2003

Paul, Pomo, and the Legitimacy of Choice Post 9/11: A Brief Comment on Three Papers

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"Ideas have consequences, or else why would people like Mr. Fish feel so strongly about them?"

"At least in one place, Fish (like Badiou) uses Pauline Christianity to elaborate what he terms (unlike Badiou) ‘the post-modern lesson’ that the story we humans enact is underwritten by nothing firmer or more ‘objective’ (independent) than the inner conviction of those who live it out."

"I wish to conclude with a very short consideration of the struggle between the weak thought of postmodernist discourse and the heavy rhetoric of fundamentalism. It is a mistake to erect these alternatives into sheer opposites. The ‘darkness’ of fundamentalism is often supported by a claim that Scripture has a univocal kind of transparency, and the ‘lightness’ of postmodern thought, while promoting a maximum of political openness, insists on the darkness (nontransparency) of texts."

My prerogative and pleasure as co-convenor of this Conference are to comment (briefly) on just one set of stimulating papers, those given on the “Postmodernism” panel. For years—beginning really with my graduate student days “under” Paul de

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Man and Geoffrey Hartman himself—my own work has also
touched on the limits to principled decision-making apparently
laid down by various postmodernisms; so the excellent
contributions here of Hartman, Mailloux, and Rothstein made me
think in a post-9/11 context of what has always already enlivened
the resistance of classical thinking on the apparent innovations of
the "pomos."

I say "apparent" because these three papers reveal some
salient similarities of thought, if not necessarily of expression.
Rothstein correctly situates pomo within a broad classical tradition
that permits the very tolerance that may produce "relativism."
After all, the twentieth century's onset in Einstein and Freud
established long before Derrida the uncertainty—Hartman might
call it the "hermeneutic perplexity"—both of the cosmos and the
individual human mind. Mailloux helpfully moves pomo towards
this traditionalism by convincingly challenging Stanley Fish's
assertion that there is no practical effect of a theory that
everywhere seeks to deny even the possibility of principled
decision-making. And Hartman, whose superb paper otherwise
evokes much of his earlier writing, situates Gianni Vattimo along
a spectrum of thinkers who, although denying any transparency of
the real in a complex world, nonetheless see "ethical life and
historicality coincid[ing] . . . as an event of destiny."

All three writers concur in Vattimo's suggestion that, as
Hartman puts it, "[t]he risk of blankness or hermeneutic perplexity
is not sustained." Human beings, against all the odds, prefer to a
pervasive system of doubt at least some form of certainty. For
Fish, as convincingly re-interpreted through Mailloux, there must
be a certainty precisely of the uncertainty of all interpretive acts.
The absence of a principled basis for decision-making becomes, for
some pomos, a fighting faith. Theory affects practice, as decision-
makers deny "indubitable proof" as Rothstein puts it, in favor of
"power or reward or rhetoric." I have recently attempted to show
that Fish falls back on the "principle" of the guild; some

4 See, e.g., Richard Weisberg, On the Use and Abuse of Nietzsche for Modern
Constitutional Theory, in INTERPRETING LAW AND LITERATURE: A HERMENEUTIC
READER 181-92 (Sanford Levinson & Steven Mailloux eds., 1988), reprinted and
expanded from Richard Weisberg, Text Into Theory: A Literary Approach to the
Constitution, 20 GA. L. REV. 939 (1986). More recently, see Richard H. Weisberg, Fish
Takes the Bait: Holocaust Denial and Postmodernist Theory, 43 CRITICAL QUARTERLY
19-27 (Winter 2001) [hereinafter Weisberg, Fish Takes the Bait]; reprinted and revised in
5 See, e.g., GEOFFREY HARTMAN, THE LONGEST SHADOW: IN THE AFTERMATH OF
6 Hartman, supra note 3.
7 Weisberg, Fish Takes the Bait, supra note 4.
postmodernisms merely internalize the power structure as the basis of all decision-making, and in so doing render themselves more reliant on externalities than those they attack for trying to rely on principle.

Take, precisely, the debate about the events of 9/11 and the nation’s appropriate response to them. One side (say, Rothstein’s) wants to name, to take responsibility for a judgment that calls certain actors bad and thus certain responses justifiable. The other side (say, Mailloux’s) wants to be more reflective about that act of naming—wants to understand the “rhetorical paths of thought in the public sphere” that lead people to make such judgments; he may be far less willing than Rothstein to take a firm position within the developing discourse. In this sense, Hartman’s very different, continentally oriented essay, helps clarify the reluctance to speak bluntly:

Thus, in terms of intellectual history, postmodern critics battle the idea of decadence once more, attacking specifically its origin in retrospectively gilded fantasies of total social cohesion. But can we manage without a vocabulary of rise and fall?® Hartman’s reluctance to call things by a specific name pervades his entire theoretical oeuvre. But, unlike Fish, he does not turn this rhetorical equivocation into a fighting faith; more importantly, he accepts the implications within his own style of an aversion to an absolutist vocabulary. For Hartman, World War II and (Hitler’s) grotesque use of just such a clear rhetoric of naming places on postmoderns an almost ethical responsibility to “limit the totalitarian temptation to use language and reason only instrumentally.” To avoid the hideous repetition of dictatorial rhetoric, we must seek “recognition and intertextual density” rather than the directness of judgmental speech.

I feel much more attuned to Hartman’s explanation than to Fish’s, and thus I welcome Mailloux’s elaboration of Fish’s un-self-reflective theoretics. Our approach to public rhetoric does have consequences—if we are trained to distrust principle, we are far less likely to act in accordance with even our most deeply held convictions; but what if (as in Hartman) the imbedded principle is, precisely, to avoid doing ultimate harm to others by repeating a version of absolute conviction that recent history compels us to avoid?

Here I would intervene, as I did with Fish, wearing my hat as an historian of the Holocaust.® Studies of the discourse in Hitler’s Europe have revealed a more complex rhetorical pattern than the

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® Hartman, supra note 3, at 1574.
usually complex Hartman assumes in his ethical desire to avoid simplistic speech. France found itself able to traduce all of its egalitarian values only through an extraordinarily textured effort of discursive flexibility. In much of Europe, and certainly in Vichy, people needed to be complex (not simplistic) to pump themselves towards a vicious racism that their engrainged egalitarianism otherwise would have rejected.

Once we posit a different premise from Hartman's—once we find that Hitler's Europe moved towards the unthinkable not because of a knee-jerk response to totalizing rhetoric, but instead through a complex process of discursive rationalization and change—we must question Hartman's otherwise admirable project of theorizing verbal complexity. What was needed during Vichy was what Rothstein now proposes post 9/11: calling things by their proper names, and taking responsibility for our own "vocabulary of rise and fall."

Rothstein asks, "why should there be no way to definitively judge" the attack on the World Trade Center or any other such situation, but neither Mailloux nor Hartman, as we have seen, primarily directs his skepticism to any act of judgment. We all make judgments; to be avoided by pomo, instead, is on one hand the fallacy of making your judgment into a universal applicable to those you are judging, and on the other to pronounce emphatically your judgment knowing full well, because of history, that emphatic judgments pronounced on others can double back to victimize you and those you value.

In the end, it all may come down to our manner of interpreting experience, whether we are looking at a text (like the Bible) or an event (like 9/11). Pomo seeks the maximum of complexity in this business of interpreting; the more classical vision from someone like Rothstein wants to conclude, not at all thoughtlessly, but based on an acquired and ultimately far more direct sense of right and wrong. But, if we place the Bible and 9/11 side by side—as Mailloux does by bringing in Pauline Christianity towards the end of his paper—we again find more agreement than argument between the two sides.

Mailloux for the pomo's concedes here that truth, although "not a proposition that corresponds to a pre-existing state of affairs... is something that happens and must be maintained." Saint Paul did name (as Rothstein wants us to do now). He called Jesus the Messiah, and this was absolute good; Rothstein wants us to call those who perpetrated 9/11 absolute evil. Those acts of naming are normatively not justified by any prior "objective" proof: Rothstein agrees early in his paper that we have no such
proofs about the cast of characters in 9/11, yet “we judge [this being] the best that we can do [and] often something that we must do.” Similarly, even if Saint Paul’s efforts to ground his message in some Old Testament “proof” or prophecy were hopelessly skewed and interpretively dishonest,¹⁰ truth nonetheless emerges in Paul from “the product of truth procedures that are initiated by the naming of an event that emerges in a situation.”

Both of these seemingly antagonistic writers agree, finally, that people’s positions, their judgments, their words, emerge largely from a non-universal and yet knowable originating moment, a departure from which all subsequent judgments may be made as to their “truth” or “falsity”; and this identifying of a moment of resolution—not so different from Vattimo’s “event of destiny” as described (but not necessarily accepted) by Hartman—binds the individual and perhaps his interpretive community from then on to its verisimilitude.

I close with what for me is the curious and fascinating phenomenon of the pomo Mailloux leaping over the neo-classicist Rothstein to find his source in a Hellenic theological genius (Saint Paul), a source probably foreign to the thinking of the thoroughly secularized New York Times columnist. But then, I have been writing for years about the irony that deconstructionism originates in the Gospel writers.¹¹ Their “truth” was, precisely, that no text—however long-standing and sacred its interpreters’ understanding of it may be—is impervious to new readings that may, without erasing it entirely, upset its basic meaning. Whether such a methodology is good or bad is a subject for another day;¹² that it has led to hermeneutic distortion throughout several millennia of western culture seems clear.

¹⁰ The most forceful antagonism to the textual distortions needed to make the Old Testament a predictor of the New comes of course from Nietzsche, most keenly in The Dawn of Day, aphorism 84. For a milder re-iteration of this point by a Christian theologian, see, e.g., GEORGE M. SMIGA, PAIN AND POLEMIC: ANTI-JUDAISM IN THE GOSPELS (1992).

¹¹ See Weisberg, supra note 4.