

# **Language and Legitimacy: Is Pragmatist Political Theory Fallacious?**

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## *Abstract*

Eva Erman and Niklas Möller have recently criticized a range of political theorists for committing a pragmatistic fallacy, illicitly drawing normative conclusions from politically neutral ideas about language. This paper examines their critique with respect to one of their primary targets: the pragmatist approach to political legitimacy that I proposed in earlier work, which draws on Robert Brandom's theory of language. I argue that the charge relies on a misrepresentation of the role of pragmatist ideas about language in my analysis of legitimacy. Pragmatism's significance for thinking about political legitimacy does not lie in the normative conclusions it justifies but in the way it re-orientes our thinking toward political practice. This raises the deeper question of what we are to expect from a theory of legitimacy. I argue that Erman and Möller presuppose a widely held but unduly restrictive conception of what a normative theory of legitimacy consists in, and that pragmatism can broaden the scope of enquiry: a theory of legitimacy should not focus narrowly on the content and justification of criteria, but more fundamentally aim to explicate the forms of political activity in which such criteria are at stake.

## *Introduction*

What is the significance of pragmatist philosophy of language for political theory? Pragmatists such as Ludwig Wittgenstein and, more recently, Robert Brandom, hold that meaning ought to be understood in terms of use. Political theorists who find mainstream approaches overly abstract have used pragmatist ideas, like Wittgenstein's notion of language games, as a resource for more practice-oriented theorizing. However, Eva Erman and Niklas Möller have recently argued, in this journal and elsewhere, that these political theorists have seriously overestimated the mileage one can get out of pragmatist theories of language for political theory (Erman and Möller, 2014, 2015b). They argue that a number of theorists—in particular Chantal Mouffe, Aletta Norval, James Tully, and myself—commit the same mistake:

they illicitly derive normative political conclusions from observations about the nature of language. If Erman and Möller are correct, we should conclude that the pragmatic turn in political theory leads into a blind alley.<sup>1</sup>

My aim is to assess the cogency of this critique, and thereby to re-appraise the significance of a certain variety of pragmatism for political theory. I begin by explaining the flaw that Erman and Möller attribute to pragmatist political theory, which I'll label the "pragmatistic fallacy". I then argue that the attribution of this flaw rests on a misrepresentation of the role that a pragmatist theory of language plays in a prime target of their critique: my own approach to political legitimacy (Fossen, 2013), which builds on the work of Robert Brandom. Pragmatism's significance for thinking about political legitimacy does not lie in the normative conclusions it justifies but in the way it re-orientes our thinking toward political practice. This shift in orientation does not refute standard theories of political legitimacy, as such, but it renders problematic their narrow focus on criteria of legitimacy, in abstraction from the forms of political practice in which such criteria are at stake. The deeper question this raises is: what are we to expect from a theory of legitimacy? I argue that Erman and Möller presuppose an overly narrow view of what "normative political theory" consists in—a picture that is commonplace, but that pragmatism calls into question. Their critique is thus fundamentally question-begging. I conclude that Erman and Möller's skepticism about pragmatism's significance for political theory is unwarranted, and that pragmatism offers a promising, if as yet unfulfilled, avenue for pursuing a more practice-oriented approach to political theory.<sup>2</sup>

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<sup>1</sup> Erman and Möller's critique here concerns political theorists who draw on pragmatist theories of language, and is not meant to extend to uses of pragmatist epistemology in democratic theory.

<sup>2</sup> Pragmatism is part of a broader current of approaches seeking to re-orient political theory toward practice, including realism and the practice-dependence approach. See Festenstein (2016) on pragmatism's affinities with realism. Two things seem to me distinctive about a

Throughout I shall focus in particular on Brandom's pragmatism and its significance for theorizing political legitimacy. Against this, Erman and Möller have developed the most elaborate version of their argument. Of course, I have a particular interest in coming to terms with a critique of my own approach. But this focus also enables us to sidestep contentious exegetical questions about Wittgenstein, which have been much discussed. And if a primary target of Erman and Möller's critique can be successfully defended, that should suffice to defuse their general skepticism, although of course that is not to say that all appropriations of pragmatism are unproblematic.

### *The pragmatistic fallacy*

Let me begin by presenting the general form of the critique. Erman and Möller do not contest the plausibility of pragmatism about language as such, but only its relevance to political theory. Their critique turns on attributing to political theorists what I shall call the "pragmatistic fallacy", although they do not use the phrase themselves. As they put it, there is a "'gap' between pragmatically influenced theories of language and meaning and normative political theory" (Erman and Möller, 2015b: 122). By exposing this gap in the arguments of political theorists, Erman and Möller intend to demonstrate that "pragmatically influenced theories of language and meaning, however full of insight, cannot be put to substantial normative use in political theory"

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pragmatist approach to legitimacy. First, practice-dependent and realist accounts of legitimacy (or justice) still focus primarily on criteria, while locating their source internal to politics (Sangiovanni, 2008; Sleat, 2014). By pursuing an alternative conception of judgment, a pragmatist approach can challenge the traditional task-description of political theory more radically. (In this respect, there is perhaps a closer affinity with phenomenology.) Second, pragmatism avoids commitment to a dichotomy between politics and morality that is difficult to maintain (Erman and Möller, 2015a; Jubb and Rossi, 2015).

(Erman and Möller, 2015b: 122). Although the details of their theories differ, a broad range of theorists all commit the same sort of mistake, on Erman and Möller's reading: they derive normative political conclusions from non-normative or a-political premises about language. This cannot work, because the pragmatist ideas on which these theorists draw are about language and "as such neutral as to which normative political theory has the best arguments in its favour" (Erman and Möller, 2015b: 136).

At first sight, this critique seems plausible enough. Even if one holds, as pragmatists typically do, that meaning is normative (words can be used appropriately and inappropriately), and that therefore a theory of language does not describe a non-normative domain of empirical facts, it is still plausible that conceptual norms lie at a different level of analysis than ethical and political norms. The former do not justify the latter, at least not without a rather elaborate argument, presumably involving non-linguistic premises. The target of Erman and Möller's critique is thus analogous to the naturalistic fallacy: the attempt, without further ado, to derive "ought" from "is".

I agree that an inference from mere claims about the meaning of words or the nature of language to a normative political position would be spurious, just as an inference from supposedly neutral facts would be. But do pragmatist political theorists indeed make such a mistake? Erman and Möller provide the most detailed version of this argument in their critique of my use of Brandom for conceptualizing political legitimacy. Let us see how this fallacy allegedly shows up there.

In a paper that became a prime exhibit for Erman and Möller's critique, I proposed that on the assumption of a pragmatist theory of meaning, one can explain what political legitimacy *is* in terms of an account of what it is to *take or treat* something *as* legitimate in political practice, rather than by positing a definition of political legitimacy as, say, a moral right to rule (Fossen, 2013). When we call

authorities legitimate, we do not represent them as having a certain moral property. Rather, we express a political stance toward those authorities (and toward others subjected to them). This expressive account of “legitimacy” enables us to offer a performative interpretation of the nature of political legitimacy. For an authority to be legitimate (from some perspective) is just for it to be appropriate (from that perspective) for subjects to take a particular stance toward it, i.e. to take or treat it in certain ways. The concept of legitimacy can thus be understood in terms of its practical role as making one’s stance explicit, in dispute with others. Accounting for the concept of legitimacy in this way, I argued, enables us to frame “political judgment as a situated practical activity, drawing attention to the conditions in which this appears as a lived, practical predicament” (Fossen, 2013: 442). It reorients theories of legitimacy from an exclusive concern with the content and justification of criteria of legitimacy, toward the task of making explicit how the question of legitimacy presents itself and engages us in practice. I tentatively suggested that this could draw our attention to the ways in which political activities, like representing power, articulating identity, and narrating events, affect judgments and criteria of legitimacy (Fossen, 2013: 441–450).

Erman and Möller argue that it is a mistake to think that Brandom’s work can be used for these purposes. The ideas that I appropriate from Brandom, notably his explanation of discursive practice in terms of deontic scorekeeping, are “fully *general* aspects” of language (Erman and Möller, 2014: 489). And because Brandom’s theory is general in this way, we cannot derive substantial normative conclusions about legitimacy from it: “the aspects of Brandom’s philosophy of language that Fossen utilises are perfectly general, and will not lend themselves to any practical-normative conclusions” (Erman and Möller, 2015b: 135). Nor does Brandom’s theory of

language support any interesting second-order conclusions about how to theorize legitimacy: it fails to justify any “meta-normative constraints”, as they put it, on “substantive” normative theories of legitimacy. They take it, on these grounds, that they have “invalidate[d] Fossen’s inference from Brandom’s theory to meta-normative constraints on theories of legitimacy” (Erman and Möller, 2014: 494).

Clearly, then, the fundamental problem that Erman and Möller see in my account is an instance of the pragmatistic fallacy. I grant that such an inference would be problematic. So the question is: does my approach indeed fall into this trap? And if not, why would one think that it does?

#### *How pragmatism makes a difference*

The pragmatistic fallacy is a serious problem if you want to derive political norms from ideas about language. But some of the political theorists who appeal to Wittgensteinian ideas about language do so not in order to justify an alternative set of norms, but to open up conceptual room for a different way of looking at a problem. For them, the point of appealing to language isn’t to justify “practical-normative conclusions”, nor to impose “meta-normative constraints”, but to *lift* a certain kind of constraint—to free us from captivity by a picture, as Wittgenstein famously put it (Norval, 2007; Owen, 2003; Tully, 2003). At issue in the case we are considering here is a picture of the question of legitimacy, and of the appropriate theoretical response that question.

To appreciate how this undercuts Erman and Möller’s critique, let’s examine their key point: that we cannot derive any specific conclusions about political legitimacy from a general theory of meaning. It is true that Brandom offered a general theory of meaning. His masterpiece *Making It Explicit* presents an account of what we do when

we talk to each other: it seeks to “mak[e] explicit the implicit structure characteristic of discursive practice as such” (Brandom, 1994: 649). This is basically a systematic articulation of the Wittgensteinian idea that meaning should be understood in terms of use. Erman and Möller point out that this is a thought about conceptual content *as such*. Therefore, insofar as methodological or substantive conclusions can be drawn from it for other fields of study, such implications count equally across the board. For example, Brandom’s insight that claims are inherently contestable and perspectival holds for *any* claim. This leads Erman and Möller to conclude: “Consequently, Brandom’s account does not justify any particular constraints on political theory [...] any more than it does on mathematical theory” (Erman and Möller, 2014: 489).

This is correct, as far as it goes. But this observation does not undermine a Brandomian approach to political legitimacy. For starters, insofar as the implications of pragmatism apply to other areas of study as well, that does not prevent us from exploring their significance for particular fields. I suppose it would be quite interesting to reflect on the significance of Brandom’s perspectivism for the philosophy of mathematics (cf. Pitkin, 1972: 236–240). More to the point, it is misleading to suggest, as Erman and Möller do, that because the theory of meaning is general in this way, concepts that are elucidated with the help of it are interchangeable. Erman and Möller claim that my analysis of legitimacy “applies to *all* concepts, and fails to distinguish political legitimacy from any other concept, political or otherwise” (Erman and Möller, 2014: 489). But while concepts in general are meaningful in virtue of their role in social practice, Erman and Möller would acknowledge, of course, that not all concepts have the same role. For example, descriptive terms (e.g. H<sub>2</sub>O, mammal) enable us to pick out certain things in the world and to represent them in one way or another. Logical vocabulary (e.g. conditionals),

in contrast, has the role of articulating what follows from what, making explicit inferential commitments that are otherwise implicit in our reasoning. And normative terms do not purport to represent the world, but to articulate features of our practices: what it is appropriate or inappropriate to do in certain circumstances.<sup>3</sup>

The general implication is that for any concept employed in a certain practice, its meaning should be explained in terms of its functional role in that practice. Brandom's theoretical framework thus yields a methodological strategy for elucidating concepts. Different concepts are to be accounted for in terms of their specific role in the kind of practice in which they belong. Mark Lance and Heath White refer to this as a "stance approach", in contrast to a "metaphysical approach" (Lance and White, 2007). A stance approach explains what something is in terms of what it is to appropriately take or treat it as such, not by specifying necessary and sufficient conditions independent of an account of a participant's relation to that thing.<sup>4</sup> Such an approach has been deployed to develop accounts of personhood, autonomy, and knowledge, for example (Anderson, 2008; Brandom, 1995; Lance and White, 2007).

How much mileage one can get out of this strategy varies. In the case of descriptive vocabulary, because its role is to represent things in the world, concepts are answerable to how things are in the world. The physical properties of H<sub>2</sub>O constrain when it is appropriate to call something water. To say that for something to

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<sup>3</sup> Brandom claims, more specifically, that normative concepts (e.g. ought) function to explicate inferences governing the propriety of actions. But see White (2003).

<sup>4</sup> A metaphysical approach "begins by asking what a person, or agent, or subject is, perhaps by attempting to supply necessary and sufficient conditions." (Lance and White, 2007: 2–4) Strictly speaking, stance approaches need not refer to a theory of language, but Brandom's framework offers a compelling way to motivate and articulate such an approach.

be water is for it to be appropriate to believe that it is water is not very informative.<sup>5</sup> The strategy becomes much more interesting where practice-dependent phenomena are concerned, because then it becomes possible to move from claims about meaning to claims about the phenomenon itself. Joel Anderson's analysis of autonomy is a case in point. For someone to be autonomous, on his account, is for it to be appropriate to take and treat him or her in certain ways rather than others. Here "the analysis of the concept makes essential reference to a way in which individuals engage with each other from a second-personal standpoint" (Anderson, 2008: 18).

There is no reason why such an explanatory strategy could not be fruitfully employed to explicate political concepts. To do so, it is crucial not just to pick up on the general idea about the practice-dependence of meaning, but also to attend to the form of the practice in question. In line with this, I tried to develop an account of the specific role of the concept of legitimacy within a certain form of practice: the encounter between political subject and authority. A key claim here is that 'legitimacy' is not a representational concept. Rather, its role is to express one's political stance toward the authorities (and others subjected to them).<sup>6</sup> It is important to clarify this. In a trivial sense, on Brandom's account, assertions normally express beliefs (doxastic commitments) on the part of the speaker. The idea here is rather that legitimacy-claims express complex *patterns* of *practical* commitments and entitlements. In calling an authority legitimate, one attributes an entitlement to rule to that authority, while also undertaking a commitment to treat it in ways appropriate to its status (say, as a source of reasons), and attributing such commitments other

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<sup>5</sup> Therefore "interesting stance accounts will employ attitudes other than belief or things other than attitudes, such as actions, practices, or institutional arrangements." (Lance and White, 2007: 2)

<sup>6</sup> Because what is expressed is understood here in terms of normative attitudes (attributions of commitments and entitlements), this account differs from meta-ethical expressivism, where what is expressed are non-normative attitudes.

subjects. In this way, I argued, one can explain what it is to *be* legitimate in terms of taking something *as* legitimate. Legitimacy on this account is what Brandom calls a “complex hybrid normative status,” like knowledge. When I take you to know that X is the case, I attribute to you a commitment and an entitlement to holding that X; but I also acknowledge a commitment to X on my own part (Brandom, 1994: 201–204, 1995: 906). Similarly, legitimacy is complex in that it involves two distinct kinds of status (entitlement to rule; commitment to obey), and hybrid in that it must be understood with reference to multiple practical perspectives at once (subject, authority, and other subjects). (That is why, as I argued elsewhere (Fossen, 2014b), the concepts of political legitimacy and political obligation refer to the same practical predicament.) In short, the notion of a political stance is much more complex than the notion of a doxastic commitment.

In the original paper, I did not make the difference between the notion of a political stance and just any assertion sufficiently explicit. Even so, Erman and Möller ignore all the specifics of the analysis of legitimacy when they claim of it that “we may replace ‘legitimacy’ not only with any *political* term but with *any term at all*” (Erman and Möller, 2014: 492). Far from it. The strategy of explaining what it is to *be* X in terms of what it is to appropriately take something as X only works for practice-dependent phenomena such as normative statuses. Moreover, that strategy is pursued here with an eye to a particular type of practice. The notion of a political stance is explained with reference to practical contexts with a specific structure: the encounter between subjects and an authority that purports to rule.

Brandom offers a compelling framework for motivating and explaining a stance approach to political legitimacy. His theory does not settle the content of such an account. Only when it is supplemented with an interpretation of political practice can

we draw interesting conclusions. In the paper, I tried to draw theoretical attention to the distinctive dimensions of political contestation in which legitimacy is at stake—representing power, articulating identities, and narrating events (Fossen, 2013: 441–450). Admittedly, this is merely a gesture in the direction of a more comprehensive explication of practices of judging legitimacy. What substantive implications such an account would have remains to be seen.

The upshot, for now, is that pragmatism’s significance lies in the way it draws our theoretical attention toward political practice. It is simply a distortion to characterize the project as an “attempt to turn Brandom’s philosophy of mind and language into normative political theory” (Erman and Möller, 2015b: 136). Nor is the key idea that Brandom’s theory on its own entails “meta-normative constraints” on political theories (except the very general constraint that theory ought to do justice to practice). But if the content and justification of criteria of legitimacy is bound up with ongoing practice—a point not disputed by Erman and Möller—then political *practice* may place such constraints. Clearly such a conclusion cannot be derived from a theory of language alone. But what pragmatism about language *does* suggest is that the purview of a theory of political legitimacy is often construed too narrowly. Theories of legitimacy are usually taken to consist in the articulation and justification of criteria of legitimacy (what Erman and Möller refer to as a “substantial” normative theory). Typically, theorists proceed as if one can settle the content and justification of such criteria in abstraction from the forms of practice through which legitimacy is politically contested—just as certain theorists of language consider meaning (semantics) in abstraction from use (pragmatics). From a pragmatist perspective, that is a problematic form of abstraction because it fails to do justice to the ways in which concepts and criteria are bound up with practice. So the difference a pragmatist

approach makes here is that it problematizes the failure to attend to politics—a lack of realism, if you will. Engaging in a political struggle for legitimacy is not the same thing as engaging in a philosophical debate. Without denying that the explicit giving and asking for reasons will be part of the story, what is needed is a much more systematic inquiry into the forms of political activity that enable subjects to judge the legitimacy of a regime.<sup>7</sup>

*Who put the “normative” in “normative political theory”?*

Even aside from their concern about the pragmatistic fallacy, which the previous section aimed to defuse, Erman and Möller are generally skeptical that a pragmatic turn in political theory could yield significant results. For them, pragmatism means “business as usual”: “unless something more is added to the equation [...] nothing in normative political theory is *in fact* changed by the socio-pragmatist viewpoint” (Erman and Möller, 2014: 494). I grant that more work is needed to develop a distinctively pragmatist approach to legitimacy, and little can be achieved to that effect within the limited scope of this short methodological contribution. But it is worth considering more closely how Erman and Möller frame the problem, because, as I’ll try to show, their skepticism results from an overly narrow conception of normative political theory—a conception that seems all too prevalent in current debates—rather than from pragmatism’s supposed lack of critical potential.

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<sup>7</sup> “In other words, we need to direct our attention to the task of making explicit the ways in which [the question of legitimacy] engages us, and explore both the possibilities and limits of political judgment.” (Fossen, 2013: 447) For a similar move, see Aletta Norval (2007: 3): “I hope to reorient democratic theory [...] by elucidating what we are doing and committing ourselves to when we participate in democratic life together.” Or, as John Gunnell puts the point (2012: 99): “[political philosophy’s] first task is not to talk about justice in the abstract but to *do* justice to the subject matter in the sense of understanding and clarifying the practices of justice.”

Erman and Möller suggest that a stance approach to political legitimacy does nothing more than “explain what *all* theorists, normativists and others, *already do* when they learn, use, and enhance their understanding of legitimacy” (Erman and Möller, 2014: 490). I explained above how a stance approach shifts our theoretical attention from an exclusive concern with criteria to the task of explicating the forms of political activity in which such criteria are at stake. That is a significant shift in orientation, because philosophical theories of legitimacy do not typically construe the latter as part of their core business; they regard it as an empirical, not a normative issue. In the same vein, Erman and Möller do not seem to register the proposed shift as normatively significant, even potentially. But why not?

The key point, as I see it, is that Erman and Möller presuppose the very task-description of a theory of legitimacy that a pragmatist approach calls into question. The decisive question, in their view, is: “Does Fossen’s account lead to new normative theories?” (Erman and Möller, 2014: 494) But the underlying issue is: what does a normative theory of legitimacy consist in, to begin with? Erman and Möller presuppose the traditional view of a theory of legitimacy as articulating standards of legitimacy. But the point of re-framing the question of legitimacy was precisely to challenge the purported self-evidence of that picture. Erman and Möller’s critique thus begs the fundamental question.

Let me approach this point from a slightly different angle. As we have seen, Erman and Möller question the significance of theories of language for normative political theory. But it is far from clear what the adjective “normative” is supposed to contribute in the locution “normative political theory”. Is it supposed to emphasize a general feature of political theory, namely its normativity? (For isn’t all political theory normative in some sense?) Or is it to mark a contrast with an alternative, *non-*

normative *kind* of political theory? Erman and Möller appear to subscribe to the latter view. When they insist that “[t]he *task* of the normative political theorist, however, is to give an account of when authority is legitimate”, their point is to contrast this with my merely “descriptive” account of the concept of legitimacy (Erman and Möller, 2014: 497). This in turn fuels their charge that I conflate the distinction between “semantic” and “substantially normative” theories, or

the difference between accounts directed at characterizing what is needed for us to rightly interpret the speaker as talking about a specific concept (descriptive accounts) and accounts that take concept-grasping for granted and *within* the (often rather approximate) semantic limits of the concept aims to characterize when we make true rather than false claims with that concept. (Erman and Möller, 2014: 494)

As they explain:

the aim of a normative account is not to specify the conditions under which we are right to interpret a theorist as speaking about X. On the contrary, the theorist who puts forward a normative account is assuming that the reader is already a competent user of the concept or term in question. The normative theorist is instead presenting an account of when the competent concept-wielder says true rather than false things. If she puts forward a theory of justice or a theory of political legitimacy, she would not claim that a person who is not using the corresponding term in accordance with her theory is making a semantic mistake as much as a substantive one. (Erman and Möller, 2014: 491)

These passages, considered carefully, reveal the constrained conception of normative political theory with which Erman and Möller operate. The problem is *not* that one cannot, in principle, distinguish between semantic or descriptive claims on the one hand, and substantive or normative ones on the other. Pragmatists typically question a rigid separation of facts and norms, and of empirical and normative

enquiry. But Erman and Möller's point does not require positing a domain of purely neutral facts. And we must grant that there are different questions one might ask. Whether someone grasps a concept to begin with, and whether one or another particular application of that concept is correct, these are not the same question (although they are not *fundamentally* different questions either, if mastering a concept is being able to use it appropriately).

The problem concerns the particular way in which Erman and Möller employ the distinction between normative and non-normative theoretical claims. The crucial point to note is what their demarcation of normative theory asks us to treat as *given*. In the passages just quoted, normative theory is *defined* by Erman and Möller as “tak[ing] concept-grasping for granted.” Most telling in this regard is the suggestion that “*all* relevant political theorists are supposedly competent users of the concept of legitimacy” (Erman and Möller, 2014: 493). Are we? Can we simply take that for granted? And how can we know that, absent a sustained inquiry into the nature of the political practices in which legitimacy is at stake?<sup>8</sup>

We (political theorists) often presume that we know what we are talking about when we speak of legitimacy, justice, and the like, and that we know what we are doing in talking about them. But the task of the political theorist is surely also to question such taken-for-granted notions, and to ask whether the ways in which we theorize them do justice to the phenomena in question. Yet, if “normative political theory” is taken to be concerned with substantive arguments that take our concepts for

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<sup>8</sup> For Erman and Möller (2014: 493), the “fact that [the theorist] seems to be successfully engaging” in the practice of disputing legitimacy gives us “ample reason” to assume that he or she masters the concept, “until proven wrong.” That fact does not seem so evident to me. I find much of the literature on political legitimacy mystifying and detached from political reality. Either way, this is an unreasonable burden of proof. If we require proof *before* calling these assumptions into question, our inquiry will never get off the ground.

granted, and *not* with mere description or semantics, such questions necessarily fail to appear on its horizon.

To be sure, Erman and Möller’s view allows that, in addition to the distinctive task of *normative* political theory, there are *other* tasks for political theory, broadly conceived, such as conceptual analysis, genealogy, or pragmatic explication. But their division of labor makes it seem as though “normative theory” constitutes a self-standing domain of reflection, insulated from such other, supposedly non-normative lines of inquiry. Yet what we should consider substantially normative, as supposed to merely semantic or descriptive, is itself a normative question, that should fall within the purview of (normative) political theory (cf. Brandom, 1994: 625). This means that we cannot by definitional fiat separate apparently semantic concerns—the meaning of “legitimacy”, or “justice”, “freedom”, “democracy”—from substantially normative questions. Let us therefore refrain from compartmentalizing these tasks and return to the denominator “political theory” *simpliciter*.

This more encompassing and reflexive view of political theory fits well with the spirit of Brandom’s project. According to Erman and Möller, the significance of Brandom for political theory is neither here nor there:

[T]his Brandomian story, while being seminal in the sense of offering a new way of understanding what we do (i.e. how meaning is conferred through practice), is not telling us to do anything differently from what we already do. If Brandom is right, we already, all of us, confer meaning through these score-keeping and stance-taking practices. (Erman and Möller, 2015b: 135)

But in contrast to Erman and Möller’s domesticating reading of Brandom, his project is fundamentally *critical*. Articulating a new way of understanding what we are doing is not a matter of mere description. It never quite leaves things as they were, but

transforms what we are doing, enabling us to do it differently and better; to identify certain moves as apt or inapt, and to say why. (I defend the critical potential of Brandom's pragmatism in more detail elsewhere (Fossen, 2014a).) As Brandom contrasts his explicative project with the tradition of analytical philosophy:

[T]he most important difference is that where analysis of meanings is a fundamentally *conservative* enterprise [...], I see the point of explicating concepts rather to be opening them up to rational *criticism*. [...] Defective concepts distort our thought and constrain us by limiting the propositions and plans we can entertain as candidates for endorsement in belief and intention. (Brandom, 2009: 114)

To be clear: I do not pretend to have carried out such a critique. That would require developing a perspicuous representation of political practices of judging legitimacy, analogous to that offered by Brandom for discursive practices in general. I have merely tried to open up conceptual room for such a project, and to render thematic a certain type of constraint on our thinking about political legitimacy: the idea that a normative theory of legitimacy essentially consists in criteria of judgment, and not in the explication of political practices. One of the ways in which concepts can constrain us is by obscuring from view the full range of activities we can see as relevant to a question at hand. Erman and Möller's insistence that a pragmatist perspective does not contribute anything "substantive" to "normative political theory" manifests precisely this constraint on our thinking about legitimacy.

### *Conclusion*

My question was whether Erman and Möller's skepticism about the significance of pragmatist conceptions of language for political theory is justified. I conclude that it is

not. The pragmatistic fallacy, on which their argument hinges, is a serious problem for theories that derive political norms from mere claims about language. But I have shown that no such inference is made in a primary target of this critique: my pragmatist approach to political legitimacy. Furthermore, I demonstrated that Erman and Möller’s critique perpetuates an unduly restrictive conception of what a normative theory of legitimacy consists in. The upshot of a pragmatist approach to political legitimacy is not to impose “meta-normative constraints” on theories of legitimacy, but to *lift* a constraint. The task of a theory of political legitimacy is not just to articulate criteria of legitimacy, but more fundamentally to explicate the ways in which the question of legitimacy manifests itself in practice, and the forms of activity through which we might engage it. It remains to be seen what insights such a reorientation of theory toward political practice might yield. But let us not dismiss the project without seriously trying to carry it through.

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