

THE IMPLICATIONS OF ROBERT BRANDOM'S INFERENTIALISM FOR INTELLECTUAL HISTORY

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ABSTRACT

Quentin Skinner's appropriation of speech act theory for intellectual history has been extremely influential. Even as the model continues to be important for historians, however, philosophers now regard the original speech act theory paradigm as dated. Are there more recent initiatives that might reignite theoretical work in this area? This article argues that the inferentialism of Robert Brandom is one of the most interesting contemporary philosophical projects with historical implications. It shows how Brandom's work emerged out of the broad shift in the philosophy of language from semantics to pragmatics that also informed speech act theory. The article then goes on to unpack the rich implications of Brandom's inferentialism for the theory and practice of intellectual history. It contends that inferentialism clarifies, legitimizes, and informs intellectual historical practice, and it concludes with a consideration of the challenges faced by inferentialist intellectual history, together with an argument for the broader implications of Brandom's work.

Keywords: intellectual history, history of ideas, history of political thought, history of concepts, Quentin Skinner, speech act theory, Robert Brandom, inferentialism.

I. INTRODUCTION

On October 23, 2009, the Graduate Center at CUNY hosted a symposium honoring the methodological work of Quentin Skinner to mark forty years since the appearance in *History and Theory* of his much cited essay on "Meaning and Understanding in the History of Ideas."¹ Skinner's influence in the field of intellectual history cannot be represented by statistics alone, but the numbers are striking. As Richard Fisher indicated while speaking at Skinner's retirement from the Regius Professorship of Modern History at Cambridge in 2008, the economic proportions of the enterprise are—within an academic frame of reference—sizeable: "CUP has sold in the English language alone over 1,350,000 books of which Quentin Skinner was either author or editor or series editor."² To be sure, most of these will have been books in the "Cambridge Texts in the History of Political Thought" and "Ideas in Context" series, but, reciting a truth that has been attested to in many ways, an intervention less direct is often more consequential. Just so,

1. The proceedings have recently been published as "Symposium: On Quentin Skinner, from Method to Politics," *Journal of the History of Ideas* 73 (2012), 69-146.

2. Richard Fisher, "'How to Do Things with Books': Quentin Skinner and the Dissemination of Ideas," *History of European Ideas* 35 (2009), 277.

the impact of titles in these series is to be understood not so much in terms of the claims they explicitly assert or deny as in the, as it were, grammatical presuppositions they embody about what it is for an idea to exist in time.

Skinner was present at the symposium in New York and excelled, once again, at the task of responding to his critics. He recounted the debt that his methodology owed to the work of the later Wittgenstein and to the speech acts theorists (Austin, Strawson, Searle) who took up the Wittgensteinian injunction that meaning ought to be understood in terms of use and who applied it to what Grice would call the nonnatural meanings of utterances that could be understood only with reference to intentions—the waving that was also a warning.³ Navigating his way adroitly among the various tokens of praise, query, and challenge presented by his interlocutors, Skinner may well have succeeded in persuading another generation of graduate students that the “Cambridge School” account of how to conduct oneself as an intellectual historian is as strong as ever. Perhaps the one issue on which he was less forthcoming that he might have been was the question of how things stood today in the field of philosophy of language with regard to speech act theory and whether intellectual historians might legitimately continue to regard speech act theory as a body of work that they could invoke in the manner of an authority. After all, J. L. Austin had originally delivered *How to Do Things with Words* as the William James Lectures at Harvard University in 1955. It seemed not unreasonable to suppose that the philosophers might have made some progress in the last half century.

The present article is written on the basis of a triple conviction that the philosophers have indeed given a more developed account of what one can do with words, that Robert Brandom’s inferentialism is one of the most interesting contemporary initiatives in this area, and that embedded in Brandom’s project are a number of significant implications for intellectual historical theory and practice.⁴ As it happens, there is a quite precise sense in which Brandom’s work emerges out of speech act theory, and I shall introduce his work by sketching that trajectory, before turning to the consequences of his emphasis on the speech act of assertion for intellectual history. It is crucial to understand that what is at stake here is not simply some technical issue in the field of semantics or its equally intricate or small-bore application to the field of intellectual history. At stake are very basic attitudes toward the intrication of thought and time. Such attitudes matter not simply for the history of political thought but for the practice of thinking in time and in politics itself. The article therefore concludes with a brief consideration of the implications of Brandom’s work for the Supreme Court of the United States.

3. The “policeman who stops a car by waving” (384), instead of standing in its way, is relying on the driver’s capacity to understand the action as an action intended to be recognized as intended. H. P. Grice, “Meaning,” *Philosophical Review* 66 (1957), 377-88.

4. There are alternatives. Compare, for example, Mark Bevir, *The Logic of the History of Ideas* (Cambridge, UK: Cambridge University Press, 1999), together with the recent critical evaluations in “Post-Analytic Hermeneutics: Themes from Mark Bevir’s Philosophy of History,” ed. Robert Lamb, a special issue of *Intellectual History Review* 21 (2011), 1-119.

II. ROBERT BRANDOM'S EMPHASIS ON THE SPEECH ACT OF ASSERTION

To a degree that requires explanation, the work of Robert Brandom exhibits something like a contradiction: extreme ambition in taking up positions with broad ramifications combined with relatively narrow and largely technical uptake. On the one hand, in a series of publications centered on his 1994 magnum opus, *Making It Explicit*, Brandom has mapped out an account of meaning that carries with it implications for a wide range of disciplines beyond philosophy, not only into cognitive science but also into law and political theory. On the other hand, although his work traverses the—perhaps increasingly obsolete—distinction between analytic and continental philosophy, discussion of his master idea of inferentialism has been undertaken, almost exclusively, by philosophers for philosophers.⁵ Part of the explanation for this mismatch between applicability and application is almost certainly stylistic. In stark contrast to Richard Rorty, his doctoral mentor in the 1970s, Brandom has not rejected the language of academic philosophy as a medium for inquiry. Brandom remains a dense and often technical writer. This stylistic choice is not incidental to his intellectual interests. It reflects a basic commitment to what we might call inferential density, a commitment that lies at the heart of his big idea about meaning—namely, that the meaning of any given assertion derives from its inferential relationships of entitlement, commitment, and compatibility with other assertions.

Of all the disciplines for which his work has implications, it is probably history, intellectual history in particular, that has received the most explicit treatment from Brandom himself—in his *Tales of the Mighty Dead* of 2002. It is therefore all the more surprising that, although legal scholars, political theorists, and education researchers have recently begun to take note of Brandom's inferentialism, historians have not—so far as I am aware—displayed any such curiosity.⁶ This is particularly perplexing given that Brandom's account of meaning incorporates issues of change at a very basic level. Insofar as an assertion remains in effect over time (which happens neither automatically nor under only extraordinary circumstances), its meaning can be said to evolve, according to Brandom, as its relationship to other assertions becomes more precisely specified. For him, one discovers the meaning of an assertion largely after the fact, after the moment of utterance, when circumstance gives its implications explicit and concrete form.

5. Thus, Brandom's work has been taken up not only in Anglophone contexts but also in German and Italian discussions. See, for example, Guido Seddone, *Condivisione ed impegno: linguaggio, pratica e riconoscimento in Brandom, Hegel e Heidegger* (Milan: Polimetrica, 2006); *Reading Brandom: On Making It Explicit*, ed. Bernhard Weiss and Jeremy Wanderer (New York: Routledge, 2010); and *Robert Brandoms Expressive Vernunft: Historische und Systematische Untersuchungen*, ed. Christian Barth and Holger Sturm (Paderborn: Mentis Verlag, 2011).

6. Damiano Canale and Giovanni Tuzet, "On Legal Inferentialism: Toward a Pragmatics of Semantic Content in Legal Interpretation?" *Ratio Juris* 20 (2007), 32-44; Eva Erman, "Freedom as Non-Domination or How to Throw the Agent out of the Space of Reasons," *Journal of Power* 3 (2010), 33-51; Arthur Bakker and Jan Derry, "Lessons from Inferentialism for Statistics Education," *Mathematical Thinking and Learning* 13 (2011), 5-26.

In the Brandomian idiom, this is a process of “explicitation.” Sometimes, this process will entail finding oneself committed to positions one had not explicitly avowed; sometimes, it will entail a duty to answer questions one had not anticipated.

Law is the discursive domain in which such explicitation is most obvious. This is because courts are dedicated to the life of assertions beyond the situations in which (and often for which) they were made. Examples are legion. Technological innovations pose new questions: does an eighteenth-century injunction against “unreasonable searches and seizures” permit or forbid the physically nonintrusive use of thermal imagers to detect the kinds of lamps typically used in the indoor cultivation of marijuana?⁷ Changing definitions raise methodological issues: if a 1952 statute permitting the exclusion of aliens “afflicted with psychopathic personality” was understood in the moment of enactment as referring to homosexuals (among others), does that construal remain binding even when the meaning of the phrase has changed or has come to be regarded as unintelligible?⁸ And processes of fundamental social and political change force one to examine old terms from new angles: does a power “to regulate Commerce . . . among the several States” entail an ability to structure the market for health insurance, a structuring the scale and nature of which was almost unimaginable at the time of ratification in the eighteenth century?⁹ Legal utterances have such rich historical afterlives not only because of the time lapse between promulgation and application but also because the deeper context—and, equally, the broader realm of applicability—for any such utterance is always, implicitly, the entirety of the *corpus juris* as it exists at any given moment.

The disattention on the part of intellectual historians to Brandom’s work is particularly difficult to explain, for inferentialism engages with a number of processes that are basic to intellectual historical inquiry: not only explicitation itself but also what one might call “making it implicit”—the process by which crucial assertions informing a field of intellectual activity (cum cultural practice) become so assumed that they are no longer voiced. Moreover, there are significant connections between inferentialism and the speech act account of language that Skinner made so famous among historians. That is to say, the ground for a reception of Brandom among intellectual historians has already been prepared. His early work on assertion (which has remained central to his more fully articulated accounts of inferentialism in subsequent decades) was, in part, a response to precisely the account of speech acts and nonnatural meanings proffered by Austin, Strawson, Searle, and Grice.¹⁰ Certainly, Brandom shares with these various thinkers (and

7. *Kyllo v. United States*, 533 US 27 (2001).

8. *Boutilier v. Immigration Service*, 387 US 118 (1967).

9. *National Federation of Independent Business v. Sebelius*, 567 US (2012).

10. Robert Brandom, “Truth and Assertibility,” *Journal of Philosophy* 73 (1976), 137-49; “Asserting,” *Noûs* 17 (1983), 637—“no sort of speech act is as important for philosophers to understand as assertion.” For the direct engagement with Grice, see 647-648. For an attempt to correct Searle (and Grice), see Robert Brandom, *Making It Explicit: Reasoning, Representing, and Discursive Commitment* (Cambridge, MA: Harvard University Press, 1994), 61 (and 146-147). Brandom’s participation in a move toward a normative, as distinct from mentalist, approach to speech act theory is discussed in Savas L. Tsohatzidis, “Speech Act Theory: Some Current Options,” *Intercultural Pragmatics* 7 (2010), 353.

with Skinner too) a basic debt to the later work of Wittgenstein in which saying came to be understood in the first instance as a kind of doing—in which, that is, semantics was supposed to answer to pragmatics. On this understanding, crudely put, if one wanted to understand the meaning of an utterance, one needed to look to the *use* of that utterance in some particular kind of language game.

Against the background of this shared point of departure in Wittgenstein, the differences between speech act theory and inferentialism, and more particularly between Skinner and Brandom, become very quickly and very starkly defined. On the one hand, the speech act theorists wanted to show not only that one could do things with words (such that one could attend to the *use* of locutions in illocutionary and perlocutionary ways), but also that there was a great variety of distinctive language games that one could play in this way. On the other hand, Brandom wants to argue that Wittgenstein was wrong when he implied that language has no downtown and that, in place of this image of a decentered variety of language games, one should understand that there is *one* speech act in particular and *one* associated language game to be counted as absolutely fundamental in the sense that if one cannot perform that kind of speech act or play that particular game one will be incapable of performing or playing any other. Of all the speech acts one could perform, Brandom focuses on the speech act of asserting; amid the variety of language games, he privileges the game of giving and asking for reasons.¹¹

Austin, of course, began by setting out what seemed to be the commonsense distinction between what he termed “constatives” and “performatives,” where the former were statements that could be true or false whereas the latter were actions that could only, properly speaking, be happy or unhappy—in the sense of being achieved as actions, or not. But the chief gesture of Austin’s lectures was to demonstrate progressively that it was very difficult to distinguish categorically between constatives and performatives and that it made little sense to try. In the end, constatives purified themselves into a state of near nonexistence, for they embodied “the idea of what would be right to say in all circumstances, for any purpose, to any audience”—something that, Austin thought, was “perhaps . . . sometimes realized.”¹² The implication was (and this would become crucial to Brandom’s account of assertion as a speech act) that, understood in terms of its appearance in particular places and times, asserting would perform the speech act of *committing* the speaker to the assertion thereby brought into play. Such an act could be compared to the signing of a contract (a saying that is also clearly

11. Robert Brandom, *Articulating Reasons: An Introduction to Inferentialism* (Cambridge, MA: Harvard University Press, 2000), 14; *Between Saying and Doing: Towards and Analytic Pragmatism* (Oxford: Oxford University Press, 2008), 41-2; *Reason in Philosophy: Animating Ideas* (Cambridge, MA: Harvard University Press, 2009), 120. When Brandom speaks of Wittgenstein’s rejection of the notion that language has a downtown, he is thinking of the following passage—“our language can be seen as an ancient city: a maze of little streets and squares, of old and new houses, and of houses with additions from various periods; and this surrounded by a multitude of new boroughs with straight regular streets and uniform houses.” Ludwig Wittgenstein, *Philosophical Investigations*, 18, cited in Robert Brandom, “Reply to Charles Taylor’s ‘Language not Mysterious?’” in *Reading Brandom*, 304.

12. J. L. Austin, *How To Do Things With Words* (Oxford: Clarendon Press, 1975), 146.

a doing), in which the speaker agrees to endorse the assertion, thereby rendering him- or herself liable for everything that follows from that endorsement.¹³

Brandom thinks that one cannot account for the development of language at all if one does not begin with this speech act of assertion. This is because he thinks that language cannot develop in the absence of concepts, and concepts cannot develop in the absence of assertions. For Brandom, concepts are singularly *unlike* definitions attached to words. (And, in this regard, Brandom's account of concept usage is distinct from—and a good deal more capable than—Skinner's.)¹⁴ Instead, concepts are to be understood as norms regulating behavior. Moreover, one can only suppose a connection between norms and behavior if one presumes that language communities act—in terms of praise and censure—as if assertions have been made that bind particular persons to particular norms. To be sure, the institution of language will allow a community to play, perhaps, an infinite number of other kinds of games, but Brandom argues that language begins in the serious game of assertion.¹⁵

Such an account might sound strange, because it would seem to imply that the first human language users were very earnest, quite self-conscious, practically Socratic endorsers of beliefs and their conceptual consequences. In fact, however, Brandom's implicit conjectural history of the origin of language begins to sound a good deal more plausible when one understands that, on his account, the speech act of assertion can take place in the form of an entirely implicit, wholly mute performing, precisely because it is, in its essence, a kind of being taken to be committed to some kind of future action.¹⁶ Insofar as my actions are taken *in any fashion* to be exemplary or paradigmatic, I am being treated as someone who has undertaken a commitment to act in the same way in the same circumstance—or in similar ways in similar circumstances. Thus, the fundamental speech act of asserting has already become an issue as soon as another being expresses dissatisfaction with what is taken to be an improper inconsistency in my conduct. “Express” here has the broadest possible signification and thereby includes performances that are entirely nonvocal. If an instance of perceived generosity is followed by an instance of perceived meanness, the perceived exemplary quality of the first act may occasion some expression of complaint in response to the second. One might say that it is grumbling—a broad physiological category to be sure—that brings assertion into being. It brings assertion into being not so much

13. Read in light of Brandom, what strikes one most about *How To Do Things With Words* is the degree to which Austin was grappling with issues that would later be crucial to Brandom—“*making explicit*” (61)—combined with an apparently singular lack of interest in the resultant intuition that, in constatives and performatives, one had “not really two poles, but rather an historical development” (146), something that has become absolutely crucial for Brandom.

14. Thus, Skinner had been quite critical of Raymond Williams's sense that “possessing a concept is equivalently a matter of knowing the meaning of a word,” and yet offered very little by way of replacement, even as he accepted that “there is nevertheless a systematic relationship between words and concepts to be explored [for] the possession of a concept will at least *standardly* be signalled by the employment of a corresponding term.” See Quentin Skinner, “The Idea of a Cultural Lexicon,” *Essays in Criticism* 28 (1978), 206-207.

15. On the connections among persons, concepts, and norms, see Brandom, *Making It Explicit*, 3, 61; *Articulating Reasons*, 195.

16. Brandom, *Making It Explicit*, 20: “norms that are *explicit* in the form of rules presuppose norms *implicit* in practices.”

by expressing dissatisfaction as by embodying the presupposition that there is an audience for whom one's grumbling ought to matter.

As it happens, Brandom's insistence that assertion is not only a speech act but also *the primordial* speech act capacitating all other speech acts entails a more decisive divergence from Skinner's account than from Austin's. Recall that Skinner wished to argue that Strawson was wrong in supposing that all speech acts would be essentially avowable in principle, by showing that there were some speech acts—ignoring was an example—that by their very nature could not be simultaneously performed and avowed. “Avowal” is, in effect, simply a specification of Brandomian assertion that covers explicit instances and excludes implicit ones. For Brandom, however, all implicit assertions are in principle capable of being made explicit. (“Are you ignoring me on purpose?” “Yes.”) Brandom can certainly accept Skinner's basic point. The speech act of ignoring cannot be *simultaneously* performed and avowed. But he would deny that all speech acts that are significant for intellectual historians must be thought of as primarily enacting “oblique rhetorical strategies” that are unavowed and unavowable.¹⁷ One might wish to hypothesize that, on this point, Brandom and Skinner are emblematic of two quite distinct interpretive temperaments, with Brandom cast as a norm-focused Kantian who wishes always to insist that the maxim of an action be understood as a principle with universal implications and Skinner playing the part of a rhetorically sophisticated Machiavellian who is permanently mindful of the senses in which things are not what they seem. Leaving all such merely psychological conjecture aside, however, the chief point is that Brandom's focus on the speech act of assertion has profound implications not simply for semantics and pragmatics but for intellectual historiography too.

Before making good on that claim, though, it is necessary first to say more about the movement from the speech act of assertion to the language game of giving and asking for reasons. As is made clear even in one of the simplest possible examples of the speech act situation of asserting depicted above, the assertion can be said more properly to come into being *only* when its relationship to another assertion is at issue. In the example of generosity, the speech act remains entirely implicit in the moment of its enactment. It is, as it were, merely possible rather than actual. It emerges into some first semblance of explicitness when a second act is taken to contravene the first in some way. (Incompatibility is one of the three basic modes in which relationships are established among assertions, according to Brandom—the other two being commitment and entitlement.) The most basic claim of Brandom's inferentialism is that the meaning of an assertion cannot be brought into focus until that assertion has been inferentially articulated in terms of its relationships of commitment, entitlement, or incompatibility with some other assertion or assertions. In the idiom of the law, the meaning of the US Constitution is indeterminate until it has been articulated piecemeal in, for example, the collected decisions of the Supreme Court of the United States.

In an example that he often uses and that is easily understood, Brandom denies that the parrot can be said to mean anything even if it can be trained to utter the

17. Quentin Skinner, “Conventions and the Understanding of Speech Acts,” *The Philosophical Quarterly* 20 (1970), 123.

phrase “that is red” reliably when in the presence of red things. For him, the crucial problem is that the parrot has no sense—and can have no sense—of the inferential consequences of making such a claim. As a result, it has no sense that saying something is “red” entails a variety of obligations, such as not also calling it “green.” The parrot cannot be held responsible for the commitments, entitlements, and incompatibilities pursuant to such an utterance. The parrot cannot be engaged as an interlocutor and cannot be said to have a concept of redness. In precisely the same way, Brandon reasons, thermometers can reliably “recognize” particular temperatures, but they ought not on that account to be said to possess concepts.¹⁸

In response to the objection that, on such an account, some people are more similar to parrots than to fully human beings (such that inferentialism cannot be a good *description* of the way in which language exists in human communities), Brandon asserts that the system of distinctions that is language depends on the normativity of the game of giving and asking for reasons. In the Sellarsian idiom of which Brandon is so fond, every “is” is “fraught with ought” in the sense that any serious assertion that something *is* thus and so brings with it a series of duties and responsibilities.¹⁹ There will be other, more Pavlovian, uses of language: canned laughter marks the sitcom joke, dog-whistle politics pleases the base, advertising constructs a brand’s image. Human beings are *also* thermometers; they too get hot and bothered. But for Brandon, that human beings very often contravene the norms of inferential commitment, entitlement, and incompatibility is simply a mark of their immaturity, irresponsibility, or, alternatively, their playfulness. This does not mean that one should stop thinking of the very possibility of language as founded on inferential norms, nor does it mean that one should stop holding people accountable for their words and deeds.

Nevertheless, the extraordinary complexity of the inferential relationships of commitment, entitlement, and incompatibility among assertions means that very often these relationships go unnoticed and unpoliced. Perceiving and enforcing such relationships is, in fact, a profoundly social—and, Brandon will argue, historically inconstant—achievement. Brandon himself believes that such explicitation of inferential relationships is a fundamental desideratum, and it is for this reason that his *magnum opus* is titled *Making It Explicit*. Explicitation, thus, is a process of coming into consciousness of the implications of assertions that one has endorsed or that others have endorsed. For Brandon, the vocabulary of logic is the organ of such semantic self-consciousness.²⁰ The meaning of an utterance, like its inferential status, is to be understood in terms of its relation to other utterances.

What this means for Brandon is that, although logical terms do not make inferences valid in the first place, they do perform the expressive function of clarifying the relationships among various assertions. Formally good inferences, therefore,

18. Brandon, *Making It Explicit*, 88, 214.

19. *Ibid.*, 10. For an example of the Sellarsian topos, see Wilfred Sellars, *Naturalism and Ontology* (Reseda, CA: Ridgeview, 1979), 136.

20. Brandon, *Making It Explicit*, xix; *Articulating Reasons*, 149; *Tales of the Mighty Dead: Historical Essays in the Metaphysics of Intentionality* (Cambridge, MA: Harvard University Press, 2002), 10.

may simply be explicitations of inferences that were already materially good. Treating smoke as a sign of fire can, in many circumstances, turn out to be a perfectly good material inference irrespective of whether that inference has been rendered explicit in the deductive form “Where there is smoke, there is fire (*ceteris paribus*); there is smoke; therefore, there should be fire.” In this way, Brandom sides with the ancient rhetoricians against the modern logicians in saying that enthymemes ought not to be regarded as incomplete (and therefore failed) syllogisms simply because they have not rendered explicit all of the various assertions that contribute, whether as premises or conclusions, to the force of the argument. At the same time, logical vocabulary performs the extremely valuable function of (as in this instance) marking the *ceteris paribus* or “other things being equal” rider, thereby drawing attention to the fact that there are circumstances—perhaps not a majority—in which the major premise of the deduction is untrue.²¹

As Brandom transliterates the terms, deduction encompasses the basic form of commitment, for it states that, under particular specifications of the contents of the terms, if I endorse both “A” and “B” then I am compelled by the peculiar force of the better reason to accept a corollary commitment to “C.” Negation, meanwhile, is the logical form that renders explicit the unacceptability of asserting the incompatibles “A” and “not-A” simultaneously. Brandom argues that induction renders explicit the entitlements that follow from certain assertions. In the example of the expectation of generosity discussed earlier, the interpreter of the act is *inducing* a general rule favoring generosity and implicitly asserting (by complaining) its “entitlement” to an expectation of similar behavior in the future. In turn, the interpreter is arguing (perhaps implicitly) that this “entitlement” corresponds to a “commitment” on the part of the performer to *deduce* an appropriate act from the principle that it had implicitly legislated in acting generously the first time around. Conceivably, the performer might respond by intimating that the act in question asserted only that one should be generous *initially* (for the purposes of, say, cultivating weak ties) and that to have continued to act in this fashion would in fact have been incompatible with the principle embedded in the maxim of the action. At this point, of course, the interpreter has a considerably clearer picture of the game being played and of the players involved.²²

This is how the game of giving and asking for reasons is played, with all players simultaneously keeping track of the implications of their own assertions and the implications of the assertions of others. Insofar as an assertion does not commit one player to the inferential consequences that other players would be committed to if they endorsed that same assertion, each player becomes more aware of the ways in which the meaning of any one assertion can be transformed by its combination with other assertions—a mutability of meaning that Brandom terms “non-monotonicity.”²³ The meaning of an assertion is not monotonous.

21. Brandom, *Making It Explicit*, 97-98, 101; *Articulating Reasons*, 30, 60; *Tales of the Mighty Dead*, 9.

22. Brandom glosses “commitment” as a materially good inference that in the formalist logical tradition would be classified as “deduction.” Likewise, “entitlement” is equivalent to “induction.” Brandom, *Articulating Reasons*, 44, 194.

23. *Ibid.*, 87-88.

The meaning may change when the sentences promulgated alongside the assertion change. Moreover, and this is crucial, for Brandom, the sense in which one assertion can be inferentially “combined” with another is precisely the sense in which one can speak of a “text” having a “context.”²⁴ Such a notion is very useful, but it is neither new nor radical. When Quintilian spoke of *contextus*, he meant the continuity, the integrity, the integrated weave of one’s various utterances.²⁵ When lawyers speak of the relationship between an individual statute and the *corpus juris*, they call the latter a “context” for the former.²⁶ This understanding of “context” will, as one might expect, have significant consequences for the kind of intellectual historical practice that is implicit in Brandom’s inferentialism.

Brandom’s account has its intricacies, not the least of which is his attempt to show that inferentialism can explain why we speak of “truth” and “reference” even as the theory does not suppose that there are objects out there in the world to which our assertions correspond truly, an attempt that is centered on the elegant hypothesis that the predicate “is true” and the vocabulary of “objects” both function anaphorically to ensure that we have individuated and determinate accounts into which we can deposit and withdraw “items”—assertions in the case of subjects, qualities in the case of objects.²⁷ In the present context, however, the crucial point is that Brandom attributes profound importance to the genuinely dialogical and not merely monological quality of inferring understood as a practice. Consciousness of what one means is, on this account, primarily a *social* achievement and not simply or in the first place something peculiar to heroically self-conscious philosophers who retire from the world in order to get straight with themselves about the assertions they endorse and their implications.²⁸ Certain tactics of diligence—practices of inferential inquiry, such as Montaigne’s *Essais*, for instance—may enable individuals to become more conscious of their own complexity, but the game itself is played more primordially with others. Once again, this is the sense in which pragmatics is prior to semantics, for there are all manner of actions that can be undertaken purposefully and yet also in a state of blissful disattention, only then to be interpellated by a form of interrogation that begins with an exquisitely inferential request for explicitation—“Why did you do that? Give me a reason.” Just so, actions, it has been said, are distinguishable from events only insofar as they are performances for which it is appropriate to ask for reasons.²⁹

24. Brandom, *Tales of the Mighty Dead*, 95: “each set of further premises with which a claim can be conjoined is a further *context* in which its inferential significance can be assessed.”

25. Quintilian, *Institutio Oratoria*, 10.7.26: “diligentius . . . componitur quam illa, in qua contextum dicendi intermittere veremur.”

26. Even strong textualists recognize this broad denotation of “context.” See Antonin Scalia and Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* (St. Paul, MN: Thomson/West, 2012), 252: “part of the statute’s context is the *corpus juris*.”

27. Brandom, *Making It Explicit*, 283. See also *Tales of the Mighty Dead*, 182, where Brandom’s debt to Hegel on this issue is made explicit.

28. Brandom, *Articulating Reasons*, 166.

29. Brandom, *Making It Explicit*, 171; *Articulating Reasons*, 82—where Brandom indicates his debt to Anscombe and Davidson on this point. This focus on the category of action is itself part of a move toward the capacious post-hoc explicability of *practices* as distinguished from both the intentions and conventions of earlier speech act theorists, which had made it impossible—on Brandom’s reading—to conceptualize meaning as anything other than something that had to be explicitly agreed upon ahead of time. Brandom, *Making It Explicit*, 232–233.

Interestingly, Jürgen Habermas has criticized Brandom's account of the social anatomy of inference, because—in a manner that is a precise inversion of the criticisms leveled against Skinner by those who thought that he misapplied speech act theory to issues of an essentially textual and not verbal nature—he feels that Brandom has inappropriately pretended that he is speaking about a game of giving and asking for reasons played by individuals who are engaged in an immediate and symmetrical exchange. Habermas believes that, in fact, Brandom is speaking about profoundly mediated communicative situations in which I do not so much hold you to the assertions you have made as eventually discover the implications of your assertions in the course of endorsing them myself. In Habermas's interpretation, this is a situation of “overhearing” (a situation also discussed by Skinner, as it happens), and for him this is a problem because it misrepresents the extent to which Brandom's project is one in which the goal of communication is a form of consensus arrived at dialogically and reciprocally.³⁰ Brandom's response to this objection might have been the rather more acerbic assertion that, early in his career, Habermas had himself done a great deal to establish, in a Kantian fashion, the value of a public (mediate) and not merely private (immediate) use of reason. In fact, however, Brandom's response consisted—in essence—of a perfectly reasonable intimation that, although the game of giving and asking for reasons might well take the form of Socratic elenchus, it might also take the form of judgments and precedents at common law.³¹

This distinction between Socratic elenchus and the common law as models of the game of giving and asking for reasons has profound implications for intellectual history, in both theory and practice, so it is important to discuss the issue in a little more detail. As is very well known, the purpose of Socratic cross-examination was to bring out into the open the inferential consequences of assertions. This might take either a negative or a positive form (as in the *Euthyphro* or the *Meno*, respectively), so that interlocutors might emerge from the experience concluding either that they knew considerably *less* than they thought they did or that they knew considerably *more*. Even as thinking itself might seem to take on a necessarily *temporal* quality in such a context (because a follow-up question could not be posed until an answer to a previous question had been given), there was no particular reason to think of such mindedness as a more basically *historical* process. The situation is different in the example of common law. As J. G. A. Pocock so brilliantly revealed in his account of the revolution wrought upon English historical thought in the course of seventeenth-century debates about jurisprudence, it is possible to derive a genuinely historical conception of time from the common law. The less seventeenth-century English lawyers presumed that the common law was simply a kind of common sense revealed

30. Jürgen Habermas, “From Kant to Hegel: On Robert Brandom's Pragmatic Philosophy of Language,” *European Journal of Philosophy* 8 (2000), 345; Quentin Skinner, “Conventions and the Understanding of Speech Acts,” *Philosophical Quarterly* 20 (1970), 133ff.

31. Robert Brandom, “Facts, Norms, and Normative Facts: A Reply to Habermas,” *European Journal of Philosophy* 8 (2000), 362. It is elsewhere in his work that Brandom implies the intersubstitutability of Socratic elenchus (relatively immediate) and the precedents of common law (relatively mediate) as examples of the game of giving and asking for reasons in action. See Brandom, *Making It Explicit*, 128, 130, 178; *Articulating Reasons*, 73, 76; *Tales of the Mighty Dead*, 13, 230.

in legal practices that had remained unchanged since time immemorial (and the more they examined the language of the law with a philological attention to terminological detail), the more aware they became that legal texts were full of references to social practices and institutions—indeed, a feudal *system*—that no longer existed.³² Thus, the very notion of historical transformation might be said to have grown out of an awareness of the gap between rule and case—the gap, that is, between issuing a rule and applying it. It is the judge’s task to “overhear,” to take decisions that had been handed down by other judges (who might have been dead for centuries) and that had been addressed to other audiences and to transform them into precedents that might in turn inform new cases to be decided in the present. Insofar as judges could argue persuasively that new cases were not precisely the same as old ones, the decisions they passed down in their courts on the basis of old precedents could thereby become new precedents—pending subsequent uptake. In such a common-law practice, of course, old precedents were not simply expunged by new ones. Instead, all remained in some sense alive and in force, each one contributing to a partial and piecemeal erasure of the ever prudent and yet inferentially lazy *ceteris paribus* clause.³³

It is not at all coincidental that questions of *judgment* are prominent here. Brandom is a devout Kantian (and thus Kant’s third critique is in play), but he is an even more devout Hegelian, and for our present purposes this means that he is deeply disappointed by what he takes to be an overreliance on the kind of judgment that Kant had called “determinative” (*bestimmend*), in contradistinction to “reflective” (*reflektierend*).³⁴ In this tradition, judgment itself is a capacity to think the particular in the context of the universal, something that is crucial both for Kant’s norm-driven understanding of morality and for Brandom’s account of what it is to possess a concept.³⁵ Within this broad frame, determinative judgment is a capacity to deduce from a rule to a case, whereas its reflective twin is a capacity to induce from a case to a rule. In Brandom’s account, one of Hegel’s great advances beyond Kant consisted in grasping just how extraordinarily cunning history could be in presenting cases that could not be adequately subsumed under preexisting rules and that therefore drove judges to institute new rules—or at least new precedents—in order to perform their duty of *thinking* the particular.³⁶

As a philosopher with strong allegiances not only to these continental authorities but also to the Anglo-American analytic tradition, Brandom understood all of this in the context of Quine’s rejection of both a radical distinction between analytic and synthetic propositions and also the logical positivist program that

32. J. G. A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (Cambridge, UK: Cambridge University Press, 1957), 36–37, 173, 235. Pocock’s brilliance lay not least in his perception of the irony that the common law could be understood, alternatively, as existing unchanged since time immemorial or as accreting new precedents in a process of constant flux.

33. Brandom, *Between Saying and Doing*, 107: “the real expressive function of *ceteris paribus* clauses is not *magically* to remove the non-monotonicity of material inferences, nor to replace them with other monotonic ones, but rather *explicitly* to *acknowledge* their non-monotonicity.”

34. Brandom, *Tales of the Mighty Dead*, 213; Immanuel Kant, *Kritik der Urteilskraft*, ed. Karl Vorländer (Leipzig: Duerr’schen, 1902), 16.

35. Brandom, *Making It Explicit*, 614.

36. Brandom, *Tales of the Mighty Dead*, 56.

had adopted this distinction as one of its founding commitments. This was a rejection of a version of language use that began with a phase of defining terms in such a way as to make their meaning entirely unambiguous at a subsentential level and then proceeded to say that if a proposition were not true by definition then it would be meaningless if it were not at least in principle falsifiable in the world of experience. In place of that image, Brandom gave a different account of language use in which meaning was only ever in play at the level of the sentence and in which any concept was in principle revisable if its practical implications proved intolerable. For Brandom, the history of inquiry demonstrated that conceptual change does not fit the model proposed by the logical positivists, who would imagine that sets of definitions would be legislated and accepted or rejected *in toto* depending upon their success at rendering the world interpretable.³⁷ Interpretation happens in a much more piecemeal fashion, he thought. At one extreme, a set of definitions (establishing rules for particular terms) combined with an experience might lead one to disown a norm (or belief); at another, a norm combined with an experience might lead one to disown some definitions. Yet, for Brandom, the great majority of such negotiations between definition and norm would take place at points somewhere between those two extremes, points at which the *ceteris paribus* riders implicit in norms might be removed, bit by bit.

What this meant was that there could be no reconciliation of a rule to a case that did not in some way constitute a specification of the conceptual content of that rule.³⁸ Every rule (and concept) was, thus, changed in the process of being used. Even in an unusually simple language game like the rules of baseball (which is free from unintended conceptual consequences to an unusual degree), it makes sense to say *in the first instance* that there is a concept of the strike zone so determinate that a machine could reliably identify the distinction between a ball and a strike, and also *in the second instance* that if one is going to persist with human umpires it may be legitimate—indeed, only fair—for the strike zone to “creep” in the course of a game (or even between games) insofar as umpires feel bound by the precedents of earlier calls, even, or rather *especially*, when those earlier calls were erroneous. That the notion of precedent can have some force even in baseball—“all we ask is that umpires be *consistent*”—means that, as a number of commentators have argued, Chief Justice John Roberts cannot be taken seriously when he says that the role of a Supreme Court Justice is simply to “call the balls and strikes,” *unless* he is also willing to argue that such judges could (and therefore presumably should) be replaced with reliably responding machines—artificial parrots, parroting lines of statute or clauses from the Constitution. All of this, in turn, brings with it the realization that, even in extraordinarily artificial and almost entirely unhistorical conceptual schemes, the implications of a concept

37. Robert Brandom, “Vocabularies of Pragmatism: Synthesizing Naturalism and Historicism,” in *Rorty and His Critics*, ed. Robert Brandom (Oxford: Blackwell, 2000), 156; *Tales of the Mighty Dead*, 214; *Perspectives on Pragmatism: Classical, Recent, and Contemporary* (Cambridge, MA: Harvard University Press, 2011), 4, 116-117.

38. Brandom, “Vocabularies of Pragmatism,” 157: “there is no such thing either as the mere application of a previously determinate conceptual content nor as the institution of a wholly novel conceptual content. Every application of a concept develops its content.”

can change as a result of use. For this reason, it is time now to turn to Brandom's own account of the historical dimension of inferentialism.

III. BRANDOM AND THE VARIETIES OF INTELLECTUAL HISTORY

It is a remarkable and somewhat mysterious fact that in 1984 Quentin Skinner put his initials to a text co-authored with J. B. Schneewind and Richard Rorty introducing an edited collection of essays published under the title *Philosophy in History*, the first volume, one should note, of the "Ideas in Context" series.³⁹ The specific history of that writerly process is surely of real interest, because in the dialectic (one might say) between Cambridge and Johns Hopkins it seems somehow to have been Rorty's voice that emerged most distinctively in the text. The three writers signed the text in alphabetical order, and I therefore refer to the author as "Rorty et al." In contrast to Skinner, who wished to argue for a more strict delineation of the roles of, for instance, historian of political thought and political theorist, Rorty et al. argued that one should not endeavor to police the boundary between intellectual historians and philosophers and that one should adopt an ecumenical and tolerant stance. Given that Rorty had been Brandom's doctoral advisor, the irony laid down in the historical record is that Skinner signed on to a position that turned out to be, in various respects and as demonstrated in the continuation of Rorty et al.'s initiative effected by Brandom, the opposite of his own.⁴⁰

There may be a sense in which Skinner's co-involvement in this text is simply something like an aberration, such that one cannot reasonably hold him responsible for words that others slipped into his mouth. Irrespective of any verdict on that possibility, this curious historical episode deserves more sustained attention than it has hitherto received because it brings to a head a number of the issues that Brandom later went on to address directly and on which Skinner and Brandom most clearly disagree, with regard to matters of intellectual historical practice. In their introduction, Rorty et al. imagined two different intellectual projects, one "a thousand-volume work entitled *The Intellectual History of Europe*" and the other a *History of Western Philosophy* "mined" from this other considerably longer intellectual history.⁴¹ They supposed that the goals of the two projects would be very different. On the one hand, the goal of the intellectual history would be to bring all the major figures in the history of European thought together into one historically articulated conversation in such a way that all of the interlocutors included would—if, counterfactually, they had the chance to read the work—be able to recognize and endorse the characterizations of their own positions as well as understand enough about each other's positions to engage in meaningful

39. Richard Rorty, J. B. Schneewind, and Quentin Skinner, "Introduction," in *Philosophy in History: Essays on the Historiography of Philosophy*, ed. Richard Rorty, J. B. Schneewind, and Quentin Skinner (Cambridge, UK: Cambridge University Press, 1984), 1-14.

40. Brandom's intellectual historical genres—*de dicto*, *de re*, *de traditione*, and phenomenological—do not align exactly with Rorty's (rational and historical reconstructive, *geistesgeschichtlich*, doxographic, and intellectual historical), but the connections are nevertheless strong. See Richard Rorty, "The Historiography of Philosophy: Four Genres," in *Philosophy in History*, 49-75.

41. Rorty et al., "Introduction," 1, 3, 6.

dialogue. On the other hand, whereas the intellectual history would not aim to come to any conclusions about the truth of the claims it reported, the history of philosophy would be in the position of *either* concluding that everyone in the conversation was wrong (such that it would narrate the history of philosophy in the same way as someone who did not believe in magic might narrate the history of witchcraft) *or* relaying only those claims from the intellectual history of Europe that the author thought could be understood as anticipations of claims that the author him- or herself was willing to endorse as true.

To this point, Skinner ought to have no problem with the situation depicted by Rorty et al. One could imagine him endorsing this distinction and saying that, within this division of labor, he counted himself as working together with others on the intellectual history. After all, even as he has always believed that the history of thought can liberate us from blind adherence to our own intellectual presuppositions (by showing us their contingency), Skinner is also well-known for arguing that “to demand from the history of thought a solution to our own immediate problems is . . . to commit not merely a methodological fallacy, but something like a moral error.”⁴² For this reason, Skinner has often been associated with a strict division of labor between the historian of political thought and the political theorist. The historian may show the theorist alternatives, but (perversely, one might say) the theorist may not adopt those alternatives as his or her own.⁴³ Yet this was *not* what Rorty et al. wanted to say. They explicitly rejected the notion that there was a genuine and categorical distinction between historical and speculative endeavors. The historical and the speculative might well be poles at opposite ends of a spectrum, they noted, but they were particularly adamant that one should try *neither* to privilege one end or part of this spectrum over another *nor* to divide the spectrum into different natural kinds.⁴⁴ And, as one might expect, given that Skinner signed on as part of Rorty et al., he has elsewhere expressed what is in effect dissatisfaction with a strict division between the thinker and the historian of thought. In his words, “it’s difficult to be interested in the history of something that you think is nonsense.”⁴⁵ His example was religion.

The complex interrelations among different segments of this spectrum were precisely what interested Robert Brandom when in 2002 he published *Tales of the Mighty Dead*, his historically inflected follow-up to *Making It Explicit*. As we have seen, Brandom argues that the meaning of any assertion is progressively discovered in the course of endorsing it over a period of time, because, as a variety of *other* assertions are taken up and endorsed alongside the original assertion,

42. Quentin Skinner, “Meaning and Understanding in the History of Ideas,” *History and Theory* 8 (1969), 53.

43. On the issue of the division of labor between political theorists and historians of political thought, see *Political Philosophy versus History? Contextualism and Real Politics in Contemporary Political Thought*, ed. Jonathan Floyd and Marc Stears (Cambridge, UK: Cambridge University Press, 2011), but also Gordon T. Schochet, “Quentin Skinner’s Method,” *Political Theory* 2 (1974), 270, and especially Melissa Lane, “Doing Our Thinking for Ourselves: On Quentin Skinner’s Genealogical Turn,” *Journal of the History of Ideas* 73 (2012), 71-82.

44. Rorty et al., “Introduction,” 8.

45. Teresa Bejan, “Quentin Skinner in Context,” an interview with *The Art of Theory: A Political Philosophy Quarterly*, <http://www.artoftheory.com/quentin-skinner-in-context/> (accessed December 21, 2011).

the inferential implications of that original assertion will become more manifest. For this reason, inferentialism is itself predisposed to a richly historical account of semantics. Making good on this commitment, Brandom published *Tales of the Mighty Dead* in order to show how one might see inferentialism itself as a body of inferentially interrelated assertions that emerged out of an identifiable tradition of philosophical inquiry. Even as he was careful to point out that the chapters of *Tales of the Mighty Dead* had mostly been written separately and over the course of a quarter century (such that they ought to be regarded as piecemeal accretions and not as the result of an editorial decree that the theory of inferentialism once legislated as a philosophical norm must be written back into history), Brandom was also explicit in making the claim that the assertions of inferentialism could, for the most part, be assembled out of a lineage running from Spinoza, through Leibniz, Kant, Hegel, Frege, Heidegger, Wittgenstein, Sellars, and Rorty to Brandom himself.⁴⁶ Without asserting that *Tales of the Mighty Dead* could account historically for every assertion in *Making It Explicit* (thereby leaving room enough both to permit an acceptance of his own originality and to stress the importance of his engagements with other contemporary philosophers), Brandom proceeded to demonstrate that his own position could in large part be narrated as the cumulative endorsement of a number of key assertions first made by others.

Some might object that the list of thinkers just recited is a rather motley crew. It is not clear that this is true, but if it were then Brandom's achievement in narrating a line of development becomes all the more *ingenious* (a word I use very deliberately). From Spinoza, he intuited the stakes of regarding *conatus* as something like a force contributing to the individuation of objects; from Leibniz, a sense that early modern rationalism could rely on the pivotal role played by inference in thinking about monads or compossibilities; and from Kant, the insistence that judgments are the first phenomena of awareness and that they are to be understood normatively as rules to be applied in the future.⁴⁷ From Hegel, he borrowed—and is continuing to excavate—the rejoinder that the normative value of judgments emerges most fully only in the course of historical time and in the context of agents who not only recognize other agents as normatively responsible for the judgments they make but also are themselves similarly recognized by those agents in return.⁴⁸ From Frege, he appropriated a rejection of the supposition that logic is a psychologistic description of the causes and effects of ideas in favor of a view of logic as an explicating of the normative status of assertions; from Heidegger, the counterintuitive notion that language *begins* in assertion and is then dimmed down in the habits of everyday speech; and from Wittgenstein, the discovery that semantics answers to pragmatics in the sense that use and the tacit ways of habit are decisive for the games made possible by language.⁴⁹ From Sellars, he adopted the basic contention that logic is the organ of semantic self-

46. Brandom, *Tales of the Mighty Dead*, 33-34.

47. *Ibid.*, 38, 136, 177; *Making It Explicit*, 614.

48. Brandom, *Making It Explicit*, 92; *Tales of the Mighty Dead*, 56; "The Structure of Desire and Recognition: Self-Consciousness and Self-Constitution," *Philosophy and Social Criticism* 33 (2007), 137ff.; *Reason in Philosophy*, chapters 2 and 3.

49. Brandom, *Making It Explicit*, 11, 95, 107, 114; *Tales of the Mighty Dead*, 80-81, 329; *Making It Explicit*, 29, 199.

consciousness working in a game of giving and asking for reasons, along with the implications that formally good inferences are to be understood simply as explicitations of inferences that had been good inferences even when they were only material and that the normative vocabulary of “should” is a specification of the modal vocabulary of “could.”⁵⁰ Finally, from Rorty, Brandom took up what he calls the “vocabulary vocabulary,” which makes it possible to speak about how particular languages enable us to hold ourselves to particular standards and to say that the role of the public intellectual is to act as a rhetorician (in the guise of a metaphysician) who is dedicated to the tasks of both showing the consequences of our language schemes and also facilitating the development of new vocabularies that allow us to have new purposes and hold ourselves to new standards.⁵¹

This is a breathtakingly broad agenda, and, to be sure, there are scholars who feel that Brandom’s appropriation of Kant or Hegel or Frege or Heidegger or Sellars misfires in some way.⁵² Only time can answer the question of whether people find the particularities of these historical accounts convincing or useful. In the present context, it is more important to consider the ways in which Brandom characterizes the theory and practice of historiography itself. Developing with more rigor the impressionistic distinction between “intellectual history” and “history of philosophy” proffered and critiqued by Rorty et al., Brandom distinguished among three broad modes of historiography, which he termed *de dicto*, *de re*, and *de traditione*. Quickly described, these three labels distinguish the following practices: first, rendering manifest the inferential relationships among assertions made by particular individuals; second, translating assertions made by others into one’s own language in such a way that the question is explicitly raised of whether the objects about which claims are being made in the source language, on the one hand, and the target language, on the other, are one and the same; and third, articulating the inferential relationships among assertions made by various individuals in such a way that those various individuals can be understood as constituting a tradition of inquiry making assertions about the same evolving logical object.⁵³

Such terminology allows Brandom to identify his own project in *Tales of the Mighty Dead* as an instance of concatenating *de dicto* and *de re* readings that, taken together, constitute *de traditione* historiography culminating in a body of assertions that the historian (Brandom) is himself qua philosopher willing to endorse—a particular subspecies of historiography that, following Hegel, Brandom has termed “phenomenological.”⁵⁴ Like Rorty et al., however, Brandom was not interested in privileging one of these species over another or even in policing

50. Brandom, *Articulating Reasons*, 54; *Making It Explicit*, 200; *Between Saying and Doing*, 29.

51. Brandom, “Vocabularies of Pragmatism,” 169, 180.

52. See, for example, Jerry Fodor and Ernie Lepore, “Brandom’s Burdens: Compositionality and Inferentialism,” *Philosophy and Phenomenological Research* 63 (2001), 467; Robert Pippin, “Brandom’s Hegel,” *European Journal of Philosophy* 13 (2005), 400; John McDowell, “Motivating Inferentialism: Comments on *Making it Explicit* (Ch. 2),” in *The Pragmatics of Making it Explicit*, ed. Pirmin Stekeler-Weithofer (Amsterdam: John Benjamins, 2008), 119; John Haugeland, “Reading Brandom Reading Heidegger,” *European Journal of Philosophy* 13 (2005), 427; John McDowell, “Brandom on Observation,” in *Reading Brandom*, 130.

53. Brandom, *Tales of the Mighty Dead*, 101-103, 107.

54. *Ibid.*, 110.

the boundaries between them very strictly. He did note that, as it seemed to him, there had been in recent generations a shift from a greater *de re* orientation to a more *de dicto* one.⁵⁵ (“Historical actors must be understood in their own terms,” as the commonplace goes.) Likewise, he intimated that when he was an apprentice intellectual historian in graduate school, the presupposition had been that one would not know what any given intellectual historical figure had meant unless one had read not simply everything that figure had written but also everything he or she had ever *read*. This injunction, it seemed to him, made *de dicto* intellectual historiography rather demanding.⁵⁶ Brandom has also authored a rather striking “untimely” review of *The Phenomenology of Mind*, composed counterfactually (in the strictest *de re* style) as if that classic had just been written, by a contemporary, and recently published. (Brandom writes as if Hegel had decided to mask his debt to Wittgenstein, the “unmentioned hero” of the book.)⁵⁷ One might therefore suppose that Brandom’s own practice, perhaps even allegiance, is more *de re* than *de dicto*. Certainly, this would not be very surprising, given that, as a matter of fact, he is disciplinarily located in a department of philosophy and answers—mostly—to an audience of philosophers. Be that as it may, the real force of Brandom’s claim for the present article is to be found in his specification of *de traditione* readings.

In effect, what Brandom provides with his account of *de traditione* historiography is a means of conceptualizing clearly the kind of historical activity that might genuinely be characterized as iterated attention to a single enduring, unfolding, mutating problem. History reveals in a positive and particularized fashion what is merely gestured to in a negative and vague manner in the *ceteris paribus* clause—which, implicitly or explicitly, accompanies all assertions. A “tradition” of thought is the active process by which the non-monotonicity of assertions is concretely discovered. And the accumulated results of such discoveries constitute narratives of how minds have recognized, conceptualized, and responded to *problems*. To call such problems “perennial” might be going too far for Brandom, but I would argue that his account of *de traditione* historiography is essentially analogous to J. G. A. Pocock’s attempt to “defend” Skinner into acknowledging that diachronic historical contexts are contexts in which there was a “continuity of the languages in which [a] debate was conducted” and “connexions between the speech acts by whose performance [that debate] was conducted.”⁵⁸ One way, and, I would argue, a particularly *interesting* way, of thinking about the nature of the “languages” alluded to here would be to say that a “language” is a body of inferentially interrelated assertions that has achieved a certain threshold of integrity and distinctiveness in time. Pocock has his own ways of specifying the nature of such “languages.” I am suggesting that Brandom could be used to help Pocock achieve this specification more fully.⁵⁹

55. *Ibid.*, 104.

56. *Ibid.*, 99.

57. Robert Brandom, “Georg Hegel’s *Phenomenology of Spirit*,” *Topoi* 27 (2008), 163.

58. J. G. A. Pocock, “Quentin Skinner: The History of Politics and the Politics of History,” in *Political Thought and History: Essays on Theory and Method* (Cambridge, UK: Cambridge University Press, 2009), 133.

59. That Pocock himself was already speaking of the ways in which a language’s meaning might “emerge from implicitness into explicitness” in 1971 is, I warrant, confirmation—slight and provi-

Certainly, one of the strengths of Brandom's account of *de traditione* intellectual historiography in comparison with Skinner's appropriation of speech act theory is its ability to conceptualize and respond to what both Brandom and Skinner concede is the challenge of incommensurability. In reconstructing the inferential relationships among assertions in past or foreign cultures (most of which will be at any given point merely implicit), commitment to the notion that as an interpreter one cannot understand any one assertion without being able to place it in the context of all the assertions that the asserter would, upon reflection, accept as pertinent implies that one cannot understand *anything* until one has understood *everything*—which, in principle, seems like an impossible task. Skinner has appeared to contradict himself on the question of whether such system-internal rationalities are relative to the point that there can be no external instrument capable of leading an interpreter from one assertion to another within a foreign or past asserter's inferential system.⁶⁰ Brandom, on the other hand, has contended that it is possible to translate the assertions of others into assertions that one makes oneself in such a way that one is able to reenact—in, perhaps, a Collingwoodian sense—the inferential consequences of those assertions as those consequences existed in the source language.⁶¹ Such reenactments are, of course, provisional, open to failure, and liable to be contradicted by the evidence. One of the advantages of the inferential account is that it allows one to understand that as a historian one's inferential hypothesis has been experimentally vindicated if one subsequently finds an asserter engaging in the same conceptual issues (of commitment, entitlement, and incompatibility) that one has already encountered as an interpreter while reenacting his or her assertions.

Equally, one of the potential weaknesses of Brandom's account is its proximity to precisely the kind of teleological, Hegelian, whiggish histories that in the last half century in particular have become problematic, practically poisonous, for many historians. Brandom, thus, has readers who are struck by his willingness to read others as Brandomians *avant la lettre*.⁶² And one could imagine an ignoble critic suggesting that “presentist” would be an insufficiently *narcissistic* description of Brandom's history of philosophy, which—after all—culminates not so much in the present as in the man himself. Brandom is certainly aware of these issues, and he speaks to them in a disarmingly good-humored way. He is *not* committed to the notion that if one is to write history, then one ought to write it in such a way that the present (and the historian in particular) represents the narrative's climax. *De dicto* histories of individual thinkers can certainly be written, in which the dominant narrative structure is not, for example, triumph but

sional, to be sure—that there is an affinity between Pocock's initiative and Brandom's. See J. G. A. Pocock, “On the Non-Revolutionary Character of Paradigms: A Self-Criticism and Afterpiece,” in *Language, Politics and Time: Essays on Political Thought and History* (New York: Atheneum, 1971), 286.

60. Quentin Skinner, “‘Social Meaning’ and the Explanation of Social Action,” in *Philosophy, Politics, and Society*, ed. Peter Laslett, W. G. Runciman, and Quentin Skinner (Oxford: Blackwell, 1972), 152; “From Hume's Intentions to Deconstruction and Back,” *Journal of Political Philosophy* 4 (1996), 153.

61. Brandom, *Making It Explicit*, 481, 510; “Vocabularies of Pragmatism,” 179. Brandom does not mention Collingwood.

62. Pippin, “Brandom's Hegel,” 381; Haugeland, “Reading Brandom Reading Heidegger,” 421.

unresolved self-conflicted struggle. *De traditione* histories of sequences of thinkers can also be written (perhaps like *The Machiavellian Moment*), where inquiry sequences common to a number of different thinkers together constitute not so much a difficult birth as a long eclipse. And even if one is “guilty” of having written a phenomenology like *Tales of the Mighty Dead*, one can defend oneself by pointing out that we are all free to compose these narratives. As the diversity of such tales increases, Brandom predicts, the world in which we live will become more conceptually rich and inferentially articulated.⁶³

Finally, it is important to note that even if there is room within a Brandomian account for acute historiographical pessimism (something that, it is true, is usually left unexplored by Brandom himself), his basic orientation is normative and optimistic. That is to say, Brandom believes—perhaps “accepts” is the better verb because he remains somewhat reticent on this point—that there is a moral and political theory embedded in his inferentialism. As infants or as absolutely taciturn adults, human beings possess an unlimited amount of what the political theorists have called “freedom from”: negative liberty. If we have never said or done anything, then we are bound by no norms: we have no commitments, and incompatibility is not a charge that can be leveled at our nonexistent assertions. Conspicuously, however, this also means that we can have no entitlements. Making assertions (whether in word or in deed) is a process called “autonomy,” in Brandom’s account. It is the giving of rules unto oneself. The negative liberty we give up by endorsing particular assertions is, ideally, exchanged for the positive liberty embodied in the entitlements following from those assertions. Having agreed to play the game of giving and asking for reasons, we gain a “freedom to” make the assertions to which our past assertions have entitled us.⁶⁴ One imagines Brandom taking up (in his own way, of course) Rorty’s assertion that the “specifically human life” is the one in which I am in a position to take up the assertions of others and endorse them in such a way as to derive from them some distinctively new variation.⁶⁵ Tradition, thus, is the sequence of assertions; phenomenology, my own distinctiveness as it emerges out of that sequence. That we may, at some unspecifiable point in the future, have to deal with the unintended consequences of such appropriations is simply the gift of irony that history bestows upon mature individuals living, perhaps, in mature cultures.

It seems unlikely that the phrase “mature cultures” will have passed by unnoticed. It is a provocative phrase, but Brandom would want to insist upon it, I think, because of his normative ambitions. How could historians, who often strive to avoid such sententiousness, make use of such a phrase? Brandom has provided an example in a wonderfully perceptive review of Louis Menand’s important

63. Brandom, “Vocabularies of Pragmatism,” 171, 178-179; *Tales of the Mighty Dead*, 16.

64. These are points that Brandom has made on a number of occasions, but see especially Italo Testa, “Hegelian Pragmatism and Social Emancipation: An Interview with Robert Brandom,” *Constellations* 10 (2003), 565-566, and Brandom, *Reason in Philosophy*, 150. Brandom’s appropriation of Isaiah Berlin’s terms is, of course, witting.

65. Richard Rorty, “Response,” in *Rorty and His Critics*, 189: “a specifically human life” is “a life in which there is a chance to compose one’s own variations on old themes, to put one’s own twist on old words, to change a vocabulary by using it.” Indeed, compare Brandom, “Vocabularies of Pragmatism,” 178.

and widely read book *The Metaphysical Club*, published in 2001.⁶⁶ Menand told the story of American pragmatism—achieved in the thought of Oliver Wendell Holmes, C. S. Peirce, William James, and John Dewey—as a kind of conceptually distinguished working through of the trauma of the American Civil War. In response to the intransigence and fixity of belief that, one might have supposed, caused the split between North and South, the pragmatists articulated a manner of holding beliefs such that they were always, in principle, revisable. If you owed principles themselves nothing and were permitted to judge them solely in terms of what they could do for you (and for the society in which you lived), then you could consider yourself immunized against the various kinds of doctrinaire fever that had looked at compromise and catastrophe in 1861 and had chosen the latter.⁶⁷

Brandom's ironic observation at this point was that Menand's history, for all its brilliance and worth, was a profoundly unpragmatist history of pragmatism. After all, the pragmatists had contended that things should be judged not by their origins but by their consequences.⁶⁸ Pragmatism did indeed choose compromise over catastrophe, but only after the fact, with the result that the compromise in question was not the good compromise between Jefferson Davis and Abraham Lincoln that did not happen but the bad compromise that did—namely, Reconstruction and the system of Jim Crow laws that it eventually brought into being. Judged by these standards, pragmatism was in fact emblematic of a culture that had decided not to be deeply self-conscious, of a culture that—like each of the founding fathers of pragmatism—was largely capable of turning a blind eye to a racism that had not simply survived but that was in the process of entrenching itself in a variety of ways. Brandom would want to say that it is in senses like this that a culture can be “immature,” and he would argue that it is *one* of the key roles played by intellectuals and intellectual historians alike to render public not simply the norms implicit in particular practices but also the ways in which political communities fail to hold themselves accountable to the principles they espouse.⁶⁹

IV. CHALLENGES FOR INFERENTIALIST INTELLECTUAL HISTORY

The argument being put forward in this article is not that all intellectual historical practices must conform to norms established by inferentialist theory. Instead, the contention is that Brandom's way of speaking about concepts and the way in which they develop over time can help clarify some of the things that intellectual history does and some other things that intellectual history may legitimately do. The speech act being performed by this article is in many ways a defensive one. That is to say, one can parry the thrust of an intellectual historian informed by speech act theory who insists that the original context of an utterance must always

66. Robert Brandom, “When Philosophy Paints its Blue on Gray: Irony and the Pragmatist Enlightenment,” *boundary 2* 29 (2002), 1-28. See also the later version of this text in *Perspectives on Pragmatism*, chapter 1.

67. Louis Menand, *The Metaphysical Club: A Story of Ideas in America* (New York: Farrar, Straus and Giroux, 2001).

68. Brandom, “Irony and the Pragmatist Enlightenment,” 15.

69. Brandom made the point more forcefully, but Menand had certainly been aware of it. Menand, *Metaphysical Club*, 373-375, 438-442.

take priority by replying that, although such contexts will almost always be of interest, there are good reasons for saying that the genuinely historical dimension of an assertion will often be noncontemporary with the original utterance. The inferentialist idiom thus takes up a position *alongside* that of speech act theory and becomes one of, potentially, many such vocabularies providing intellectual historians with a variety of *possible* modes of inquiry. My contention is that speech act theory and inferentialism do not articulate new methods of analysis. They express in more self-conscious ways interpretive habits that intellectual historians have already been practicing. Such self-consciousness is more than merely epiphenomenal, because it enables intellectual historians both to defend their practices and to pursue particular interpretive programs with greater precision. With a view to expressing more explicitly the ways in which inferentialism can defend and inform such practices, this final section anticipates and responds to five challenges for inferentialist intellectual history.

First, it might be suspected that the *via tertia* of *de traditione* interpretation fails to establish a way of avoiding the twin problems of being either entirely indebted to assertions made by others or wholly undisciplined in the imposition of one's own assertions on assertions endorsed by others. Indeed, there is a line of argument proposing that Brandom has, in effect, denounced intellectual historians as just so many professional gossips. After all, in his interpretation of Heideggerean *Gerede* ("idle talk"), he purports to show that the development of language cannot be explained in terms of practices of hearing and repeating assertions made by others. Gossip is precisely the repeating of assertions made by others such that those repetitions have the appearance of being assertions even as the person doing the repeating does not take responsibility for their implications. The prevalence of *oratio obliqua* in intellectual historiography shows that intellectual historians are in the habit of relaying the assertions of others without thereby endorsing those assertions themselves. Indeed, paraphrase is endemic in intellectual historical style, not least because continually inserting provisos such as "according to Hobbes" quickly becomes very tiresome. To the extent that this indirect speech becomes implicit, it would seem to be the case that intellectual historians customarily perform the dishonest sleight-of-hand characteristic of the gossip—namely, accruing the entitlements (or, better, nonnormative connotations) pursuant to assertions without accepting the commitments they entail. Intellectual historians sound smart, but only because they crib the smarts of others. Their lips move, but *they* are not really speaking.

Furthermore, it might also be suspected that Brandom's ecumenical gestures toward the legitimacy of *de dicto* historiography are not really genuine and that he is more deeply committed to his own *de re* and, indeed, fully phenomenological interpretive practices. With his potential attack on *de dicto* historiography as a form of gossip rendered visible, his support for that mode of exposition might seem to crumble. Granted, Brandom has clearly rejected Burton Dreben's witicism that "garbage is garbage, but the history of garbage is scholarship." Yet historians might begin to wonder just how firm his commitment really is to discovering the logic of positions that he is not going to translate into his own

terms and that he is not going to endorse himself.⁷⁰ In such a scenario, inferentialist intellectual historians might find themselves betrayed by someone they had mistaken for an ally who turned out to be a territorially minded philosopher in disguise. Finding themselves in such a situation, intellectual historians might return the favor by saying that the Brandomian hermeneut cannot be anything other than an inferential imperialist. The injunction to translate the assertions of another into assertions that, in one's own mouth, have the same inferential implications would be deemed a fool's errand. Worse, it would be called a systematic erasure of alterity.⁷¹

Disciplinary territoriality such as this would be entirely unhelpful—and unnecessary. Brandom is right to say that it is meaningful to speak of a *de traditione* genre lying between the extremes of *de dicto* and *de re* historiography, and he is also right to say that each of these modes can shade into the others without thereby rendering the terms hopelessly vague. *De dicto* intellectual historians are not Heideggerean gossips because, even as they do not endorse the assertions they examine, they do nevertheless attend to the inferential implications of those assertions, in that they attempt to reconstruct relationships among multiple assertions and do not simply relay individual assertions treated discretely. Indeed, this halfway house between assertion and nonassertion explains why intellectual historians often employ hypothetical forms of expression: “*if* one makes this argument, *then* the question will arise of whether. . . .” It is perfectly legitimate for the *de dicto* intellectual historian to draw attention to the variously unacknowledged, unexplored, and unperceived commitments, entitlements, and incompatibilities that might be implicit in any given agglomeration of assertions.⁷² And, for the same reason, Skinner was right to say the following to intellectual historians: assume when reading that the thoughts in the text “hang together, assume that they are rationally grounded, assume that we are dealing with someone upon whose thinking processes a good deal of weight can be placed *so that* you find yourself saying, ‘Well here they say this, so they’re going to have to say that, or they can’t say the other.’”⁷³ All of this assuming would be provisional, of course,

70. Brandom, *Between Saying and Doing*, 206.

71. In such a debate, it is highly likely that the apparent breeziness of the following discussion would be subjected to scrutiny: if a “shaman” says that “the seventh god graces us with his presence,” “I may not know what to make of his remark. Clearly he will take it to have consequences that I could not endorse; so nothing in my mouth could *mean* just what his remark does. But if I come to believe (perhaps by being told) that the seventh god is the sun, and that his grace is sunshine, then I can specify the content of his report in a more useful form: ‘He claims of [indicating thus a *de re* ascription] the sun that it is shining.’” Brandom, *Making It Explicit*, 513-514. In response to such scrutiny, Brandom might well argue for the modesty of the terms “specify” and “useful.”

72. Thus, the Brandomian category of *de dicto* historiography is *not* beholden to a reprobate Romantic hermeneutics in which a recovery of the author’s understanding of a text is the fundamental desideratum. It is possible for the Brandomian historian to conclude that authors have been in some degree confused about the nature of their own arguments, precisely because *even taken purely in their own terms* those arguments and their implications will often be highly complex and far from explicit. In this way, Brandom can be defended against the criticisms leveled in Cristina Lafont, “Meaning and Interpretation: Can Brandomian Scorekeepers be Gadamerian Hermeneuts?” *Philosophy Compass* 3 (2008), 19-20.

73. Teresa Bejan, “Quentin Skinner on Meaning and Method,” an interview in *The Art of Theory: A Political Philosophy Quarterly*, <http://www.artoftheory.com/quentin-skinner-on-meaning-and-method/> (accessed November 8, 2011; emphasis added).

but the heuristic of what one might call a discursive suspension of disbelief would nevertheless be crucial for the purpose of generating a field of inferential forces within which perceptions, concepts, and arguments could emerge. The point is that the Skinnerian theory of intellectual history does not illuminate such inferentialist (and Skinnerian) practice, whereas a Brandomian account does.

Such attentiveness to the as yet unacknowledged, unexplored, and unperceived means that—in stark contrast to the gossip—the inferentialist intellectual historian must be resolutely perspicacious. *Ingenium*, what we might call “conceptual imaginativeness,” would be the chief organ of inquiry for such a historian. Such an organ perceives the opportunities and dangers attendant to any particular argument, is sensitive to its *possible* continuations and rebuttals. This would be a faculty permitting the historian to deal with the fundamentally enthymematic quality of all (or perhaps only almost all) language. The stylistic manifestation of this capacity for conceptual imaginativeness would be the kind of paraphrasing capable of making explicit inferences that were operant in the source assertions (and indeed drove discussion forward) but had remained implicit, imprecise, or jumbled there. This is an organ that can be both a historical and a philosophical tool, one should note. It is historical in the sense that it generates hypotheses to be tested against the historical record: “*did* the author or related authors grapple with the issue I have just intuited?” It is philosophical in the sense that, if the historical hypothesis fails, one may have come up with a new line of inquiry. There may ultimately be no firm criterion for distinguishing between inferences that the historian thinks *could have been* drawn but were not and inferences that the inquirer, as a thinker and not as a historian, thinks *should be* drawn. But the absence of such a criterion is not a fatal difficulty. Faced with the prospect of an entirely *too* fertile conceptual imagination, the historian has a number of legitimate options: look to see whether the author made that same inference in some other text, find out whether some historically proximate author made that inference, label the gloss as a form of counter-factual history, or be clear that this is a possibility one is articulating in one’s own name even though it emerged in dialogue with a particular thinker or with a particular tradition of inquiry.

Second, it might be objected that Brandom’s implicit, and increasingly explicit, Hegelianism entails a commitment to both the individual and the community that cannot usefully be adopted by historians who must frequently find ways to narrate the histories of processes that bypass the individual and the community (as Brandom understands them). Such an objection might admit that his discussion of American pragmatism in the context of both the American Civil War and Reconstruction is elegant and instructive and then go on to argue that such a historiographical imagination is excessively Romantic because the biological and transnational world in which we live both falls below and rises above the grasp of self-consciousness. In the world of biological and transnational complexity, subject positions—individual “I’s” and collective “we’s”—often do not stabilize to the point that reasons are called for and decisions are made. Politicization is a human endeavor that has profound cognitive and imaginative limits. In the more specific context of intellectual history, the claim might be that ideas are in point of fact *not* like Kantian norms, that in actuality ideas are more like “memes”—

language fragments, perhaps, that circulate precisely in the mode of gossip, virus-like, and often quite indiscriminately. Intellectual historians interested in constructing accounts of such processes might find themselves obliged to *avoid* speaking of individuals and communities as in any way controlling the exponential unfolding of such narratives.

One might respond to such an objection by saying that there is nothing in Brandom's normative account of inference that says we do not live in the kind of world that, patently, has made it imperative to develop subdisciplines such as environmental history and transnational history that raise questions about the mechanisms of human self-determination. Along with Heidegger, he is perfectly ready to accept the existence of *Gerede*. That does not imply, however, that he feels duty-bound to, as it were, forward everything entering his inbox to his entire address book. Similarly, representativeness is *not* the only (or even the primary) criterion when judging the historical import of a thought. There are genres of history in which the degree of dissemination, the extent to which something was widespread and not anomalous, the *indicativeness* of a phenomenon will be crucial. This seems untrue of inferentialist intellectual history. Indeed, the repetition of a sentence unchanged—in the absence of any form of rewording or amending or transposing—might well be a reason to *ignore* that sentence when working as an inferentialist. The inert sentence is on this account unhistorical. After all, a *purely* descriptive intellectual historiography would be as infinite as intellectual history itself. And, indeed, Google Books (leaving aside for the moment the particular complexities of the case) is already busy writing *that* intellectual history.

What Brandom wants to give us is *one* way of understanding our potential role in the maintenance of the languages in which we exist. His is a normative task, and inferentialism gives the historian reasons to defend criteria such as “intrinsic interest” as themselves genuinely intellectual historical. Why resurrect an idea? Because it was *common*? Or, precisely, because it was *uncommon*? That some linguistic tokenings are entirely derivative does not mean that all are. Brandom himself believes (along with Chomsky) that language is in fact distinguished precisely by its inexhaustible capacity for permitting syntactic and semantic combinations that have never previously been performed.⁷⁴ His *point* is that such combinations are at best only semi-deliberate. That human beings discover the implications of their decisions only after the fact does not mean that they have no autonomy. It means that they can be autonomous, but only partially and often retrospectively. As a genre (and despite the man's apparent cheerfulness), tragedy is exquisitely Brandomian. Thus, in response to such a criticism of Brandom's desire for self-consciousness at the level of the individual and the community, one can simply say that inferentialism entails one way of selectively narrating our language use. There will be various ways of doing this, such as speech act theory, and it is up to—among others—the theorists of “viral discursivity” to articulate such alternatives for themselves.

Third, it might also be suggested that, although Brandom is ostentatious with such pluralism, his account of inferentialism actually entails an ultimately ahistor-

74. Brandom, “Vocabularies of Pragmatism,” 175-176.

ical conception of inference itself and the circumstances under which it operates. If the capacity to make inferences is to be the faculty that makes transhistorical acts of interpretation possible, then does it not follow that this capacity is being understood as itself historically invariant? Moreover, it might be argued that Brandom is simply another philosopher in a long line of exponents of Socratic elenchus, seduced by the literary style of Plato into thinking that what had in fact been the result of a very particular set of cultural norms and institutions might function as a universally applicable model of reasonability, that is, the practice of reasonability in inference. On this reading, the model of the common law might either be an Anglo-American cover for a deeper fetishization of Socrates or itself simply one more very particular and historically contingent normative institution posing as a universal rule.

This argument against inferentialism can be turned on its head and recycled as a criticism of the way in which intellectual historians have sometimes used speech act theory. It is the *unilateral* application of speech act theory that is, in fact, ahistorical (even as, let me be clear, there are many exquisitely historical ways in which speech act theory can be deployed). It would be simply dogmatic to presume that every assertion has an *actual*, and not merely potential, audience. It would be equally dogmatic to suppose that all assertions are inflected by the spatio-temporal environment in which they appear *to precisely the same extent*. One of the distinctive advantages of inferentialism is, in point of fact, that it enables intellectual historians to offer an extraordinarily subtle account of how the game of giving and asking for reasons is historically produced. Because of its reliance on material and not formal inference, the game of giving and asking for reasons exists in a process of continual change, change that over time can prove to be radical in nature. The “space” of reasons, as Brandom terms it, is not Euclidean. It is not an abstract three-dimensionality laid out (as it were) by the axes entitlement, commitment, and incompatibility. It is a discursive habitus, a conceptual imaginativeness, that is itself continually reworked by the discursive performances that it makes possible.

Commitments, entitlements, and incompatibilities may ultimately be shown to be *good* inferences (predictively useful in the world or normatively tenable for those who undertake them), but individuals and communities will sometimes—perhaps usually—find themselves in the position of having to endorse or reject these inferences before their status as good or bad inferences is made explicit. Physicians accept the non-monotonicity of their inferentially complex assertions, but often they still have to act quickly. Indeed, sometimes they may even be duty-bound to act *rashly*. Politicians, indeed, all those whose actions are time-sensitive (which is, practically speaking, everyone), are in the same position. Different individuals and different communities will develop a variety of standards and practices for deciding when a *plausible* inference may be acted upon *as if it were a good one*—which is certainly not to say that they cannot then discover that they were wrong. The intellectual historian has, thus, been provided with an opportunity to describe the historical mutability of such standards and practices. Because inferential work is almost always underdetermined (that is, because decisions about the provisional validity or invalidity of material inferences must be taken

before the advent of ideal inferential intersections among norm, definition, and evidence), one can develop a rich historical typology of the nonideal inferential conditions that have been, in various times and places, deemed sufficient. In this way, and in a surprising fashion, Vico emerges as another Brandomian *avant la lettre*, on account of his ability to sketch a history of Greek inferential habits.⁷⁵

Fourth, it might be argued that in its ambition to deal with deeds as well as words (by calling practices “implicit assertions”) inferentialism commits intellectual history to too expansive a field of inquiry. After all, if one accepts the philosophical description of even habitual actions like practices as implicit assertions and at the same time contends that intellectual history should take advantage of this philosophical description, it would seem to follow that even historical investigation into, say, the habits and actions of eighteenth-century crowds ought to be classified as intellectual history, whereas it is unlikely that either historians working on such topics or their readers would accept that designation as legitimate, enlightening, or practicable. After all, cultural history was a form of investigation that developed out of a series of frustrations with the way that political, economic, intellectual, and social historians had conceptualized and divided up historical research.

None of this needs to be contested by an inferentialist intellectual historian conscious of the fact that cultural history made one of the signal contributions to the discipline in the late twentieth century. It is surely true that cultural historians have a great deal to tell the Brandomian about the historical relationship between implicit norms and explicit assertions. The key point is that the boundary between cultural history and intellectual history *is* an ill-defined one and that what begins as a cultural history may well become an intellectual history as the actors in that story call upon each other to give reasons for their actions. Nor need one conclude that attaining an intellectual historical status is necessarily something like breaking into the light of an upper atmosphere bathed in self-consciousness. Just as one can write intellectual histories of assertions about cultural practices, so one can write cultural histories of intellectuals, and, when doing so, a primary task would

75. Giambattista Vico, *Scienza nuova*, in *Opere*, ed. Andrea Battistini [1744] (Milan: Arnoldo Mondadori, 1990), §499. I would argue that one of the myriad aspects of Vico's brilliance consists in his ability to give historians a sense of—although largely not a vocabulary with which to describe—the historicity of such standards and practices. Likewise, his account of the development of Roman law is, in essence, an account of the ways in which assertions (laws) might in the course of time be rendered determinate. Thus, although his archive is *not* Anglo-American common law, his depiction of a historically articulated tension between *verum* and *certum* also effectively concludes that there is no application of a concept that is not at the same time an entrenchment or redefinition of it. Moreover, his analogous account of the development of the Homeric poems is, perhaps even more beautifully, a demonstration of the Brandomian point that subsentential units like singular terms are crucial even for accounts of meaning that privilege the unit of the sentence. For Vico the rhetorician, “Achilles” was a topos. In a Brandomian vernacular, “Achilles” functioned in the *Iliad* as an anaphoric anchor linking all of the tales told of him into some kind of loose and almost always implicit inferential whole. When Brandom hears that Homer was not an individual but rather a community and that for Vico the Homeric poems accreted over the course of centuries (as the most popular oral performances recounted by Greek rhapsodes became embedded in and recast by popular memory), he should immediately say that for someone to repeat and embellish a tale about Achilles is for that person to endorse the inferential implications of that tale, to attach them to the singular term “Achilles.” It is for this reason that “suspension of disbelief” has both literary and discursive applications.

be to show how there were largely unconceptualized practices that surrounded and structured intellectual work, the implications of which can be teased out by the historian. Indeed, the transformation of explicit assertion into implicit norm is likewise one of the great intellectual historical topoi.⁷⁶

Fifth, it might finally be pointed out that Brandom's rejection of the logical positivist distinction between analytic and synthetic together with his adoption of a Quinean understanding of the loose and underdetermined quality of webs of belief has—ironically, in some ways—brought with it certain assumptions about the form of historical change, assumptions that intellectual historians should not be willing to endorse. An emphasis on the way in which particular beliefs or concepts are usually altered piecemeal in the course of their application might imply that there is something intrinsically superior about a history that is able to narrate a story as the exposition of *continuous* and *incremental* change. It might feed the suspicion that any historical emplotment turning on moments of *radical* and *revolutionary* change must have somehow failed to perceive all the iterations of piecemeal mutation that made such a transformation possible.⁷⁷

There may be a sense in which, on this point, Brandom himself has not fully explored the historiographical implications of inferentialism. He has imagined Kuhn as the embodiment of an inferential sensibility in the history of science.⁷⁸ It certainly is possible to understand Kuhn's paradigms and paradigm shifts as historiographical appropriations of Quine. The connection between the two was direct—indeed, personal. After all, for Kuhn “normal science” had been able to absorb a whole series of piecemeal amendments to its rules, which might in some instances be bracketed as “exceptions” in much the same way that Roman law used to rely upon “legal fictions” to retain the letter of the law even as decisions were handed down on the basis of equity. And it could be, as it were, the pent-up pressure of such “exceptioning” that sometimes made it necessary to jettison an entire explanatory framework in order to begin again, this time with different principles. Yet if inferentialism is predominantly about the piecemeal and iterated cashing out of *ceteris paribus* riders for context-sensitive specifications, and if one of the chief virtues of inferentialism is its ability to explain how the meanings of particular assertions can change *even when they continue to be endorsed* (because they are now combined with other assertions and circumstances), then it follows that *The Structure of Scientific Revolutions* need not be thought of as embodying the narrational presuppositions of the inferentialist intellectual historian.⁷⁹

76. The antistrophe to the anxiety that an inferentialist intellectual history would be committed to investigating issues of a cultural historical nature is the parallel anxiety that Brandom is extremely narrow in his understanding of the relationship between word and deed. Some critics have raised the question of whether Brandom's focus on assertibility blinds him to all those forms of language use that are not philosophical or proto-philosophical. See Charles Taylor, “Language Not Mysterious?,” Jeremy Wanderer, “Brandom's Challenges,” and Mark Lance and Rebecca Kukla, “Perception, Language, and the First Person”—all in *Reading Brandom*—together with Brandom's generally persuasive responses (301-304, 315, 316-319).

77. Unsurprisingly, Brandom's narrative vocabulary for future possibilities in philosophical research tends toward “exploration, construction of variants, tinkering, and recombination.” Brandom, *Perspectives on Pragmatism*, 72.

78. Testa, “Interview with Brandom,” 556.

79. In this connection, one ought also to consider Nicholas Jardine, *The Fortunes of Inquiry* (Oxford: Clarendon Press, 1986).

The key point here, however, is not that inferentialism genuinely predisposes the historian to an account of change as *either* gradual *or* discontinuous. The model is capacious enough to include both forms. As a result, intellectual historians are free to appropriate inferentialism without fearing that there will now be an entire class of historical transformations that they are duty-bound to ignore. Indeed, it is at this point that inferentialism may well offer a considerable advantage in comparison to speech act theory. The speech “act” implies—on account of its oral indexical situatedness—a unity of action that is sometimes difficult to map onto the complex and fractured world of intellectual historical sources. Thus, even as Skinner has rejected the notion of searching for a coherent point of view stretching over a thinker’s entire oeuvre, he supposes that “the unit is always the text.”⁸⁰ In putting things thus, Skinner has forced himself into a fiction. Moreover, it may be that the utility of this fiction is to some extent limited to the age of Gutenberg, a question that Pocock has raised.⁸¹ (Perhaps it is the discrete datability and recoverability of printed texts that makes speech act theory seem applicable to intellectual history; oral and electronic circulations may prove much harder to contextualize in the same way.) The inferentialist is in a much better position, because while the minimum inferentialist unit is always the sentence the maximum unit is potentially infinite. The appropriate unit of analysis in any given case is always explicitly a function of the game of giving and asking for reasons that is being played. Such a game may be as brief as *elenchus* or as sustained as common law. Moreover, even as this game is characterized by an aspirant coherence, its assertion contextures are always underdetermined. And it is precisely this underdetermination that makes the game historical.

V. CODA

From the point of view of the intellectual historian, the most intriguing aspect of Brandom’s inferentialism is his account of *how* the meaning of an assertion can change over time as it comes to be combined in various ways with others assertions and *why* we ought to think of the very possibility of language use itself as predicated upon this mutability of meaning. The stakes are high, and not simply in a philosophical or theoretical sense. Thus far, Brandom has not made a very significant intellectual investment in his extremely helpful comparison of the mutability of meaning envisioned by inferentialism to the historicity of the common law. Yet the implications of his argument not only for political theory but also for political practice would quickly become apparent were he to make such an investment. Certainly, in the United States today, the battle-lines have been drawn for conflict on the status of the common law (understood as the rule of precedent) within a statutory system framed by a written constitution. As a model for governance, the common law has been depicted alternatively as either a quintessentially antidemocratic process in which unelected persons with life-tenure exercise a kind of absolute and unreviewable prerogative or as a practice

80. Bejan, “Skinner on Meaning and Method.”

81. David L. Marshall, “Interview with J. G. A. Pocock,” unpublished audio recording, Baltimore, July 12, 2011.

of integrity in which those charged with applying the law must mean what they collectively say—hence the Supreme Court’s habit of speaking of itself as a “we” encompassing all Justices, past and present, dead and alive.

Expressed within the terms of this comparison to the common law, Skinner is cast—only somewhat unfairly—as the Antonin Scalia of intellectual history. Justice Scalia, of course, possesses none of Skinner’s theoretical sophistication. His “originalism” deliberately eschews metavocabulary. And his practices of contextualization are much more rudimentary. His use of historical dictionaries (and, to a lesser extent, statutory history) simply does not compare to Skinner’s massive early modern contextualizations. Nevertheless, they both argue that an utterance means what it meant when it was uttered. They are both originalists. Even without Skinner’s technical and philosophically motivated emphasis on intentions *in* acting (as opposed to intentions *to* act or *by* having acted), Scalia insists upon ignoring those intentions derivable from the legislative history of a statute’s enactment. Moreover, he disregards evidence of such intention because, like Skinner, he believes that the force of an utterance is to be understood in terms of its relationship to the linguistic conventions that existed at the time (and not with reference to some state of mind preceding the speech act). In Scalia’s line of work as a Supreme Court Justice, an ability to justify the construal of legal texts in terms of what they would have meant to ordinary people at the time of their promulgation *and not later* has momentous practical implications. The differences between eighteenth-century and twenty-first-century understandings of “cruel and unusual punishments” are significant. To be sure, although Skinner insists that particular intellectual historical attention should be paid to intentions in acting and that, when considering such intentions, one must focus only on how those intentions could have been understood at the time, he does not mean to exclude other modes of interpretation in the way that Scalia does. But in the absence of comparably sophisticated accounts of *other* interpretive modes, the effect can be oddly similar: a distinctly aggressive and normalizing fear of anachronism.⁸²

If one continues to follow the terms of this analogy, Brandom’s work becomes something like a conceptually more potent alternative to Justice Stephen Breyer’s recent attempt to rebut his colleague’s originalism. Like Brandom, Breyer wishes to give an account of why the assertions of a text like the Constitution of the United States should be understood as changing over time. But Breyer’s history of political compromises among legislature, executive, and judiciary—from *Marbury v. Madison* on down—does not defend itself against the predictable rejoinder that judges should interpret the law and not play politics. Breyer’s patrician evenness, some might say, is no match for Scalia’s whip-smart and deliberate

82. Antonin Scalia, “Common-Law Courts in a Civil-Law System: The Role of United States Federal Courts in Interpreting the Constitution and Laws,” in *A Matter of Interpretation: Federal Courts and the Law* (Princeton: Princeton University Press, 1997), 3-47. And note the avowedly *a priori* nature of Skinner’s presupposition that original contexts have some kind of special status: “Laslett’s and Pocock’s work must have given me,” in his 1964 review of works on Hobbes, “a kind of *a priori* confidence that some immediate context must likewise help to explain how Hobbes arrived at his distinctive and emphatic conclusion that we are politically obliged if and only if our government is capable of protecting us.” Raia Prokhovnik, “An Interview with Quentin Skinner,” *Contemporary Political Theory* 10 (2011), 274.

obtuseness. Indeed, it might even be supposed that Breyer becomes a horrendous caricature of himself when he perversely concludes that the real moral of *Bush v. Gore* is that, despite everything, people acquiesced to the Court's finding. In this reading, Breyer's history of the Supreme Court would become a history of its institutional entrenchment. The Court's ability in the 2000 US Presidential Election to act unjustly (as he thinks) and still be obeyed is thus an index of its achievement, its "having arrived" as a coequal branch of government.⁸³ Perhaps there is even a dystopian element to this notion that the role of the law is simply to fine-tune the workings of the modern administrative state.

Brandom's alternative, I am arguing, would entail—among other things—a more genuinely intellectual history of the Supreme Court. The crucial move in this argument would be a direct rejection of Scalia's portrait of the common law as essentially a power-grab by the judiciary, a relic of a prestatutory age and something to be tolerated only in the manner of an exception.⁸⁴ The vision offered by Brandom (and not by Breyer) is that of a Court taking its own utterances almost as seriously as it takes those of the Constitution. In effect, Brandom's is a philosophical, historical, and political defense of *stare decisis*, the rule of precedent. The gap between the broad stipulations of the Constitution and the precise demands of particular cases must be filled somehow, proponents of this alternative would say, and the question is simply how that work is going to be done. One can *pretend* that the eighteenth century has answers to all the questions that might be posed to the Constitution, or one can take the precedents laid down in previous Supreme Court decisions as a motley of specifications making the Constitution more explicit. In the end, the argument goes, the only defense against Scalia is a tactic appropriated from the enemy himself: the strange dignity of the law resides in its apparent perverseness, for only the decision that is presented as a grudgingly conceded, and thus Brandomian, commitment can be pointed to as proof of a court's legitimacy.⁸⁵ And this—properly speaking—would be autonomy, the narration of which would be a distinctively intellectual historical task.

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83. Stephen Breyer, *Making Our Democracy Work: A Judge's View* (New York: Alfred A. Knopf, 2010), 68-72.

84. Scalia and Garner, *Reading Law*: "it is unsurprising that the judges who used to be the lawgivers took some liberties with the statutes that began to supplant their handiwork" (3) and "stare decisis has been a part of our law since time immemorial, and we must bow to it" (414)—grudgingly, it would seem.

85. Breyer's perverseness is, conversely, the purest presumption. In stark contrast to what one supposes are his honorable intentions, it amounts to a smirk: "well, they did say they would abide by our decision, regardless of the outcome, didn't they."