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## The Last Refuge of Scoundrels: The Problem of Truth in a Time of Lying

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THE LAST REFUGE OF SCOUNDRELS:  
THE PROBLEM OF TRUTH IN A TIME OF LYING

Bernard E. Harcourt

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THE LAST REFUGE OF SCOUNDRELS:  
THE PROBLEM OF TRUTH IN A TIME OF LYING

Bernard E. Harcourt<sup>1</sup>

Truth and evidence are questions so vast and eternal, interrogated for millennia, that one can hardly imagine having anything more to say about them or anything that could possibly contribute to human knowledge, especially in such a short essay. Hasn't everything already been said about truth? Haven't all the possible positions been fleshed out by now? The most brilliant minds, from Plato to Kant to Rorty, have toiled these fields before us, and, to be honest, we are hardly more advanced on the question of truth than were the Ancients. What hubris would lead us to think that we have anything substantial to add, especially in this digital age that has been described as inaugurating a "post-truth society"? So rather than jump immediately into the technical debates that have gone on now for centuries, I would like to begin by taking a step back and reflecting more synoptically, a bit more carefully and humbly, and in a personal voice, on the problem of truth in the twenty-first century. This is especially important today given the common belief and fear that we have entered a post-truth age. Let me begin, then, by taking a step back and some perspective.

### Introduction

The search for truth is the quest for a solid foundation on which to ground oneself or to convince others—to assure oneself that one is living a good life, to persuade others that one is right, to convince others that one's way of living is good or better, to induce others

to do what one says. Throughout human history, God, gods, and divine forces such as oracles have provided a solid basis for claiming correct belief and just actions. For Enlightenment thinkers, human reason rather than religious belief operated as that firm grounding; enlightened moral philosophers grounded right action on rules of reason, such as the universalizability of one's maxim. For positivist thinkers since the nineteenth century at least, science and empirical evidence serve as the foundation on which to ground one's certitude. God, reason, science have constituted, throughout history, some of the main grounds of truth—alongside others, such as nature, might, or human nature. In ordinary life, when we seek to assure ourselves or convince others of the truth, many of us often return to one or another of these solid foundations. That was Descartes's method: to start from scratch and find the most bedrock first truth—"I think, therefore I am"—and on the basis of that foundation, to build a series of equally solid arguments that showed us the truth and told us what to believe and how to act.

Philosophers have puzzled over the existence and nature of truth for millennia. Socrates dedicated his life to proving to strangers that what they thought was true was not, and he was sentenced to death for corrupting the Athenian youth into not believing the truth of gods. Plato, with his allegory of the cave, questioned our beliefs and perceptions, and argued instead for the truth of ideal forms. Nominalists throughout the ages, by contrast, questioned the existence of those categories—from justice, courage, and love, to the rose or the horse. At the turn of the eighteenth century, George Berkeley argued that humans cannot know things truly, just mental perceptions that God places, identically, in each of their minds. Kant's first critique tried to demonstrate that it is impossible to know things-in-themselves, and therefore that we must confine ourselves to

perceptions filtered through the categories of the mind, such as space, time, and causality. In the nineteenth century, Nietzsche wrote that truth is nothing more than a human invention. In the twentieth, William James argued that the true is nothing more than the expedient way to think. Towards the end of the twentieth, Seyla Benhabib proposed that a communicative model of argumentation within a discursive community could replace our concept of truth. Today, realists and anti-realists battle over truth, and some pragmatists, like Richard Rorty, have simply abandoned the question of truth entirely as having no practical use.<sup>2</sup> Philosophers have been fighting over truth for what seems like forever.

Many professional philosophers today, especially analytic philosophers, prefer to cabin the term truth to the metaphysical or epistemological fields. But in ordinary life and in politics and law, the concept of truth blankets our discourse. Truth slips and slides and qualifies judgments across the spectrum. Most of us use the concept of truth to describe the existence of objects from an ontological perspective (e.g., “It’s true that there is an ozone layer around the earth”) and to qualify the certainty of knowledge (e.g., “I know that climate change is true”), but also to designate the justifiability of positions in the political domain (e.g., “We hold these truths to be self-evident, that all men are created equal”), the correctness of statements of law (e.g., “It’s true that the states also have legal authority over auto emission standards”), and the validity of normative judgments in the moral domain (e.g., “You truly need to recycle that plastic”), as well as, even, to state whether ethical judgments are good (e.g., “It’s true that we should live a far less consumerist life”) or to qualify aesthetic judgments (e.g., “That is truly the most beautiful painting in the museum”). In each of the previous examples, there are more precise and technically correct terms to use than “true”: existence for being in ontology, certainty for

knowledge in epistemology, justifiability for political judgment, correctness for law, validity for moral precepts, goodness for ethics, beauty for aesthetics. But truth is, no pun intended, in our ordinary and political conversations, most of us tend to deploy the term truth across the board. And that is what gives rise to the problem of truth.

Most of us know what truth feels like or looks like in real life. Truth is, for instance, the keyboard I am typing on to write these words: “It is true that this is a keyboard,” or the object you are looking at to read these words. Truth is the door I need to open in order to get out of my library. It is the fact that if I do not pay attention crossing Broadway, I will get run over. Truth is that each one of us will someday die. Truth is the fact that both my dear parents are dead. Knowing what these truths feel and look like in ordinary life, many of us try to mimic and extend that level of certainty to politics, law, morality, ethics, and aesthetics, in our romantic lives, familial settings, friendships, and professions, and elsewhere. Many of us want to have that same feeling that, just as I can point to my keyboard and say “It is true that this is a keyboard that I am typing on,” we can point to the scientific studies and empirical data, and say “Global climate is changing and unless we do something about it, human life and many other forms of life on earth will cease to exist.” Many of us want to say, with the same feeling of certainty that we will someday die, that “Inequality has increased in the United States over the past four decades as a result of deliberate political decisions and public policies that have benefited the wealthiest one percent.”

And in order to achieve that level of certainty, for ourselves and to convince others, many of us make claims to truth: some marshal scientific studies, others craft reasoned arguments, and some try to enthrall others with their winsome oratory or their charisma.

At other times, people refer back to human nature, especially when they discuss sexuality, others turn to scripture, still others to sentiments, affect, or to universal principles. In the real world, most of us do not question the existence or reality of things-in-themselves, instead we mostly assume reality as it appears to us, but tell different stories about it for purposes of moral or political argument. In the abortion debates, for instance, no one doubts that there is a medical procedure that extracts human cells from a woman's uterus; instead we disagree about whether to call those cells a human being or a fetus, or whether a woman's reproductive choice takes priority. Similarly, in the climate debates, most people take for granted the truth or existence or reality of the earth and even, for the most part, that climate can and does change (hence, an earlier ice age); but they disagree about who or what is responsible and how we should act in response. They disagree about the meaning and interpretation to attach to any climate change and the right course of action. And in those disagreements, many of us turn to truth.

At certain historical junctures of paradigmatic change, the solid foundations of truth shift. The Enlightenment in Europe in the eighteenth century was just such a moment. At that time, the religious foundation of truth began to crumble and was displaced by reason and rationality. A new discourse came to dominate: new words, a new language and new grammar, new arguments, all shorn of scriptural references and authority, became omnipresent. Those moments are marked not only by a shift in the basis of truth, but also a change in the conception and definition of evidence. In a religious context, the term evidence connotes more the evident truth of revelation and is associated more with scriptural hermeneutics. During the transition to the Enlightenment, the term evidence acquired a mixed religious and rational nature, as in the terminology of the self-evident

truths of the signatories of the declaration of American independence. For François Quesnay's entry on "évidence" in the *Encyclopédie*, precisely at that moment of transition, the term referred to a blend of evident truths of religious and rational belief.<sup>3</sup> Quesnay's belief in the evidence of natural order, for instance, had both religious and secular economic bases. For more rationalist thinkers in the early nineteenth century, logic and reason were the most authoritative sources of evidence. Empirical data and scientific evidence, of course, came to the fore with positivist thought. So the definitions of—and the relations between—truth and evidence varied depending on the specific foundations that ground the claim to truth.

Paradigmatic shifts in the foundations of truth are often accompanied by fear and insecurity. Many people, at those moments, worry that the demise of a religious or a rational or empirical foundation would license greater immorality, or even barbarity. A change in paradigm is often perceived as threatening. Many religious thinkers viewed the Enlightenment as a deep menace, although many of us today do not believe there was an increase in immorality in Western society. Some, like Steven Pinker, argue that Western societies actually became less violent and that wellbeing increased.<sup>4</sup> Others contend that the scale of barbarity associated with modern slavery, imperialism and colonialism, or the World Wars of the twentieth century and the Holocaust, suggest otherwise—and some, like Homi Bhabha, suggest these may actually be the consequence of Enlightenment ideas.<sup>5</sup> Others, remain agnostic and adhere to Richard Rorty's more reserved assessment: "When the thinkers of the Enlightenment dissociated moral deliberation from divine commands, their writings did not provoke any notable increase in the amount of immorality."<sup>6</sup>

Many thinkers today, especially progressive thinkers, believe that we are at risk of another paradigmatic change in the foundations of truth and that this potential seismic shift may be accompanied by moral and political decline, by authoritarianism and barbarity, and possibly, depending on our response to the global climate crisis, by the end of mankind. Many associate this paradigm shift with the advent of the digital age, the birth of social media, the growth of cable news networks, and the development of accessible and cheap technology to easily alter digital evidence such as photos, videos, and archives. The fear is that we have entered a post-truth age or a post-truth society—to borrow the Oxford Dictionary word of the year for 2016.<sup>7</sup> Many progressive thinkers believe that this new post-truth society is one in which alternative facts, pseudo-facts, and fake news—to borrow the Collins Dictionary word of the year for 2017<sup>8</sup>—will masquerade as actual evidence, and propaganda and political spin will replace public discourse.

New books with titles like *The Death of Truth: Notes on Falsehood in the Age of Trump* and *Weaponized Lies: How to Think Critically in the Post-Truth Era* are climbing the *New York Times* best-seller list.<sup>9</sup> Reputable scholarly presses are publishing new philosophical texts with titles such as *Post-Truth* and *The Misinformation Age: How False Beliefs Spread*.<sup>10</sup> A large number of scholarly articles on post-truth and fake news are appearing.<sup>11</sup> Many of these articles and books trace the causes of the post-truth society and of what is called “truth decay” to factors including new digital technologies, a decline of trust in science and scientists, increased economic inequality, greater political polarization, the advent of social media and information bubbles, the more fractured media landscape, and a decline in social capital.<sup>12</sup> The arguments in these works often

draw on George Orwell's writings and his genius dystopic ideas about double-speak. They also frequently evince special disdain toward postmodernism for bringing this all about by questioning the objectivity of truth. As the philosopher Daniel Dennett exclaims, "I think what the postmodernists did was truly evil. They are responsible for the intellectual fad that made it respectable to be cynical about truth and facts."<sup>13</sup> Towering intellectual figures like Hannah Arendt, Isaiah Berlin, and other critics of authoritarianism—many of them Jewish refugees from Nazi Germany—are deployed in opposition to this new post-fact condition. Their lives and examples, as Benhabib writes in concluding her book *Exile, Statelessness, and Migration*, demonstrate "that the courage for telling it as it is can cut through the deluge of propaganda, fake news, and the illusions of a post-truth society."<sup>14</sup>

It is tempting to embrace the thrust of these arguments, especially given that so many lies and so much propaganda originates from a proto-fascist, White Supremacist, New Right that deploys factual inaccuracies to deny our cataclysmic climate crisis or to demonize vulnerable refugees seeking asylum, among others.<sup>15</sup> The leading voice of the New Right, President Donald Trump, lies like no one's business and has wracked up a Guinness Book of World Records in falsehoods. The *Washington Post* reported in March 2019 that Trump "averaged nearly 5.9 false or misleading claims a day in his first year in office. He hit nearly 16.5 a day in his second year. So far in 2019, he's averaging nearly 22 claims a day."<sup>16</sup> That amounts to 9,014 false or misleading claims in his first 773 days in office.<sup>17</sup> So we could certainly call President Trump, himself, post-truth.

But it is not evident that, as a purely strategic matter, calling out the New Right as post-truth or denouncing a post-truth society is necessarily the most effective political

tactic. If it were, I would not hesitate. I would be the last to dispute the use of post-truth rhetoric if it had a likelihood of beating the retreat of proto-fascism and White Supremacy in this country. In that struggle, I would willingly deploy all effective tools and rehearse any one of Arthur Schopenhauer's rhetorical stratagems from his *Art of Always Being Right*. But it is not evident as a strategic matter, and it may not be entirely accurate as a descriptive matter.

The problem is, Donald Trump claims truth more than anyone, and much of the New Right believes in old-fashioned Christian truths. The moral majority that backs Trump—however paradoxical that may seem—is wedded to truth. The Republican Party, now overwhelmingly supportive of Trump, also claims truth. Neither Trump nor most of his constituency would ever identify with the idea of “post-truth;” on the contrary, they constantly claim and try to seize truth. Trump presents himself as the ultimate truth-teller. He always has. He claims truth. And most of his supporters today believe that Trump is in fact the one telling the truth. That is a large part of his draw, at least if you listen to the man or woman on the street who supports Trump. “He tells it like it is.” “He says what he means.” “I honestly believe he is telling the truth.” “He is funding his own campaign. Nobody owns him.”<sup>18</sup> This last theme was important in his election in 2016. Because Trump funded his own presidential campaign, many supporters believed he was beholden to no one and said what he really believed. Trump said this himself: “I don’t lie. I mean I don’t lie. In fact, if anything, I’m so truthful that it gets me in trouble, OK? They say I’m too truthful. And, no I don’t lie. I don’t lie. I’m self-funding my campaign. I tell the truth.”<sup>19</sup>

The New Right does not embrace post-truth in any way. It does everything it can to claim truth. According to Trump, it is the fake news outlets like CNN and the *New York Times* that are lying, distorting truth, and misleading the general public. Trump is fighting a battle over truth on truth's ground, and every voter he persuades, he manages to do so because they believe he is telling the truth (or they truly believe they will benefit from his presidency). When Trump grows his constituency, he is beating liberals *on the terrain of truth*. It is far too arrogant to suggest, with those who argue that we have entered a post-truth society, that the term itself is “an expression of concern by those who care about the concept of truth and feel that it is under attack”—as if the New Right did not care about truth.<sup>20</sup> No, the New Right is fighting on the terrain of truth. It is convincing people of the truth. There is today an ongoing political battle over truth.

Moreover, I would add, the contention that postmodernism or Richard Rorty's pragmatism is responsible for our new post-truth condition is a distraction and silly.<sup>21</sup> The specter of a post-truth society far predates postmodernism. One need only reread Hannah Arendt's essay *Truth and Politics*, published in the *New Yorker* in 1967, to get a sense of this. Or George Orwell's dystopia, *1984*, written in 1949. In fact, most of the authors who describe a new post-truth age regularly cite passages from Orwell's dystopia, and often refer to Nazi Germany and Stalin's Soviet Union. Lee McIntyre's philosophical treatment, *Post-Truth*, for instance, uses passages from Orwell's writings as the book's epigraph and as multiple chapter epigraphs, on pages 1, 35, 63, 123, and 151.<sup>22</sup> Moreover, with the exception of Steve Bannon, Julia Hahn, and a handful of New Right intellectuals, none of the Trump constituency knows or cares about postmodernism except as something to laugh at. Few if any have even been exposed to it really—

especially given that no one, on either side of the debate, can really define postmodernism precisely. This blame game by certain liberals merely dredges up old rivalries from the 1990s and frictions within the Left that are completely orthogonal to the arguments and rhetoric of Trump's New Right today. The attack on postmodernism is derisory, just payback, and it unnecessarily fosters division among progressives.

Now, on the larger tactical question, I have not found any reliable evidence, one way or the other, as to whether the strategic use of the post-truth and fake news arguments are effective political weapons to counter the New Right, particularly in a context where all of the political actors are staking a claim to truth.<sup>23</sup> It is interesting that the fake news argument originated among liberals, especially in response to the Pizzagate incident in 2016,<sup>24</sup> but that Trump immediately appropriated and now dominates the use of the term today. Trump is an absolute master at spinning interpretations and, most often, outdoes his liberal opponents. So the strategic issues are complex. I cannot reliably tranche the purely tactical question whether it is to the advantage of progressives to deploy the post-truth argument, and I am not, myself, a particularly astute political strategist. So let me set aside the strategic question, and turn instead to the substance of whether we are in fact living in a post-truth society and whether our new digital age undermines the reliability of evidence for purposes of determining the truth.

### I. Assessing the Post-Truth Argument

The strongest argument for the post-truth society is that there is in fact a sharp increase, first, in the amount of falsehoods that now masquerade as truth in politics, second, in the use of arguments that effectively depreciate the epistemic standard for truth, and third, in the decay of truth. Along these lines, we might say that we have

indeed entered a post-truth age when, first, as a factual matter, the New Right effectively is able to convert a fact like climate change into a perceived hoax for a large portion of the American population; second, when people begin to care more about someone giving a point of view or speaking what's on their mind, than in the facticity of those statements; and third, when there is significant truth decay, including among other things increased disagreement about facts and “declining trust in formerly respected sources of factual information.”<sup>25</sup> Even if the New Right makes claims to truth and is fighting on the terrain of truth, the argument goes, it is in fact turning the concept of truth on its head by making falsities into truths and turning pseudo-facts into actual facts. So when it prevails politically, we are effectively living in a post-truth condition where falsehoods masquerade as truths. We are living, *in reality*, in a post-truth world.

Now, part of the post-truth argument, especially regarding truth decay, raises an important question about the relationship between truth and trust. Trust is, naturally, implicated in truth, and this raises a preliminary question whether we are entering a post-truth or a post-trust age. Bruno Latour makes this argument in *Down to Earth: Politics in the New Climatic Regime*, a book on global climate change.

Latour argues that global climate change is factual, but not believed by many today, because facts require trust. A true fact cannot stand on its own, autonomously, independent of social relations, of who tells it, or discovers it, or proves it—and where and how it is established. There may well be facticity, but in order for facts to stick, they have to properly form part of social life and a social fabric. And when our shared social life has been scarred by betrayal and exploitation, it will no longer be fertile ground for

the trust necessary to maintain truths. Latour summarizes, almost in the margin of his book, this epistemological position:

No attested knowledge can stand on its own, as we know very well. Facts remain robust only when they are supported by a common culture, by institutions that can be trusted, by a more or less decent public like, by more or less reliable media.<sup>26</sup>

It is not a matter of learning how to repair cognitive deficiencies, but rather of how to live in the same world, share the same culture, face up to the same stakes, perceive a landscape that can be explored in concert. Here we find the habitual vice of epistemology, which consists in attributing to intellectual deficits something that is quite simply a deficit in shared practice.<sup>27</sup>

In other words, as Latour underscores, facts do not “stand up all by themselves,” they require a shared world, and they require institutions and a public life. They will not be believed simply by repeating them or teaching them. They require a shared practice.

Latour himself objects to the idea that we are living in post-truth politics or that the people who are ignoring global climate change are simply living in an alternative reality. The problem, Latour argues, is not with “them,” but with “us”: “we” (and here Latour is speaking predominantly of those of European descent) have so betrayed others by taking advantage of them, and exploiting them, that they have no reason to trust existing social institutions anymore. By hoarding resources in order to modernize for the Western elite only, through colonialism and imperialism, wealthy Europeans have stripped themselves of a common language. “Before accusing ‘the people’ of no longer believing in anything, one ought to measure the effect of that overwhelming betrayal on people’s level of trust,” Latour writes. “Trust has been abandoned along the wayside.”<sup>28</sup>

Latour is undoubtedly right that trust is an important factor in truth. Many progressives, for instance, have never themselves read or reviewed the primary scientific literature on climate change, but have formed their beliefs on the basis of news reports in

the *New York Times* and *Scientific American*, and on *NPR*. Many of us form beliefs about truth on the basis of secondary sources that we trust. But today, overall trust in the media has descended to unprecedented lows. According to Gallup polls in 2018, as McIntyre reports, “Americans’ trust in the mass media has now shrunk to a new low: from a high of 72 percent in 1976 in the immediate aftermath of the Watergate crisis and Vietnam, it has now dropped to 32 percent.”<sup>29</sup> Most everyone reading this essay is associated with a university and has trust in the scientific community, its peer-review process, and its ethical standards—despite incidents like the Tuskegee University untreated syphilis experiment on African-American men or the University of Chicago’s malaria experiments on inmates at Stateville Prison.<sup>30</sup> Most progressives believe to be true the consistent and quasi-universal scientific findings of scholarly scientists. But many on the New Right do not trust science or academic experts, and defer instead to other forms of authority, such as religious belief, or in the case of Trump, a perception of business acumen. On a range of issues, from HPV and other vaccinations to climate change and environmental issues, conservative Americans tend to be more skeptical of science and scientists than liberals.<sup>31</sup> This is not to excuse anyone, and I will be the first—being myself agnostic, an academic, and a contrarian—to put hard data ahead of religion, charisma, might, or rhetorical argument, in forming opinions about factual matters. But clearly, questions of trust are central and may explain much of what is going on today.

So, as with any historical claim of transformation, it may be important to be careful and attend both to the evidence of continuity and rupture. On the one hand, there are always precursors and illustrations from earlier times that undermine the claim of a paradigm shift. The term post-truth, for instance, was apparently first used in an essay in

*The Nation* by Steve Tesich in 1992 referring primarily to President Ronald Reagan.<sup>32</sup> Notorious incidents far predate Donald Trump—such as when Secretary Colin Powell, in February 2003, displayed false evidence before the United Nations, in circumstances, incidentally, that caused far wide-ranging geopolitical instability and hundreds of thousands of deaths. Incidences of falsified evidence—such as doctored photographs, forged historical archives, or misleadingly edited film footage—existed well before the digital age. And as noted earlier, the idea of the post-fact is already in Orwell. On the other hand, the claim of disruption will depend on the metric of change and requires careful measurement—whether it is the actual increased frequency, and by how much, of lies masquerading as truths, or simply the greater ease with which it is today possible to doctor digital evidence, for instance.

To investigate these questions properly, then, it is important first to take an historical step back, and then an analytic step forward. First, a step back to place the problem in more of a historical light. For most of American history, most of the American population believed in the truth of White Supremacy—many still do. Similarly, and still today, most of the non-indigenous American population denies that Americans have engaged in a genocide of native peoples. Would we say that for most of American history, America was a post-truth society because, for the most part, it believed White Supremacy to be scientifically true, even though it was and is not? If not, what about the slave-holding states in the Antebellum period? Or the thirteen founding states that ratified the three-fifth provision of the U.S. Constitution? In the 1950s, many truly believed that the future of this country depended on fossil fuels; today, we understand that fossil fuel emissions may lead to the end of humankind. In the 1960s, many believed in the promise of

plastics; today, we understand that plastic is poisoning the planet. We know better, of course, now. But still, the historical record suggests that either the post-truth has been with us for a long time or that we need to be more careful about the term.

What history reveals is that the claim to truth often has been murderous. The truth of White Supremacy was the moral foundation of slavery, of Jim Crow, and today of racialized mass incarceration—as well as of colonialism and imperialism. In 1930s Germany, most Germans believed in the truth of the superiority of the Aryan race. For many, reason and empirical evidence may have displaced religion as the foundation of truth, but later revealed themselves to be as dangerous as what came before. The Holocaust, the Soviet Gulag, the Chinese famine, the Cambodian Killing Fields—they revealed that claims to reason and rationality could outdo even the ravages of religious faith, such as the Wars of Religion. Horkheimer’s *Eclipse of Reason*, and his and Adorno’s *Dialectic of Enlightenment* underscored the potential for human reason to turn against itself like a vicious autoimmune disease.

The fact is, throughout human history, the claim to truth has been one of the most dangerous and powerful weapons known to man. From the Crusades to Pol Pot, the claim to truth is what justifies genocide, torture, and extreme forms of punishment, like the death penalty. We are only prepared to execute the condemned when we believe in the truth of their guilt. Foucault was fond of citing a passage from the celebrated philologist Georges Dumézil—and, I confess, I have become fond of citing Foucault citing Dumézil, because the passage is discerning:

Looking back into the deepest reaches of our species’ behavior, “truthful speech” [*la parole vraie*] has been a force few could resist. From the earliest moments, truth was one of man’s most formidable

verbal weapons, most prolific sources of power, and most solid institutional foundations.<sup>33</sup>

Once we recognize the power of truth, I believe, we may start to better appreciate the need to be more careful about it. Earlier, I emphasized Donald Trump's claim to truth-telling in part to de-romanticize truth and truth-telling, and to re-politicize it. Too often, we associate truth and truth-telling with our heroes, whether it is the Reverend Martin Luther King Jr. breaking silence on the Vietnam War or Oedipus seeking the true murderer. We focus on Socrates or Diogenes. We laud the *parrhesiasts* whom we admire and extol the courage of truth. But it is important to remember, lest we get carried away, that the New Right too claims the mantle of truth-telling. For many, Donald Trump is the *parrhesiast*.

So, second, then, let's move forward more carefully regarding the noun truth and the adjective true. Let's begin with some honest reflection on our use of the term in ordinary parlance. Whereas philosophers may prefer to limit the use of the term truth to ontology and epistemology, in ordinary political discourse speakers tend to use the concept of truth as part of a cognate family of terms that include, as well, nouns and adjectives such as fact, facticity, factual, existence, and reality, from the ontological realm; justified, valid, or validity, from the political and normative realm; as well as accurate, certain, right, and correct. As a matter of ordinary debate, we often speak about facts or even theories as being true, but we also use the concept of truth to qualify political and moral judgments, and even ethical and aesthetic judgments. Sophisticated philosophers understand the family kinship and the parallel between an assertion of truth in the context of a statement of fact and in the context of a moral judgment<sup>34</sup>; but in ordinary parlance, we do more than see parallels. We create equivalences. Many of us often start our political arguments

with “The truth is” or “The fact of the matter.” It is practically impossible to stake political ground without claiming truth. On those occasions, the speaker is usually claiming truth to lay a foundation for themselves or to convince others, to seek solid ground or stable footing—rather than simply saying “that’s my individual idiosyncratic taste” or “that’s simply my opinion, you are entitled to yours.” The speaker is claiming that those political or normative judgments are solid like the truth of this keyboard I am typing on—that there is something objective or valid about them, or right, not just for the speaker, but for the listener as well. Much of the analytic philosophical debate over the correspondence theory of truth has revolved around the object of truth—whether it is the words, the sentence, the proposition, or the real world facts to which they correspond, that are true. But those particular distinctions are beside the point in our real lives and in political debate. What matters are the similarities, among the different judgments, in the type of argumentative move that the speaker is attempting to realize: namely, grounding their judgment on something true, valid, right, correct. This reflects well the fact that truth is our most solid foundation, one that we so often return to, and always as our last resort. Being right about truth is most always the best way to convince others.

How then could we be more careful? A start might be to be more careful about the terms themselves. Without forcing analytic philosophical distinctions on others, sticking to ordinary parlance, it might be useful to simply reflect on the terms we use in political debate to convey the idea of a solid foundation—to claim truth.

The first term is fact. Many of us use the term fact to refer to something about the real world that, when it is accurate, is factual, and when it is not, is simply not a fact. Most of us, in ordinary life, do not question the existence of things-in-themselves, and do not

really care about whether a factual statement involves the thing-in-itself or our perception of it or our linguistic statement about it. We mostly assume that, for all intents and purposes, we all have pretty much the same perception of the thing-in-itself and that it really is out there. There is, then, no point to describe a fact as being true when all we need to do is decide whether or not it is a fact. So, the fact is, I am typing. That does not need to be true or false, that is a fact. That is factual. To a large extent, this addresses one knot of correspondence theories of truth: the analytic debate over whether it is the proposition, or the sentence, or the thing that corresponds, that is true as it relates to a really existing fact in the world, becomes unnecessary. What matters is the fact—and whether it accurately exists in the real world or not. There is no need to talk about the truth of propositions. We can simply leave it at the existence of a fact, and leave truth out of the picture. Moreover, if we believe that the binary fact/not fact is too simplistic, then we could use a probability scale to determine how sure we are of its existence or not.

A second term is prediction. When we make a statement about the future, in practically all cases, we are making a prediction about some future event. Predictions have levels of probability or of certainty. Any statement about the future—any prediction—does not lend itself to a claim of truth, but to a probabilistic judgment. So there is no point qualifying predictions about the future as true or false, we can simply try to ascertain their likelihood or probability on an ordinal scale or spectrum.

A third term is theory. We tend to use the term theory as a statement or hypothesis about the real world that has not been proven wrong or invalidated. When a new theory comes into existence and replaces an old theory that has been proven wrong, then we can qualify it as a better theory, perhaps even as our best existing theory. We should not,

though, qualify it as truth. It may be proven wrong. Here, we can get along well with Karl Popper's notion of falsifiability regarding scientific theory and Boyle's idea of reproducibility. For Popper, theories about the world can only be considered scientific if they are falsifiable, and they can only be falsified, not verified. Nothing can verify a scientific theory, but one counterexample can falsify it. This means one cannot say that theories are true, just that they have not been falsified. To go any further, even to speak as Popper later would of "truthlikeness" or of "verisimilitude"—or as Stephen Colbert would about "truthiness"(!)—is not helpful, but just replicates, in a crystalline manner, the problems of claiming truth. Similarly, we could borrow from Boyle the idea of reproducibility, and argue that the reproducibility of a theoretical prediction—i.e., achieving the same results using the same methodology—or now what we refer to as replicability—i.e., achieving similar results using different data or methods—would mean only that we have not falsified the theory and that, until further notice, it remains the better theory.

A fact exists. A prediction is probable. A theory is better. A political argument may be valid, logical, reasonable, or corroborated by empirical evidence. Notice that I have not yet used the term true. We deploy the term all the time in our conversation, but we need not. We usually do and when we do, we gesture toward a more permanent or universal statement about our human condition. But that is actually unnecessary and it may not even exist. At most, we may have temporary, punctual determinations about what all the best evidence suggests right now, which we can call our best theory or interpretation. If we want to call it the truth, then we need to recognize that by truth, we do not mean something that is true for all time, but is currently just our best theory.

When we have to act, we need to decide what are the facts and what is the best theory. The model we use when we need to act, essentially, is a rough-and-ready juridical model: we review the evidence and decide based on a burden and a standard of proof. Someone has the burden of proving. There may be a presumption one way or the other. And proof has to be established to a certain degree—whether it is just an iota of evidence, or more than fifty percent, or practical certainty. We decide on a standard and who carries the burden, and we let the chips fall. Using effectively a juridical model, we reach a temporary judgment. But that does not mean the judgment is true. It means it is a temporary assessment of the evidence and arguments. This is precisely what we do in an American criminal or civil trial: the jury, judge, or attorneys in negotiation determine whether there is sufficient evidence that satisfies the burden and standard of proof. When an American jury returns a guilty verdict in a criminal case, it is not telling the truth—although that is a common misperception. The verdict is just a temporary assessment of the weight of the evidence, and it is open to later reassessment on a motion for new trial or post-conviction proceeding. The verdict does not mean, by any means, that the convicted person actually, in truth, committed the crime, but just that the prosecutor, who bears the burden of proof, has marshaled sufficient evidence to satisfy the standard of proof, namely beyond a reasonable doubt. Of course, our contemporaries project all kinds of biases and misleading interpretations and judgments into and onto the process—including racial and ethnic bias, class stereotypes, and moral panics that distort their interpretation of the evidence, and reinforces their false perception that the verdict is the truth. But if we are being careful about what is going on and attentive to how best to

describe the situation, a criminal verdict is no more than a temporary assessment of the evidence in relation to a burden and standard of proof. It is not the truth.

In effect, then, we may not need the word truth, especially Truth with a big T. In fact, neither truth nor Truth may really exist—at least, outside the narrow, technical, philosophical debates in ontology or epistemology. In the ordinary world and everyday politics, we have facts, probabilities, and better theories with logical or evidentiary thresholds. We decide who has to prove and whether those thresholds are met, and based on that, we reach judgments as to whether or not a claimed fact exists, a prediction is probable, or a theory or hypothesis is better than others—or we simply state this all in probabilistic terms.

The term true, it turns out, is too unstable in the sense that it can only be proven wrong. Truth is never for always, or universal, or preclusive—as we tend to use it. What we ordinarily call truth is just a temporary, punctual evaluation of evidence or reasons. We can only ever say that something is factual or valid based on our current state of knowledge and given all the evidence at our disposal today. And once we have cut truth to size, then we realize it hardly makes sense to speak of truth and never makes sense to speak of Truth with a big T. The best approach toward truth is a humble one: Nothing is true, what we believe is just the best interpretations we have for now, those that have not been falsified yet. That's the best we have, but not permanently true.

So, for instance, the theory of climate change is not true, rather it is our best theory about our human condition today given all the empirical data and scientific evidence. It may still be falsified; but, on the basis of all the empirical data and scientific evidence we have at our disposal, having to make decisions today that may affect the rest of human

history, we tranche in favor of the theory of global climate change. And we question whether those who do not have vested interests—for instance, whether elite educated climate deniers have a financial interest or a political stake in climate denial.

If we were more careful in ordinary life and political discourse, we would use the word truth much more sparingly. We might not even use it at all. It tends, misleadingly, to connote a level of certainty associated with the existence of things-in-themselves—the existence of this keyboard I am typing on—that gets improperly projected onto the validity of normative arguments or predictions about the future. It actually weakens our arguments because it allows the other side to seize on any bit of uncertainty and use that differential to demonstrate that we are making truth up. It also distracts from the larger political question of the kind of world we want to live in and of what we believe in—whether it is God, or reason, or science, or ethics.

## II. The Resort to Truth in Political and Philosophical Debate

If we were indeed more careful, we would also use the term truth more sparingly in technical political and philosophical debates. Surprisingly, even sophisticated philosophers often elide the subdisciplinary distinctions and end up, at the bitter end, arguing about truth in the context of politics and morality. There seems to be, in effect, even among the most sophisticated philosophers, the same will to truth as in ordinary parlance: high-level philosophical debate on matters of politics, justice, and morality, even ethics, often devolves into a question of truth, even among progressive thinkers, and even in the most sophisticated exchanges in political and moral philosophy where everyone agrees that the questions revolve around the validity and justification of normative arguments and not their truth. Even there, the controversy often boils down to

a claim of truth and often to an accusation that one's interlocutor is not sufficiently attentive to truth. Let me offer two examples.

### *The Habermas-Rawls Debate*

The first is the famous philosophical exchange between Jürgen Habermas and John Rawls in the mid-1990s.<sup>35</sup> Both Rawls and Habermas understood their debate to be a contest in political and moral philosophy only, between, on the one hand, Rawls' framework of political liberalism and his ingenious use of the device of the original position ("OP") as the grounds for achieving an overlapping consensus on principles of justice among people having different world views, and, on the other hand, Habermas's social democratic communicative action theory and his refined use of a universalization principle ("U"), according to which a shared norm would only be valid if, knowing its consequences and effects, it could be freely accepted jointly by everyone concerned. This was a debate in practical philosophy, not epistemology, nor metaphysics, nor, more narrowly, ontology. This was clear from Habermas's first intervention in the debate, where Habermas focused on the negative consequences of the rational-choice underpinnings of the OP method on democracy.<sup>36</sup> It was equally clear from Rawls's hand-written notes, in which Rawls jotted down, referring to Habermas's universalization principle, "Analogue or substitute for OP?"<sup>37</sup>

Both philosophers understood their contest to be a question of the validity or justifiability of the resulting norms. They mutually understood this to be a matter of political and moral philosophy, not of epistemology—so a question of validity and justification, not a question of truth in the epistemological sense. Rawls had been very clear in his earlier writings that his theories of justice and of political liberalism were in

practical philosophy and not in metaphysics or epistemology. As Rawls had written (and as Habermas quoted in his first salvo): “the aim of justice as fairness as a political conception is practical, and not metaphysical or epistemological. That is, it presents itself not as a conception of justice that is true, but one that can serve as a basis of informed and willing political agreement between citizens viewed as free and equal persons.”<sup>38</sup> Not a question of truth.

In his first, more generous intervention, Habermas remains mostly in the realm of questions of validity and justification. His critique is that Rawls’s political liberalism achieves only acceptance, in other words a form of social stability, and not acceptability as a form of validity.<sup>39</sup> The problem with Rawls’s approach, put succinctly, is “the assimilation of questions of validity to those of acceptance.”<sup>40</sup> For Habermas, the difference between acceptance and acceptability does have an epistemic character, and there is at the very least an analogy between acceptability and truth—one which Habermas accuses Rawls of eliding by his use of the term “reasonable.”<sup>41</sup> But still, in this first intervention, Habermas remains on the terrain of normative validity and justifiability, for the very simple reason that moral questions are susceptible to a validity check: “Questions of justice or *moral* questions admit of justifiable answers—justifiable in the sense of rational acceptability—because they are concerned with what, from an ideally expanded perspective, is in the equal interest of all.”<sup>42</sup>

In his lengthy and more combative reply to Habermas, Rawls emphasizes that his own understanding of political liberalism is that it does not make a claim to truth and does not raise questions of epistemology, but is only a practical political theory that “falls under the category of the political.”<sup>43</sup> Rawls specifically distinguishes Habermas’s

approach, which he qualifies as a comprehensive doctrine, as one that elides the difference between moral validity and truth.<sup>44</sup> By contrast to Habermas, Rawls stays on the terrain of “reasonableness,” not truth. Rawls emphasizes: “Political liberalism does not use the concept of moral truth applied to its own political (always moral) judgments. Here it says that political judgments are reasonable or unreasonable; and it lays out political ideals, principles, and standards as criteria of the reasonable.”<sup>45</sup>

Jürgen Habermas would write two further rebuttals to Rawls, each of which got somewhat more heated on the question of truth. In each of those, Habermas tries to maintain the distinction and to not simply claim truth, but it evidently gets increasingly difficult. Habermas’s first rebuttal is actually styled with truth in its title: “‘Reasonable’ Versus ‘True,’ or the Morality of Worldviews.”<sup>46</sup> There, Habermas responds to Rawls that his effort to remain only within the political domain necessarily fails and that it is impossible to avoid entirely the epistemological dimensions even in practical philosophy. But by his last rebuttal, “Reply to My Critics,” Habermas lets his guard down and embraces the centrality of truth to *all* philosophical domains—not just epistemology, but politics, morality, and even ethics. “I cannot think of any serious philosophical study, in whatever subdiscipline, that would and could not seriously make truth claims,” Habermas declared.<sup>47</sup> Even ethics, which Habermas had earlier carefully distinguished from moral judgments.<sup>48</sup> “Ethical statements about what is good ‘for me’ or ‘for us,’ for instance, remain captive to the perspective of a particular understanding of oneself and the world, but we claim (with this relativizing qualification) validity for them, too. Otherwise ethical advice would be pointless.”<sup>49</sup> But at that point, the relativizing qualification is hardly relevant, or convincing. It’s just a mere parenthesis. “Of course,” Habermas adds, “we

claim universal validity only for descriptive statements and statements concerning justice (where I understand “justice” in the Kantian sense).”<sup>50</sup> But again, by this point, it is clear that truth operates across the board—in politics, morality, and even ethics—it’s just a question of how forcefully we make the claim to truth. In *every* subdiscipline, *serious* philosophers claim truth.

So in the end, according to Habermas, the central defect with Rawls’s political liberalism is that it does not allow for a measure of truth to attach to the agreed-upon norms. There isn’t that solid foundation on which we can say that this is true, or what others should do. It can’t make a claim to truth. In the end, when the rubber hits the road, all the sophistication and analytic distinctions tend to fall by the wayside and we are left with a claim to truth even on normative and ethical questions.

And for that matter, I would argue that Rawls, who assiduously avoids the concept of truth, adopts a notion of reasonableness that inscribes within it the need for what I would call truthful judgments—this is, of course, Habermas’s critique. Habermas helpfully summarizes Rawls’s definition of “reasonable” as follows: “‘reasonable’ refers in the first instance to the attitude of people who are (a) willing to propose, agree upon, and abide by fair terms of social cooperation between free and equal citizens, and (b) capable of recognizing the burdens of argument and willing to accept their consequences.”<sup>51</sup>

What is plain from this definition is that its parts would likely lead a critic to claim truth, namely on whether people are in fact truly capable or willing. Those judgments determine whether people are being unreasonable, or whether there are other grounds for deliberative breakdown. In liberal political and legal debate, that often leads to claims of truth. I’ll set that aside, but it does functionally bring us back to truth again, in the end.

*Steven Lukes on False Consciousness*

The second context is my own ongoing debate with Steven Lukes on the question of ideology versus regimes of truth. Lukes originally penned an article in 2011 in the *University of Chicago Legal Forum* titled “In Defense of False Consciousness,” in which he argued for the workability of the Marxian concept of false consciousness. Drawing on his earlier brilliant book, *Power: A Radical View*, Lukes offered a step-by-step defense of the idea of false consciousness, which he compared negatively to Foucault’s framework of knowledge-power and regimes of truth. By contrast to Foucault, Lukes argued, the concept of false consciousness allows for the unveiling of erroneous ideologies that ultimately permit an accurate analysis of people’s real interests. It allows for what Lukes called a “correct view that is not itself imposed by power.”<sup>52</sup> For Foucault, by contrast, Lukes wrote, “there can be no liberation from power, either within a given context or across contexts; and there is no way of judging between ways of life, since each imposes its own ‘regime of truth’ . . .”<sup>53</sup>

In a first reply, also published in the *University of Chicago Legal Forum* in 2011, I emphasized the common genealogy of the two frameworks—the Marxian and the Foucauldian. I underscored that both were born as forms of resistance to a more traditional epistemological model that holds that an individual’s stated interests should be considered accurate when they can articulate good reasons that represent the basis for their actions, what is commonly referred to as the “justified true belief model of knowledge.”<sup>54</sup> This led me to suggest that, rather than viewing the two critical perspectives as mutually exclusive, it might be more productive to explore instead how they complement each other. As Foucault himself remarked in an interview in *Telos* in 1983, referring to the Frankfurt School, “[n]othing is better at hiding the common nature

of a problem than two relatively close ways of approaching it.”<sup>55</sup> Our mutual effort, I suggested, should be to explore how the commonalities and distinctions can move our critical projects forward. And I concluded the exchange with Lukes on a paradoxical note: it might not be Foucault’s insistence on power that impedes the critique of ideology and the argument of false consciousness, but rather the concepts of truth embedded in the argument of false consciousness that impedes future critical interventions down the road.

At a subsequent conference at Princeton University in April 2012, Lukes and I were invited to elaborate on our earlier exchange and reflect on our points of disagreement. By that time, having returned to Foucault’s critique of Marx, I took the position that my first response may have been too facile. I argued that it may not have done justice to the real tension between the Frankfurt School’s notion of falsity and Foucault’s exploration of an aesthetic of existence. The turn to a notion of aesthetic judgment in the later Foucault represents a significant departure from a traditional model of truth or validity in politics and morality. Foucault’s questioning whether the discourse of good and bad is “no more than an aesthetic discourse that can only be based on choices of an aesthetic order”<sup>56</sup>—and his embrace of an aesthetics of existence in a later interview with Alessandro Fontana in 1984<sup>57</sup>—offered a pointed contrast to the Frankfurt School. The contrast, I argued, could not so smoothly be papered over, even if both traditions originate from a rejection of justified true belief model of knowledge.

In concluding, then, what was my second reply, I emphasized that in both critical approaches, there is in fact a form of enlightenment, but achieved through different means.<sup>58</sup> On Luke’s view, access to genuine interests—and thereby emancipation from illusions—is achieved by acquiring the right social theory. On Foucault’s view, there is

no access to powerless knowledge; there is at best a form of unveiling of current forms of oppression or relations of power that is achieved through the denaturalization of the dominant ideas. On this second view, we do not achieve an end-state free of power relations. We do not escape relations of power, we never do. We are always embedded in them. We may make progress based on an “aesthetic of existence,” but we are in a new condition that is one of produced consciousness that will call for critique again.

This tension, I argued, is productive. On the first view, when we shed ideological beliefs, we are on firm ground. We have achieved and can articulate a correct state of affairs—and this, of course, places us in a righteous position. On the second view, that never fully happens. When we shed ideological beliefs, when regimes of truth shift, I would argue, we are merely at another place that needs to be reexamined—a new space where relations of power are at play, may become entrenched, may turn problematic. Another place where we need to exercise judgment and critique.

Lukes’s final rebuttal at Princeton surprised me. Lukes was not satisfied with the temporary nature of the resolution under Foucault’s view. Even if it had succeeded in lifting the veil of a noxious illusion, the fact that it had not revealed truth, but just another place where illusions might operate, did not satisfy Lukes. What I recall most vividly, as Lukes gave his closing statement and finished our debate, is that Lukes stressed that what we need, in the end, “is truth.” I fell off my chair, literally. After all the careful work Lukes and I had done to distinguish aesthetic from moral from political judgments, to find ways to put Marx and Foucault in genuine conversation, to be careful about validity and justification, it all boiled down to a claim to truth. All our fancy theorizing came to naught. Truth was the only issue. Truth was the trump card.

### *The Will to Truth*

I would argue that in these exchanges, and more generally, the claim to truth, in the end, is the last refuge of scoundrels. When a sophisticated philosopher is claiming truth in the political or moral realm, knowing well the epistemological distinctions between existence, truth, validity, or justifiability, they are overplaying their hand. They are overdoing it. They are abusing truth. And it is usually, I suspect, because they are losing the battle over validity. But it is not a credible approach. It is a cry of despair. It is the equivalent of the layperson saying: “I’m right, and you are wrong, period.” “What I’m saying is the truth!” It’s clutching a sinking raft. It’s a cry of despair that tries to ground an argument on more solid foundation than its probably rests.

Moreover, by trying to claim that solid ground of truth—that something universal that trumps all other arguments—the sophisticated critic also elides the relations of power that shape the institutions and practices that affect our appreciation of these interpretations and theories (or what the critic calls the truth). The imposition of a true foundation, as if it were true and sure, as if I were beyond power relations—as if, in Lukes’s terms, there were a “correct view that is not itself imposed by power”—hides all kinds of relations of power. Judith Butler articulated this best in earlier debates, in the 1990s, over the clash between feminism and poststructuralism, when she explained:

to establish a set of norms that are beyond power or force is itself a powerful and forceful conceptual practice that sublimates, disguises, and extends its own power play though recourse to tropes of normative universality. And the point is not to do away with foundations, or even to champion a position that goes under the name of antifoundationalism. Both of these positions belong together as different versions of foundationalism and the skeptical problematic it engenders. Rather, the task is to interrogate what the theoretical move that establishes foundations *authorizes*, and what precisely it excludes or forecloses.<sup>59</sup>

The imposition of a foundation, the claim to truth, is indeed a power play. It involves an assertion of power in the realm of political debate.

### *Ways Forward*

When I look back on history, it feels almost inevitable that people will continue to claim truth in public discourse—and not just there, but as well in sophisticated analytic and continental philosophical debates. The will to truth has been with us for too long. It is unlikely to evaporate even on careful reflection. Nevertheless, it is worth investigating better ways forward—better, that is, than to claim the truth.

Foucault offered one such approach: instead of dedicating oneself to the infinite task of distinguishing truth from falsity, especially in those domains where truth should not govern, Foucault focused instead on writing histories of truth—of what people believed to be true—and histories of truth-telling. The critical philosophical enterprise in the wake of Kant, Foucault explained, could give rise to two very different projects. One is the project, inspired by Kant, of determining the limits of reason and the criteria of truth: to determine the internal or external rules by which certain statements can be deemed true or false. This was the project of critique that draws on the etymology of the Greek word *krinein*, meaning to distinguish, to judge, to parse. The other critical project, which Foucault embraced, is to explore how claims to truth get infused with truth-value and how truth-telling works. This latter project provides the basis for a history of truth or of truth-telling: an analysis of the historical sequence of the methods by means of which the claim to speak truth—or what Foucault referred to as veridiction, as in the *diction* or telling of truth or *veritas*—succeeds.

Foucault explained the difference between these two projects with great precision in his inaugural conference to his Louvain lectures, on April 2, 1981, and it is worth quoting the passage extensively to understand what separates Foucault from those other projects to claim truth:

If critical philosophy is a philosophy that starts not from the wonderment that there is being, but from the surprise that there is truth, then we can clearly see that there are two forms of critical philosophy. On the one hand, there is that which asks under what conditions—formal or transcendental—there can be true statements. And on the other, there is that which investigates the forms of veridiction, the different forms of truth-telling. In the case of a critical philosophy that investigates veridiction, the problem is that of knowing not under what conditions a statement is true, but rather what are the different games of truth and falsehood that are established, and according to what forms they are established. In the case of a critical philosophy of veridictions, the problem is not that of knowing how a subject in general may understand an object in general. The problem is that of knowing how subjects are effectively tied within and by the forms of veridiction in which they engage. [...] In a word, in this critical philosophy it is not a question of a general economy of the true, but rather of a historical politics, or a political history of veridictions.<sup>60</sup>

It is this political history of truth that Foucault produced in his writings and lectures.

Instead of engaging in battles over truth or the criterion of truth, Foucault wrote superb histories of true belief. He wrote a history of the different ways that Western Europeans understood madness throughout different epochs—from the belief, in the Renaissance, that the mad had mysterious powers to see into the future, to the conception of madness as lack of reason in the seventeenth and eighteenth centuries, to the medical model of madness in modern times—in order to draw their implications. He wrote a history of how Western Europeans understood their world, from the model of similitude and resemblance in the Renaissance, to one of representation, ordering, and difference in the eighteenth century, to one that placed man at its center in more modern times. He wrote a

history of true beliefs about punishment in France, and another about understandings of sexual relations in Western civilization.

I have tried another approach in my work: to take seriously the idea of unmasking and develop a radical critical philosophy of illusions.<sup>61</sup> In my work, I have argued that our understanding of the world is mediated by mental constructs and interpretations that have effects of reality and redistribute material resources, wealth, and wellbeing. I have tried to demonstrate how so many of our leading and most significant interpretations—from the idea of order and order-maintenance, to the ideal of prediction, to the myth of natural order and of a free market, to the notion of internal enemies—how all these core beliefs are in fact illusions that have significant consequences in terms of material distributions. In my writings, I attempt to lift the veil and expose these illusions, but not in order to discover the truth, only to reposition us to offer better interpretations. I concede that those new interpretations will eventually themselves need to be unveiled in the future, but—somewhat on that juridical model I described earlier—I accept that they may be the best interpretations we have for this moment. I do not unmask illusions to claim truth, but to propose better interpretations that will next need to be critiqued.

To give an overly simplistic but quick illustration of this unending cycle of critique, or what I call radical critical philosophy of illusions: Simone de Beauvoir's brilliant writings on *The Second Sex* were a crucial critique and step forward that unveiled many of the illusions of patriarchy and male superiority; but they nevertheless reinforced notions of binary gender and a certain essentialism that, even if it was better at the time, would later be unveiled and critiqued by queer theory, which would then be critiqued by trans\* theory. De Beauvoir moved us forward and unveiled illusions, but did not reveal

genuine interests or real truths, just better interpretations at the time that would call for more critical work. The same could be said of Foucault's writings: his analysis in *The Punitive Society* and *Discipline and Punish* exposed the illusion of Western Enlightenment thinking in the punishment field. It revealed that, instead of punishing less, they learned to punish better through mechanisms of discipline that included normalization, regimentation, and panopticism. Those interpretations of the punitive society and of disciplinary power were better, at the time in the early 1970s; but even Foucault himself, by 1979, would critique them for still placing too much emphasis on the coercive dimensions, for failing to highlight the pastoral elements of governing, for inadequately theorizing our own role in governance—the dimension of subjectivity. Foucault was actually one of the first to point these deficiencies out and to critique his own at-the-time better interpretations.

In my work, then, I develop a radical critical philosophy of illusions that unveils not to discover truth, but to offer a better interpretation that will quickly need to be critiqued. In this, I embrace the terminology of “illusions.” It is one that Nietzsche and Freud used willingly. Nietzsche famously wrote, in 1873, that “truths are illusions of which one has forgotten that they are illusions.”<sup>62</sup> In *The Future of an Illusion*, Freud preferred the term illusion, which he inflected with the notion of wish-fulfillment, and distinguished from errors (which are easily demonstrably wrong) and delusions (which are in contradiction with reality).<sup>63</sup> Marx used the term phantasmagoria, which represents the theatrical use of a *laterna magica* to project frightening images on a screen, to describe commodity fetishism; this would orient Marxian thinkers to embrace the term ideology.<sup>64</sup> Foucault originally used the term illusion frequently, but eventually developed the framework of

knowledge-power and coined the term regimes of truth in opposition to the expressions ideology or illusions.

By contrast, I have retained the terminology of illusions because it captures best, in more accessible language, the idea of a misleading solid belief that masquerades as truth, but through critique and a lot of work can ultimately be unveiled, not to arrive at truth but instead at another space that will eventually itself become an illusion, need to be critiqued, and once again unveiled. I do not contend that truth traverses any of this, nor that we can get beyond power in analyzing these illusions. In these terminological debates, most often between critical theorists of a Marxian stripe or from the Frankfurt School and those who might be called poststructuralist or postcolonial or queer, the former often counter by returning to truth. Arendt foreshadowed this in her essay on *Truth and Politics*, which ends by claiming truth as “the ground on which we stand and the sky that stretches above us.”<sup>65</sup> Benhabib instantiates this in her contributions to the *Feminist Contentions* debate when she argues that denying moral and political universalism “is like wanting to jump over our own shadow.”<sup>66</sup> Steven Lukes rehearses it in his debate with me. Habermas even pulls the move in his debate with Rawls. But these are, I would argue, nothing more than power plays. And they highlight the exact location of the problem of truth: exactly where and when we slip, as we always seem to, from the ontological certainty of existence to political, moral, or ethical judgments that are orthogonal to truth; when we borrow the certainty that “This is a keyboard that I am typing on,” and we apply it to political or moral arguments like “Only the Rule of Law can protect us from this tyranny.” The resort to truth in politics and morality responds to

the fear that if we cannot parse truth from falsity and right from wrong, then there is no way to convince others and no path forward. That if we cannot claim truth, we are lost.

Well, I am not. My political positions and political actions are not determined by a claim to truth, but by temporary assessments of how, after critically unmasking illusions like the myth of the free market, practices and institutions interpreted through our next best theory are likely to redistribute resources in society, knowing that even that better interpretation will need to be revisited—knowing, that is, that I will undoubtedly be wrong. What is that notion of better, you may ask? It is not truth. It is an assessment, based on the best available evidence, of the effects of reality of that new interpretation and how it is likely to affect material distributions. These are judgments more in the ethical realm, ultimately. They concern a way of being and decisions on how to act politically, and they are not intended to tell others what to do. They are not in the realm of morality—they are not about deciding on a rule of action for others. They are about the way I lead my political and ethical life. At most, I imagine that my political acts may serve as an illustration of an ethical way of thinking and of being that might constitute one possible approach to politics. By acting in this way, I do not aspire to lead by example, nor do I claim truth for others. Whether it could ever serve as an example to others is beside the point, and certainly not the goal. When one is on solid ground, one does not need to claim truth. Claiming truth, in fact, may be counterproductive and often is an indication of weakness. It seems only necessary when one is trying, but has not persuaded the other. In my opinion, Habermas lost the debate with Rawls when he had to claim truth.

In the end, for the very same reasons that we need to chasten truth, I believe it is crucial to limit the construction of foundations. Foundations are just metaphors for truth, metaphors that claim more than they should. They construct positions that sound universal or permanent, or beyond power relations, but that are in reality temporary and fallible. It is not clear that one needs to have foundations. There is no good evidence that laying foundations is the most effective strategy or is in fact necessary. Just as we do not need a solid idea of truth when we can use best theories or accurate facts, so we should probably assume there are no foundations, and go on anyways. I certainly do not think I can lay a foundation for others, just as I cannot claim truth. I do not have faith in god, I do not believe in unfaltering reason, and scientific evidence only goes so far—many times, my own empirical work has revealed the fallacies of sociological or economic theories, like order-maintenance, or racial profiling, or systems analysis. But I need not generalize. What I have come to realize is that I may not be able to convince others, but can live my life ethically.

So, in the meantime, when I need to decide, I do and use a workmanlike juridical model. I can decide, at a moment in time, what is most probably accurate and the best theory, stating precisely the standards and burdens of proof I have used. It is no more than a census, what I believe today. It can change. But it is a necessary basis for action. And those decisions are only a temporary placeholder, not truth. They can never be universal or for always. Butler again captures this well: “Indeed, I would suggest that a fundamental mistake is made when we think that we must sort out philosophically or epistemologically our ‘grounds’ before we can take stock of the world politically or engage in its affairs actively with the aim of transformation.”<sup>67</sup> No, we must act and when

we do so, I propose, we use a rough-and-ready juridical model. That does not mean we make a claim to truth.

## Conclusion

It is tempting to argue that our current political crises, in fact, are actually the fault of all those who, over the ages, have pushed truth too far. All those, including sophisticated philosophers, who always overplay the truth trump card. Those pundits and critics who habitually abuse truth and casually fling it as their last refuge—like Daniel Dennett, who baldly asserts, in 2017, that “The real danger that’s facing us is we’ve lost respect for truth and facts.”<sup>68</sup> No, that’s not the real danger, that’s a distraction that hides the real danger: namely, the intentional political strategy by the New Right to solidify the wealth of the top 0.1% and marginalize persons of color. The real danger is the proto-fascist, White Supremacist New Right, whose core tactic now is to turn anti-racism into racism and convince everyone that African-Americans and other persons of color are racist against Whites. The real danger is that all this post-truth talk hides a Titanic strategy, to borrow from Latour: “the ruling classes understand that the shipwreck is certain; they reserve the lifeboats for themselves and ask the orchestra to go on playing lullabies so they can take advantage of the darkness to beat their retreat before the ship’s increased listing alerts the other classes!”<sup>69</sup> So, in effect, the real problem is that these post-truth pundits have turned truth into a holy grail, by overinflating truth, exploiting it, and deploying it so recklessly, and that they have empowered the New Right because, frankly, the New Right is far better at seizing truth than any of the post-truth eggheads.

But honestly, whether our political crises today are the fault of Richard Rorty, or the postmodernists, or these worshippers of truth—that is a silly distraction and a useless

debate. It would be impossible to prove, either way. It is far too divisive and counterproductive to the progressive cause. More than that, it's just another unnecessary claim to truth—the last refuge of scoundrels. It is best to stop the finger pointing.

Today, it feels that truth has become such an issue because we progressives seem to be losing the political battles. But it also feels as if we are a little dishonest about truth itself—that we deploy it more forcefully than we even believe. Perhaps it's because we feel cornered. Perhaps because we, progressives, see that we are not convincing others by repeating the facts and science of the global climate crisis. I am not sure tactically what is the most powerful response, and whether agitating about a post-truth society is the best strategy; but on the substance, I am confident that I should refrain from claiming truth, and instead act politically on the basis of my political beliefs as the better interpretations for the time being. Not truths, but better theories. And by acting on them, I may at the very least model another political way of being.

It is always tricky to give an essay its title, especially since the title can so easily turn readers off or bias their reading of it. I hesitated to give this essay its proper title at first, in order not to start on the wrong foot. Had I, I would have called it *The Illusion of Truth*. But as I mentioned at the outset, it is hard to imagine having anything more to say about the problem of truth when so many brilliant minds have interrogated it for millennia, and everything has already been said.

## Notes

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<sup>1</sup> I am deeply grateful to Mia Ruyter for what seems like endless critical conversations about truth and this draft. I apologize for typographical errors, stylistic infelicities, and substantive errors—all mine.

<sup>2</sup> “My objection to the ‘realism versus anti-realism debate,’” Rorty writes, “is that the resolution of these debates will have no bearing on practice.” Richard Rorty and Pascal Engel, *What’s the Use of Truth?*, ed. Patrick Savidan (New York: Columbia University Press, 2007), 34. For other references, see Plato, *Socrates’s Apology* and *The Republic*, in *The Collected Dialogues of Plato*, ed. Edith Hamilton and Huntington Cairns (Princeton: Princeton University Press, 1961); William of Ockham, *Opera philosophica et theologica*, ed. Gedeon Gál, et al., 17 vols. (St. Bonaventure, N. Y.: The Franciscan Institute, 1967-88); George Berkeley, *Three Dialogues Between Hylas and Philonous*, ed. Colin M. Turbayne (Indianapolis: Bobbs-Merrill, 1954), 77; Immanuel Kant, *Critique of Pure Reason*, tran. Norman Kemp Smith (New York: St. Martin’s Press, 1965); Friedrich Nietzsche, “On Truth and Lie in a Nonmoral Sense (1873),” 15-49, in Friedrich Nietzsche, *On Truth and Untruth*, ed. Taylor Carman (New York: HarperCollins, 2010), 30; William James, *The Meaning of Truth: A Sequel to Pragmatism*, 167-325, in William James, *Pragmatism and the Meaning of Truth* (Cambridge: Harvard University Press, 1975), 170; Seyla Benhabib, *Critique, Norm, and Utopia* (New York: Columbia University Press, 1986), 345.

<sup>3</sup> Quesnay, “Évidence,” in *L’Encyclopédie*, available here <https://artflsrv03.uchicago.edu/philologic4/encyclopedie1117/navigate/6/423/?byte=1505105>

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<sup>4</sup> Steven Pinker, *Enlightenment Now: The Case for Reason, Science, Humanism, and Progress* (New York: Penguin Books, 2019).

<sup>5</sup> Homi Bhabha and Steven Pinker, “Does the Enlightenment Need Defending?” *The Institute of Art and Ideas*, September 10, 2018, available at <https://iai.tv/articles/does-the-enlightenment-need-defending-auid-1149>

<sup>6</sup> Richard Rorty in Rorty and Engel, *What’s the Use of Truth?*, 43.

<sup>7</sup> Oxford Dictionaries, “Word of the Year 2016 Is...”, available at <https://en.oxforddictionaries.com/word-of-the-year/word-of-the-year-2016>

<sup>8</sup> Collins Dictionary, “2017 Word of the Year Shortlist,” available at <https://www.collinsdictionary.com/word-lovers-blog/new/collins-2017-word-of-the-year-shortlist,396,HCB.html>

<sup>9</sup> Michiko Kakutani, *The Death of Truth: Notes on Falsehood in the Age of Trump* (New York: Tim Duggan Books, 2018); Daniel J. Levitin, *Weaponized Lies: How to Think Critically in the Post-Truth Era* (New York: Penguin Random House, 2016).

<sup>10</sup> Lee McIntyre, *Post-Truth* (Cambridge: MIT Press, 2018); Cailin O’Connor and James Owen Weatherall, *The Misinformation Age: How False Beliefs Spread* (New Haven: Yale University Press, 2018).

<sup>11</sup> Scholarly articles on the post-truth era have burgeoned, see, e.g., Shanto Iyengar and Douglas S. Massey, “Scientific communication in a post-truth society,” *PNAS* April 16, 2019 116 (16) 7656-7661; Stephan Lewandowsky, Ullrich K.H. Ecker, John Cook, “Beyond Misinformation: Understanding and Coping with the “Post-Truth” Era,” *Journal of Applied Research in Memory and Cognition*, Volume 6, Issue 4, 2017, 353-369; Álvaro Figueira, Luciana Oliveira, “The current state of fake news: challenges and

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opportunities,” *Procedia Computer Science*, Volume 121, 2017, 817-825; Jonas De keersmaecker, Arne Roets, “‘Fake news’: Incorrect, but hard to correct. The role of cognitive ability on the impact of false information on social impressions,” *Intelligence*, Volume 65, 2017, 107-110.

<sup>12</sup> Jennifer Kavanagh and Michael D. Rich, “Truth Decay: An Initial Exploration of the Diminishing Role of Facts and Analysis in American Public Life,” RAND Corporation Report, Santa Monica, CA: RAND Corporation, 2018, available at [https://www.rand.org/pubs/research\\_reports/RR2314.html](https://www.rand.org/pubs/research_reports/RR2314.html); Lewandowsky, Ecker, and Cook, “Beyond Misinformation.”

<sup>13</sup> Carole Cadwalladr, “Daniel Dennett: ‘I Begrudge Every Hour I Have to Spend Worrying about Politics,’” *Observer*, February 12, 2017, at <https://www.theguardian.com/science/2017/feb/12/daniel-dennett-politics-bacteria-bach-back-dawkins-trump-interview> (quoted in Joshua Forstenzer, “Something Has Cracked: Post-Truth Politics and Richard Rorty’s Postmodernist Bourgeois Liberalism,” Ash Center Occasional Papers Series, Ash Center for Democratic Governance and Innovation Harvard Kennedy School, July 2018).

<sup>14</sup> Seyla Benhabib, *Exile, Statelessness, and Migration: Playing Chess with History from Hannah Arendt to Isaiah Berlin* (Princeton, NJ: Princeton University Press, 2018), 195.

<sup>15</sup> I discuss this proto-fascist, White Supremacist New Right and President Donald Trump’s role in fueling it in Bernard E. Harcourt, “How Trump Fuels the Fascist Right,” *New York Review of Books*, November 29, 2018, available at <https://www.nybooks.com/daily/2018/11/29/how-trump-fuels-the-fascist-right/>; see also

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Jason Stanley, *How Fascism Works: The Politics of Us and Them* (New York: Random House, 2018).

<sup>16</sup> Glenn Kessler, Salvador Rizzo, and Meg Kelly, “President Trump has made 9,014 false or misleading claims over 773 days,” *Washington Post*, March 4, 2019, available at <https://www.washingtonpost.com/politics/2019/03/04/president-trump-has-made-false-or-misleading-claims-over-days/>

<sup>17</sup> Kessler, Rizzo, and Kelly, “President Trump has made 9,014 false or misleading claims over 773 days.”

<sup>18</sup> These are a compilation of CNN and other news videos, see Donald Trump: Last Week Tonight with John Oliver (HBO) at [https://www.youtube.com/watch?v=DnpO\\_RTSMmQ](https://www.youtube.com/watch?v=DnpO_RTSMmQ)

<sup>19</sup> Jack Shafer, “How Donald Trump Destroyed the Interview: A century-old political institution may have met its match,” *Politico Magazine*, May 27, 2016, available at <https://www.politico.com/magazine/story/2016/05/2016-donald-trump-media-journalism-interview-tv-213922>.

<sup>20</sup> McIntyre, *Post-Truth*, 6.

<sup>21</sup> Some contend that it is not just postmodernists, but pragmatists like Richard Rorty who are responsible for our post-truth condition. The Harvard fellow, Joshua Forstenzer, maintains, for instance, that “Rorty’s philosophical project bears some intellectual responsibility for the onset of post-truth politics, insofar as it took a complacent attitude towards the dangers associated with over-affirming the contingency of our epistemic claims.” Forstenzer, “Something Has Cracked,” 4.

<sup>22</sup> See, e.g., McIntyre, *Post-Truth*, book epigraph, page 1 epigraph, page 35 epigraph, page 63 epigraph; page 123 epigraph; page 151 epigraph;

<sup>23</sup> [I must continue to research this question].

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<sup>24</sup> The “Pizzagate” incident resulted from false information circulating on social media during the 2016 presidential campaign that candidate Hilary Clinton and top Democrats were running a child sex ring and human trafficking out of the basement of the Comet Ping-Pong pizzeria in Washington DC.

<sup>25</sup> Kavanagh and Rich, “Truth Decay,” 33.

<sup>26</sup> Latour, *Down to Earth*, 23.

<sup>27</sup> Latour, *Down to Earth*, 25.

<sup>28</sup> Latour, *Down to Earth*, 23.

<sup>29</sup> McIntyre, *Post-Truth*, 86.

<sup>30</sup> See, generally, Bernard E. Harcourt, “Making Willing Bodies: The University of Chicago Human Experiments at Stateville Penitentiary,” *Social Research*, Vol. 78, No. 2 (Summer 2011), 443-478.

<sup>31</sup> Lawrence C. Hamilton, Joel Hartter, and Kei Saito, “Trust in Scientists on Climate Change and Vaccines,” *SAGE Open*, 2015 <https://doi.org/10.1177/2158244015602752>; Dan M. Kahan, Donald Braman, Geoffrey L. Cohen, John Gastil, and Paul Slovic, “Who fears the HPV vaccine, who doesn’t, and why? An experimental study of the mechanisms of cultural cognition,” *Law and Human Behavior*, 34(6), 501-516 (2010).

<sup>32</sup> Oxford Dictionaries, “Word of the Year 2016 Is...”

<sup>33</sup> The passage is from Georges Dumézil, *Servius et la fortune : essai sur la fonction sociale de louange et de blâme et sur les éléments indo-européens du cens romain* (Paris, Gallimard, 1943), 243-44. Foucault cites it in his 1981 lectures at Louvain, Michel Foucault, *Wrong-doing, Truth-telling: The Function of Avowal in Justice*, trans. Stephen W. Sawyer (Chicago: The University of Chicago Press, 2014), 28, as well as in his 1971 lectures at the Collège de France, Michel Foucault, *Lectures on the Will to Know: Lectures at the Collège de France, 1970-1971, and Oedipal Knowledge*, trans. Graham

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Burchell, ed. Daniel Defert (New York, N.Y.: Palgrave Macmillan, 2013), 84.

<sup>34</sup> Jürgen Habermas and John Rawls, for instance, recognize in their exchanges that there is at the very least an essential analogy between statements of truth and those of normative rightness, even if Rawls may prefer to avoid the term “truth” and use instead “reasonableness,” and if Habermas slips into moral truth talk. See, e.g., Jürgen Habermas, “‘Reasonable’ Versus ‘True,’ or the Morality of Worldviews,” 92-113, in *Habermas and Rawls: Disputing the Political*, ed. James Gordon Finlayson, Fabian Freyenhagen, and James Gledhill (New York: Routledge, 2011), 98; John Rawls, “Political Liberalism: Reply to Habermas,” *The Journal of Philosophy*, Vol. 92, No. 3 (Mar., 1995), 132-180, 149.

<sup>35</sup> On the Habermas-Rawls debate, see James Gordon Finlayson, *The Habermas-Rawls Debate* (New York: Columbia University Press, 2019) and *Habermas and Rawls: Disputing the Political*, ed. Finlayson, Freyenhagen, and Gledhill.

<sup>36</sup> Jürgen Habermas, “Reconciliation Through the Public Use of Reason: Remarks on John Rawls’s Political Liberalism,” *The Journal of Philosophy*, Vol. 92, No. 3 (Mar., 1995), 109-131, at 127-128.

<sup>37</sup> Finlayson, “Introduction,” *The Habermas-Rawls Debate*, 2.

<sup>38</sup> John Rawls, “Justice as Fairness: Political Not Metaphysical,” *Philosophy and Public Affairs*, xiv (Summer 1985): 223-51, at 230; Habermas, “Reconciliation Through the Public Use of Reason,” 122.

<sup>39</sup> Habermas, “Reconciliation Through the Public Use of Reason,” 122.

<sup>40</sup> Habermas, “Reconciliation Through the Public Use of Reason,” 126.

<sup>41</sup> Habermas, “Reconciliation Through the Public Use of Reason,” 123-24.

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- <sup>42</sup> Habermas, “Reconciliation Through the Public Use of Reason,” 125.
- <sup>43</sup> John Rawls, “Political Liberalism: Reply to Habermas,” 133.
- <sup>44</sup> Rawls, “Political Liberalism: Reply to Habermas,” 141-142 (note, my emphasis, that Rawls writes that “in Habermas’s view the test of *moral truth or validity* is fully rational acceptance in the ideal discourse situation, with all requisite conditions satisfied.”)
- <sup>45</sup> Rawls, “Political Liberalism: Reply to Habermas,” 149.
- <sup>46</sup> Jürgen Habermas, “‘Reasonable’ Versus ‘True,’ or the Morality of Worldviews,” 92-113, in *Habermas and Rawls: Disputing the Political*.
- <sup>47</sup> Habermas, “A Reply to Critics,” 283-304, in *Habermas and Rawls: Disputing the Political*, 290.
- <sup>48</sup> Habermas, “Reconciliation Through the Public Use of Reason,” 125.
- <sup>49</sup> Habermas, “A Reply to Critics,” 290.
- <sup>50</sup> Habermas, “A Reply to Critics,” 290.
- <sup>51</sup> Habermas, “‘Reasonable’ Versus ‘True,’ or the Morality of Worldviews,” 102.
- <sup>52</sup> Lukes, “In Defense of False Consciousness,” 19.
- <sup>53</sup> Steven Lukes, *Power: A Radical View* (New York: Palgrave Macmillan, 2005), 91-92 (citing Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-77* at 38); Steven Lukes, “In Defense of ‘False Consciousness,’” *University of Chicago Legal Forum*, Vol. 2011, 19-28 (2011), 28 available at <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1473&context=uclf>
- <sup>54</sup> See Bernard E. Harcourt, “Radical Thought from Marx, Nietzsche, and Freud, through Foucault, to the Present: Comments on Steven Luke’s In Defense of False Consciousness,” *University of Chicago Legal Forum*, Vol. 2011, 29-51, available at <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1474&context=uclf>

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<sup>55</sup> Michel Foucault, *Dits et Écrits*, Vol 4, Text #330, 439 (Paris : Gallimard, 1994) (at page 1258 in vol. 2 of 2001 edition) (“Rien ne cache plus une communauté de problème que deux façons assez voisines de l’aborder.”)

<sup>56</sup> Michel Foucault, *Sécurité, Territoire, Population. Cours au Collège de France, 1977-1978*, ed. Michel Senellart (Paris : Gallimard, 2004), 5; Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, ed. Michel Senellart, tran. Graham Burchell (New York: Palgrave Macmillan, 2007), 3.

<sup>57</sup> Michel Foucault, “Une esthétique de l’existence,” in *Dits & Écrits*, Vol. 4, 730-735.

<sup>58</sup> Bernard E. Harcourt, “Reflections on Ideology and Regimes of Truth,” Princeton University, April 15, 2012 (draft on file with author).

<sup>59</sup> Seyla Benhabib, Judith Butler, Drucilla Cornell, Nancy Fraser, and Linda Nicholson, *Feminist Contentions: A Philosophical Exchange* (New York: Routledge, 1995), 39.

<sup>60</sup> Foucault, *Wrong-Doing, Truth-Telling*, 20. See also Michel Foucault, *Discourse & Truth, and Parrēsia*, ed. Henri-Paul Fruchaud, Daniele Lorenzini, and Nancy Luxon (Chicago: University of Chicago Press, 2019), 222-224 (“my intention was not to deal with the problem of truth, but with the problem of the truth-teller or of truth-telling, or of the activity of truth-telling. I mean that it was not for me a question of analyzing the criteria, the internal or external criteria through which anyone, or through which the Greeks and the Romans, could recognize if a statement was true or not. It was a question for me of considering truth-telling as a specific activity, it was a question of considering truth-telling as a role. [...] [W]hat is the importance of telling the truth, who is able to tell the truth, and why should we tell the truth, know the truth, and recognize who is able to tell the truth? I think that is at the root, at the foundation of what we could call the critical tradition of philosophy in our society.”)

<sup>61</sup> Bernard E. Harcourt, *Praxis and Critique: A Manifesto* (2019), available here

<http://harcourt.praxis.law.columbia.edu>.

<sup>62</sup> Nietzsche, “On Truth and Lie in a Nonmoral Sense (1873),” 30.

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<sup>63</sup> Sigmund Freud, *The Future of an Illusion*, tran. James Strachey (New York: W.W. Norton & Company, 1961), 30-31.

<sup>64</sup> Karl Marx, *Capital: A Critique of Political Economy*, Volume One (Ben Fowkes trans., Vintage Books 1976), 165.

<sup>65</sup> Arendt, Hannah, "Truth and Politics," *The New Yorker*, Feb. 25, 1967.

<sup>66</sup> Benhabib, Butler, Cornell, Fraser, and Nicholson, *Feminist Contentions*, 118.

<sup>67</sup> Benhabib, Butler, Cornell, Fraser, and Nicholson, *Feminist Contentions*, 129.

<sup>68</sup> Cadwalladr, "Daniel Dennett."

<sup>69</sup> Latour, *Down to Earth*, 19.