

THE PERFORMATIVE CONTRADICTION AS
AN ARGUMENTATIVE DEVICE:
AN ANALYSIS OF ITS REACH AND SCOPE

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ABSTRACT

The notion of performative contradiction is widely used today — and not exclusively in philosophical contexts — as an argumentative device capable of unveiling the discursive inadmissibility of certain kinds of statements in a rather conclusive way. The growing popularity of this notion has not however been accompanied by a clear elucidation of its actual argumentative value (i.e. of the underlying reasons that make it a valuable argumentative device). The following article attempts to provide an initial analysis which could eventually lead to, or at least awake an interest in, the accomplishment of this philosophical task. This attempt consists in 1). a brief exposition of some ancestors of the performative contradiction (an exposition that should illustrate the intuition underlying this notion) and 2). a description that intends to answer the question: What exactly happens when we commit a performative contradiction? I shall try to make the case for a restricted use of the notion of performative contradiction. As such, a polemic posture towards its most prominent defender (Karl-Otto Apel) will be adopted.

When involved in argumentative controversies we sometimes place our trust concerning the developments of the argument in algorithm-like resources which should enable us to both exhibit the plausibility of our arguments and/or denunciate the implausibility of those of our opponents. I call these resources ‘algorithm-like’ because they somehow fulfill the general definition of the nowadays popular concept of algorithm: given a certain input (an argument, in this particular case) they offer a set of fairly well-defined instructions indicating the way in which the argument should be treated (i.e. analyzed) in order to produce the desired output. We thus sometimes employ argumentative devices such as the reduction to the absurd (*reductio ad absurdum*), the *regressus in infinitum* (infinite regress), the so-called begging the question (*petitio principii*) the *modus ponendo ponens* (the way that affirms by affirming), etc. as reliable (logic-based) ways to prove our point. Now the use of this kind of argumentative device synthesizes and facilitates the exhibition of ills and virtues of arguments that would otherwise demand much more effort and time (possibly without the same amount of argumentative effectiveness) and shall thus be regarded

— in principle — as a justified practice. It should, nevertheless, be noted that there are cases in which this practice appears as an illegitimate one. It is illegitimate, for instance, to turn to argumentative devices whose actual reach and scope (i.e. whose underlying reasons) are ignored. It is, in other words, illegitimate to turn to such devices exclusively for the sake of their apparent and quasi-automatic efficacy. When it comes to argumentation, efficacy (especially the quasi-automatic one resulting from the use of argumentative devices) appears on occasions as an erudite disguise for superficiality and precipitation.

Although I have taken the liberty of assigning a general scope to this description, I was, in fact, trying to conceptualize a personal experience regarding one particular argumentative device: the so-called *performative contradiction*. After some philosophical readings I was particularly amazed by the somehow undeniable effectiveness of the conclusions that the use of this device enabled in some argumentative contexts. At that moment I did not realize that the meaning of the adverb ‘somehow’ was precisely the first thing to clarify before adopting an indiscriminate use of this form of objection, and so I started applying it in several discussions with a somehow undeniable success. My successful applications of the performative contradiction were nevertheless sullied; and not by incisive counter-objections but by something much worse: indifference. After exposing the performative contradiction underlying the argument of my opponent I usually received nothing as a response but: ‘Yeah, right... so what?’. As I could not answer that simple question by other means than turning back to the ‘somehow undeniable effectiveness’ of my objection, I came to realize that I had to submit the reach and scope of the general objection of a performative contradiction to analysis.

The following article is an attempt to clarify certain aspects of the notion of performative contradiction. This attempt will adopt at some point the form of a controversy. It will, nevertheless, not argue against the concept of a performative contradiction itself but rather against the interpretation that supports its indiscriminate use. I shall try, in other words, to make the case for a restricted use of the performative contradiction as an argumentative device.

The exposition is divided into three parts. In the first I will offer a provisional definition of the performative contradiction along with some examples, which I hope will provide us with an intuitive starting point for the later discussion. The second part of the article will be devoted to a panoramic exhibition of some philosophical and non-philosophical precedents of the notion in question. The last and central section will try to provide a descriptive answer¹ to a question that can be formulated in several ways:

¹ The choice of a descriptive (i.e. ‘phenomenological’ in a wide sense of the word) approach to these questions — instead of immediately seeking an answer in the doctrines of the

What exactly happens when we commit a performative contradiction? What is the argumentative ‘state of affairs’ (*Sachverhalt*) denounced by the objection of a performative contradiction? What justifies the objection of a performative contradiction, and how?²

1. *Introductory considerations: a) General presentation of the notion of performative contradiction. b) Philosophical and non-philosophical precedents of the performative contradiction*

a) The notion of performative contradiction (and in some contexts that of retorsion) designates an argumentative figure whose purpose is to unveil the inadmissibility of certain statements which seem to retract themselves by virtue of their own declarative efficacy; statements which, in other words, seem to deny their own propositional contents of any argumentative validity through their very communicative performance. Now, an adequate application of this objection (which is to say: an appropriate exhibition of a particular form of contradiction underlying certain statements) would not only allow us to reject the validity of the statements in question, but it would also enable us to show the admissibility of that which such statements are precisely trying to deny. The *possibility* of what performatively contradictory statements dispute would thus end up granted by the very declarative performance of the objection.

Some critics of the systematic argumentative use of the figure of performative contradiction have called it, among others, “the wonder weapon [*Wunderwaffe*]” (Wirth 2002: 15), “the all-purpose weapon [*Allzweckwaffe*]” (Gebauer 1993: 23) and “the magic word [*Zauberwort*]” (Forget 1991: 47, 49). Although these are obviously ironic characterizations of the figure in question, they already give us a hint about the philosophical reach that its defenders and promoters usually assign to the figure of performative

transcendental-pragmatic school — is a response to the following reason: in the view of transcendental pragmatists, the argumentative device of performative contradiction allows to insure (to show the non-circumventible — *nichthintergehbare* — character of) the principles that support transcendental pragmatic considerations. Thus, the use of transcendental pragmatic considerations in order to show how performative contradictions ‘work’ would cause our discussion to fall into a form of *petitio principii*. Although in her analysis of performative contradiction Petra Hedberg offers some valuable considerations about the figure in question, many of her *justification* arguments are in my opinion a good example of how such discussions may beg the question. Cf. Hedberg 2005: 70-71, 72, 86-87.

² Philosophical developments carried out under titles such as self-referential consistency, self-referential paradoxes, impredicativity, etc. will not be considered in this article. Although I believe that they may provide important considerations for the clarification of the performative contradiction my actual ignorance concerning those lines of analysis prevents me from appealing to them. I can justify this omission only in a provisional way. According to Thomas Bolander (2009) “The philosophical interest in self-reference is to a large extent centered around the paradoxes”. As explained in note number three, this article is rather centered on contradictions than paradoxes.

contradiction. We shall try to approach the intuition and the reasons that underlie such a high philosophical appraisal of this particular notion.

Let us start by offering some simple examples of statements that seem to fall into performative contradictions. Let us imagine that in the context of different discussions, our interlocutors make the following assertions:

- 1.) *(Hereby) I'm not communicating anything.*
- 2.) *I don't intend to be understood at all.*
- 3.) *I definitively lost the capacity of formulating comprehensible phrases several years ago.*
- 4.) *Argumentation by means of negation does not allow for the slightest clarification of things.*

The statements in these four examples exhibit a certain form of anomaly. Their anomaly seems to proceed neither from their syntax nor from a conflict between their semantic contents: they are well constructed phrases and they do not *assert* that something is and is not the case (they do not assert p and not- p). And nevertheless, these statements appear to be affected by some form of inconsistency, to be contradictory in some sense.³ This is because they seem to effectuate, through their condition as statements, that which according to their propositional contents should not be the case. In example (1) our interlocutor *communicates* to us that he is not communicating anything. Through the statement of example (2) our interlocutor *tries to make us understand* that he does not intend to be understood at all. In (3) our interlocutor *informs us by means of a fairly comprehensible statement* that he is no longer capable of formulating comprehensible phrases. In (4) someone *clarifies by means of a negative statement* that argumentation by means of negation does not allow for the slightest clarification of things. A conflict arises in all four examples between the 'force' of a communication and the sense of the propositional content transmitted through

³ In the course of this article performative inconsistencies will not be analyzed as paradoxes but as contradictions. Popper proposes a simple distinction between these two categories: "Paradoxes are sometimes called 'contradictions'. But this is perhaps slightly misleading. An ordinary contradiction (or a self-contradiction) is simply a logically false statement, such as 'Plato was happy yesterday and he was not happy yesterday'. If we assume that such a sentence is false, no further difficulty arises. But of a paradox, we can neither assume that it is true *nor that it is false*, without getting involved in difficulties.

There are, however, statements which are closely related to paradoxes, but which are, more strictly speaking, only self-contradictions. Take for example the statement: 'All statements are false.' If we assume that this statement is true, then we arrive, considering *what* it says, at the result that it is false. But if we assume that it is false, then we are out of the difficulty; for this assumption leads only to the result that not all statements are false, or in other words, that there are some statements — at least one — that are true. And this result is harmless; for it does not imply that our original statement is one of the true ones" (1974: 354). Although our analysis will modify some of the remarks made here by Popper, we endorse the general sense of his distinction.

this action. The argumentative inadmissibility of such statements is that which the figure of a performative contradiction intends to denounce.⁴

Let us limit the presentation of cases of performative contradiction to these few examples. They may already allow for a first approach to the sense of what the argumentative device of a performative contradiction intends to unveil. These examples set us, in other words, within the limits of a certain interpretative horizon which should be now expanded. I shall first try to enforce the general intuition that underlies, as I see it, the philosophical systematization of the figure in question. In order to do so I will offer a synthetic and rather fragmentary history of the notion of performative contradiction. I will — to be more precise — present some philosophical and non-philosophical predecessors (they may even be regarded as ‘ancestors’) of a systematized version of the performative contradiction and then refer to those contemporary thinkers who intend to benefit most from this notion. We will start by referring to some non-philosophical ancestors of the performative contradiction. They proceed from the domains of rhetoric and jurisprudence.

⁴ In his work *La religion reflexive* Jean-Marc Ferry postulates two distinctions regarding the subject of our discussion. He distinguishes firstly between empirical and transcendental performative contradictions (cf. 2010: 165) and secondly between (simple) pragmatic contradictions and (purely) performative contradictions (ibid: 178). The first distinction is not justified by Ferry: he only suggests that empirical performative contradictions refer (a posteriori) to contingent states of affairs, while transcendental performative contradictions refer (a priori) to necessary states of affairs. The second distinction will receive, on the other hand, a certain justification. A *pragmatic* contradiction “does not frontally contradict the performative aim [visée] of the enunciation [(which would be rather the case of the *performative* contradiction) i.e. the former does not contradict] : *what I am aiming for, what I myself aspire to*, but instead [it contradicts the] pragmatic presupposition [of the enunciation]: *what I do when I say what I say (how I say it)*”. “While every performative contradiction is a pragmatic contradiction the reverse [affirmation] is not true” (ibid, my translation). The aim of the present note is to show that none of these distinctions may contribute to a clarification of the general notion of performative contradiction. Firstly, I cannot endorse the first distinction because it presupposes precisely that which the method of a performative contradiction should be able to assure: that we may legitimately distinguish between a transcendental and an empirical domain of consideration. It is thus a distinction made on the basis of a *petitio principii*. The second distinction (which seems to be a specification of the first one) will be of no use in the context of our current discussion: it constitutes a distinction between two different kinds of *elements* (regardless of the fact that one corresponds to the genus and the other to the species) that may come into contradiction. If we were, for instance, investigating the general sense of the *propositional* contradiction, the distinction between the different kinds of propositions at play in the relation “p and not-p” would clarify nothing about the contradiction itself. We are interested in how a performative contradiction may be generally established between two elements. If we were to keep Ferry’s terminology we must say that our investigation concerns the pragmatic contradiction, which must be clarified before turning to the supposed philosophical value of a performative contradiction.

b) Among the different kinds of argument, rhetoric — taken here in the sense of the art of argumentation and not of fallacious persuasion — identifies the so-called *argumentum ad hominem*. John Locke defined it (the first, as far as we know) as the argument that aims at a refutation of the interlocutor “with consequences drawn from his own principles or concessions” (Locke 1823: 135). There are five varieties of ad hominem arguments (cf. Walton 1998: 2). One of them is the argument *tu-quoque* (‘you too’, or ‘you as well’), which exhibits a structure similar to that of the performative contradiction. This figure can be defined as the “rejection of an argument by adducing the inconsistency of the proponent. He is accused [either] of doing or defending the very same thing that he condemns or, on the contrary, of not practicing that what he advises others to do” (García 2000, my translation). A paradigmatic case of *tu-quoque* argument is to be found in the book of John, chapter 8 of the New Testament. A group of Pharisees bring to Jesus a woman who had been caught in the act of adultery. He is then asked whether the law of Moses should be followed regarding her case or not, and that is to say, whether she should be or not stoned. Jesus’ answer exhibits the structure of a *tu-quoque* argument: “Let the one among you who is without sin be the first to throw a stone at her”.

Let us now briefly describe another precedent of the performative contradiction this time coming from the domain of jurisprudence. The legal doctrine of one’s own actions (which descends from Roman law and is known in Anglo-Saxon contexts under the name of Estoppel) proclaims the validity of a general principle of law summarized in the Latin formula ‘venire contra factum proprium non valet’ (it is not valid [i.e. legitimate] to proceed against one’s own actions). Ever since Roman law, jurisprudence has more or less accepted the validity of the general rule ‘Protestatio facto contraria non valet’ (any declaration or protestation which contradicts the actions [of the protester] is not valid [i.e. legitimate]), a rule which constitutes a specification of the general principle presented above.⁵ This last rule seems to be structurally very close to the notion of a performative contradiction. In both cases a decisive link is set out between statements and actions (performed by the one who makes the statements) that are (somehow) directly connected to those statements. Let us now turn to some philosophical precedents of the argumentative use of the performative contradiction.

It seems possible to trace non-thematic usages of an argumentative structure which reminds of that of the performative contradiction down to the very origins of philosophy. According to Béla Weissmahr (cf. 2006: 42 and ff.),

⁵ “No one may get into contradiction with his own acts by deliberately undertaking [en exerçant] a conduct incompatible with a previous one which is legally relevant and fully effective” (Rivera 2007: 137, my translation).

some relevant uses of such an argumentative structure are to be found in some passages of the works of Plato, Aristotle, Augustine, Thomas Aquinas and Descartes.⁶ To Weissmahr's list we may add the names of Fichte (cf. Thomas-Fogiel 2003) and Hegel.⁷ Given that it is not our intention to explore every case here, we will just present a quotation by Fichte. Fichte's case exhibits a particularity: the idealist philosopher seems to be the first to make a thematic (and systematic) use of an argumentative figure that is a direct ancestor of the performative contradiction:

I say: in all derivative knowing, or in appearance, a pure absolute contradiction exists between enactment [Thun] and saying [Sagen]: *propositio factio contraria*. (Let me add here by the way, as I thought previously on an appropriate occasion,⁸ a thoroughgoing skepticism must base itself on just this and give voice to this ineradicable contradiction in mere consciousness. The very simple refutation of all systems that do not elevate themselves to pure reason, i.e. their dismissal and the presentation of their insufficiency [...], is based on just the fact that one points out the contradiction between what they assert in their principles and what they actually do [in asserting them]: as has been done with every system that we have tested [...]) (Fichte 2005: 141 and Germ. 1971: 238, 239)

The argumentative practice related to the notion of performative contradiction seems thus not to be recent at all. The few precedents (both philosophical and non-philosophical) presented above justify this assertion. We shall now present the contemporary (thematic) approaches to the performative contradiction. A distinction should nevertheless be drawn between those contemporary approaches which are related to the analytic

⁶ The passages cited are: Plato, *Euthydemus* 285d and *Theaetetus* 169d – 171d; Aristotle, *Metaphysics* 1005 b35 – 1007 b18; Augustin, *De civitate Dei*, book 11, chapter 26; Thomas Aquinas, *Summa contra Gentiles* II, 33 (nr. 1103)

⁷ The corresponding passages are: Fichte, *Wissenschaftslehre 1804*, chapter XIX (cited below); Hegel, *Phänomenologie des Geistes*, already the two first paragraphs of the introduction (cf. Enzyklopädie §226). I say “already” because I think it plausible to affirm that the dialectic movement of the consciousness (as described in the *Phenomenology*) exhibits usually, in the second of its three moments, a structure similar to that of a performative contradiction. For instance Hegel 1988, 143: “[...] es [i.e. the skeptical consciousness] spricht das absolute *Verschwinden* aus, aber das Aussprechen *ist*, und dies Bewußtsein *ist* das ausgesprochene *Verschwinden*; es spricht die Nichtigkeit des Sehens, Hörens usf. aus, und es *sieht, hört* usf. *selbst*, es spricht die Nichtigkeit der sittlichen Wesenheiten aus und macht sie selbst zu den Mächten seines Handelns. Sein Tun und seine Worte widersprechen sich immer [...]” and *ibid.*, p. 165: “Sie [i.e. the reason] geht daher als beobachtendes Bewußtsein an die Dinge, in der Meinung, daß sie diese als sinnliche, dem Ich entgegengesetzte Dinge in Wahrheit nehme; allein ihr wirkliches Tun widerspricht dieser Meinung, denn sie *erkennt* die Dinge, sie verwandelt ihre Sinnlichkeit in *Begriffe*, d.h. eben in ein Sein, welches zugleich Ich ist, das Denken somit in ein seiendes Denken oder das Sein in ein gedachtes Sein, und behauptet in der Tat, daß die Dinge nur als Begriffe Wahrheit haben”.

⁸ Cf. Fichte 1971, 196, 197

and pragmatic philosophy of language and those which are independent of those philosophical schools. Let us firstly deal with the second case.

This first contemporary approach to the notion of a performative contradiction has not yet reported any considerable impact in the ('official') philosophical scene, even though it allows us to enlarge the comprehension of the figure we are now discussing. The approach in question belongs to francophone neo-Thomism and was elaborated by the Belgian Jesuit Gaston Isaye in the 1950s. To designate the figure in question he made recourse to the expression of *retorsion*.⁹ Isaye considered retorsion as an argumentative procedure which allowed to justify — vis-à-vis a hypercritical opponent — the (previous) *adoption* of certain principles and fundamental truths.

It is essential to this procedure [démarche] to be a *response*. Certain objections are made in such a way that the objector concedes, by the very production [par le fait même] of his objection, *in actu exercito*, the thesis that he wanted to deny or to put in doubt. To bring the objectors attention to the concession he has just implicitly made is to turn [retourner] the objection in my favor, is to retort, is to make a retorsion. (Isaye 1987: 122, my translation)

Isaye makes nevertheless the following clarification: “The adhesion [to a principle] is only legitimate after a ratiocination ([or] ‘intuition’ in a very large sense... excessively large). Retorsion shows [only] that the adhesion was already [*d’avance*] legitimate” (ibid: 131). In other words: The figure of retorsion has, according to Isaye, a defensive argumentative purpose. It serves, in some argumentative contexts, to discard certain forms of objection and thus to ‘reassure’ the adoption of certain principles as true ones. I shall now briefly present the contemporary approach to the performative contradiction which is related to the analytic philosophy of language.

The notion we are now discussing owes its actuality (and moreover, its designation as ‘performative (self-)contradiction’ to this second line of analysis. This thematic approach to the performative contradiction dates back to the 1960s and 1970s and its philosophical background is constituted by the philosophy of the second Wittgenstein (particularly regarding the so-called private language argument in the *Philosophical Investigations*) as well as by the speech act theory developed by J.L. Austin in *How to Do Things with Words*. Now, the reflections directly preceding a thematization of the notion in question are (i) the analysis of the Cartesian principle ‘cogito ergo sum’ by the Finnish philosopher Jaakko Hintikka. In search of

⁹ A direct precedent to this thematic approach are certain passages of the work of Thomas Aquinas (Isaye refers to the following passages: De Veritate, q. 10, a. 12, ad. 7 et q. 10 a. 8, ad. 2, Summa contra Gentiles, c. 33 et Summa Theologiae, I, q. 2, a. 1, obj. 3) and the works of Joseph Maréchal, another Belgian Jesuit who in the first half of the XX century tried to establish a dialog between Kant and Aquinas in an effort to show that the denial of metaphysics is self-contradictory (cf. Moleski 1977, 59, 60).

a satisfactory explanation of the supposed force of the Cartesian dictum, Hintikka forges the notions of *existential consistency and inconsistency*, a form of consistency which would exhibit a *performatory character*, and (ii) the discussion of the German logician Hans Lenk with the Popperian school of critical thought. Lenk intends to show that any effort to submit the principles of a minimalistic logic (i.e. a consequential logic) to criticism is nonsensical. The author asserts that every attempt to deny the principles of a minimalistic logic falls inevitably into what he calls a *petito tollendi*, and that is to say, into “the demand and vindication [*die Beanspruchung*] of that which is precisely to be abolished [*des gerade Aufzuhebenden*]” (Lenk 1970: 203). But the performative contradiction would not receive its actual denomination and systematization until some later developments by Karl-Otto Apel, who would assign a crucial philosophical place to this notion. In distinguishing it from the traditional notion of contradiction, the German philosopher affirms: “the principle of a performative self-contradiction reveals itself [...] as the organon and the criterion of a completely explorative and informative self-clarification of reason [Vernunft] and it is in this respect — in my opinion — the essential criterion of a self-reflexive discourse rationality [Diskursrationalität]” (1998: 181, my translation). Jürgen Habermas, on his part, has contributed to the promotion of this notion by adopting it as an argumentative device to confront philosophical positions that he identifies as being skeptical and relativistic (cf. Habermas 1985), although he would moderate, in his usage, Apel’s expectations concerning the philosophical reach of the performative contradiction. According to Habermas, the device is certainly capable of exhibiting the pragmatic unavoidability or rather the pragmatic absence of alternatives (*Alternativenlosigkeit*) regarding (the adoption of) a certain number of principles but it is not capable of assuring their validity *sub specie aeternitatis*, as Apel seems to expect (cf. Habermas 1996: 105-108).

I shall abandon at this point the (still quite fragmentary) historical account of the performative contradiction (though I will come back later to some of the literature cited here above). The intention of the first two parts of the article was to delineate the areas surrounding the problem that will now be addressed, namely the problem of the actual reach and scope of the argumentative figure of a performative contradiction.

2. Analysis of the state of affairs corresponding to a performative contradiction.

I

What ‘happens’ when we commit (i.e. when we fall into) a performative contradiction? In other words, what is the (or rather *an*) appropriate description of the ‘state of affairs’ (*Sachverhalt*) designated by the expression

‘performative contradiction’? I suggest we try to provide an answer to these questions by focusing our attention first on the notion of contradiction. But before looking into it I shall first make an important precision concerning the kind of *Sachverhalt* we are now dealing with. In the context of our discussion, ‘contradiction’ refers to a quality of assertions, that is to say, to a quality of ‘forcefully’ stated propositions (whose content may be a belief, fact, etc.), of propositions, insofar as they are (or have been, or can be) put forward and maintained as being true.¹⁰ I must insist on this point: according to the notion of contradiction relevant to our discussion, the expression qualifies propositions not in the sense that they have been merely produced, or that they are simply (‘inertly’) present, but in the sense that they are (or have been, or can be) put forward and maintained as being true. In the present context, the appropriate employment of ‘contradiction’ is that which is expressed by the phrase ‘The several contradictions in Mr. K’s testimony affected his credibility / turned suspicions on his own person’. The state of affairs designated by the notion of (performative) contradiction is thus not — at least not immediately — the result of a logical formalization, i.e. the logical state of affairs ‘p and not-p’. The notion of contradiction we shall try to clarify refers rather to an argumentative or discursive state of affairs, that is to say, to circumstances which have assertions for an axis. In other words, that which (in this context) gives rise to contradictions is nothing but a certain form of assertion.¹¹

In the context of our present discussion the notion of contradiction is hence invoked as a means to mobilize an (argumentative) accusation, and that is to say, to mobilize an *objection*. We may now define ‘objection’ as the argumentative move that attempts to affect the assertoric dimension of a given statement, i.e. to produce a devaluation of the claimed truth-acquainting quality ‘added’ to a proposition by its assertion (by the act of putting it forward and maintaining it as being true). Now, an objection may be devised in at least one of two different ways: whether by calling attention onto elements which are somehow exogenous or alien to the immediate form and content of the assertion that has been called into question (by citing supplementary information that discredits the assertion, etc.), or by referring to elements which are endogenous or inherent to the assertion in question. The objection of contradiction is one which pertains to this

¹⁰ This last formulation is inspired on the French definition of assertion provided by the Petit Robert: “Proposition (qui, dans sa forme, peut être affirmative ou négative) que l’on avance et que l’on soutient comme vraie”

¹¹ I will defend the position that the formal-logical notion of contradiction is a *necessary condition* not only to understand but to make use of the figure of performative contradiction. But if this last notion of contradiction presents some degree of specificity (as I think it does) the formal-logical notion of contradiction may not be a *sufficient condition* to the clarification of the performative contradiction.

second class of objections: it does not claim to exhibit the insufficiency of an assertion by referring to elements that are not to be found 'within' the very assertion in question. To exhibit a contradiction means, quite on the contrary, to expose an anomaly which is constitutional to an assertion. The devaluation of its claimed truth-acquainting quality would thus spring from itself. We may now start outlining the state of affairs designated by the notion of performative contradiction. The circumstances related to a performative contradiction are those of an argument in which an assertion meets an objection (or counter-assertion) that accuses an inherent or self-inflicted devaluation on the truth-acquainting quality of the former. This description applies, nonetheless, to every possible objection of contradiction and it still does not provide us with a specific criterion to distinguish a *performative* from other forms of contradiction. In order to recognize the distinctive attributes of the former I will focus the attention on the possible ways in which the *general* objection of contradiction may produce an argumentative devaluation of a given assertion.

The English expression 'contradiction' descends etymologically from the Latin verb *contradicere*, which is composed of the prefix *contra-* and the verb *dicere*. A literal English translation of the Latin compound may be put as follows: 'to say [sth.] against [sth. or s.o.]'. This definition does not however satisfy the context of our discussion, because he who just says something against something or someone, does not necessarily generate a contradiction. If we now take the liberty of observing the participle of the Latin verb (i.e. *contradictum*) instead of its infinitive, we will obtain a translation whose sense may conduct our analysis: '[to do sth.] against [that which is or has been] said'. Even if we adopt this definition as a thread to our analysis, we must add the following precision by means of an example. In a controversial context, Mr. K does something that goes against one of his father's assertions (that is to say, against something that is being or has been said). This circumstance does not however allow Mr. K's father to legitimately accuse his son of falling into contradiction. For a contradiction to take place (in the sense which concerns our analysis), an action must present the characteristics of a *self-contradiction*, that is to say, Mr. K must do something against that which he himself has said or is saying.

(Let us briefly recall the sequence of our argument in order to recognize the present situation of the discussion: We are attempting to describe the state of affairs referred to by the notion of performative contradiction. Firstly, we admitted that this notion refers to assertions. We agreed, secondly, that this reference exhibits the characteristics of an objection (i.e. an activity that aims at the devaluation of an assertion submitted to analysis). The following step consisted in affirming that the source of the denounced devaluation is to be found within the denounced assertion itself. We are now trying to grasp the sense of that which a contradiction denounces: the

self-inflicted devaluation (of the truth-acquainting quality) of an assertion. Our purpose is to understand the specificity of a performative contradiction vis-à-vis other forms of contradiction).

We defined contradiction as: doing sth. against that which oneself has said or is saying. But, what does ‘doing something against...’ mean in this particular context? The most common way of interpreting this ‘doing’ is in terms of a ‘saying’. ‘Contradiction’ means, as traditionally understood, ‘to say something against that which oneself has said’. ‘Contradicting oneself’ would thus be equivalent to an impossible ‘un-saying’ (in the sense of ‘retracting’). The devaluation inherent to a contradictory assertion would arise, according to a common interpretation, from the fact that it intends to carry out a certain *impossibility* described by the so-called *principle of contradiction*, whose logical interpretation goes: it is not the case that p and not- p are true (in the symbolism of propositional logic, $\neg [\pi \wedge \neg\pi]$).¹² The diachronic character of discourse (i.e. the fact that it extends itself in time) allows for the production of contradictory assertions (i.e. the assertion that p and not- p), that is to say, the production of the diachronic *illusion* of something which in a logical synchrony is a ‘no-thing’.¹³ The devaluation of a contradictory assertion results therefore from the contravention of a discursive requirement of coherence. This requirement proceeds from a logical normativity, whose ‘element’ is a form of synchrony.

Some precisions are appropriate here. 1) The impossibility pointed out by a traditional objection of contradiction constitutes no *de facto* impossibility. The expression ‘to point out a *de facto* impossibility’ is somehow paradoxical. The assertion which has been accused of contradiction affirms (i.e. it is *de facto* possible to affirm) p and not- p . The *impossibility* to which attention has been drawn here *exhibits a strictly normative character*. 2) The only occasions in which the objection of contradiction has a discursive value are those where the questioned assertion does not immediately produce or exhibit the logical form of contradiction (p and not- p). In cases

¹² In an argumentative context an unquestionable operational value is assigned to the principle of contradiction (which supports the objection of contradiction). Even arguments showing that the principle in question has no strict logical value respect its operational value (for instance Jan Lukasiewicz’s *On Aristotle’s principle of contradiction*). The following assertion by Lukasiewicz does not at all come into conflict with the sense of our analysis: “The value of the principle of contradiction is not of a logical nature but of practico-ethical nature; this practico-ethical value is however so big that compared to it the absence of logic value does not even count” (my translation from the German translation, 1993, 167). When it comes to argumentation, the possibility of ‘dialetheias’, i.e. of propositions that have the structure ‘ p and not- p ’ and are nevertheless true, will rarely be taken in consideration. Argumentation cannot take place on the bases of a paraconsistent logic (for the problem of dialetheias cf. Graham Priest’s *In contradiction*).

¹³ As Professor Marcel Crabbé has suggested to me, “ p and not- p ” seems to stand here for “ p and then not- p ”.

where this form is immediately produced, there is simply nothing to object. If I affirm, ‘I am the assassin and I am not the assassin’, I leave no place for an objection of contradiction, because the latter aims at a disclosure of the ‘fact’ that *an apparently coherent assertion* hides (this is the illusion) the logical form of a contradiction.¹⁴ The traditional objection of contradiction proceeds by analysis, i.e., it is not applied to assertions whose immediate propositional content is ‘*p* and not-*p*’, but rather to those whose content is ‘*p* and *q*’, and in relation to which it can be shown that if *q* is the case, then not-*p* is the case. The traditional objection of contradiction shows, by means of an analytic detour, that *it is not the case that p and q and that if q then not-p* ($\neg [(\pi \wedge \theta) \wedge (\theta \rightarrow \neg \pi)]$); the analysis shows, in other words, that ‘*p* and *q*’ implies ‘*p* and not-*p*’.

Now, does the procedure we have just described correspond to that of the performative contradiction? Karl Otto Apel answers negatively to this question by drawing a decisive distinction between what he calls the *propositional contradiction* (which corresponds to what we have just described) and the *performative contradiction* (cf. Apel 1998: 177, 182). According to Apel the former results from a “logical-abstractive (apodictic) objectivation of argumentation” (ibid: 178) while the latter does not intend to show that the assertion ‘*p* and *q*’ is equivalent to ‘*p* and not-*p*’ by means of analytic abstraction. But how may an objection of contradiction be explained otherwise than by appealing to a formal (logical) contradiction as the source of the devaluation inherent to a contradictory assertion? If the performative contradiction pertains to the general class of the contradiction, it must consist as well in *doing something against that which oneself has said or is saying*. What does it mean ‘to do something against...’ in the specific case of a performative contradiction? We have seen that, in the case of the propositional contradiction, this ‘doing sth. against...’ is interpreted as a ‘saying sth. against [what oneself has said]’. That interpretation grants a logical (i.e. abstractive) leveling, which situates two propositions in a relation of logical contradiction: *p* and not-*p*. Now how does the performative contradiction ‘work’?

II

In order to answer this question I shall begin by following the thread of a certain analysis by the German logician Hans Lenk, an analysis which directly precedes the contemporary thematization of the notion we are currently analyzing. Lenk coins the notion of *petitio tollendi* (i.e. the vindication of what is precisely to be abolished) in an effort to show that a certain number of logical rules cannot be dismissed by means of rational criticism.

¹⁴ We may thus not accept the distinction proposed by Hedberg (2005: 69) between analytical and logical contradictions.

Lenk argues that every form of (rational) criticism relies on at least a minimal logic, in relation to which “the operational and the criticist [*kritizistische*] interpretations of logics [*Logikdeutung*] are coincident” (Lenk 1970: 203, my translation). We cannot, for instance, reject the validity of the logical rule of negation rationally without using — at least in a meta-language — the rule in question, that is to say, without vindicating somehow the validity of the logical rule of negation.

Now the structure of this *petito tollendi* seems to correspond to our introductory characterization of the performative contradiction. Can Lenk’s analysis help us to differentiate the latter from the notion of propositional contradiction? The German logician describes his analysis as a *semantic* explanation of an operational impossibility of criticism (ibid: 204). One may then be tempted to try a formalization of the inner structure of the performative contradiction by invoking Tarsky’s distinction between object-language and meta-language. The performative contradiction would thus refer to assertions of the structure “*p*” and not-*p*’. Although this formalization avoids a one-dimensional abstraction of the state of affairs here in question, namely by discriminating between two semantic dimensions, we must argue that it does not help to clarify the sense of a performative contradiction. On the one hand, this formalization can be easily translated, by virtue of a simple convention, into the form ‘*p* and not-*p*’ (which would not allow for a *strict* distinction between propositional and performative contradictions). On the other hand it goes too far in supposing that the *vindication* of that which should be rejected (*p*) corresponds to *the assertion of p in a meta-language*, i.e. in the language used to reject *p*. If my effort to rationally reject the validity of the logic rule of negation falls into a *petitio tollendi* (by vindicating it), this does not necessarily mean that I have *stated* the validity of the rule in a meta-language. It means rather that I *made use* of the rule (by denying, refusing, etc. *as if* these practices were legitimate ones) precisely as a means to show its invalidity.

The previous analysis has followed the thread of the question: What does it mean ‘to do something against [what oneself has said or is saying]’ in the specific case of a performative contradiction? We may now offer a provisory answer to this question. In the case of the performative contradiction, ‘doing sth. against...’ does not equal, as in the case of the propositional contradiction, ‘saying sth. against...’ It corresponds rather to a ‘making use of sth. against...’ i.e. to a form of ‘doing’ pertaining to a different category than that of ‘saying’. This seems to be the *prima facie* reason why a performative contradiction may not be expressed by the sole means of propositional logic. I shall now try to clarify the sense of the expression ‘to make use of sth. against what oneself has said or is saying’, for our purpose is to *understand how an assertion, which is contradictory in performative terms, inflicts upon itself a devaluation of its own truth-acquainting quality*.

One thing must however be noted. In cases where, for instance, someone asserts that the internet is completely useless while buying his train ticket online, there is no performative contradiction at all. Neither is there one when an athlete asserts, before his turn in the competition, that is humanly impossible to throw the javelin further than 105 meters, then throwing it 107 meters. In both cases someone conducts himself against what he has said in a way that cancels the validity of his current or previous assertion. But this cancellation (or rather *falsification* in a Popperian sense) is produced ‘a posteriori’ by a *counterexample* that could have been produced by any other person at any other time (the identity between the subject who produces an assertion and the subject who provides a counterexample to the content of the assertion has a mere rhetorical value). Let us recall that the devaluation denounced by an objection of contradiction must be inherent to the assertion in question. This means that it must be possible — for a *performative* contradiction to take place — to identify a common ground between doing and saying, one strong enough to allow for the recognition of a contradiction and — if Apel is right — ‘weak’ enough not to be identifiable in the sole dimension of propositional logic (as it happens in the case of propositional contradictions).

III

Let us go back to the question regarding the sense of a ‘making use of sth. against [what oneself has said]’ which we have identified as being characteristic of performative contradictions. In order to clarify this sense, I propose to analyze a rudimentary form of performative contradiction, which would take place if someone told us (or to be more precise: if he asserted) ‘I don’t exist’. In an article which was crucial for the later thematic treatment of the notion we are now studying, the Finnish philosopher Jaakko Hintikka presents an analysis of this kind of problematic declaration. His purpose is to explain — before the notion of performative contradiction was explicitly formulated — why declarations such as ‘I don’t exist’ present a somehow anomalous character. In the course of his analysis Hintikka makes an observation which corresponds to an effort to draw a distinction between propositional and performative contradictions, namely: “It is important to realize that the ills of such *statements* cannot be blamed on the *sentences* by means of which they are made” (Hintikka 1962: 11). The author notices, in other words, that the anomaly that this kind of declarations seems to exhibit may not be understood when the analysis is limited to the mere content of the proposition ‘I don’t exist’, i.e., when the (discursive) fact that someone *declares* ‘I don’t exist’ is submitted solely to propositional abstraction. This is because this variety of proposition is, as such, “all right as

sentences. They may be said to be consistent and sometimes even significant (e.g. when they occur as parts of more complicated sentences)” (ibid: 14, 15). They do not seem to hide, in other words, any semantic inconsistency of the species ‘ p and not- p ’. The anomaly in question will only show up when the proposition ‘I don’t exist’ is no longer considered in an abstractive way but ‘activated’, so to speak, in the declaration ‘I don’t exist’. No anomaly will take place unless someone makes use of the proposition ‘I don’t exist’ to produce an assertion (cf. ibid: 12). Then the employment of the proposition in question conducts itself against any possible verification of the content expressed by it. The analysis of this example shows that the anomaly of this case is due to a certain community between the act which produces an assertion and the product of this act (i.e. an affirmation). In other terms: the content of a performative contradiction seems to pronounce itself against its own condition of possibility as a declaration, namely against the possibility of being actually produced i.e. declared.

Thus, a possible answer to the question that guided the previous analysis would be: the ‘doing against...’ of a performative contradiction can be specified as ‘using discourse [to say something] against what is being said [by means of discourse]’. But we still have to clarify how this specification can help us understand *how exactly the self-devaluation inherent to a performative contradiction is produced*. Hintikka’s analysis may provide us with an answer: “Normally a speaker wants his hearer to believe what he says. The whole ‘language game’ of fact-stating discourse is based on the assumption that this is normally the case. But nobody can make his hearer believe that he does not exist by telling him so; such an attempt is likely to have the opposite result” (ibid: 13).¹⁵ Immediately after the cited statement Hintikka reinforces his posture. The sterility of this rudimentary form of performative contradiction would not just be due to the fact that such form of contradiction is *likely* to produce the exact opposite result to the one desired (i.e. to be accepted as a valid statement) but rather “to the fact that they automatically destroy one of the major purposes which the act of uttering a declarative sentence normally has. (“Automatically” means here something like “for merely logical reasons.”)” (ibid). (What does Hintikka mean here with the expression ‘for merely logical reasons’? This cannot mean, as we saw, something like ‘on grounds of a logic inconsistency of the species “ p and not- p ”’. The logic involved here should not be propositional). Later on, the Finnish author characterizes the automatic destruction

¹⁵ In chapter nine of his *De Veritate* entitled “Every action signifies either what is true or what is false”, Anselm of Canterbury anticipates the intuition which, in my opinion, underlies not only the analysis of Hintikka but the more specific developments concerning the performative contradiction as well. The simple intuition is that deeds — more than words — unveil what is *actually* the case (cf. Anselm 2000, 177-179). This intuition can be found in the New Testament: “operibus credite [et non verbis]” John 10, 38.

that the example analyzed would inflict on itself by means of the expression ‘self-defeat’. The assertoric declaration ‘I don’t exist’ would be *self-defeating*, according to Hintikka. It would seem *prima facie* that such descriptions allows us to elucidate the specific sense of the devaluation that a performative contradiction inflicts on itself. If we bring examples such as the assertion ‘Language is an impossible entity’ into play we may very well accept Hintikka’s statements regarding his object of analysis, namely “that whoever tries to make somebody (anybody) believe them [i.e. the assertions in question], by so doing, helps to defeat his own purpose” (ibid: 15). Moreover, the notion of self-defeat corresponds to the value assigned by certain thinkers to the figure of a performative contradiction: the latter would be particularly efficacious, since that which it denounces (a certain impossibility) would not be produced — as in the case of the *propositional* contradiction — by virtue of a discursive diachrony which must be brought to a logical synchrony by means of analysis. The impossibility denounced by the performative contradiction would produce itself *ipso facto* in a certain synchrony, *by* and *in* the production of a certain type of statements; in short: by virtue of a self-defeat.

But as soon as one starts to interrogate the sense of the expression ‘self-defeat’, its pretended explicatory force regarding the performative contradiction starts to dissipate. *What does it mean for a phenomenon to be self-defeating?* The property *self-defeating* may only be ascribed to a processual phenomenon that could eventually fulfill its purpose i.e. be accomplished. I shall try to interpret the notion of self-defeat through a description of some actions which could be qualified as being self-defeating.¹⁶ What do such actions look like? Let us first imagine that, after a long and rough winter, the arrival of spring inspires us to sing in praise of life. But, victims of our own enthusiasm, we start our musical homage by trying to vocalize a note that surpasses our range. The air passing through our throats cannot be modulated and, instead of a magnificent G note, nothing can be heard but a disturbing thread of air. That which would have enabled us to attain our purpose — the activation of our vocal apparatus — is, in some sense, the very cause of our failure, and not for reasons somehow alien to the action itself (such as the circumstantial inflammation of our vocal chords, etc.). We are faced with an action which could be characterized as self-defeating. Self-defeat would mean in this context the suspension of an action, in the sense of the neutralization of its own *efficacy*, by conditions inherent to itself. Let us now imagine a second kind of example. A government promotes a

¹⁶ In order to clarify the notion of self-defeat, I prefer to describe its possible use in daily contexts, rather than in speculative ones. For an example of its possible use in speculative contexts cf. Hegel 1979: 192 “Sie [i.e. the abstract independence] ist so das negative Verhalten gegen sich selbst, welches, indem es sein eigenes Sein gewinnen will, dasselbe zerstört, und dies sein Tun ist nur die Manifestation der Nichtigkeit dieses Tuns”.

massive tree plantation in order to reduce the national levels of CO₂ emissions. But it turns out that the machinery used in the process produces the exact amount of CO₂ that the trees were supposed to reduce before being cut for the expansion of a city. In the context of this second example, actions — considered as a process — are not submitted to self-suspension. The actions here deploy themselves totally, but in a way that makes them produce the opposite result of that which they were aiming for.¹⁷ The self-defeat of these actions consists in the abolition of their purposes which is directly perpetrated by their efficacy as actions.

But neither of these two senses of the expression ‘self-defeat’ correspond to the notion of performative contradiction. This notion refers, firstly, neither to an aspect of self-defeat in the sense of a discursive action unable to be even performed, nor to an action that ceases before being accomplished because of inner conditions (because of its own conditions of possibility). A performative contradiction can indeed be heard; it does not shut itself up before even having being said. And once it has started to be said it does not silence itself before having being completely formulated. The trivial observation that these performative contradictions *can be performed* is a sufficient proof of the previous affirmation. Secondly, a performative contradiction does not refer to any self-defeat in the sense of an action that necessarily sabotages its own purpose by means of its very discursive efficacy. Hintikka seems to defend the latter position regarding some forms of performative contradiction. But we should not forget that the case analyzed by Hintikka is equivalent to what we have called a rudimentary form of performative contradiction, probably analogous (in that which concerns the evidence of its anomaly) to those propositionally contradictory assertions that *immediately* exhibit the form ‘*p* and not-*p*’. But if we take into consideration examples of performative contradictions that are slightly more complex than ‘I don’t exist’ (for instance, one of Apel’s examples: ‘Every argumentation is use of violence’), we may clearly see that *assertions that are performatively contradictory can indeed fulfill their purposes, that is to say, to persuade or be taken as valid statements*. The idea that performatively contradictory assertions do not shrivel up *ipso facto* — i.e. by the very fact and in the very instant of their production — their persuasive power is already granted by the trivial observation that an argumentative device by the name of ‘performative contradiction’ has been developed to point out (i.e. to show something that had not been noticed) the inadmissibility of certain kind of arguments.

¹⁷ In a sense, the hypothetical machine of perpetual motion (the *perpetuum mobile*) is self-defeating. According to the second law of thermodynamics the differences in pressure, temperature, etc. affecting different members of an isolated system will equilibrate reaching the state of thermodynamic equilibrium. In other words: to put a machine into motion is to ‘condemn’ it to an eventual thermodynamic equilibrium i.e. to eventual stillness.

The question remains: is it somehow appropriate to characterize a performative contradiction as self-defeating? If there is one, the self-defeat of a performative contradiction is not a *fact*. It seems to me that Hintikka goes too far in stating that the assertions analyzed in his article produce an *automatic* destruction of their own *purposes*. If such destruction takes place, it would not happen ‘automatically’ but rather indirectly (in a sense that we shall analyze). The self-defeat corresponding to a performative contradiction cannot exhibit the inexorability of a *factum*. If one persists in affirming that this form of contradiction is self-defeating, the self-defeat may not then be referred to as a factual event but rather as a *counterfactual state of affairs*. Thus, when stating the discursive sterility or inefficacy of an assertion that is contradictory in performative terms, we are not describing a fact; we are rather *appealing to the normativity of a counterfactual state of affairs*. The structure of this procedure (i.e. of this ‘appealing’) is identical to that followed by the objection of propositional contradiction, where the invalidity of an assertion is pointed out through appeal to the normativity of a counterfactual state of affairs ($\neg [\pi \wedge \neg \pi]$). The grounds on which a performative contradiction may be characterized as self-defeating are the same grounds on which a propositional contradiction is said to be inadmissible as an argument. In other words: *a propositional contradiction is as self-defeating as a performative contradiction*. The notion of self-defeat may thus not allow us to clarify the *specificity* of a performative contradiction. The devaluation or argumentative defeat of a performative contradiction depends on an adequate connection between a discursive event and the normativity of a counterfactual state of affairs. The settling of this connection means nothing but to show that the discursive event in question is the apparent (i.e. false) realization of a normative impossibility, that is to say, of an interdiction. Since it infringes upon an interdiction *by itself*, we may call this kind of assertion self-defeating. But we must note that this last expression is applicable –without any modification– to the propositional contradiction as well. It seems to me that the specificity of a performative contradiction (if there is one) can only be found either 1) at the level of the (specific?) normativity to which it appeals, or 2) in the way in which it connects a factual with a counterfactual component, or 3) in both of these characteristics.

IV

In order to discuss this last problem, I will deal with an analysis that Karl-Otto Apel devotes to the notion concerning the present article. Apel is probably one of the authors that have discussed these questions the most, and he is certainly the most tenacious defender of the specificity and the particular argumentative value of the objection of performative contradiction. To describe

the way in which Apel understands the specific *normativity* related to this objection, we must first mention the *method* that allows –according to the German author– an exhibition of the ‘fact’ that a certain argumentative event produces (or seems to produce) a specific normative impossibility. We saw above that the method of the propositional contradiction is that of analysis: by means of analysis it may be shown that certain assertions hide a semantic inconsistency of the type ‘*p* and not-*p*’ under their immediate form ‘*p* and *q*’. It should nevertheless be noted that the conclusion ‘if *q* then not-*p*’ (which constitutes the decisive step of this objection) is obtained through a set of principles that are *relatively* alien to the assertion submitted to criticism, ‘*p* and *q*’.¹⁸ Apel notices that if a performative contradiction were to proceed by analysis, the following objection (which he formulates himself) would be appropriate, at least in principle: “Apel imagines first a [normative] concept of argumentation [...] and then he establishes — at will — that he who arguments falls into a contradiction when disputing [the argumentative normativity in question]” (Apel 1998: 181, 182, my translation). Apel insists nonetheless that the identification of a performative contradiction does not at all rest on an analytic operation, i.e. on a (deductive) derivation from something ‘other’ (*Herleitung aus etwas anderem*, cf. *ibid*: 179). What, according to the German philosopher, discovers a performative anomaly is nothing but the “reflection on the claims to validity of he who arguments” (*ibid*). “The reflection on the ‘clash’ [sic] between the asserted [*behauptet*] proposition and the act of its performative assertion shows me” the contradiction (*ibid*: 180). Apel will insist that the performative contradiction “obtains its sense only in the ‘clash’ — which can be produced through reflection — between that which I assert and that which my assertion performatively implies in the sense of a knowledge of the action [*Handlungswissen*]”. To appreciate (*einsehen*) a performative contradiction “one has only to engage freely in a methodical reflection of the specified sort” (*ibid*: 182). These two assertions justify the two following affirmations: i) According to the conclusions of the German philosopher, the objection of performative contradiction cannot be carried out in the *intentio recta* of a simple analysis but only through the *intentio obliqua* of a reflection on one’s own action and its presuppositions. In short: the method of the performative contradiction is a certain form of reflection. ii) The reflection in question identifies the contradiction *immediately* in the sense that it does not recur to criteria in order to *conclude* that a given assertion is contradictory. This means that the normativity to which this objection appeals is immediately identifiable *without the intervention of any theory*. The specific normativity

¹⁸ This means that a defense against an objection of propositional contradiction may be based not only on a revision of the *accuracy* of the analytic *operation* that concludes that *if q then not-p* but also on a revision of the *adequacy* of the *principles* guiding such operation.

of a performative contradiction should thus be directly (although reflexively) describable, without any intervention of Apel's own theory (or any other transcendental-pragmatic doctrine). In other words, any person capable of reflection — i.e. not just professional philosophers (cf. *ibid.*: 160) — should be able to identify this kind of inconsistency (thus Apel insists, like Hintikka, on certain 'automatic' effects in the occurrence of a performative contradiction). We will try to determine if this is the case.

By recalling the course of our analysis, we may interpret Apel's explanations in the following way: In discursive contexts involving a certain kind of assertion, reflection may immediately bring a counterfactual state of affairs into consideration, an event which 'shows' that the assertions in question come directly into conflict with the very act that produces it. This counterfactual state of affairs must refer to a normative impossibility, i.e. to an interdiction, which reflection immediately connects to the polemic argumentative event, accusing the latter of intending to enact what is impossible in a normative sense. We saw that in the case of the propositional contradiction, the counterfactual state of affairs violated by a given assertion is expressed by the principle 'it is not the case that p and not- p '. Now, how can we *express* the counterfactual state of affairs infringed upon by a performatively contradictory assertion? The following formulation may at first seem to be an adequate one:

– *The claim of an assertion whose content is contradicted by the act that produced such a claim cannot be accepted as being valid.*

This interdiction does not, however, correspond to what we are looking for, for it is the description of what we may call the principle of *performative self-falsification*, in the sense that it constitutes a specification of a general principle of falsificationism: the claim of an assertion whose content is contradicted by an (empirical) event cannot be accepted as being valid. The clause 'act that produces an assertion' is being taken here in the sense of an empirical event that represents a *counterexample* to the claim of a given assertion. The fact that the counterexample is precisely the act that produces the assertion adds no particular force to the counterexample as such (although it provides the opponent with a rhetorical surplus). The relation between 'claim of an assertion' and 'act that produces it' is considered here as an external one (i.e. it is just a lucky coincidence that assertion and counterexample are provided at the same time, by the same person; depending on the degree of self-referentiality of the assertion, the counterexample may be provided after the assertion, and even by another person).¹⁹ Thus,

¹⁹ This is the main reason why I do not think it correct to characterize this form of inconsistency as a species of performative contradiction, in the way Matthias Kettner does (cf. 1993: 196-201)

a performative self-falsification, like every falsification, a) is determined by means of deduction (*modus tollens*); b) must interpret (or translate) the action in propositional terms in order to establish a valid *modus tollens*; and c) must determine that the counterexample is representative enough to falsify the content of the assertion. Multiple criteria seem to be needed in order to establish this figure. This description is openly at odds with the conditions attached by Apel to the performative contradiction.

The act that produces a (performatively contradictory) assertion is considered by Apel not as a superficial event but rather as the *actualization* of underlying conditions of its possibility. He argues that every form of communication always already (*immer schon*) *presupposes* a set of conditions which are necessarily actualized by every communicative event (cf. Apel 1973). Accordingly, an adequate description of the interdiction that determines the identification of a performative contradiction would rather be

- *The claim of an assertion whose content denies the conditions underlying the possibility of the production of such claim cannot be accepted as being valid.*

But if the conditions of possibility of my actual assertion are *underlying* ones, i.e. presuppositions (prae [previous] – sub [underlying] – positio [position]), the question of whether reflection may be able to *immediately recognize* the conditions of my actual (communicative) action arises, that is to say, if it will be able to immediately recognize the grounds of a performative contradiction. Two alternatives seem possible: whether reflection (i) has already been furnished by a theory with a set of criteria allowing it to know what the conditions in question ‘look like’ and how are they to be identified in actual communication, or (ii) reflection elaborates by itself, in every occurrence of communication, an ad-hoc theory capable of discovering the conditions underlying the communication in question. Thus, the identification of a communicative event as an infringement of the interdiction presented above seems to rest on the previous acceptance of the validity of a theory.

Probably aware of this difficulty, Apel often introduces the following terminological modification: when acting (in a communicational modality) one does not *just* presuppose (i.e. in a purely theoretical sense of the word) a set of conditions; one has always already *implicitly recognized* or *accepted* such set (*man hat sie immer schon implizit anerkannt / akzeptiert*, cf. Apel 1973: 413, 415, 416, 419, 421). Thus, the identification of a performative contradiction does not depend on the previous acceptance of a given theory but on the immediate reflective apperception of the normative ‘fact’ that in and by my action, I have always already accepted the validity of a set of conditions with which the claim of my assertion comes into conflict. The conditions of possibility of communicative actions are thus not observable

only after the acceptance of a theory as being valid. Such conditions have always *been in force* by virtue of an implicit and immemorial ‘act’ of acceptance present in every communication. Reflection has immediate access to the ‘being in force’ of some conditions, i.e. to their normative actuality which proceeds from a peculiar form of acceptance. We should correct our previous formulation of the performative interdiction:

- *The claim of an assertion whose content denies the validity of some conditions for the production of such claim — a validity which has always already been accepted (or recognized) — cannot be taken as being valid.*

But even this third description may only seem satisfactory until we start interrogating the sense of one of its key notions, namely that of *recognition* or *acceptance*.

The notions of *recognition* and *acceptance* are correlative — in their daily use — to those of *refusal* and *disapproval*. According to this correlation, one may formulate a trivial principle: What cannot be refused cannot be accepted or recognized either. Now, Apel’s employment of these two expressions is not consistent with the principle in question, for the correlation that this latter formulates seems to be erased by his use of the notions in question. This can be observed in Apel’s expression ‘one has always already implicitly recognized/accepted [something]’. The phrase is extremely problematic, not because of the use of the adverb ‘implicitly’ but rather because of the employment of the adverbial clause ‘always already [*immer schon*]’. What has been ‘always already’ accepted cannot be refused. In this particular context, the notion of refusal may only exhibit an equally unusual sense: one has always already rejected that which is opposed to what has always already been accepted. If we admit this *sui generis* employment of ‘accepting’, we may still ask how we participate or cooperate in this ‘having always already accepted something’. For the notion of acceptance to hold on to a minimum of sense, he who accepts it must somehow participate in the action in question. Apel argues that we cooperate *implicitly* with this acceptance: one accepts the conditions of possibility of communicative action insofar as one acts communicatively, and it is not possible not to do so (except in the case where someone is crazy, cf., *ibid*: 414).²⁰

²⁰ Geert Keil tries to provide Apel’s case with the following solution: “Das Wort [i.e. to accept – anerkennen] wird einerseits im Sinne von »ausdrücklich billigen, zustimmen« verwendet, also als Bezeichnung für einen Sprechakt oder für eine intentionale Einstellung [...]. Andererseits kann man durchaus etwas implizit und stillschweigend anerkennen, und Kriterium oder Indiz dafür ist in diesem Falle nicht, was jemand sagt, sondern was er tut. Nach Kuhlmann hat man eine Voraussetzung implizit anerkannt wenn man sie »in Anspruch nimmt«. Im Rechtsverkehr kann man sogar durch Unterlassung etwas anerkennen, beispielsweise durch Versäumen einer Einspruchsfrist — was die Möglichkeit einschließt, daß man es nicht bemerkt” (Keil 2003: 68, 69). The second of both senses would be thus the one that

Apel's employment of the notion of acceptance excessively forces the usual sense of the expression, to the point of completely modifying its meaning. This may be observed when applying Apel's use of the notion in question to states of affairs somehow similar to that described by the German philosopher. For instance, another condition that enables other dimensions of human action is that things remain attached to the ground. It could thus be asserted that, insofar as one acts (by walking, by dropping an egg in the pan, etc.), one has always already accepted the principle of gravitation (Apel would not admit this analogy, for it seems to equate an empiric principle with a transcendental one; but our aim is just to show how bizarre Apel's use of the central notion of acceptance turns out to be). In a second example, it could be asserted that one has always already accepted one's own genetic heritage by the fact that one inevitably 'makes use' of it when acting. In a third example, one has always already accepted the idiosyncratic antecedents of the social group to which one pertains by inevitably 'personifying' the idiosyncrasy in question (even when trying to deny it). In every of these three examples the use of the verb 'to accept' presents a slightly absurd aspect. Then the notion of something that is 'always already' in force seems to be closer to the idea of *fate* than to a state of affairs resulting from an acceptance. Fate cannot be accepted or refused in a proper sense, even if one considers that he, who executes destiny's designs, is precisely oneself. Apel's use of the expressions 'to accept' and 'to recognize' is thus hardly admissible.

Let us recall the thread of this discussion. The performative contradiction denounces the conflict between the claim of an assertion and (some dimension of) the act which produces this assertion. Our analysis was concerned with the second member of this relation. We tried namely to understand in what sense a (communicative) action may (internally) contradict the claim of an assertion produced by itself. We interpreted Apel's answer as follows: in order to identify a performative contradiction, the communicative act

Apel uses. There are two reasons why we cannot accept this solution. The first one is that, even if we take this distinction as being valid, we have to insist that — not less than the first — this second sense of the word, 'to accept sth.' would only make sense if we could imagine an "avoiding sth." as its counterpart, which is impossible — I repeat — if we have 'always already' accepted something. The second reason is that this solution represents a circular argument: the notion of acceptance should allow us to understand what dimension of the "doing", of the act (of he who falls in a performative contradiction) is one of the elements involved in the contradiction in question — given that it is not, as we have seen, the merely empirical dimension of this action (it is not the action of the empirical subject what comes here into consideration, but the action of someone analogous — I suppose — to whom we call a subject of rights). Calling on the "doing" or the act of the agent as a means to explain the notion of acceptance is clearly circular (in addition, I do not see how Kuhlmann's expression of 'calling upon sth.' or 'engaging sth.' [*etw. in Anspruch nehmen*] may help to clarify the notion of acceptance in Apel's use).

must not be considered as a mere empirical event nor as being the (quasi causal) consequence of some underlying conditions (which could only be unveiled by means of a theory), but rather as the expression of the immediate ‘being in force’ of a set of conditions of communication, a ‘being in force’ which springs from an acceptance of those conditions. We saw however that this acceptance is not contingent, i.e. optional, but transcendental, and that is to say that we have always already accepted the principles in question. It is, in other words, an acceptance of something that cannot be refused and, for it to take place, there is no need for our explicit co-participation, since it happens in and by our very communicative action (which takes place inevitably except in cases of insanity). We argued that Apel’s use of the notion of acceptance is inadmissible by showing that what the German author describes resembles the idea of fate rather than something resulting from an acceptance. We arrive thus to the decisive point of the discussion. If we decide to admit the idea that the normative significance of communicative action (i.e. that which may enter into conflict with the claim of an assertion) rests on a transcendental *fatum*, we must still make a last observation. According to its traditional (Greco-Roman) interpretation, fate exhibits an efficacy analogous to the terrestrial ‘inexorability’ of gravitational force (for instance, Oedipus *actually* kills his father and *actually* sleeps with his mother, accomplishing thus the designs of fate), while the specific transcendental *fatum* does not. The trivial observation that an argumentative device is needed in order to prevent certain misuses of argumentation (i.e. of communication) justifies this last affirmation. The idea of a transcendental *fatum* is thus finally reduced to the paradox of a powerless fate.

V

As a result of the discussions carried out in this article, I do not consider it possible to draw a *strict* distinction between propositional and performative contradictions in terms of two different species of the genus contradiction (or, if you will, of the genus inconsistency). In fact, it seems to me that there is no way to defend the notion of performative contradiction other than by presenting it as a derived form of the propositional contradiction. In other words, if we are able to establish the occurrence of a performative contradiction at all, this is due *not only, but mainly*, to the possibility of establishing the occurrence of propositional contradictions. By translating the illocutionary force of a communication (i.e. its performative dimension) into propositional terms I may show that the content of this proposition (i.e. the result of the translation) falls into contradiction with the propositional content of the locution, i.e. with the content (the claim) of the assertion in

question. However, this procedure may only work if the translated proposition is interpreted as a claim, in order for the normative import of two propositions to come into conflict. The thus *exhibited* contradiction has been *established* in terms of a propositional one. It has been shown, that an apparently coherent assertion hides an inconsistency of the form ‘*p* and not-*p*’.²¹ But in order to exhibit such inconsistency we must resort — in the case of performative contradictions — to supplementary theoretical means (which are not immediately at our disposal in the assertion submitted to question). To expose the contradiction, a translation was necessary, along with a theory or doctrine (of illocutionary ‘forces’) able to provide the translation criteria. The habit of performing this complex — that is to say,

²¹ Contradictions, in the wide sense of the word, can only be made intelligible or ‘accessible’ (and that is to say, they can only be established, exhibited, etc.) in terms of propositional contradiction. Nevertheless, the thesis presented in the conclusion of this paper corresponds, as I see it, neither to the ‘reduction thesis’, nor to the ‘elimination thesis’ formulated both by Matthias Kettner: “Alle angeblich andersartigen Widerspruchskonzepte [i.e. apart from the concept of logical contradiction] (»dialektischer«, »performativer« u. a. Widersprüche) müssen sich bei genauerer Betrachtung entweder als etwas erweisen, das kein Widerspruch ist, sondern bloß irrigerweise so genannt wird – eine Eliminationsthese. Oder aber es lassen sich die angeblich andersartigen Widersprüche auf logische Widersprüche reduzieren – eine Reduktionsthese“. Köhler (cf. 1987: 305, 306), Kettner (cf. 1993: 193) and Hedberg (cf. 2005: 70), are absolutely right when affirming, along with Apel, that performative contradictions are not reducible to propositional ones, *in the sense that a simple semantic-syntactical analysis of a given proposition cannot provide all the elements needed in order to establish its performative contradiction*. But this consideration does not exclude the affirmation that pragmatic considerations (those necessary to identify the performative dimension of an assertion) are *necessarily* to be expressed in terms of a propositional contradiction in order to *establish* or *exhibit* the performative contradiction of an utterance. The interpretation defended in this paper is thus at odds with following objection by Hedberg (2005: 71) “any reduction [the sense of ‘reduction’ is not here the one expressed above, as we will see] would involve an interpretation and a translation of statements and performances into simple [?] assertions [what has been just said has nothing to do with the thesis of reduction!]. 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 interpretational levels into one single interpretational level”. An adequate consideration of the pragmatic dimensions of an utterance is precisely that what can allow us to *interpret* it (every reduction is the result of an interpretation, but not every interpretation is a reduction!) in order to *translate* it adequately (to translate does not mean to reduce!) into propositional terms, being thus able to *establish* the contradiction. Kettner adds the following concern: “der Preis dieser Transformation [i.e. the translation of pragmatic considerations into propositional terms] ist (oft) eine Verzerrung der Begrifflichkeit der Ausgangsbeschreibung” (1993: 193). But this observation is trivial: the possibility of producing a distortion in the ‘target-language’ of what was intended in the ‘source-language’ is (a danger) inherent to every translation. In conclusion, if I state that a performative contradiction is a contradiction necessarily expressed (i.e. made intelligible, accessible, etc.) in propositional terms and whose formulation can only be achieved through pragmatic considerations, I am not *reducing* performative contradictions to propositional contradictions at all. Neither am I affirming that the only authentic contradictions are those obtained *solely* through logico-semantic analysis (elimination thesis).

non-trivial– operation may finally produce the impression that performative contradictions reveal themselves immediately to a strict reflection, as if they were apperceived *d'un seul coup*. But the fact that the figure of performative contradiction is highly more controversial than that of propositional contradiction is already a sign that, in order to ‘work’, the former requires more presuppositions than the latter (to attribute the source of such controversies to a lack of reflexive sensitivity on the side of those who submit the efficacy of this figure to question is just too convenient).

Now, both ‘auxiliary’ elements of a performative contradiction (i.e. translation and theoretical criteria) can always be submitted to revision, regarding namely the accuracy of the translating operation and the adequacy of the theory underlying the translation. Although the use of the argumentative device of performative contradiction can be justified, there is no doubt that it opens more flanks to possible revision and criticism than the pointing out of a ‘mere’ propositional contradiction; that is to say, the former is, *in principle*, less conclusive than the latter. Thus, performative contradictions are far from being immediately observable (i.e. without the mediation of any theoretical apparatus) and the argumentative device that points it out is equally far from being an unquestionable method to exhibit and warrant a certain number of (transcendental) principles. I have tried to show that a performative contradiction constitutes no more of an argumentative self-defeat than a propositional contradiction and that the former is not directly accessible to ‘naked’ reflection, i.e. to reflection unaware (*ex-ante*) of a certain theory and of the operational criteria provided by it. There seems to be no performative ‘clash’ in itself, i.e. regardless of any (complex) hermeneutical context.²² There are, I think, pretty good reasons to defend the idea that performative contradictions are actually identifiable,

²² Even among authors who assign a central methodological role to the performative contradiction in the context of *transcendental*-pragmatics, there is a controversy around the claim of an immediate reflexive access to performative contradictions. Geert Keil tries, for example, to establish the distinction between logical and performative contradiction through the observation that, unlike the former, the latter needs non-trivial interpretations in order to be established (2003: 68; this *distinction* is, however, highly questionable: as Hedberg notices, “Even [propositional] contradictions may be open to interpretation, since the meaning of words [among other elements, we may add — cf. above, note 18] is open to interpretation even on the logico-*semantic* level” (2005: 69). Keil observes that those who affirm that performative contradictions are immediately accessible through reflection “gehen [...] über den Umstand hinweg, daß der Sinn einer Handlung, zumal einer Sprechhandlung, nicht minder Interpretationsbedürftig ist als der Sinn einer Rede. Wer den Opponenten mit der Nase darauf zustoßen können glaubt, was er denn gerade redend getan habe, rechnet nicht ernsthaft mit der Möglichkeit alternativer Interpretationen. Das vom Opponenten Gesagte Wird nach Kuhlmann lediglich »mit dem Faktum, das es selbstdarstellt«, konfrontiert. Diese Rede ist unglücklich, denn es handelt sich in jedem Falle um symbolisch vermittelte Interaktion und in solchen Kontexten ist der Verweis auf angebliche »Fakten« gewissermaßen unter Niveau.” (Keil 2003: 69. Cf. Hedberg 2005: 70, 72, 76, 79).

and that this identification justifies a closer revision of the assertion apparently affected by it. In order for this idea to gain wide acceptance, a strict formulation of the method of performative contradiction would be required; a formulation which should indicate, among other things, the actual reach and scope of this argumentative device: a relatively modest (i.e. non transcendental) one, if the discussions of the present article are on the right track. To the best of my knowledge, such formulation has not yet been provided.²³

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²³ Habermas' "What is universal pragmatics?" and the first 'Intermediate consideration' of his *Theory of communicative action* offer, as I think, some initial criteria to accomplish this task.

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