the market logic of corporate self-interest. New forms of supra-national governance are beginning to emerge, what some have variously referred to as global constitutionalism or cosmopolitan citizenship, and the characterizations that presently govern those forms of governance are not following the dictates of political wisdom, nor the warning of political theorists throughout

the ages. Those in charge of these policies have clearly not read their Kant! If anything, we are moving away from managed antagonism and toward neo-liberal monologue, and the contemporary *phronimos* must be not only be concerned with such developments but act, within the logic of incessant identity critique, upon those concerns.

Arguably, then, there are profound connections between processes of identification, rhetorical praxis, and community building. Characterizations are provided through arguments and narratives that present the world in a particular way, and individuals act within and upon their world according to the particular way in which they experience and act upon those characterizations. The only way to intervene in such a world is through the persuasive arts. Clearly, different characterizations and different interpretations of characterizations are the stuff of the world of human meaning. Clearly, different material conditions compel individuals to focus on different characterizations that tend to best express the truth of their condition (whether consciously or not). Clearly, different kinds of political institutions and different sets of expectations by individuals within those institutions directly impact the material conditions in which people live. Characterizations, institutions, and communities are all intimately woven together to form the general economy of our world.

Our day-to-day interactions with people, with institutions, and with state systems are thoroughly rhetorical. We may try to “stay out of politics,” but really that is hardly possible. Every characterization and every choice that we make follows from a rhetorical realism. At bottom, then, the politically wise person, like Socrates, must recognize that they are not wise, but are surrounded by people who think they are wise. Indeed, they may be technically wise, or artfully wise, but few are able to artfully and virtuously negotiate among the self-interested. And what, then, does it mean to negotiate virtuously? On the one hand it means not to impose an essentialist identity on the Other, but on the other hand to expect to be essentialized by others. It also means to attempt to create institutional infrastructures that recognize and respond to the universal principles inherent in the process of identification. The question of social intervention, then, becomes the degree to which one will tolerate that lack of wisdom in others, the failures of our current political institutions, and the price they are willing to pay for pointing it out.

In our contemporary world, with its various mass media sending out transversal messages in unprecedented volumes, the politically wise also have to consider the consequences of “nation building” and corporate “global constitutionalism” for this constitutes our present and our future. The politically wise will understand the political consequences of these fictions and will intervene, according to their bravery, to ensure those fictions are productive ones whose supporting institutions recognize the permanent dangers residing in the capacity/constraint dynamic with all identification processes.

Within such a framework good will, empathy, and openness to the Other are

not considered the norm, but, as Mouffe has pointed out, “social relations and identities are always constructed through asymmetrical forms of power.”⁵² But perhaps, in the practically wise performance, Rhetoric and Dialectic, aware of certain blindnesses in the confidences of Governance, aid the fair *Phronesis* (whose virtuous character and wise deliberative process maximally guarantees peace and justice in the state and virtue among the citizens) in artfully persuading rash Governance (who never leaves the stage) to right action.

If the political is conceived as a realm in which self-interested individuals/groups “manage” ideational and material economies so as to maximize power for themselves or their group (and that group is not universal), then there is no hope for wise politics. If executive power is incessantly checked by representative power, if global economic and political power is maximally checked by local economic and political power, and if the political is conceived as a realm in which communication, law, economic policy, and military policy are coordinated to institutionalize principles of universal justice and maximally problematize assumed certainties, then there is hope.

Notes

¹Xenophon, “Apology of Socrates to the Jury,” Trans. Andrew Patch. *The Shorter Socratic Writings*. Ed. Robert C. Bartlett (Ithaca, NY: Cornell University Press, 1996), 9-17. Plato, *The Collected Dialogues of Plato*. Eds. Edith Hamilton and Huntington Cairns (Princeton, NJ: Princeton University Press, 1961), 3-26. Contemporary scholars disagree as to the political and philosophical import of Socrates, with accounts ranging from I.F. Stone’s critical assessment in *The Trial of Socrates* (New York, NY: Doubleday, 1989) to Dana Villa’s positive assessment in *Socratic Citizenship* (Princeton, NJ: Princeton University Press, 2001). Here, I lean more favorably to Villa’s account, focusing more on Socrates’ “negative dialectic” than on Plato’s Socrates.

² Here, the term “rational” refers to the classical liberal conviction that individuals are autonomous and capable of both social certainty and objective interpretations. See “The Rational and the Reasonable.” *The New Rhetoric and the Humanities: Essays on Rhetoric and Its Applications*. Ed. Chaim Perelman (Boston: Reidel Publishing Company, 1979). The terms rational and reasonable should not be confused (although they usually are). Rationality refers to universal truth and theoretical wisdom (that which is always true), while reason refers to the probable truth (that which is usually true) and “practical” wisdom.

³ Rene Descartes argued that if two people disagreed then one must clearly be wrong and that the one who is right does not understand the truth sufficiently to correct the one who is wrong. See “Rules for the Direction of the Mind.” *The Philosophical Works of Descartes*, Volume 1. Trans. E.S. Haldane and G.R.T Ross (Cambridge: Cambridge University Press, 1931), p. 3. This principle of “one rational truth”

disregards the idea of *phronesis* altogether, since in the realm of rhetoric different people/groups can be equally “correct” given their respective values and interests. As we shall see, Descartes’ insistence on a universal rationality confuses Aristotle’s distinction between theoretical and practical wisdom.

⁴ For Kant’s criteria for wise government, see Immanuel Kant. *Political Writings*. Ed. Hans Reiss (New York, NY: Cambridge University Press, 1991). His essays “Idea for a University History with a Cosmopolitan Purpose” and “Perpetual Peace” are particularly to the point. For Dewey’s position on wise government, see John Dewey. *The Public and its Problems*. (Athens, OH: Ohio University Press, 1954).

⁵ This is not meant as a condemnation. Arguably all political theory is symptomatic: a reaction to an “unjust” contagion and an attempt to “cure” the disease of the political (if conceived in the Hobbesian sense as the incessant war of self and group interest).

⁶ Marx, Karl. *The Economic and Philosophic Manuscripts of 1844*. Ed. Dirk J. Struik (New York: International Publishers, 1964).

⁷ Freud, Sigmund. *Civilization and Its Discontents*. Trans. Jams Strachey (New York: W.W. Norton, 1989).

⁸ Nietzsche, Friedrich. “On Truth and Lie in an Extra-Moral Sense.” *Philosophy and Truth: Selections From Nietzsche’s Notebooks of the Early 1870s*. Trans. and ed. Daniel Breazeale (Atlantic Highlands, NJ: Humanities Press, 1979); *On the Advantage and Disadvantage of History for Life* (Indianapolis: Hackett, 1980).

⁹ De Saussure, Ferdinand, *Course in General Linguistics* (New York: McGraw-Hill, 1966).

¹⁰ Foucault, Michel. *Birth of the Clinic*. Trans. A. Sheridan (New York: Vintage Books, 1973); *Discipline and Punish* (New York: Vintage Books, 1979); “The Subject and Power.” *Michel Foucault: Beyond Structuralism and Hermeneutics*. 2nd Edition. Eds. Hubert L. Dreyfus and Paul Rabinow (Chicago: The University of Chicago Press, 1983): 208-226.

¹¹ Derrida, Jacques. “Structure, Sign and Play in the Discourse of the Human Sciences.” Reprinted in *Critical Theory Since 1965*. Eds. Hazard Adams and Leroy Searle (Tallahassee: University Press of Florida, 1986): 77-96.

¹² Gadamer, Hans-Georg. *Truth and Method*. Trans. Joel Weinsheimer and Donald G. Marshall (New York: Continuum, 1993).

¹³ For articulations of what those conditions might be, see Mouffe, Chantal. “Democratic Politics and the Question of Identity.” *The Identity in Question*. Ed. John Rajchman (New York: Routledge, 1995), 33-45; Laclau, Ernesto. “Universalism, Particularism, and the Question of Identity.” *The Identity in Question*. Ed. John Rajchman (New York: Routledge, 1995), 93-108.

¹⁴ Processes of identification occur in communication, since “subjectivity” is co-constructed. Rhetoric and dialectic, therefore, is the beginning and end of politics.

¹⁵ Aristotle, *The Nichomachian Ethics*, trans. J.E.C. Weldon (Buffalo, New York: Prometheus Books, 1987), 197.

¹⁶ Villa, *Socratic Citizenship*, 53.

¹⁷ Aristotle, *Ethics*, 189.

¹⁸ Aristotle, *Ethics*, 206.

¹⁹ Aristotle, *Ethics*, 199-208.

²⁰ Garver, Eugene. *Machiavelli and the History of Prudence* (Madison: The University of Wisconsin Press, 1987), 8.

²¹ Geldard, Richard G. *Remembering Heraclitus* (Herndon, VA: Lindisfarne Books, 2000), 46.

²² Geldard, 32.

²³ Perelman, Chaim. *The Realm of Rhetoric* (Notre Dame, IN: University of Notre Dame Press, 1982), 162.

²⁴ Aristotle. *Rhetoric*. Trans. Lane Cooper (Englewood Cliffs, NJ: Prentice Hall), 1355b8; Kennedy, George. *The Art of Persuasion in Greece* (Princeton: Princeton University Press, 1963), 18-19; Warnick, Barbara. "Judgment, Probability, and Aristotle's *Rhetoric*." *Quarterly Journal of Speech* 75 (1989), 305.

²⁵ Aristotle, *Ethics*, 210.

²⁶ Aristotle, *Ethics*, 25.

²⁷ Aristotle, *Ethics*, 186.

²⁸ Warnick, 306.

²⁹ Aristotle, *Rhetoric*, 1-7.

³⁰ According to Aristotle, "it is the office of Dialectic to discern the true, and also the sham, syllogism" (*Rhetoric*, 7).

³¹ Jürgen Habermas has made a philosophical career out of identifying obstacles to wise deliberation and has worked to formulate an "ideal speech situation" where the effects of power within any deliberative forum are minimized. See, for example, *The Theory of Communicative Action*. Trans. T. McCarthy (Boston: Beacon Press, 1981); and *Toward a Rational Society*. Trans. J.J. Shapiro (London: Heinemann, 1971).

³² There are of course rhetorical dimensions related to all forms of knowledge, as testified to by the extensive work on the rhetoric of science.

³³ Of course, for Aristotle the "common" good related only to the polis, whereas a postmodern form of political wisdom would understand the common good in global terms. However, it is the very difficulty of having "universals," let alone applying them to particular cases, that is at the heart of the project of postmodern political wisdom.

³⁴ Kenneth Burke does a masterful job discussing how human life is a thoroughly rhetorical drama. See *A Grammar of Motives* (Los Angeles, CA: University of California Press, 1969); "A Dramatic View of the Origins of Language," in *Language as Symbolic Action: Essays on Life, Literature, and Method* (Los Angeles: The University of California Press, 1966), 419-479.

³⁵ For a useful introduction to collective identity construction as it applies to political community formation, see Anderson, Benedict. *Imagined Communities* (New York: Verso, 1991).

³⁶ Kahler, Erich. *The Tower and the Abyss* (New Brunswick, NJ: Transaction Publishers, 1989), 7.

³⁷ Hall, Rodney H. *National Collective Identity: Social Constructs and International Systems* (New York: Columbia University Press, 1999), 26-27.

³⁸ This brief review is not intended as a full explication of the many complicated issues debated by these philosophers, but instead is designed merely to point out issues relevant to this essay. An extended analysis of their debate is provided in *Dialogue and Deconstruction: The Gadamer-Derrida Encounter*. Eds. Diane P. Michelfelder and Richard E. Palmer (Albany, NY: State University of New York Press, 1989).

³⁹ Derrida's notion of deconstructive justice is discussed in detail, and defended by Derrida, in *Deconstruction and Pragmatism*. Ed. Chantal Mouffe (New York: Routledge, 1996).

⁴⁰ For example, Gadamer asserts that "for a written conversation basically the same fundamental condition obtains as for an oral exchange. Both partners must have the good will to try to understand one another" (*Dialogue and Deconstruction*, 33).

⁴¹ Immanuel Kant understood the social value of managed antagonism and discussed its political import in his essays "Ideas for a Universal History with a Cosmopolitan Purpose" and "Perpetual Peace." Both essays can be found in Kant's *Political Writings*. Ed. Hans Reiss (Cambridge, UK: Cambridge University Press, 1970).

⁴² Butler, Judith. "Universality in Culture." *For Love of Country?* Ed. Martha C. Nussbaum (Boston, MA: Beacon Press, 1996).

⁴³ Nietzsche, Friedrich. "On Truth and Lie"; Laclau, Ernesto, and Chantal Mouffe. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (New York: Verso, 1985); Connolly, William. *Identity/Difference: Democratic Negotiations of Political Paradox*. Ithaca: Cornell University Press, 1991); Haber, Honi Fern. *Beyond Postmodern Politics: Lyotard, Rorty, Foucault* (New York: Routledge, 1994); Simons, Jon. *Foucault and the Political*. New York: Routledge, 1995; Mouffe, Chantal. *The Democratic Paradox* (New York: Verso, 2000); Torfing, Jacob. *New Theories of Discourse: Laclau, Mouffe, and Žižek* (Malden, MA: Blackwell Publishers, 1999).

⁴⁴ Aristotle. *Politics*. Trans. Carnes Lord (Chicago: The University of Chicago Press, 1984), 94-96.

⁴⁵ Aristotle, *Politics*, 96.

⁴⁶ Dunn, John, *Western Political Theory in the Face of the Future* (New York: Cambridge University Press, 1979), 12.

⁴⁷ For a helpful discussion of the history of the idea of competitive capitalism, see Albert O. Hirschman. *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph* (Princeton, NJ: Princeton University Press, 1977).

⁴⁸ Hayek, F.A. *The Road to Serfdom*. Chicago: The University of Chicago Press, 1944), 41-42.

⁴⁹ Aristotle, *Nicomachean Ethics*, 30.

⁵⁰ Aristotle, *Ethics*, 197-198.

⁵¹ For an "insider" assessment of the development of global courts see Jackson, John H. "Designing and Implementing Effective Dispute Settlement Procedures: WTO Dispute Settlement, Appraisal and Prospects." *The WTO as an International Organization*. Anne Kreuger, ed. (Chicago: The University of Chicago Press, 1998). For a critical assessment see Wallach, Lori, and Michelle Sforze. *The WTO: Five Years of Reasons to Resist Corporate Globalization* (New York: Seven Stories Press, 1999).

⁵² Mouffe, *Democratic Politics*, 33.