

# What are performative self-contradictions?

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## Abstract

*This essay will be divided into three main parts. The first part aims at a clarification of the ‘principle of performative self-contradiction.’ The first part will, therefore, elaborate the differences and similarities between simple (logico-semantic) contradictions and performative self-contradictions. The second part will focus upon the function of performative self-contradictions within transcendental pragmatics: performative self-contradictions work as the ultimate testing-ground for the discursive conditions within transcendental pragmatics. Performative self-contradictions do, as well, work as a tool for the identification of speech acts that violates the discursive conditions within real discourses. The third part will deal with the question of ‘ultimate justification’ within transcendental pragmatics: the challenging question will be whether the *petitio principii* of performative self-contradictions, in analogy with the principle of contradiction, could be justified on an ultimate basis of being non-contradictory in the performative sense.*

## Introduction

Performative self-contradictions have a central function within transcendental pragmatics. Performative self-contradictions serve as the ultimate testing ground for the argumentative conditions of the discourse. Apel relies on a strict reflexive and transcendental-pragmatic grounding of the conditions. Non-contradictoriness, in the logico-semantic as well as performative sense, is the ultimate criterion for the strict reflexive justification of the argumentative conditions of the discourse<sup>1</sup>.

<sup>1</sup> I will not bring the Habermas-Apel debate into this essay, due to the vast range of the topic of *Letztbegründung*. For Apel’s comments to Habermas, on the issue of ultimate justification, see (Apel 1989, especially pp. 15–29 and pp. 45–65). For Habermas’s comments to Apel, see especially (Habermas 1991, pp. 185–199).

I will not go deeply into the question of ultimate justification in the first place. My primary aim in the first and second part of the essay, is to accomplish a clarification of the concept of performative self-contradiction, as well as to elaborate the specific function of performative self-contradictions within transcendental pragmatics. In the first main part of the essay, I will therefore focus primarily upon the following question: what are performative self-contradictions, and what makes them different from simple contradictions? This first part will deal with the similarities as well as differences between performative self-contradictions and simple contradictions. In the second part I will elaborate the double function of the performative self-contradiction within transcendental pragmatics. In the first place, it works as a standard, a principle, for justifying the argumentative conditions of the discourse. In the second place, it also works as a device for the identification of non-valid speech acts within real discourses. Strategic speech acts will be counterpoised to consensus-oriented communication. Not all types of strategic speech acts can, however, be classified as performatively self-contradictory, although strategic speech acts in general do violate the conditions of the discourse. The former clarification of the inherent presuppositions of the term ‘performative self-contradictions’ will be useful in this respect.

In the third part of the essay, I will turn to the question of ultimate justification. Transcendental pragmaticians presuppose that the argumentative conditions of the discourse are to be justified in terms of their consistency, by not being contradictory in the pragmatic sense. And more importantly, they are justified in terms of being unavoidable in any argumentative discourse: any violation of the argumentative conditions will inevitably lead to performative self-contradictions. Hence, the principle of performative self-contradiction works as the justificatory device *via negativa*, analogous to the function of the principle of contradiction within formal semantics. Transcendental pragmaticians also presuppose that the *petitio principii* of (logical) non-contradiction can be reflexively justified *via negativa*, arguing that any rejection of the ‘primordial status’ of the principle itself will inevitably lead to *performative self-contradictions*. In this third part of the essay, the following challenging question will therefore be posed: in which sense is it possible to justify the principle of contradiction as well as the principle of performative self-contradictions within transcendental pragmatics?

## I Performative self-contradictions and simple contradictions

### 1.0 Differences and similarities

How are the main similarities and differences between performative self-

contradictions and simple contradictions formed? I will focus on three main questions in this respect.

- 1) Do performative self-contradictions differ from simple contradictions in the sense that they are open to interpretation, while contradictions are not? This is the main standpoint of Geert Keil (2003, pp. 68–69).
- 2) Are performative self-contradictions reducible to simple contradictions? This is the ‘Reduktionsthese’ discussed by Matthias Kettner (1993, p. 191).
- 3) In addition to the ‘Reduktionsthese’, Kettner puts forward the ‘Eliminationsthese’: performative self-contradictions are not contradictions at all (1993, p. 191).

I will first turn to the first point.

### *1.1 The first difference: the question of interpretation*

The classic example brought forward by Keil is the example of broken promises. He claims that the sincerity claim of speech acts makes it difficult simply to assert that someone broke a promise. The claim that a broken promise is a performative self-contradiction will depend upon whether the promise was sincerely made or not. Non-fulfilment of a promise could indicate that the person never had the intention to fulfil the promise, making the disparity between intention and statement apparent. By giving reasonable excuses for breaking the promise, the disparity would be less apparent.

On one level then, Keil points out, performative self-contradictions could be characterised as a disparity, a ‘clash’ between intention and statement. Additionally, as I will like to point out: between statement and action. Broken promises consist in the relationship between intentions and statements, as well as the relationship between intentions, statements and actions. The more complex structure of performative self-contradictions then makes performative self-contradictions less easily identifiable than simple contradictions. The illocutionary level of mutual understanding as well as the perlocutionary level of the effects of action are added to the simple level of locutions, which is analysable in purely semantical and syntactical terms<sup>2</sup>.

<sup>2</sup> In adhering to the triple terms ‘locutionary’, ‘illocutionary’ and ‘perlocutionary’, Apel as well as Habermas are indebted to Austin and Searle (Apel 1999a, p. 43, note 5), as well as (Habermas 1998a, pp. 56ff.).

However, Keil may have established too quickly that one of the main differences consists in that performative contradictions are open to interpretation, while contradictions are not. Even contradictions may be open to interpretation, since the meaning of words is open to interpretation even on the *logico-semantic* level. But here, it should be vital to distinguish between analytical and logical contradictions. Analytical contradictions depend upon interpretation, since the meaning of terms may change over time or between different users of the language.

Let us consider the classic example of ‘bachelor’ versus ‘unmarried man’. The concepts of ‘bachelor’ versus ‘unmarried man’ may have been synonymous at a given time in history, let us say by the time of Kant, but may not be synonymous today. The logical scheme of  $A=A$  is therefore not equivalent to the proposition that “‘bachelor’ equals ‘unmarried man,’” but rather to the tautology “a ‘non-married man’ is a ‘non-married man.’” The multiplicity of options given today, exemplified by the different cases of 1) a married man living alone 2) a divorced man living alone 3) a man with a female partner still living alone; these men may all be considered as ‘bachelors’. (The example is not far-fetched: in fact, students of today use to put forward these arguments.) Therefore: the terms ‘bachelor’ versus ‘married man’ must be interpreted and coded into binary, opposite concepts, in order to match with the purely formal, logical scheme of  $A=A$  and  $A\neq\bar{A}$ . Consequently, analytical propositions depend on interpretation, while logical do not, due to the unitary meaning of logical signs<sup>3</sup>.

Are performative self-contradictions reducible to simple contradictions? This will be the next question posed.

### 1.2 *The ‘thesis of reduction’*

Let me start with another simple example, given by Kettner (1993, p. 194): the case of a person holding a speech. The person announces the end of the speech by stating ‘Hiermit beendet ich meinen Vortrag,’ but nevertheless keeps on speaking. For simplifying purposes, the statement can be translated into the English sentence ‘Hereby I end my speech.’

In principle, this speech act could be translated, or ‘reduced’ into a simple

<sup>3</sup> Hence, as von Wright pointed out in 1957: ‘the universal validity of logical truths is bought at the expence of their lack of content,’ (von Wright 1993, p. 95, but also pp. 174–175 for a short and clear-cut clarification of analytical vs. logical contradictions.) See also (Gullvåg 1997, p. 122, about logical truths/tautologies and p. 125, about pragmatic inconsistencies).

contradiction, given that the sentence uttered was: ‘Hereby I speak and non-speak.’ This would form a logical contradiction. If we were to translate (e.g. interpret) the statement into the sentence: ‘Hereby I end my speech, but continue to speak,’ it would still represent a simple contradiction ‘in terms’, but now on an analytical basis. This second ‘translation’ could only be considered to be expressing a contradiction given that ‘speech’ and ‘speak’ were interpreted as synonymous in meaning. Given that ‘holding a speech’ would differ in meaning from ‘simply speaking’, this statement would show no contradiction in terms. We would, however, still stick to the purely semantic meaning of the words, thereby reducing a speech act to an assertive sentence.

The point of distinguishing between contradictions in term and performative self-contradictions is based on the argument that the contradiction or ‘clash’ involved here is not a clash between the semantic terms given in an assertive sentence. It is a clash between the statement and the performance. A performative self-contradiction can not simply be translated or reduced into a semantic contradiction without losing sight of the performative and pragmatic dimension. As in the case of the statement ‘Hereby I end my speech, but continue to speak,’ this would form a performative self-contradiction if a) the meaning of the words were intended to be synonymous by the speaker, thereby creating a clash between not only semantic terms (speaking and not speaking) but b) also between intention, statement and act since the person would continue speaking/holding a speech.

The performative dimension may be even more clear-cut in the following case: if a lecturer at the university announced the end of the lecture, but nevertheless continued to lecture, it would clearly be considered to be a contradiction between truth-claim and performance. Relying on the pragmatic triple dimension of locutionary, illocutionary and perlocutionary speech acts, the apparent contradiction between statement and performance could easily be nullified by making a second statement: the lecturer could give reasons for continuing the lecture. The complex structure of speech acts involves the semantic, syntactic as well as pragmatic level<sup>4</sup>. Performative self-contradictions are therefore less easily identifiable than simple contradictions-in-terms.

One cannot simply reduce performative contradictions into analytical (or even logical) contradictions without loosing valuable information. Additionally,

<sup>4</sup> See (Apel 1979, p. 219) and (Apel 1973, pp. 178ff.). For a more recent treatment, see (Kuhlmann 1993, p. 227, last section). See also (Habermas 1998b, especially p. 280–281), but also (Habermas 1998a).

any reduction would involve an interpretation and a translation of statements and performances into simple assertions. The thesis of reduction is therefore reductionist in more than one sense of the word. It reduces the pragmatic dimension into a simple semantics, thereby also reducing the triplicity of inter-pretational levels into one single interpretational level. Further on, if the thesis of reduction is linked to the idea that contradictions, compared to performative self-contradictions, do not depend on interpretation, we get an even more dramatic reduction of meaning. ‘Meaning’ could be reduced to the level of ‘referential semantics’, whereby the binary truth-values of true/false relates to external objects in the world, unitarily accessible to any observer.

If the performative self-contradictions are not simply reducible to simple contradictions in terms, what kind of contradictions could they be?

### *1.3 The thesis of elimination: performative self-contradictions are not contradictions at all*

Adhering to the Aristotelian definition of the principle of non-contradiction, performative self-contradictions do not seem to represent contradictions in the strict sense of the word. In the classic, Aristotelian definition, the time and space dimension is included: ‘The same predicate can not simultaneously and in the same respect be attributed and not attributed to the same thing.’<sup>5</sup> Performative self-contradictions do not correspond to the criteria expressed in the phrase ‘simultaneously and in the same respect,’ since the consistency between intentions, statements and acts do not consist in that they occur instantly, simultaneously<sup>6</sup>. The difference between intention and statement, statement and action, intention and action shows that the criterion of ‘the same respect’ can not be applied as a criterion of consistency in the case of performative self-contradictions.

<sup>5</sup> This is a rough translation of Aristotle’s definition, based on Kettner’s German quotation (1993, p. 191, note 3, on Aristotle). Further, see (Aristotle 1979, Book Γ, 3, pp. 58–59).

<sup>6</sup> In his remarks to Kant and Aristotle on the topic of (logico-semantic) contradictions, von Wright comments that ‘time is man’s escape from contradiction,’ since time implies the possibility of change. Likewise, space could be conceived as another ‘escape from contradiction,’ since different predicates can be attributed to the same thing at the same time, although in different respects, spatially conceived (von Wright 1983, p. 125). The point made by von Wright could easily be related to the topic of performative self-contradictions: performative self-contradictions can certainly escape from ‘simple’ contradictions in this sense (intentions and actions are seldom given at the same time in the same place), but not from the inconsistencies between the different levels of intentions, statements and actions.

Secondly: speech acts are not easily coded into a binary scheme of ‘true’ and ‘false’, since various interpretations may be plausible, and since various interpretations may be at stake at each of the pragmatic levels. Bringing back the example of ‘bachelor’ versus ‘unmarried man’: given that the term ‘bachelor’ was considered to be an appropriate description of a married man, by simply referring to his present status of living alone, the married-bachelor dichotomy would no longer fit into the scheme of dual, mutually excluding opposites. The oxymoron ‘married bachelor’ would, however, not be a simple synthesis of the two former ones, but would be constituting a third category. The Aristotelian definition will be a clarifying device in this case: the married bachelor would not be a ‘bachelor’ *in the same respect* as the ‘unmarried bachelor’: he may be sharing the living habits of the unmarried bachelor, but not the marital status. Nor would he be married in the same sense (same respect) as the ‘married non-bachelor’, although he would be combining the status of being married and the living habits of the bachelor *at the same time*. Given that other possibilities were at hand, like ‘widower’, ‘divorcee’ and so on, the principle of *tertium non datur* could easily be broken.

As long as performative self-contradictions are not simply reducible to the binary scheme of logical contradictions, it may be more appropriate to consider performative self-contradictions as contraries. Two terms may not be considered to be mutually excluding in the common usages of the word. Additionally, ‘the third possibility’ may always be given.

Nevertheless: also contraries and sub-contraries are considered to be opposites within the semantic logic, and performative self-contradictions should therefore not be dismissed as non-contradictory, meaning ‘non-inconsistent’. The principle of performative self-contradiction points to inconsistencies between different speech act-levels: between intentions, statements and actions. It is hard to classify performative self-contradictions as contradictory in the strictest, formal-logical sense, but hasty to classify them as non-inconsistent<sup>7</sup>. In addition, performative self-contradictions are more apt to interpretation than analytic contradictions, since the interpretation of statements at the semantic level is supplemented with pragmatic levels of speech and action. A performative inconsistency/performative self-contradiction could, hence, be nullified by a new interpretation, and the consistency between intention, statement and action be restored<sup>8</sup>.

<sup>7</sup> See also Martin Jay’s remarks to the differences between contradictions and performative (self-)contradictions (Jay 1989, especially p. 176).

<sup>8</sup> Again, the case of the broken promises may work as a paradigmatic example. The alleged

## II The function of performative contradictions within transcendental pragmatics

### 2.1 *The validity conditions of the discourse*

The general consensus between transcendental-pragmaticians is based on the agreement about the function of pragmatic contradictions. Transcendental pragmatics adheres to a testing procedure *via negativa*. The very conditions for consensual agreement will be proved valid only as long as they are proven unavoidable within any understanding and consensus-oriented argument, and as long as violating the conditions will lead to performative self-contradictions. Apel points out the four unavoidable, ‘non-circumventible’<sup>9</sup> claims (Apel 1996, pp. 22–23):

- 1) The first claim, intelligibility, refers to intersubjectively valid meaning. This basic, linguistic form of understanding implicates common understanding of the linguistic terms in use, and works as a precondition for the three other claims:
- 2) The claim to truth.
- 3) The claim to sincerity and truthfulness, that each speech act must contain when forwarding truth- and rightness- claims.
- 4) The claim to normative rightness.

The validity claims constitute unavoidable preconditions within any consensus-oriented discourse. This is a locus of agreement between formal as well as transcendental pragmaticians. The strategy of using examples involving a virtual skeptic opposing the validity claims is the common procedure of showing that anyone opposing the validity claims must get entangled in self-performatively contradictory assumptions (Kuhlmann 1986 and 1993).

inconsistency between speech and action could be nullified by an acceptable excuse (‘I could not show up yesterday, because...’). The consistency between speech and action could thereby be restored, given the new speech act, and given that the excuse was acceptable to other participants. The different levels of speech acts as well as the combination of first, second, and third person interpretational perspectives adds to the complexity of performative self-contradictions. I’ll elaborate these complexities in the forthcoming part.

<sup>9</sup> ‘Nichtintergebar’ is translated into ‘non-circumventible’ in Apel (1999a). ‘Unavoidable’ or ‘inescapable’ are more commonly used in English translations of Habermas or Apel. See for example Habermas’s comments to Apel on the topic of ultimate justification (Habermas 1990, pp. 85 and 97, respectively).

A commonly used example of a performatively self-contradictory truth-claim is the following one:

‘I do not raise any truth-claims.’

In a more explicitly formulated version:

‘I claim as true, that I do not raise any truth-claims’ (Kettner 1993, p. 196).

Being examples of self-performative and not simple contradictions, these two versions point to the inherent inconsistency between performance and statement. The logico-semantic version of simple contradictions could transform this sentence into the contradiction of ‘true and false’: ‘it is true, that my assumption is not true,’ thereby presenting two opposing truth values within the given assertion/sentence. A logico-semantic solution to this problem would be to distinguish between language and meta-language, transforming the sentence into the statement: ‘it is true that “p” is false.’ Such a solution is not given within the case of performative self-contradictions, since the additional contradiction involved is an inconsistency between performance and statement, not between two levels of language<sup>10</sup>.

Focusing on the performative dimension, one is able to detect a clash between performance and sentence (statement). The virtual subject is claiming as true (performance) that the claim does not involve any claims for truth (assertion). On a similar basis, it would be performatively self-contradictory to claim, intelligibly, that one does not raise any intelligible claims, or righteously, that one does not raise any claims to rightness.

The performative self-contradiction involved in the statement ‘I do not raise any truth claims’ could in fact be resolved by supplying the statement by a single word ‘further’: ‘I hereby claim (as true) that I do not raise any *further* (truth-) claims.’ This sentence would, however, not represent a mere repetition of the first claim, but presupposes the forwarding of truth-claims as such in his/her denial of any further raising of truth-claims. The genuine sceptic is not simply sceptical to the raising of specific truth-claims, but sceptical to the general idea that the raising of claims is non-circumventible within consensus and understanding oriented communication.

<sup>10</sup> Hence, Apel works with a performative-propositional *Doppelstruktur* including the performative as well as the propositional levels of language, adding the performative dimension to the Tarskian distinction, which distinguishes between language and meta-language at the purely semantic (and locutionary) level (Apel 1979, p. 218, especially note 119).

Here, it will be important to distinguish between different levels of justification. The statements presented above do not present any specific validity claims. No substantial claims for truth, rightness or intelligibility are at stake. The first statement is plainly forwarding the claim that it is possible to make a true claim about not raising any truth claims. The performance (raising the claim) and statement (of not raising any claims) are in clash. It is not a clash between the performance and specific truth-claims, like: 'I claim to raise no truth claims, but I still claim (as true) that the wall is white.' As pragmatically inconsistent, this statement is still to be dechiffred in performative terms at the general level. The clash to be found, is the clash between performance (the raising of the truth-claim) and statement (of raising no truth claims).

The test *via negativa*, then, could work as the validating ground for claims to truth as well as claims to intelligibility and rightness. Validity should, however, not be confused with truth. The truth-value of the specific truth-claim is not at stake here. The utterance: 'I do not deny the raising of the truth-claim "the wall is white"', may be perfectly self-consistent, but the claim may still be false. (The wall is, actually, green).

Principally, any speech act could work as a candidate for a reflexive justification of this kind. However, what is at stake here, is neither random assertions of the mentioned kind, nor contingent rules of argumentation, but the non-circumventible conditions of understanding and consensus oriented argumentation as such (Kuhlmann 1993, pp. 225–226). 'The test of avoiding the performative self-contradiction' (Apel 1999a, p. 47) aims to prove, reflexively, the non-circumventible status of the validity-conditions (i.e., the four validity claims) themselves. At this primordial level, the ultimate test is neither to take the consistency/inconsistency of specific speech acts into consideration, nor to take the content of any possible truth or rightness claims into consideration.

## *2.2 The normative status of the validity conditions: a short interlude*

Validity conditions, detached from any specific, substantial claims to truth and/or to rightness, can – along with Habermas (and partly Apel) – be considered to be morally neutral. The validity claims themselves do not inhabit any specific content, neither factual nor normative. The forwarding of a truth-claim could inhabit any possible, factual content, and likewise could the forwarding of a rightness claim inhabit any possible, normative content (Apel 1992, p. 55, last section).

The consensual symmetry- and reciprocity conditions of the discourse add a meta-normative dimension to the four validity claims. Habermas points to the morally neutral status of the consensual conditions of the discourse as well. The condition of symmetry points to the equal right to take part in a discourse, as

well as the duty to let others take part; the condition of reciprocity points to the general duty of mutually respecting the arguments of one another. The linkage between the validity-conditions and the meta-norms of the discourse does, however, present a challenge to the picture of the morally neutral character of the argumentative conditions. Along with Apel, the consensual meta-norms of the discourse work as conditions of any understanding and consensus oriented argumentation, subordinating the validity claims to the consensual conditions (Apel 1996, pp. 22–23). The meta-norms do however constitute rights and duties, not substantial norms. In this sense they are normative, according to Apel<sup>11</sup>.

The important point here, is that the communicative conditions (i.e., the consensual conditions of symmetry and reciprocity) of the discourse do add to the complexity of performative self-contradictions. Viewed from the speech act perspective of the first person, performative self-contradictions only involve the actor and a (implicitly presupposed) spectator/ third person perspective. By focusing on the argumentative discourse as such, and on the condition of mutual understanding and consensus, the second person's responses to the first person's speech acts must be added to the scheme<sup>12</sup>. The second person's responses involve an interpretation of the first person's speech acts as well. Different levels of interpretation must therefore be added to the elaboration of pragmatic contradictions: the levels of the first, second, and third person interpretations as well as the levels of illocutionary and perlocutionary speech acts.

I will turn to the consensual conditions of the discourse, before I turn to the inter-linkages between the consensual conditions and validity claims. Given that consensus represents the primordial *telos* of the discourse, I would first like to turn to yet a challenging question: could the consensual *telos* itself be proven to be non-circumventible?

<sup>11</sup> As meta-norms they constitute, according to Apel, the ethical ground of any argumentative discourse, including the scientific one (Apel 1999a, pp. 58–59, and Apel 1996, p. 24). See also Apel's comments to Habermas (Apel 1999a, p. 89). In a more radical way, the meta-norms may inflict upon the range of norms compatible with the discursive conditions, by ruling out norms which apparently are in conflict. The internal relationship between norms and meta-norms forms a vast topic in itself, and I will not go further into it here.

<sup>12</sup> On first, second and third person perspectives (Apel 1979, especially pp. 215–218). See also Øfsti for a recent treatment of first, second, and third person perspectives (2003, pp. 217–218). On the topic of the first versus the second person perspective (Øfsti 2002, pp. 78–87). (Øfsti 2003) is, roughly, a shorter version of (Øfsti 2002).

### 2.3 *The consensual conditions of the discourse*

The consensual *telos* of the discourse may be proven to be non-circumventible *via negativa* by making use of the following strategy: a thought-experiment could be conducted, trying to prove the opposite: that disagreement could work as the ultimate *telos* of the discourse. According to Apel, the very presupposition that disagreement (*Dissens*), and not agreement (*Konsens*), could function as the ultimate goal to be anticipated by the discourse, would inevitably lead to performative self-contradictions (Apel 1999a, p. 47). I would like to carry this argument a bit further. The thought-experiment will be conducted according to the following train of thought:

The assumption that disagreement could work as the primordial *telos* of the discourse would presuppose a more primordial level: the level of agreement. The participant would – discursively – have to agree on the point that disagreement was to be the only reasonable outcome of any discourse. Presupposing the contrary, they would have to disagree about the primordial goal of disagreement, leading to a contradiction in terms as well as a inconsistency between claim and performance. This would leave the participants with the equally weighed outcomes of agreement as well as disagreement, since anyone could disagree with the claim that disagreement itself should be the primordial *telos*.

The Habermasian distinction between consensus in the weak and strong sense will be useful in this respect: the distinction between understanding (*Verständigung*) and consensus (*Einverständnis*) (Habermas 1999, p. 116 as well as Habermas 1998a, p. 23). Understanding oriented communication does not require agreement on a subject, but requires that the participants get a mutual understanding of the positions of one another. Reasonable disagreements within argumentative discourses therefore require this weaker form of consensus, while unreasonable (and non-discursive) disagreements do not.

The weaker form of consensus does nevertheless work as a precondition for the stronger form of consensus. Agreement can not be accomplished unless the participants do inhibit the mutual understanding of the positions of one another. A shared understanding on the subject matter discussed must be at hand. Further on, any consensus oriented communication (whether weaker or stronger) must fulfil the validity claims of the discourse, meaning: the claims of intelligibility, truth, rightness and sincerity. Reasonable enough, any participant would have to make himself/herself intelligible to the other participants, as well as sincerely forwarding truth and/or rightness-claims.

#### 2.4 *The four validity claims, related to the consensual orientation of the discourse*

Intelligibility works as an inevitable precondition for the accomplishment of mutual understanding. Minimally conceived: intelligibility points to the need for a shared understanding of the linguistic meaning of the arguments put forward by the participants. In this minimal sense, the validity claim of intelligibility works as the linguistic precondition of the discourse. It works as the basic precondition of any further conceptual clarification or redefinition within the discourse. As such, it also works as the basic precondition for the three other validity claims. An unintelligible speech act would not lead to mutual understanding, neither disagreement nor agreement.

The unavoidable status of the other claims could be shown *via negativa* as well. The different validity claims have hitherto mainly been treated from the viewpoint of the first person's (judged from an implicit spectator's/third person's) standpoint. From the viewpoint of the consensual conditions of the discourse, the different claims are to be interpreted from the various second persons's standpoints as well. The question whether a speech act represents a performative self-contradiction or not, is therefore to be interpreted from the first as well as second person's standpoint. The self-interpretation may be in conflict with the interpretations given by the other participant(s).

Let us consider the example formerly given: the statement 'I hereby claim that I do not raise any further claims' may represent an inconsistency at the performative level, if the person in fact was aspiring towards a consensus on a subject, but refused to take part in the discussion. The intention would clash with the statement. The statement could as well be a part of a reasonable disagreement on the issue, thereby not representing any inconsistency at all. The non-response of not raising any further claims could as well be a part of the closing arguments of an issue, thereby leading to a reasonable agreement. As such, this non-response would represent a substantial claim, not expressing a general unwillingness to raise claims. A general unwillingness, on the other hand, would clash with the primordial level, since consensus can not be reached unless the participant is willing to raise claims or respond to the claims of others. A sum total of participants in a discourse, refusing to raise claims or respond to truth- or rightness-claims, would certainly be violating the primordial conditions of the discourse, if the discourse still aimed at reaching a consensus on a matter. The distinction between the primordial level and the substantial level is therefore important to keep in mind.

A second 'non-response' to the claims raised by others, could be presented by the case of a refusal to take part because the subject matter discussed

bears no significance to the responder. 'I do not have any opinions about the subject matter, since it bears no significance to me.' This response does forward a rightness-claim in the form of a normative justification of the refusal. Reason-giving is, after all, also considered as raising truth- or rightness-claims. Any discourse proper could thereby turn into its own meta-discourse while discussing whether it is true/right to raise the given truth/rightness claims or not.

Let us consider another possible 'non-response' which would violate the validity conditions of the discourse. The response of non-response in the form of silence. A refusal to raise truth or rightness claims, as well as a refusal to respond to the truth- or rightness-claims of the other participants would imply a refusal to participate in a discourse, unless the participant gave reasons for not responding to the truth- or rightness-claims of the others. A total refusal to take part may, however, indicate that the conditions of reciprocity and symmetry are not fulfilled in the discourse: that the participants do not participate on equal terms. Discrepancies of this kind may therefore point to the problem of covert strategic communication and action.

The claim to sincerity is the most difficult to judge, due to its complexity. One difficulty arises out of the fact that a violation of the claim to sincerity could involve the level of intention, statement and action simultaneously. An additional difficulty, far more difficult to judge, arises out of the fact that sincerity is linked to the intentions of the actor, although must be detectable by the statements and the actions.

The different levels of interpretations involved complicate the matter: the self-interpretation of the participant and first person himself/herself as well as the interpretations given from the second and third person perspective must be included. Since no direct access is given to another person's intentions, the first person self-presentation may conflict with the second person interpretation<sup>13</sup>. A denial could always be at hand: the first person may claim to be sincere and truthful, while others claim that he/she is not. A neutral third person perspective is therefore not at hand: the 'common' third person perspective arises out of the agreement of the various first and second person perspectives<sup>14</sup>. The claim that someone is insincere depends on interpretation, but also on a certain 'hermeneutics of suspicion'.

<sup>13</sup> This is a problem discussed by Alberto Damiani (2003), relating the problem of identifying the intentions of others to the problem of distinguishing between manipulative speech (*überreden*), and rational argumentation (*überzeugen*), from the second person's perspective (Damiani 2003, especially p. 117).

<sup>14</sup> On the question of first person perspective, versus the second and third person perspectives, see also Habermas's comments to Brandom (Habermas 1999, pp. 173–174).

In the case of the broken promises, the performative self-contradiction arises from the violation of the claim to sincerity. A) Intention: the person did not have the intention to fulfil the promise. The person may have thought: 'I have no intention to be there tomorrow.' B) Statement: 'I will be there tomorrow.' The person nevertheless promised to fulfil the promise. C) Action: the person did not fulfil the promise. Observable fact: the person never appeared at the promised time and place.

Simple examples may, however, conceal the complexity involved in cases of violated validity claims. Intentions are apt to interpretations, but so are actions as well. A more complex case may show my point:

A professional discourse may have agreed on a course of action that presumably represents a common interest. The person who puts forward the planned course of action may have concealed his/her own egocentric interests behind the claim that the decision made will be beneficial to all. If the proposal in the long run seems to benefit the person who raised the proposal, his/her own orientation towards success may still be concealed by another claim: an alleged disparity between the consequences of the decision and his/her own expectations.

Nevertheless: a disparity between speech and action is far more detectable than a disparity between intention and statement. Any interpretation of the intentions of another person may be apt to an intentional fallacy. This is especially the case where the second person claims to present the 'genuine, although hidden intentions' of the first person from a neutral, third person standpoint. Actions as well as statements are intersubjectively detectable from a plurality of second person standpoints. Resorting to the simple example of broken promises again: the second person may rightly (sic!) claim that 'You promised to do X, but didn't do it!' thereby pointing at the performative self-contradiction arising out of the inconsistency between statement and action. The person would have to give further reasons for not fulfilling the promise, in order to nullify the 'clash'. These reasons would represent a raising of additional truth and rightness claims.

By relating the principle of performative self-contradictions to the interpretation of speech and action in light of performative contradictions, we approach the theme of 'justification' versus 'application'. The justification of the principle or standard of performative self-contradictions itself represents a more primordial level than the justification of the validity conditions by the standard of performative self-contradiction. On yet another 'lower' level, the standard of performative self-contradiction can be applied to concrete cases, to see whether substantial speech acts represent performative self-contradictions

or not. Since the standard of performative self-contradiction is a valuable device in identifying speech acts of the strategic kind, I will turn to the level of application before I go into a further elaboration of the different justificational level(s). The strategic form of speech and action does represent the major obstacle to consensus-oriented communication, and to the realisation of the discursive conditions within real discourses.

### *2.5 Strategic speech acts and performative self-contradictions*

Strategic forms of communication form the counterpart of understanding and consensus oriented communication. Valid consensus depends on the fulfilment of the argumentative conditions. Strategic communication forms the main threat to consensual communication, being tied to external interests linked to positions and economy. A non-valid consensus could therefore result from the strategic disruption of consensus oriented communication. Strategic forms of communication and interaction may be difficult to identify, since the covert form disguises itself as understanding/consensus oriented communication.

The principle of performative self-contradictions works as an identifying tool. The disparity between intentions and forwarded truth claims may reveal itself through the perlocutionary effects of action. The example brought forward in the previous part could work as a clear-cut case of strategic action, where the motives of self-interests concealed as a common interest become identifiable through the effects of action.

In contradistinction, open forms of strategic speech acts are much easier to identify, as in the example of simple commands. Open strategic speech acts of this kind does not aim at a discursive redemption of validity claims. Simple commands ('power-claims' (Apel 1999b, p. 279)) as 'hands up!' or 'keep quiet!' aim at given perlocutionary effects (obedience), and are therefore not oriented towards the primary aim of discourses: a discursively achieved understanding and consensus. Nor could they be labelled as performatively self-contradictory, since these kinds of speech acts do not operate with conflicting aims and actions<sup>15</sup>.

It is therefore the covert kind of strategic speech act which forms the main obstacle within real discourses<sup>16</sup>. A falsely motivated consensus could cover up as a genuine consensus, because strategic communication can cover up as consensus oriented. Unfortunately, the different forms of communication

<sup>15</sup> See Micha H. Werner on open strategic speech acts (2003), see also (Apel 1999b).

<sup>16</sup> See Apel on covert versus open strategic speech acts (1996, pp. 28–31).

do not exist separately within real communities of communication. Peace negotiations form a special case in this respect, involving consensus oriented as well as open and covert types of strategic communication. In this case, success oriented aims may be covered up by aims representing the common interest, and even threats may be brought forward in order to achieve a forced consensus. This would be the clearest example of a consensus based on false premises, a *de facto* and not valid consensus. The vast difference between *de facto* and valid is therefore important to keep in mind.

Scientific discourses may form the more clear-cut example of a communicative community mainly oriented towards (mutual) understanding and consensus. Understanding/consensus will serve as the primary aim, even if strategic considerations ('orientations towards success') may be included. Strategic orientations could even be subordinated to the communicative aim, whereby specific strategic actions could be formulated as a part of the common interest. As long as strategic aims are subordinated to the understanding oriented form of communication, the communication itself will not turn into a strategic form of communication. Economic considerations may serve as a good example, since economic calculations could be considered to be part of the common interest. This would form another branch of non-covert strategic actions. Neither this form would reveal any discrepancies between intentions, statements and actions, by being subordinated to the open communication of understanding oriented communication. Hence, it would be hasty to identify strategic speech act with performative self-contradictions. Strategic communication and action are not in general performatively self-contradictory<sup>17</sup>.

The covert form of strategic communication within the discursive realm represents the paradigmatic case of performative self-contradictions, since this strategic form *per se* represents a clash between intentions, spoken aims and actions. In the cases of strategic disruptions of the consensus and understanding oriented communications, the strategic form becomes identifiable as performatively self-contradictory. The principle of performative contradictions therefore becomes a valuable standard for identifying covert, strategic action, and a valuable tool for critique.

<sup>17</sup> Another type of strategic speech act and action, is the 'strategic counter-strategies' (Apel 1992, p. 35, as well as p. 46). 'Strategic counter-strategies' are worked out on an open, consensual basis in order to counteract the effects of strategic interactions (Apel 1999a, p. 92 (see also note 22, same page: this term was originally put forward by Kettner (Apel/Kettner 1992))).

### III To the question of ultimate justification

The possibility of ultimate justification is central to Apel's thinking and to transcendental pragmatics in general. At one level, the argumentative conditions are to be ultimately justified *via negativa*, by using the principle of performative self-contradictions as standard of judgement. Hence, the principle of performative self-contradictions (henceforth, PPSC) works as a *petitio principii* within transcendental pragmatics, in analogy to the status of the principle of contradiction (henceforth, PC) within formal and semantic logic.

An interesting question can be posed: could the *petitio principii* itself be ultimately justified? This would amount to an ultimate justification on yet a 'higher' level. If a higher level justification of this kind is possible, yet another question has to be raised: by which standard of judgement? The *Münchhausen Trilemma*<sup>18</sup> is close at hand when dealing with these sorts of questions. Either a) the PC/PPSC must be dogmatically presupposed or b) be judged by a circular self-referential self-consistency and thereby presupposing itself as standard for judgement, or c) be judged by yet another principle which potentially points to the infinite regress of justified principles.

Nevertheless, transcendental-pragmatic approaches have endeavoured to show that the PC can in fact be ultimately justified (especially Kuhlmann 1993, pp. 234–236, Apel 1999a, pp. 42–45, and Kettner 1993, pp. 206–208 on 'performative logische Widersprüche'). The PPSC is then presupposed as the ultimate standard of evaluation and judgement. The main argument is that any attempt to reject the validity of the PC will inevitably lead to performative self-contradictions.

The question is whether an analogous procedure could be applied to the PPSC. The inevitable problem would however be: by which standard is the PPSC to be judged? As I see it, two more or less convincing strategies could be adopted:

- 1) The PPSC could be ultimately justified by a claim to self-referential consistency, implying that any rejection of the PPSC would inevitably lead to performative self-contradictions. This strategy may seem apt to a circular argumentation, but, circularity, in the logico-semantic sense,

<sup>18</sup> See Apel's, as well as Habermas's, comments to Hans Albert on this problem (Apel 1999a, p. 41, Habermas 1990, p. 79). Both Apel and Habermas refer to Albert (1968), *Traktat über kritische Vernunft*, Mohr (Siebeck), Tübingen.

would be avoided by adhering to the PPSC as a standard of judgement, and not the PC.

- 2) Another minimally conceived principle could be at hand, let us say the 'principle of consistency' since performative self-contradictions are to be labelled as contradictory due to their inconsistencies. Yet, this strategy seems to produce two different problems: the principle of consistency must itself be justified. In the second place, the demand for consistency seems to be embedded in PC as well as PPSC already, constituting the common core of these two principles. Therefore, the demand for consistency does not seem to constitute a principle independent of neither PC nor PPSC, but rather seem to be the minimal condition inherent in and common to both of the principles.

The first strategy therefore seems to be the most promising, I will return to these questions in section 3.2 and the following sections. First I will turn to the important distinctions between ultimate justification, justification and application.

### *3.1 Ultimate justification versus justification; justification versus application*

Ultimate justification is not to be confused with weaker forms of justification. A weaker form of justification may be accomplished through a better and more accurate definition of the principle. A justification of this kind would equal a conceptual clarification, accomplished by for instance pointing to versions of the PC that brings forward the inherent conditions in a more clear-cut way. The different versions given by Aristotle could count as good examples in this respect. Justifications of this kind rely on unjustified criteria ('consistency') and therefore point to a potential infinite regress of definitions.

The justificational level points to another important difference: the difference between justification and application. Whether justification is conducted on the contingent or ultimate level, the procedure of justification relies on reflection, not empirical evidence.

Neither the PC nor the PPSC are subject to empirical tests. This would in fact lead to the following absurdities: if the PC were to be 'verified' or 'falsified' by contradictory statements, the principle would not work as a standard for rendering statements contradictory or non-contradictory. In fact, no universally valid standard would be left for judging whether statements were contradictory or not. It would be even more absurd to presuppose that the PC would have an ontological foundation, and could be verified/falsified by the instances of contradictory or non-contradictory objects. Objects, or

the predicates of the objects, cannot contradict each other, only statements about objects. Anyway, this argument from absurdity nevertheless points to an important difference between the PC and the PPSC: since the PPSC does not refer to contradictions in the strict sense, but rather to contraries given on the pragmatic level, performative self-contradictions may very well exist, while contradictory entities do not.

The difference between the ideal level of the standard and the real level of contradictory statements points further to another difference: the difference between justification and interpretation. Statements will count as candidates for contradictory or non-contradictory statements, formal-logically or semantical-analytically (the previous example of bachelor versus non-bachelor works as a relevant example in this respect). The principle itself will not be subject to interpretation. Likewise with the PPSC: speech acts may be considered as performatively self-contradictory or non-self-contradictory (as in the case of open versus covert strategic actions), but the principle itself will not be subject to any empirical-pragmatic testing. A perfect world devoid of performative self-contradictions would not falsify the PPSC, but may make it into an archaic principle of no relevance for the analysis of the contemporary world.

Conceptual deficiencies may always be the case, and conceptual deficiencies may always be improved by adopting a more accurate definition of the principle. More accurate definitions will subsequently also produce more unitary applications of the principles. Likewise, unclarities in the field of application may point to inadequate definitions at the conceptual level.

### *3.2 The ultimate justification of the PC by the transcendental-pragmatic approach*

As previously stated, any statement could in principle work as a candidate for ultimate justification, even if statements about contingent facts or context-bound rules of argumentative presuppositions (time-schedules for example) hardly would suffice to a strong justification.

The PC on the other hand has been considered to be a strong, if not one of the strongest candidates for an ultimate justification, due to the alleged universal validity of the principle (e.g. Skirbekk 1993, p. 63).

The argumentative strategy of transcendental-pragmatics (as well as of formal-pragmatics) is 'the test of avoiding the performative self-contradiction,' frequently by showing how the virtual sceptic will get entangled in performative self-contradictions by trying to deny a primordial principle. This is the strategy chosen by Kuhlmann (1993) as well:

Any denial of the primordial status of the PC, Kuhlmann claims, will imply the 'peaceful coexistence of PC as well as non-PC' (1993, p. 234).

This leads to the acceptance of the fact that PC as well as non-PC may be the standard of judgement. Certain implications follow on the pragmatic level of communication. No standard will be given for the evaluation of neither the consistency, nor the inconsistency of statements. I would like to draw some further implications from Kuhlmann's arguments: a denial of the PC also implies the denial of judging statements in terms of the dual truth-values of 'true' and 'false'. These implications inflict upon the semantic as well as the pragmatic level of communication. On the pragmatic level, the PC must be presupposed in order to be able to take a yes or no stand towards the truth- (as well as rightness-) claims of one another. I will be carrying the argument a bit further by relating the pragmatic implications of the denial of the PC to the validity-conditions of the discourse:

Any denial of the PC would imply the denial of the possibility of raising truth- and rightness-claims. No truth-claim could be evaluated in terms of its alleged truth or untruth. Any statement might be true and false at the same time and in the same respect, and no statements could be said to contradict each other. A denial of the primordial status of PC would therefore also affect the status of substantial truth-claims, since no standard of consistency could be given. Truth values (at the semantic level) would be superfluous, as well as truth-claims (at the pragmatic level).

### *3.3 The justification of PPSC by the PPSC*

Considering PC to be the ultimate standard at the semantic level, the PPSC could analogously be presupposed to be the ultimate standard at the pragmatic level. While PC works as the ultimate standard for semantic inconsistencies, PPSC will work as the ultimate standard for the evaluation of inconsistencies between intentions, statements and actions. Let me conduct a thought experiment analogous to the previous one:

By denying the primordial status of the PPSC, the virtual skeptic would have to accept inconsistencies between intentions, statements and actions. No standard for judgement would be given, and the virtual skeptic would not be able to decide whether speech acts were consistent or not. Hence, speech acts would not be criticizable in terms of consistency and non-consistency. An understanding and consensus oriented communication would not be possible to accomplish. Neither would strategic speech acts be identifiable, nor would communicative speech acts. Taking the validity claims into consideration in this respect: no validity claims could be termed consistent or inconsistent. Untruthfulness and insincerity would not be detectable, since no one could be said to be committing a performative self-contradiction by for instance making a truth-claim and intending the opposite. Further on, nobody could be said to

contradict themselves in terms of discrepancies between words and deeds. Rational arguments could not be distinguishable from irrational.

Performative non-self-contradictoriness must therefore be presupposed within any rational argumentation, as a necessary precondition for reaching understanding and consensus. Further on: the PPSC must, as a principle, be presupposed as an evaluative standard. The PPSC thereby assumes a double function. As internal principle, it is presupposed by the claim for self-consistency within argumentative discourses, as well as a standard at use in the evaluation of speech acts. As an 'external' standard, it works at the primordial level: not entirely revisable by the specific speech acts. Likewise will the PC work as internal standard in the evaluation of specific statements, and in the claim for non-contradictory statements.

Consistency is, then, not to be considered as a third principle to be added or applied to the PC and PPSC. The PC as well as PPSC is definable in terms of the claim for consistency and non-inconsistency. In the strictest form, the claim for consistency appears in the definition of the PC, by excluding the 'third possibility', and by the binary coding in terms of 'true' and 'false'. The claim for consistency in terms of contraries and performative self-contradictions points to interpretative possibilities, but nevertheless represents a demand for consistency between the alternatives given. The broken promise works as an example of an inconsistency between word and deed, but could be nullified if a reasonable reason were given for the non-fulfilment of the promise. Contraries point to the third possibility, like in the case of the bachelor, married man and the 'married bachelor', when not interpreted as a contradiction in terms, but interpreted as a third possibility which differ from the first ones in content of meaning, pointing to the demarcation criteria of 'not in the same respect' and 'not at the same time' of Aristotle. As pointed out, while logical contradictions do not rely on interpretation, by being coded into unitary signs, analytical contradictions, contraries and performative self-contradictions rely on interpretation. Nevertheless, they are all indentifiable as criteria of consistency, and consistency is defined in terms of being logico-semantically non-contradictory or pragmatically self-consistent. Thereby, consistency cannot be considered to be a 'third' principle, external to the PC as well as PPSC, which PC and PPSC could be judged in terms of.

#### IV Closing remarks

The intention of this essay has been to elaborate the three questions of:

- 1) The differences and similarities between PC and PPSC.

- 2) The function of the PPSC within transcendental pragmatics.
- 3) The possibility of a reflexive and strict justification of the PC as well as the PPSC.

Several philosophical topics, not to say problems, are connected to the third point. Given the limited space given, the difference between formal and transcendental pragmatics has not been discussed. Formal pragmatics forms one of the main challenges to transcendental pragmatics. One of the main disagreements between the two branches is related to the status of the argumentative conditions, and to the possibility of an ultimate, reflexive justification. Habermas does not see the possibility or the need for an ultimate justification. He relies on a weaker, reconstructive approach, subjecting the conditions to an ‘empirical’ testing over time. As long as real discourses cannot violate the conditions without performative self-contradiction, these are proven to be unavoidable *via negativa*. The transcendental pragmatic approach, on the other hand, considers the reconstructive-justificational approach of Habermas to be apt to contextualism and relativism, subjecting the argumentative conditions to empirical, argumentative presuppositions (Habermas 1991, Habermas 1990, pp. 79–88, Apel 1989, pp. 64–65, Apel 1999b, pp. 288–289, Kuhlmann 1986, and Keil 2003). ‘Contextualism/relativism versus universalism’ seems to be a never ending dispute within continental as well as analytic philosophy<sup>19</sup>.

Here, given the limited range of any essay, I have been forced to restrict myself to the ‘lesser’ three questions listed above. Hopefully, proponents of analytical as well as continental philosophy will find it challenging. Given the vast range of the last subject, a reasonable disagreement on the status of PC as well as PPSC is expected to exist in the philosophers’s world. Could the PC and PPSC be justified, and even strongly justified? This will probably continue to be a disputable question. A total denial of the validity of the PC and PPSC is likely to lead to self-referential inconsistencies.

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<sup>19</sup> See for example Øfsti’s treatment of Quine, and especially on the problem of justifying the principle of contradiction within Quine’s holistic approach (Øfsti 1982).

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