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Theory, Practice and Ubiquitous Interpretation: The Basics

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1. Introductory

Throughout his work, whatever the topic, Stanley Fish is preoccupied with a question concerning the basis of our entitlement, in various domains of discourse, to the notions of correctness and objectivity in judgment. Literary criticism and legal analysis supply his main examples. In virtue of what, he often asks, is one reading of a literary text or one application of a legal rule correct, and not another?

This question is already present (though outside the main focus) in Surprised by Sin, with its perception of Milton as a writer concerned with severe disagreements: cases where someone's access to how things are, or to what is a reason for what, appears to depend on their acceptance of a premise which is un-demonstrable (since the compellingness of any demonstration seems to depend on it).¹ Next, Self-Consuming Artifacts argues for the role the reader in determining the meaning of a literary text—and this in something more than the trivial sense that insofar as there are works of literature there must be readers of them. (The idea, rather, is that something about the reader or her situation *explains* why a literary text means what it does.) This view gets articulated in Is There a Text in this Class as a kind of “conventionalism,” according to which communal accreditation determines what counts as correct in judgments about literary texts. And this thesis is extended to other subjects (especially law) in Doing What Comes Naturally, where Fish portrays a number of otherwise diverse theorists (Unger, Dworkin, Hart, Posner) as seeking—often against their own declared intentions—an Archimedean standpoint for judgment. Doubting the availability of such a standpoint, Fish proposes a “pragmatic” alternative in which the notions of interpretation and community again help to secure the notion that a text sometimes means one thing rather than another.²

In this essay, I sketch the main argument running through these works, address a few misunderstandings, and indicate, somewhat programmatically, how the argument deserves to be criticized.³ The grounds for my criticism are not exactly foreign to Fish's work. In fact, my

main premise might be described as “the priority of the practical point of view,” something Fish himself seems to favor in his criticism of the theorists mentioned above. Thus, my hope is that Fish will be able to see my criticism as a friendly one: as clarifying and extending a valuable line of his thought, notwithstanding that the theory to be exorcized, in this case, is his own. Otherwise put, my criticism finds a conflict within Fish’s work; and the part of a friend, in such a case, is naturally to be an ally—giving reinforcement or resolution—to the better side.

2. The Skeptical Argument

To start things off, we might remember that Milton writes in an historical moment of crises having the form of a perceived gap between the desire for a just order of society and historical experience, or between moral value and social fact—a gap figured by Milton as the relation between God and man.⁴ The project of *Paradise Lost*—“to justify the ways of God to men”—is motivated by a sense of the apparent failure of God, and hence implies the need for human speech and judgment to bring moral intelligibility to historical experience. Thus, what attracts Fish to Milton is that Milton treats poetry’s religious theme as a *secular*, not a religious poet. That is, unlike his predecessors in this theme, Milton’s focus is not the difficulties man encounters in keeping to the demands of God, but the potentially false surmise—the idolatry, as it were—involved in talk of the specific content of divine imperatives.⁵

Two ideas may be extracted from this general picture of Milton—ideas, which structure a great deal of Fish’s subsequent work:

(1) the idea of correct judgment or right social order as that judgment or order which is in accord with God’s will; and

(2) the idea that what makes a particular judgment one that accords with (keeps faith with) God’s will is itself a question which calls for human judgment.

The first of these ideas expresses what a “judgment” is for the human being laboring in history, a creature capable of departing—through responsible exercises of his conceptual capacities—from the divine will. The second idea might be thought of as a form of “antinomianism.” Putting these together, we have the thought: Although correct judgment is

judgment in accord with God's will, there is no means of externally validating (i.e., from a point external to our judgments) whether one has got things right. In Fish's words:

The doctrine of the inner light marks out the area of interpretive labour; the doctrine of the single Truth names the goal of that labour, but withholds explicit directions for attaining it.⁶

In saying that a thought along these lines structures Fish's work, what is meant is that Fish is concerned to respond to a certain *felt difficulty* with this thought. The difficulty is characteristic of modern philosophy. People are apt to feel that, in the absence of "directions" for certifying disputed judgments as correct, the very idea of correctness in judgment--of their being something to "get right"--must come under threat. The difficulty arises on the assumption that our entitlement to regard one of two conflicting judgments as "objectively correct" requires that there be some means of *demonstrating* its correctness through premises which do not presuppose either of the positions in question.

It appears questionable, to say the least, whether this requirement can be satisfied in such contest-laden domains as law or literary criticism, where judgment nonetheless has objective purport. So someone working in these domains might come to feel the pinch of the present difficulty. And they might then naturally move in one of two opposing intellectual directions:

(a) They might attempt to vindicate the objectivizing view of discursive participants by supplying a theory of what makes judgments in the relevant domain correct. That is, they might construct a theory of validity for the discourse in question. (Or, if we call different judgments--e.g., about literature or law--different "interpretations," then we may speak here of a theory of validity in interpretation).

(b) Alternatively, they might come to deny that talk of correctness has the substance which discursive participants are inclined to credit it with. In its extreme versions, this view says that we are not really entitled to talk about "getting things right," only about what people *take* to be right. This means that engaged participants are prone to an illusion of some kind. For they take their judgments to be not merely their way of

“taking” things, they take them—this *defines* the participant perspective—to be true; whereas according to the theorist, such claims need to be accounted for in other terms, e.g., as ideology or the rhetorical camouflage of power, and so on.

Since (b) evidently expresses a form of skepticism, it is tempting to think of those embracing (a) as *anti-skeptics*. This is right in one way, but misleading in another. It accurately records the way (a) and (b) are interlocked voices in a single argument, as well as the intellectual derivativeness of (a): proponents of (a) are often defending certain commonplaces of the practice against the threat of skepticism. However, in a somewhat broader sense, one might regard both positions as “skeptical” ones. That is, “skepticism” might be taken to refer not just to arguments which deny that correctness in judgment is possible, but also to attempts to refute those arguments. Why speak this way? The point is to mark an alternative point of view from which (a) and (b) look intellectually intimate with each another; from which it appears that what these views share in common is larger than the point over which they disagree. What these views share in common is the premise:

(P) Our entitlement to see one of two conflicting judgments as objectively correct requires some means, independent of those judgements, for validating one or another of them as correct.

The intimacy between positions (a) and (b) is that neither so much as sees a question to be asked about (P). That is, for each of them, (P) is invisible as a premise. Thus, each position takes itself to be the only alternative to the other.

Where in this landscape does Fish belong? The answer is: Fish wishes to reject both (a) and (b). So he is essentially an *anti-skeptic* in the broad sense of the term. “Various characterizations of me as a skeptic—as someone who disbelieves in truth or relative value...or is unconfident in his judgments, follow from the confusion between a very limited denial of a universal mechanism of validation and the denial, which I do not and never would make, of just about everything”⁷—of just about everything (I take this to say) about which people judge and, often enough, agree.

As this makes clear, Fish’s intended target is not the possibility of true or confident

judgment just *as such*, but only what he regards as one mistaken defense of this possibility—one which seeks a “universal mechanism.” Fish sometimes calls the mistaken defense a “foundationalist” one. His continuous theme is that the options described by (a) and (b)—the Scylla of foundationalism and the Charybdis of skepticism, as it were—are not exhaustive; and that we can locate another possibility if we allow ourselves to question (P), the premise which the skeptic and her traditional opponent share in common.

Now it should be noted that “questioning (P)” evidently means *for Fish*: constructing an alternative explanation of the basis of our entitlement to the notion of correctness in judgment. (This means giving an alternative account, as we shall see, of how there could sometimes be “plain meanings”—obvious cases which no one disputes.)⁸ But I shall suggest below that this misses a more radical possibility (§§5-6).

One doesn’t need to read *Milton*, of course, in order to feel that (P) is not an innocuous premise. Indeed, one might see (Fish’s) Milton’s central thought—that we endeavor to judge the “single Truth” without anything standing surety for our judgments—as a variation on a point of Aristotle’s: namely, that the practically wise person doesn’t have a recipe (or a set of deductively applicable instructions) for living well, but rather is able to *see* the significance of the details of practical situations in light of a correct grasp of the relevant ethical concepts. Aristotle’s remarks trace a circle that never leaves the domain of ethical thinking. For if we ask, “what makes a grasp of the relevant ethical concepts a correct one,” Aristotle is apt merely to refer us to the judgments of the practically wise person, just where a more modern (and in the broad sense, skeptical) line of thought would expect to find an attempt at external validation.⁹

At this point, someone might wish to object, however: “Surely Fish is a skeptic. Doesn’t he everywhere say that every judgment is contestable and that there may be no means, independent of the dispute, for settling the matter; that what will count as evidence in favor or one or another judgment, for example, may itself be a function of the position one holds? What is this if not a skeptical challenge to our notion that some judgments are objectively correct?”

This is a misunderstanding of Fish’s aim, though it may not be one—I’m inclined to think—of his achievement. As I will later explain, there are genuine difficulties in Fish’s argument, difficulties which understandably lead his readers to take him for a skeptic (§5). (Thus disclaimers like the one quoted above need to be continuously re-issued.) This recurrent mistake

on the part of Fish's readers needs a more careful account, however. For the present objection merely records the fact that Fish does indeed set his face against attempts to defend "objective correctness" along the lines of (a). The objection thus testifies to the tenacious hold of premise (P). For *if* one unquestioningly accepts (P), then one is bound to hear Fish's opposition to (a) as incurring a commitment to the skepticism of (b). This misses the general alternative Fish has in mind: The failure of foundationalism, rather than affording a reason for embracing skepticism, should, given the practical intolerability of the skeptic's position, provide a reason for questioning (P), the premise which makes it appear as if these were the only options.

3. "Theory"

Fish sometimes calls (a) "theory hope" and (b) "theory fear." (What I call (P) therefore exhibits the common genus.) These labels imply that someone questioning (P) is seeking freedom from a way of thinking which makes having a "theory" a prerequisite to our entitlement to take up the participant or objectivizing point of view. That of course is how Fish often presents himself: as being against "theory" in some sense of the word.¹⁰

This way of talking won't do any harm if one bears in mind what "theory" stands for—the requirement expressed by (P). Yet it is not especially perspicuous either, if only because the word "theory" is so beloved by academics today as to be almost devoid of significant contrast: it comes to appear that to think or reason about anything at all is to "theorize."¹¹ (The causes of this emptiness are, I think, significant: it expresses difficulties we have with the thought that certain forms of reasoning are distinctively "practical": see below.) Here the following points ought to be kept in view.

First, "theory/practice" is not to be construed as a contrast between what we should ordinarily call "doing something" on the one hand, and reasoning or reflecting, even very abstractly, on the other. Fish's anti-theoreticism is not the view—which might describe certain spiritual exercises like Zen or Pyrrhonism¹²-- that it is useless to reason or ponder. It is true that in some activities—playing basketball, for example—one's performance is apt to be hindered if one reflects on what one is doing while doing it. This shows up in forms of training: one learns basketball by playing it, not (as one first learns, say, law) by studying it. Nonetheless, this is simply a special feature of certain activities, related to the kinds of performances and skills they

require. (For this reason, Fish's use of the game of baseball as an analogy for legal "practice" is as obscuring as it is clarifying.)¹³ In the case of other activities--legal argumentation, for example--to perform successfully is to reason at a high level of abstraction; it is to advance, as lawyers say, a "legal theory." Being a plumber is perhaps an intermediate case, somewhere between basketball and law. Much of what a competent plumber does he could do "in his sleep." Yet a competent plumber ought also to be capable, when the occasion demands, of posing alternative hypotheses about the source of a problem and considering different ways of proceeding. (The best course may not be the one that "comes naturally" or prior to deliberation.) The general point here is two-fold: first, it does not make sense to contrast doing something and reasoning or reflecting *in general*; second, where such a contrast can be drawn (e.g., in describing two aspects of the plumber's job), the contrast will clearly be seen to be beside Fish's point.

Why should premise (P) be associated with a kind of "theoreticism"? The idea calls for a contrast, as I have hinted, not between doing something ("practice") and reasoning about it ("theory"), but between two forms of reasoning--namely, theoretical and practical.

Consider a judge who endeavors to apply a legal rule, say one requiring good faith in one's dealings with others. The judge must think about what this concept requires; he must determine what, in particular cases, would be in accord with the rule. Now we might wish to call this movement from the abstract to the concrete "practical" reasoning because it involves capacities of thought which are distinct from drawing logical inferences and from thinking about what will lead to what.¹⁴ This will be true if, as here, the rule in question cannot be expected to function as part of a premise from which, given the facts, one could simply deduce the desired conclusion. Of course, there may be room for explanations of "good faith dealing"--explanations which might even be called (in an anodyne sense) a "theory" of it. But it may also be that correctly to grasp the concept of "good faith"--or some concept used to explain it--just is, in part, to be able to see that *this* and not *that* is required in circumstances like *these*. Applications of theoretical rationality cannot in general tell one what it is to get things right in such applicative judgments, or how to recognize particular acts or circumstances as instances of general classifications. Nor can correct judgment be generally explained by means of rules for making those judgments, for then we should need rules for correctly applying those rules, and so on, in a hopeless regress.¹⁵

Now suppose that a dispute breaks out about what the rule requires. Premise P says we are not entitled to think of either view as being genuinely "correct" unless we have a validating argument from the outside. Applied quite generally (i.e., not just to "good faith" but to every concept which can be used to explain it), this can only be a demand that "correct" judgment be made deductively accessible: the correct resolution of the issue would be expressible as the conclusion of an argument which would be compelling to anyone who can draw logical inferences and recognize what the facts are.¹⁶ (If someone still persisted in not "getting it," they

could be convicted of irrationality by established standards of theoretic rationality; so this would comprise a “universal mechanism.”) To be “against theory,” in this context, is to allow that there may be useful explanations of “good faith”; but it is to reject the thought that no applicative judgment can be regarded as “objectively correct” without an explanation of this sort: one which makes judgment available in a way that, in principle, obviates the need for practical discernment.¹⁷

4. “Interpretive Communities”

The example of applying a legal rule brings out the fact that any account of how correct judgment is possible (and that is Fish’s general question) must explain also how it is that certain actions or events can be “in accord” with a rule, or indeed with any bit of intentionality. Meaning has a normative aspect: we could not speak about texts (or correct judgments about them) if we couldn’t make use of such notions as “accord.” Difficulties we get into over such normative notions are thus at the core of Fish’s argument.

To illustrate, consider a simple statement describing how things are in the world, for example “There is a vehicle parked on Elm Street.” This sorts the world into states of affairs which are in accord with it and those which are not; it makes a demand, one may say, on how the world must be if the judgment is to be correct. A similar point applies to any item-- e.g., a rule, judgment, wish, order, thought, expectation, belief, etc.--which carries meaning: generally speaking, meanings sort things out.

One important bit of the world which meanings sort-out is of course human linguistic behavior itself. For example, if someone grasps the meaning of the word “vehicle” then she is required, if she is to act “in accord” with what she has grasped, to reach certain determinate verdicts when the world presents her with circumstances which bring this concept into play. Naturally, there may be borderline cases--Is it still a “vehicle” even though it lacks a motor? Is it “on Elm” when it is abutting the corner--but insofar as these words can be used to communicate anything at all, there must also be plain cases, cases in which no classificatory hesitation arises. This commonplace idea--*viz.*, that meaning has a normative bearing on linguistic performances--is related to other commonplaces concerning truth and objectivity, for example, that the world can be such as to make it correct or incorrect to *say* certain things about it. The very idea of “something which can correctly be said about the world” presupposes that there is a normative pattern in our use of words, a pattern that a particular use can (or can fail) to keep faith with. If that weren’t the case, then anything could be said about anything--so nothing could be said at all.

The upshot is that should we begin to loose our grip on normative notions like “accord,” then our notions of meaning, objectivity and truth will come under threat as well. And this is just what is happening in the skeptical currents in which Fish is swimming. Keeping a grip on the notion of “accord” (or related normative notions: “misuse,” “misunderstanding,” “misapplication,” etc.) turns out to be a difficult thing to do. For there is a tempting line of thought which seems precisely to unhinge us here. And this line of thought provides the right context in which to understand the general work which Fish sees “interpretive communities” as doing.

The unhinging line of thought begins with the notion of a “sign” or a “text.” A sign or a text is anything which carries linguistic meaning.¹⁸ Thus, the first line of Milton’s *Paradise Lost*--“Of Mans First Disobedience....”--comprises a sign or text, as does also a road sign pointing out the direction in which one is to go (----->). It will be useful to take the latter as our

example because it makes immediately perspicuous that a sign carrying meaning sorts behavior into that which accords with it and that which does not. (This, in fact, is the chief difference between signs carrying meaning and mere doodles or noises: signs are “alive” in that they have such normative reach. But this is also the thought on which we seem, under theoretical pressure, to lose our grip.)

Before proceeding, two comments may help to set things up more clearly.

First, concerning exemplification. Fish initially introduced the notion of “interpretive community” to address a set of questions arising within literary studies: e.g., the relevance of authorial intentions, the distinctive “literariness” (if there be any) of literary texts, the semantic multiplicity or univocity of such texts, the reasons for interpretive disagreement, the status of appeals to the “text itself” in resolving disagreement, the possible innovativeness of literary interpretation, and so on. Our board (----->) would be a poor example for discussing such issues.¹⁹ But it becomes clear, in the evolution of Fish’s work (§1), that insofar as literary texts always require interpretation, they are to be regarded as merely exemplary of how it is with discourse in general: “Communications of every kind are characterized by exactly the same conditions—the necessity of interpretive work...and the construction by acts of interpretation.”²⁰ I find this development disappointing because, for reasons which will appear, I think the necessity of interpretation could *only* have been plausible as a restricted thesis about the meaning of literary texts. (In this role—as opposed to the perfectly general role Fish gives it—the necessity of interpretation might also have told us something genuinely informative about “literature,” or about the nature of our interest in it.)²¹ In any case, given the generality of Fish’s thesis, a basic example (----->) is just what is wanted for discussing it; the more basic the better.

Second, concerning skepticism. The line of thought to be considered may be called “skeptical,” though it doesn’t *aim* towards a skeptical conclusion. It does not aim to deny, for example, that it is sometimes perfectly plain what road signs or other texts mean. The question is merely how such “plainness” is possible. What Fish (and others today) wish to deny is not that there are perfectly plain meanings (that would make them not just skeptical but mad),²² but only a purportedly suspect conception—naïve or metaphysical—of such phenomena or of their conditions of possibility. Provisionally, we may say that on the suspect conception, a case of plain meaning is apt to be considered “inherently plain, plain in and of itself” or plain as a simple fact-of-the-matter.²³

Briefly, then, the “skeptical” line of thought unfolds like this:²⁴

1. Considered just “in and of itself” (say, as an inscribed piece of wood), the sign (----->) does not determine what is in accord with it and what is not; it does not determine, say, whether one is to go in the direction of the arrow or in the opposite one. (This is true of any text: just in itself, it is dead matter, powerless to determine its own meaning or how we are to understand it; powerless, as Fish sometimes likes to say, to “execute” its own meaning.)

2. To animate the sign into meaning something—i.e., to get the normative notion of “accord,” and hence of “meaning” into play—we need to consider the sign not “in itself” but under some interpretation that has been put on it. That is: we need to interpret it—e.g., as a road sign saying that one is to go in a certain direction. Signs mean what they do only by way of some interpretation.

3. This seems clear enough. But is it? If a sign or text cannot “in itself” determine what accords with it, how does it manage to do so when considered under an interpretation? In fact, it looks like there’s a problem here.

4. Suppose that an “interpretation” involves some further sign or text. For example, one might “interpret” the sign (----->) by using the spoken words “this way,” accompanied by a pointing gesture. Surely, the original sign is now alive with meaning, no? Well, no. For according to step (1), this new text cannot “in itself” determine how *it* is to be followed. It too seems dead—a bit of sound and fury. It seems that if the interpretation (“this way”) is really to animate our original sign into meaning something, we shall first need an *interpretation* of this interpretation, and so on. A hopeless regress—not to mention an hysteria of gesticulation (“*this* way, I mean *THIS* way”)—looms before us.

5. We had better back-up. Why did we think—in step (2)—that an interpretation could help bring “meaning” into the picture? The answer seems clear. There was a doubt about how the sign was to followed, and we know that “interpretations” do sometimes successfully function to remove or avert such doubts. “Interpretations” in a familiar, sense are a kind of explanation: they come into play when the meaning of a text isn’t fully clear.²⁵ Thus, it was hoped that we could get “meaning” into our picture by making a quite *general* use of this familiar function of interpretation. But it appears now that the notion of “interpretation” is unsuited for this general role. Rather than animating our original sign, the requirement of interpretation seems only to redouble the problem of its impotence.

6. But wait, someone will say. When we put someone pointing and saying “this way” into the picture, we didn’t just introduce another inert block of wood, or even (comically) any number of inert items, each one standing behind the next; nor did we just introduce some noises, such as a person might make. Instead, we put a person into the picture, a living being. One wants to say: surely that makes a difference; surely meaning, in all its splendid animation, is somewhere at hand! The thought which is apt to occur now is that a person makes a difference, not as a potential source of sound and other commotion (many things are that), but as the locus of a *mind*. Thus, the demonstrative utterance “this way” introduces meaning into the situation because it introduces someone who *thinks* or *intends* the sign in a certain way. Indeed, it seems that *thought* is really the essential thing here, for it might have occurred—and meaning might come into the picture—even without the giving of any further signs.

The motive here is understandable enough: since further signs (texts or linguistic items) merely re-double the problem of the sign’s impotence, it becomes tempting to think that “interpretation” must refer to some essentially *mental* act of thinking the sign one way or another. What we need, the thought goes, is not another inert bit of nature, but a mind; not essentially interpretations (*qua* signs) but an interpreter, alive and present.

7. Alas, this solution can make us happy only for a moment. Suppose it is asked, “What does his thinking or intending the sign *this* way rather than *that* way consist in?” After all, if we can doubt what the original sign requires, it should be possible to raise a

question about what he intends or what accords with his intention. There seem to be only two general possibilities.

(A) We might say that his intending the sign *this* way consists in his *meaning* that, or meaning *that*. Clearly, this answer goes nowhere: it merely re-uses the very notion—“meaning”—which “interpretation” was supposed to explain.²⁶

(B) We might try to identify something which went on “in his mind,” considered as a region of goings-on that is left over once we abstract from the world and all the (“in themselves” meaningless) items to be found in it. However, this option looks no less hopeless. For one thing, if someone always follows the sign in the direction of the arrow (or points out the mistake when other people don’t), then we shall say that he grasps its meaning no matter what actually goes on “in his mind.” In fact, the search for a meaning-creating item in his mind only returns our original problem. Lots of things might have occurred to him, some of which (like the pang of hunger or impatience he felt) seem irrelevant. But if anything occurs to him which does seem relevant (perhaps he thought “to the right” or perhaps he saw a picture of the traveler turning right in his mind’s eye), it is bound to disappoint us. For it is just one more discrete item which, like our original sign, can always be projected and applied in different ways. So it too stands in need of an interpretation. This result shouldn’t surprise us. For it amounts to what much 20th century philosophy has told us anyway: *viz.*, that we can’t really make intelligible to ourselves how a thought occurring in someone’s mind—e.g. “turn right”—can be such as to be any more determinate, or less in need of interpretation, than a text representing that thought. For we can’t really understand what it would be for there to be an item in the mind that had the requisite normative properties of meaning but that was not, from the get-go, subject to the conditions or requirements of representability (or communicability) in signs.²⁷

Actually, there is a third possibility for attempting to answer the question “what does his thinking or intending the sign...consist in?” We might try to identify something that goes on “in his mind,” considered not as a region apart the world, but as something that *includes* a lot of happenings there, for example what other people say and do. Fish’s idea of an “interpretive community”—or of a subject whose mental life is what it is only “by virtue of his membership in a community of interpretation”²⁸--is a version of this idea. I shall postpone commenting on it because my endeavor is first to get into a position to describe its appeal more fully.

8. Someone might throw up their hands at this point and say something like this: “Clearly, an interpretation is needed to get meaning into this picture. But the idea of “interpretation” needed is just that of a very unique and remarkable spiritual power to make signs mean *this* rather than *that*—somewhat like the power to give life to dead matter. ‘The Mind’ is that unique kind of thing which has such remarkable powers. “To interpret” is mentally to present oneself with a Meaning. And Meanings sort things out in

a way that is—we know (today) not how--immune to any further interpretation.”

This response is not just a re-use of the term “meaning” *a la* (6A). When it is seriously entertained, it purports to explain the meaning of signs through the mind’s grasp of entities called “Meanings.” Such a proposal—often dubbed “platonism” by its detractors—is sometimes thought to arise as a kind of self-standing conception at the beginning of philosophical inquiry into meaning; it is what the skeptic, in pointing to the indeterminacy of texts “in themselves” is supposed to be reacting against. But it should be clear at this point that “platonism” can just as well, or better, be given a different pedigree. It can be understood as a late (and desperate) product of a way of thinking which *begins* with a skeptical thought, a thought which then creates a felt need to explain the general possibility of meaning because it latently suggests, contrary to everyday experience, that meaning is in fact *impossible*.²⁹

9. A metaphysically occult idea of meaning does indeed seem to be forced upon us here. This is so because we are eventually led to see that in order for “interpretation” to function as a general condition of the possibility of meaning, there has got to be some last or final interpretation—i.e., an interpretation not in need of any further interpretation—which is what we call “*the meaning*.” In other words, our starting point commits us, after whatever twists and turns, to looking for some item which a meaning-endowing interpretation can consist in, but which, unlike ordinary linguistic signs, will function as a *regress-stopper*. It comes to seem that only a unique act of mind can do that.

Of course, there still remains another bold option: bite the skeptical bullet and accept “the endless movement from sign to sign.”³⁰ But the choice, within the present set-up, seems clear: either (1) indulge a platonistic mythology, allowing that there just *are* Meanings, remarkable normative entities channeled through a mind; or (2) accept rampant interpretivism, admitting that anything can be made to accord with any interpretation of a text (on some interpretation of that interpretation). Which is to say, for some people today, the choice is clear: We should avoid mythology, and accept the ubiquity of interpretation.

So much for the skeptical recital. It presents ubiquitous interpretation as the realistic or demystifying alternative to a suspect metaphysics of meaning. But doesn’t demystification here look unnervingly like decapitation? Hasn’t this line of thought in fact destroyed the very possibility (i.e., of plain meanings) which it was supposed merely to account for? If anything can be made to accord with a text (on some interpretation), it looks like we simply can’t talk about accord or conflict, and therefore can’t talk about meaning.³¹ Are we really to accept that on a clear-headed view of things, nothing really means anything; and that, could we but see to the bottom of things, we should see that our most everyday concourse with meaning (“Please come next weekend”) is unreal?

It is just at this point that Fish wishes to make use of the notion of an “interpretive community.” That notion comes into play as an attempt to hang onto the idea that “to understand is to interpret” while avoiding the skeptical consequences that seem to come in the wake of this idea.³²

According to Fish, the impression of skeptical consequences—the decapitating “denial of just about everything”³³—arises only because we have not really disabused ourselves of a longing

for a metaphysical ideal, by comparison with which the available notions of meaning and truth seem disappointing. To purge immodest hope, however, can be at once to allay unfounded fear. We can purge the longing by recognizing that there are no “interpretation-free” facts about meaning. But we can allay our fear by noting that in place of such facts, there is always something coming, for all practical purposes, close enough: a story to be told about our membership in communities of mutual recognition, about how we achieve good standing and credit in such communities, about the sanctions which attach to deviance, and so on. Essentially, Fish’s thought is that the source of norms relevant to meaning is the community itself: someone who does not behave (e.g., follow the sign) as the community does is in violation of one of its norms and may justifiably be said to “misunderstand” the relevant text. And given the mutually sustained communal framework, any dues-paying member will find the meaning of “--- -->” and many other signs to be plain as day: they will go right, naturally. So, in the end, the attack on “theory-hope” is not a destructive one--or it is destructive only of bits of philosophy (“texts which are clear in and of themselves”)³⁴ which we have no need for anyway. Thus, we can come to love interpretation, not fear it. For it suffices to account for all the plainness and stability we could intelligibly ask for to see how meanings are--by a kind of groundless self-enactment of the community--socially constructed and maintained.

5. Spectators and Agents, Theory and Practice

The foregoing dialectic elaborates two paradigmatic moments which appear in a typical Fish essay. The first moment invokes a notion of *possibility*: “it is always possible” for a text to mean something else, no matter what--or how richly specified--the context; every text (and context) is surrounded by a space of interpretive possibilities;³⁵ it does not just by itself determine, etc....³⁶ Anemic as the notion of possibility invoked here is--that a doubt is *possible* doesn’t mean anyone *does* doubt--this may seem alarming. At the second moment, however, we learn that we needn’t worry about the first moment. For after the interpreter is located within a community, we are supposed to have the materials we need to reconstruct such normative notions as are indispensable to our everyday talk of texts and their meanings. Indeed, it turns out that we not only needn’t worry, but needn’t even be interested, unless we are interested in theoretical questions. For, according to Fish, the reconstruction of “plain meaning” (as an effect of interpretation) would leave everything, practically speaking, as it was: “When you come to the end of the antiformalist road, what you will find waiting for you is formalism.”³⁷ (“Anti-formalism,” as several Fish essays make clear, is another term for “rampant interpretivism.”)³⁸

Remarks like the preceding one--archetypal in their structure (they tell of a journey and a return, of something lost and regained)--deserve special comment. At such moments, Fish goes so far as to invite us to regard rampant interpretivism as just a transitional step--a self-consuming artifact, if you like--the effect of which is merely to remove some mistaken bits of philosophy, but without consequences for practice.³⁹ On the other hand, Fish doesn’t think that his interpretivism is *completely* self-consuming; for he clearly thinks that it is to be endorsed, at the journey’s end, as the *right* view in place of the wrong one. This is evident from the way the foregoing passage continues: “...what you will find waiting for you is formalism; that is, you will find the meanings that are perspicuous for you, *given your membership in what I have called an interpretive community*” [my emphasis]. To anticipate what I will have to say about Fish’s view, it is worth noting an ambiguity here. Is “your interpretive community membership” *within* the intensional scope of “what you will find” at the end of the road, or is it merely the general

pre-condition--itself unfound or unrecognized--of everything else you will find? The ambiguity isn't surprising, ultimately, because neither option should sit well with Fish. If communal interpretivism is part of what you will find, in what sense have you come back to "formalism"? If, on the other hand, communal interpretivism is only the (unthought) pre-condition of what you will find, why should anyone accept it as true? How could they? The significance of these questions will become more apparent in a moment. For now it may be remarked simply that, at the last stop (or what he regards as the last), Fish is prepared to find not just practice unchanged, but practice regained through the right bit of theory.

This is not place to examine every stop on this road. I limit myself to three observations. These observations will lead to the following conclusion. Fish's interpretivism would be more satisfying if it were utterly self-consuming: something to be recognized, at the last stop (if not before), as complete nonsense. In this role—as a piece of transitional nonsense—the interest of interpretivism obviously could not be, as Fish thinks, that it shows us the truth about texts and their meaning: nonsense is nonsense. Rather, its interest would be that it shows us something about *ourselves*, namely (1) that we are sometimes prone to imagine that we are making sense when we aren't, and (2) that this illusion is connected to our wish to say something philosophical, our wish, that is, for there to be a philosophical perspective on things. The recognition of ourselves as harboring this wish—hence as calling on words like "interpretation" outside the practical settings in which they have their significance—is the last stop. From such a recognition (of our wish to speak philosophically as one that would not be satisfied insofar as what we said made sense), there follows a loss of attraction to philosophical investigation—or not. In any case, my remarks here amount to friendly encouragement to Fish to take another step along the road and not chicken out. My reasons for so encouraging him will shortly become apparent.

1. To begin with, we need to see why the interpretive community story cannot provide a satisfactory account of meaning. Such a story is clearly aspiring to be a kind of down-to-earth pragmatism, as against metaphysically suspect conceptions of meaning. But it is really lacking in the perspicuity it would need to be that. Some of Fish's commentators have drawn attention to problems in the definition of "community"—what constitutes the relevant community? can there be different but equally "right" answers for different communities?⁴⁰ if so, can we really not intelligibly aspire to any more full-blooded objectivity than this?—but the problems I have mind here are much more basic: they arise no matter how the community is spliced.

Notice how things appear from the first-person point of view, that of the agent engaged in hands-on transactions with meaning. The question is what the text means, not what other people think it means. For a judge, the question is what the rule requires not what other people (or other judges) think it requires. Of course, it is possible for a judge to ask himself what other judges think, but this is only because *someone* is asking the hands-on question--someone is having thoughts about what the rule requires. The hands-on question is a critical question, as we may call it, not a sociological one.⁴¹ Of course, all of us are, everyday, such hands-on agents. For, as indicated, there would be no sociological questions to ask about texts if there weren't, in the first place, agent's whose relation to them is the engaged or critical one. (The sociology of meaning, if there is one, concerns the thoughts of such agents.) In this sense, the agent perspective on meaning is *primary*: It is possible to think of a world in which people only ask the critical questions, but not a world in which the only questions about texts are sociological ones.

Now this is not, just by itself, likely to be perceived as an objection by Fish. He is apt to say that the competent agent has internalized the community's way of seeing things, and so has no need to consult anything but the "rule itself" as it appears within the relevant communal-interpretive framework. So the perspective of practical agency, Fish will say, is preserved in his story. But things are not that simple. We might ask: How does such a picture manage to be a picture of *meaning* (with its normativity intact) at all? For that a certain decision is required by a rule consists, according to this picture, in nothing more than the community agreeing that it is required. How does this differ from the picture of a community merely *pretending* to agree—or collectively sustaining the myth--that something is required by the rule?⁴² How, this is to ask, can an agent so much as "agree" that something—anything at all—is genuinely *required* by the rule, if he is not entitled to the view that the rule requires this no matter what others might think? The most he can say, it would seem, is something about what the community thinks. But no one in the community is any better positioned. They, likewise, are not entitled to the view that the rule imposes a determinate requirement regardless of what anyone else might think. And since no one in the community is in a position to say anything stronger than something about what the community thinks, the perspective of agency vanishes here. (And of course, when this vanishes, there can also be no "communal way of seeing things," internalized or not.)⁴³

Thinking about the primacy of the agent-perspective is instructive here. It means that what communal agents are being asked to agree to—the subject of their possible agreement—is, in the first place, what the rule requires, not what the community thinks it requires. The latter is a possible question only because there are agents in the community who are not asking it, who have other things on their mind. But the problem, for Fish's story, is to see what entitles any of the community's agents to represent (to themselves or to others) that the rule (e.g.) "no vehicles in the park" genuinely prohibits such-and-such events, once it is understood that whether one has gotten things right must ultimately be a question of what the community agrees the rule prohibits.

All of this points to the same general conclusion. The *ersatz* notion of "correctness in judgment" provided by the interpretive community story can't really sustain the notion of their being *meaning* (i.e., of there being agents subject to genuine normative requirements) once it is seen, that at the basic level, underneath talk of "what a rule requires," there is nothing but mere convergent behavior--or (one might again say: §4) mere soundings-off. Fish's account of meaning, someone might feel, is really no less skeptical than the skeptic's account it is meant to combat. (As will become clear in a moment, it is also no less "theoretical" than the theoreticism it is meant to combat: §6).

The objection advanced here is essentially that the interpretive community story does not make room for the attitudes towards meaning which agents must have if there is to be so much as *be* an interpretive community--a community agreeing in its critical judgments—at all. For the story tells agents that in making such judgments—*viz.*, that the rule requires such-and-such no matter what others might think—they are engaging a philosophical illusion. Given this structure, an understandable way of trying to defuse the objection would be to acoustically separate the judgments of practical agency from the deliverances of "theory." Thus, it might be said that *theory* (i.e., the right story about the possibility of plain meanings and correctness in judgment) is one thing, and *practice* (i.e., the engaged concourse with texts and their meanings) is quite another. According to this rejoinder, an agent can judge (and represent to all the world) that the "no vehicle in the park" rule genuinely prohibits such-and-such events because, in making this

judgment, she is acting (and seeing the world) in her capacity as agent, not as a detached theorist of meaning. She is playing the legal game, as Fish is apt to say, not the theory game. The motive here is obvious: Those who judge that such-and-such is *required* by a rule—required as a plain fact—had better not be those who also see, by means of the right theory, to the deeper level of things, at which it becomes apparent that such notional “requirements” and “facts” are only *such* by courtesy of interpretation. The theoretical truth about meaning, in other words, had better not get around. For it hardly seems clear how the attitudes agents must have in their practical concourse with meanings could be psychologically stable ones once it does.

But is this separation plausible? What is supposed to stop the theoretical truth from getting around? One way of trying to stave off the possibility of reflective conflict would be simply cleaving everyone in two. Thus, it might be said: “Let the truth get around as it will. Still, at any moment, we are either having transactions with meaning *qua* practical agents or theorizing about it *qua* knowing-spectators; but these two parts of ourselves can never shake hands, for they may never be present at once.” Of course this looks desperate. Why can’t they be present at once? Simply because agents would be psychologically unstable in their attitudes if they were? That is *our* point: It argues against a theoretical view which puts agents in the way of such conflict, not against the evident possibility of conflict on the grounds that practices and their agents are, after all, reflectively stable ones.

However these problems are to be developed, we might note that it is surprising to see Fish appealing to the split-agent picture as much as he does. For this is precisely a picture of a self-standing realm of “theory,” laying bare the grounds of possibility of practice, yet somehow separated or detached from the judgments of practice. Isn’t this ground-giving just what Fish everywhere says is “impossible,” a hopeless attempt to look at oneself (*qua* agent) from sideways-on? (Evidently, Fish doesn’t see this, so I will address this question—and not just ask it rhetorically—in a moment.)

2. The inadequacy of the interpretive community story about meaning would explain the matter I mentioned earlier: why Fish’s work is liable to give some readers the impression that it intends a kind of skepticism (§2). Fish’s argument depends on following a skeptical (interpretivist) progression of thought up to a certain point, and then heading off its apparent unacceptable consequences by appeal to the notion of “community” as a source of (“always-already”)⁴⁴ interpretive stability. The trouble is that although Fish’s intention is a non-skeptical one, the solution remains too much in league with the skeptic, follows him too far down the road. Fish might ask himself whether such an account of “correct judgment” (as that view which the community realizes from among the interpretive possibilities) really squares with the Miltonic notion of correctness as judgment in accord with God’s will (§2).⁴⁵ It would seem that a notion of correctness as “community agreement” must remain a second-best notion, something falling short of some ideal.⁴⁶ To my ears, Fish is ambivalent on this point: sometimes he presents the interpretive conditions of judgment as requiring that we understand every judgment as falling short of some ideal; at other times, he presents the interpretive conditions of judgment as requiring us to abandon the notion of such an ideal as illusory (and not just unattainable).

3. How far down the road should one follow the skeptical progression of thought? A satisfactory response to it requires questioning, sooner or later, its *very first* step, the step at which the notion of a sign or text “considered in itself” is introduced. If one accepts that step

unquestioningly, then it will be natural to accept the thesis that to grasp a meaning is to interpret; and if one accepts this thesis, it will be natural to feel obliged to choose between “platonism” and some social-pragmatic story about meaning. But there is another option. We might come to see that we have no use for such notions as signs or texts “in themselves” unless we are trying to give a *philosophical account* of the meaning of a sign or text. And (taking a hint from the proverbial man suffering from carrying around a heavy rock who found an astonishing solution: drop it) we could simply stop trying to give such an account.

What is meant by this can be indicated by thinking about what happens when we give everyday explanations of meaning—i.e., explanations in situations where questions about the “conditions of possibility” of meaning are not in play. Generally, we rely on the responses and uptake of others: we count on them, for example, to follow in the direction of the pointed finger, not the opposite one. Everyday explanations are (thus) directed towards removing or averting such doubts as, under the circumstances, actually arise—not every “possible” doubt, whatever that might mean. In contrast, a philosophical account seeks to explain how the meaning of a sign gets fixed from *among all the possibilities*. (Remember, what justifies talk of ubiquitous interpretation, for Fish, is not that there are always real doubts—some cases are plain ones—but that doubts are “always possible.”) The burden of a philosophical account, to put this another way, is not simply to rule out such doubts as might, under the circumstances, arise, but to specify the meaning of a sign *absolutely*.⁴⁷

Now the notion of a sign or text “in itself” is a natural starting point for such an endeavor. Why? Because this notion is formed by abstracting the sign from our practical concourse with it—i.e., the natural (circumstantial) responses and uptake on which everyday explanations rely. By means of this abstraction, we, in effect, represent doubts which are merely notionally possible (they might arise in some circumstances) as somehow already present to an agent considering the sign. Such a representation is clearly the mirror image of the “platonistic” notion that grasping a sign’s “Meaning” determines (in the present moment) its application in all possible circumstances, excluding all possible doubt. What the platonist and the interpretivist have in common, then, is the endeavor to give an account of the fixity of meaning, as it were, in light of all the possibilities. (Both express what someone might call “the metaphysics of presence.”)

What happens if, in contrast to both, we were to free ourselves of the felt need for such an explanatory endeavor? We should have no use for speaking of signs “in themselves”—save perhaps in the practically useful way that (e.g.) lawyers sometimes do, namely to distinguish between a text (“the rule itself”) and someone’s gloss on it. And if we had no use for such an abstraction, we should also have no use for the thought that there must always be an interpretation that fixes a sign’s meaning. “What gives life to signs,” we will be inclined to say (if we must say something about this), “is that they are part of the weave of *our lives*. It is we who are the life of signs.” This is to be heard not as a further bit of rock-carrying theory, but simply as expressing that one no longer feels compelled to try to account for the normative aspect of signs by means of whatever materials remain in view after one abstracts from the sort of practical activities and attention which comprise our sign-filled lives.

Given this possibility (of rejecting the argument’s first-step), it seems clear that we are not compelled to embrace the interpretive community story in order to head-off the argument’s nihilistic consequences. We might instead come to recognize, in light of those consequences, that the thought “to understand is always to interpret” is—just as it intuitively seemed to be—an absurdity. The ubiquity of interpretation, communalized or not, is not intrinsically plausible. At

best, it comes to look plausible as the result of a philosophical set-up which makes it look as if “platonism” and “nihilism”--“theory hope” and “theory fear”--were the only other options. In such cases, the solution is always to figure out what we need to do to scrap the set-up. Here, this would mean asking what has happened--what doubts have arisen--to make an account of the very possibility of meaning seem like something we need. (That there must or could be such an account--a substantially correct one--is of course not something that Fish, for all of his good cautionary advice about “the unavailability of cosmic doubts,”⁴⁸ ever questions.)⁴⁹

Why doesn't Fish recognize that his “interpretivism” is cut from the same philosophical cloth as the “platonism” it would oppose? Recognizing this would require that he see more clearly what is wrong with the platonistic or “foundationalist” idea of “absolutely fixed meaning.” Fish tends to speak as if the trouble with this were just a suspect wish to find a “universal mechanism”--to give assurance to judgment from the outside. But a more fundamental question is whether we can so much as make out what is being said here--“fixed in light of *all* the possibilities”? If intelligibility (rather than substantial truth or falsity) is the trouble, no satisfaction is to be gained from *denying* that meaning could be so fixed by asserting that, on the contrary, all meaning is subject to interpretive conditions. To assert the later (i.e., that it is *always possible* for the text to mean something else) is to join ranks with what one means to be opposing: it is to suppose that one has managed to make sense of the idea of an absolute space of meaning-possibilities, the space of what a text *could* mean. (It is to entertain “cosmic doubts.”)

An example of Fish's might help to make this clearer: “As yet two plus two equals four has not become...a flash point of disagreement, but it *could*...Until two plus two equals four crosses someone's ambition, it is a fact agreed on by all the parties, but this doesn't mean that there are truths *above* ideology but that there are (at least by current convention) truths *below* ideology.”⁵⁰ The passage is virtuostic, as so much else in Fish, in purporting to exhibit how virtually anything, including the supposedly hard facts of mathematics, can be reconstructed as effects of interpretation. (No facts, to put this somewhat less benignly, are capable of getting in the way of Fish's interpretivism.) But to pursue further the intuition of “possibility” invoked here (“it *could*...”), we might ask: From what point of view does this possibility-- that “two plus two equals four” could (intelligibly) cross someone's ambition--appear? From what point of view does it appear, for that matter, that a case which is perfectly plain under a rule *could* (tomorrow) come in for doubt?⁵¹ Certainly not *our* point of view as practical agents, at least if “could” means that we can make sense of these possibilities. (And it if doesn't mean that, what does it mean?) After all, some cases are so clear that to “doubt”--or to try to doubt--merely announces to others that you are not someone with whom it is going to be possible to speak; and if there is no speaking with you, there is no disagreeing, or feeling crossed by you, either. God's point of view then? A deeper diagnosis of what is wrong with foundationalism--its reliance on such a notional point of view--should have led Fish to see that his own interpretivism falls by the same axe. Interpretivism is the negative image of foundationalism. And a general moral to be grasped here is that one does not get rid of philosophical foundations by denying that there are any. That is merely a way of preserving the structure of the question--i.e., the demand for an explanation of how plain meaning is possible--which foundational views take themselves to be answering.

6. Practice, or the view from straight-on

To conclude, it is worth recalling a point mentioned earlier (§4), namely that the everyday idea of interpretation is at home in cases of real doubt or uncertainty—cases which occur against a background of “plain cases” in which there is no call for interpretation. I have been arguing that to assert (in contrast to this) that an interpretation is always required because no text is immune to *possible* doubts, is essentially to entertain, in league with one’s philosophical opponent, the idea of a “philosophical perspective” on meaning—an account of how meaning is fixed from among “all the possibilities.” When we give up this idea, we can return the word “interpretation” to its ordinary use, whereby interpretation is sometimes needed and sometimes not (it is no longer a general requirement). By the same token, we can return the expression “text itself” to its ordinary use, which marks a distinction between a text and an interpretation or gloss someone has put on it.

For all of his pragmatic aspiration, Fish misses this possibility—the possibility, you might say, of trusting in how things ordinarily appear. At the last stop, it seems he wants there to be a philosophical perspective on meaning, an account for him to be “right” about; that idea—philosophy’s traditional idea of itself—never ceases to attract him. His attraction to it, and his blindness to the intellectual possibilities it occludes, are ironic, of course, because the rejection of philosophical dogmas—including the dogma that there must always be room for good answers to philosophy’s ‘how possible’ question—is one of his big themes.

The conflict I’m describing comes directly into view in remarks like this: “Theory’s project—the attempt to get above practice and lay bare the grounds of its possibility—is an impossible one.”⁵² How, we will want to know, is the general account Fish seeks to be described if not as an attempt to give grounds of the possibility of our concourse with meaning? Isn’t that just what is in the offing when a question like “What makes it the case that *this* action is in accord with the utterance ‘a diet Coke please’” meets with answers like “some community-informed interpretation,” as opposed to the sort of answers that actually figure in our practical activity, answers which merely direct attention to features of the text in question or to the situation in which it was uttered? In contrast to what I have called the everyday use of interpretation, “interpretation” as an ubiquitous requirement begins to look like another name for—an occupant of the same explanatory place as—divinity: it is the terminus of all other explanations of meaning. So this looks like “theory’s project” more or less as Fish describes it: not a “universal mechanism,” to be sure, but still an attempt to get above practice and exhibit its grounds of possibility; an attempt, in Fish’s words, to look “sideways at oneself.”⁵³ (Looking from *straight-on*--to continue the metaphor--it will appear that an interpretation is needed only when there is some actual doubt, not the mere notional *possibility* of doubt, to be cleared-up or averted.)

Fish’s mistaken sense of his own philosophical radicalism comes out again when he quotes a remark of Hilary Putnam’s which is a modern variation on Plato’s myth of the cave: “What if all the philosophers are wrong,” Putnam asks, “and the way it seems to be is the way it is?” Fish approvingly glosses the question like this: “What if the answers philosophers come up with are answers only in the highly artificial circumstances of the philosophy seminar, where ordinary reasons for action are systematically distrusted and introduced only to be dismissed as naive?”⁵⁴ But now it should be plain that, with respect to the refusal of philosophical tradition gestured toward in this question, Fish’s interpretivism is on the wrong side. For that an interpretation is required in every case is *not* how things appear from the (naive) point of view of practical activity. (Imagine the server, with no special (circumstantial) prompting, replying, “I

interpret that to mean you'd like a certain beverage now." Is she mad? Or just doing a bit of literary theory?) In fact, it is *only* in the caves of the seminar room that the term "interpretation" shows up as part of an account of how it so much as possible for certain signs to be meaningful and hence to afford agents with reasons for action. Thank God, wise is He, for that.

From the straight-on perspective, the answer to a question (should it arise) like "What makes it a fact that he ordered a diet Coke?" must surely be: *not* a communal interpretation, but rather (perhaps after reminding the questioner of the richly-woven world of restaurants, menus, orders, servers, meals, preferences, beverages, and so on) "look, you can that's what happened yourself."⁵⁵ A final point to be dealt with involves being clear about the status of the material I have put in parentheses here.

The parenthetical material reminds of us the practical situation or setting. But the point is not to say that it is really, in the end, *practice* which determines a text's meaning, or which mediates between a text and what accords with it. *That* would be another bit of theory; and we should then have to ask (*a la* §4), whether we really have a notion of "practice" as behavior which is describable without attributing "meanings" to anyone, and also (*a la* §5) whether behavior, so described, is really sufficient to give us the notion of "accord," and hence of meaning with its normativity intact. After everything I have said, it must be clear that I don't mean the parenthesis in this way, as finally the best theory of all--the "practice theory"! The parenthesis is there rather to remind us that from the *practical* (engaged, straight-on) perspective, no *general* gap between an order and what accords with it appears. (It only looks like there is a general gap when we consider the order "in itself.") Since there is no general gap, there is no general need for the explanatory (gap-filling) work of "interpretation," "practice" or anything else.

Speaking as practical agents, what we shall say is simply this: sometimes there is a gap (and an interpretation is useful in bridging it) and other times there isn't (and then there is no call for interpretation). Of course, this is not a philosophical remark. It is merely something that practical agents can see and (often enough) agree on, in just the way that they (often enough) agree about such things as his having ordered a diet Coke. No explanation of the possibility of such agreement in judgments, or the possibility of "plain meaning" is on offer here, no attempt to go deeper than the fact that we do (often enough) agree. Is an explanation therefore *missing* here? A certain traditional philosopher is apt to be certain it is. Of course. But *Fish*? He ought to have said that it isn't compulsory to think so. For from the primary standpoint of practical engagement, an explanation is not merely not needed--it isn't even wanted. Despite his anti-theoreticism, Fish never really gets this intellectual possibility fully into view. Yet, from much of what he says, I think it is what he was after.

Notes

1. See also Fish, The Trouble With Principle (Cambridge: Harvard University Press, 1999), 243-248, 263-70.
2. More recent work by Fish extends these themes by proposing that we see “Liberalism” (as he writes it) as presenting a political analogy to the suspect forms of theory depicted earlier. See, e.g., The Trouble With Principle, *ibid.* This proposal is off the main line of my discussion.
3. The following remarks stem from seminar I taught in Spring 1998 in Duke’s Program in Literature; they retain here the style and sound of their pedagogical origin. My focus is only on the main nerve of Fish’s argument. A broader treatment can be found in my contribution to John Gibson and Wolfgang Huemer, Literature after Wittgenstein (forthcoming, Routledge). Related issues are also touched on in my “Wittgenstein on Deconstruction,” in Alice Crary and Rupert Read, eds., The New Wittgenstein (London: Routledge Press, 2000), and my “Focusing the Law: What Legal Interpretation is Not,” in Andrei Marmor, ed., Law and Interpretation: Essays in Legal Philosophy (Oxford: Oxford University Press, 1995).
4. See Allen Grossman, “Milton’s Sonnet, “On the Late Massacre in Piemont’: The Vulnerability of Persons in a Revolutionary Situation,” in The Long Schoolroom: Lessons in the Bitter Logic of the Poetic Principle (Ann Arbor: University of Michigan Press, 1997). On the general connection between Fish’s reading of Paradise Lost and his later interest in “interpretation,” see the Preface to the second edition of his Surprised by Sin (Cambridge: Harvard University Press, 1997).
5. The idea of idolatry—the false representation of divinity—provides the point of intimacy, which Fish later explores, between Milton and the politics of Roberto Unger. See “Unger and Milton” in Fish, Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies (Durham: Duke University Press, 1989), esp. pp. 403, 412.
6. Fish, Surprised by Sin, *ibid.*, p. xliv.
7. Fish, “A Reply to My Critics,” The Responsive Community, Vol 12, no. 3 (2002), p. 65.
8. Cf. Fish, “Force” in Doing What Comes Naturally, esp. p. 513.
9. See John McDowell, “Some Issues in Aristotle’s Moral Psychology” in Mind, Value, and Reality (Cambridge: Harvard University Press, 1998).
10. See, e.g., “Consequences” and “Dennis Martinez and the Uses of Theory,” both in Doing What Comes Naturally.
11. Cf. “Dennis Martinez,” in Doing What Comes Naturally, p. 378.

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12. Or perhaps the experience of clinical depression—though it seems more accurate to say that depression is more often the feeling that it is useless to act (Hamlet).
13. See “Dennis Martinez” in Doing What Comes Naturally. Part of what makes sports both important and pleasurable is that the meaning (and other effects) of action are completely tractable within the game. Related to this is the fact that the point or goal of action is in general completely perspicuous—to win. Most everyday activities are not like this, and the law is a far cry away.
14. Reasoning about what will lead to what often comes into reasoning about what to do in a particular situation. But it is not distinctly practical in the present sense.
15. This was noticed by Kant. See Critique of Pure Reason, trans. Norman Kemp Smith (New York: St. Martin’s Press, 1929), A133/B172; and Kant, “On the Common Saying: ‘This May be True in Theory, but it does not Apply in Practice’” in Kant, Political Writings, ed. Han Reiss (Cambridge: Cambridge University Press, 1970). The point also arises in Wittgenstein’s discussion of “accord with a rule” in L. Wittgenstein, Philosophical Investigations, trans. G. E. M. Anscombe (Oxford: Blackwell, 1958), §§138-202.
16. I develop this idea in the context of debates in legal theory in my “Legal Formalism: The Task of Judgment,” in Jules Coleman and Scott Shapiro, eds., Oxford Handbook of Jurisprudence and Legal Philosophy (Oxford: Oxford University Press, 2002).
17. For purposes of simplicity, I am not questioning the thought that explanations which make judgment deductively available would obviate the need, in principle, for “practical discernment.” But the better view is that *all* judgments—even deductive ones—rely on something like the kind of discernment which is out in the open in cases of practical conflict. As John McDowell has argued, this may be taken as one of the lessons of Wittgenstein’s remarks on “accord with a rule.” (There is a similar point in Stanley Cavell, The Claim of Reason, 2d ed. (Cambridge: Harvard University Press, 1999), p. _____. As McDowell suggests, this lesson should allay the temptation to think that judgment in hard cases (where the need for discernment is conspicuous) must suffer in its credentials of objectivity by comparison with a deductive case, conceived as a paradigm of objective judgment. For the lesson is that even the deductive case does not live up to the notional ideal of a discernment-free path to judgment which structures the invidious comparison. See McDowell “Virtue and Reason” in Mind, Value and Reality (Cambridge: Harvard University Press, 1998).
18. “Non-natural meaning” would be more precise. See Paul Grice, “Meaning” The Philosophical Review 64: 377-388 (1957). The idea, at any rate, is just to focus on the concept of meaning at stake when one says, e.g., “That is not what the text means,” as opposed to e.g., “These tracks mean that a lion was here.”

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19. At least without some further details.
20. Fish, “With the Compliments of the Author: Reflections on Austin and Derrida,” in Doing What Comes Naturally, pp. 43-44.
21. The implications of the idea that the interpretability of literary works is a function of the kind of interest we take in (what we call) “literature” are developed in my contribution to Wittgenstein after Literature, note 3 above. The idea is not completely foreign to Fish—see e.g., “Fish v. Fiss,” in Doing What Comes Naturally, p. 137 (contrasting literature and law)—but it never leads him to question the generality of the interpretivist thesis. To the contrary, such differences as may appear between literature and law are, for him—given that thesis—to be considered as effects of interpretive activity.
22. See e.g., “Force” in Doing What Comes Naturally, p. 513: “The question is not whether there are in fact plain cases—there surely are—but, rather, of what is their plainness a condition and a property”; see also “Working on the Chain Gang” in Doing What Comes Naturally, p. 101.
23. Fish, “Force” in Doing What Comes Naturally, p. 513. I say that Fish’s formula is “provisional” (for us) because its sense is part of what needs to be investigated here. In the end, I think there should be no problem saying that some cases are “inherently plain”; that could strike us as just a bit of practical commonsense. See §§5-6 below.
24. The dialectic sketched here retraces a few passages in my “Wittgenstein on Deconstruction,” in The New Wittgenstein, *ibid.* It is under investigation in Wittgenstein’s discussion of the concepts of meaning and understanding.
25. This seems to be true even of “performing interpretations” (e.g., Gould’s interpretation of the Goldberg Variations) which don’t at first look like explanations. Even here, however, the sense is that a performance helps to elucidate aspects of a work of art which would not otherwise be fully perspicuous.
26. The point here is not that we can’t give analytic explanations of what “intending” or “meaning” something consists in; Grice and others do that. The point is that, given the dialectical set-up (one suggesting that meaning is in fact impossible), the kind of explanation we need here must be one that does not make use of any normative notions closely related meaning. Gricean and other analyses of “meaning” do not meet this requirement. This is the answer to a question that George Wilson asked me at a talk I gave at Johns Hopkins several years ago. I regret that I was only able to give a confusing answer at the time.
27. Of course, there is more to say on this point. It must suffice here to note that it is common ground between both Wittgenstein and Derrida, different as they are.

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28. “Why No One’s Afraid of Iser,” Doing What Comes Naturally, p. 83.
29. “Latently”: The point here is that this pedigree can be historically accurate even if the implications of the originating skeptical thought are not recognized until later on—even after the “platonistic” moment. John McDowell develops a similar idea in Mind and World (Cambridge: Harvard University Press, 1994), to which I’m indebted here.
30. This phrase is meant to echo Derrida in the context of a similar dialectic. See, e.g., Speech and Phenomena, David B. Allison, trans. (Evanston, Northwestern University Press, 1973), pp. 103, 149; “Sign, Structure and Play” in., Writing and Difference, Alan Bass, trans. (Chicago, University of Chicago Press), p. 292.
31. Cf. Ludwig Wittgenstein, Philosophical Investigations, trans. G. E. M. Anscombe (Oxford: Blackwell), §202.
32. The general possibility of such a move was indicated at the end of step (7) above.
33. Fish, “A Reply to My Critics,” The Responsive Community, Vol 12, no. 3 (2002), p. 65; quoted in §2 above.
34. “Force” in Doing What Comes Naturally, p. 513.
35. See, e.g., “With the Compliments of the Author,” in Doing What Comes Naturally, p. 51.
36. For examples of the appeal to notional “possibility”—or its cousin, the “absence of necessity”—see Doing What Comes Naturally, pp. 296, 512; The Trouble with Principle, p. 271.
37. Trouble with Principle, p. 294-95.
38. See e.g., “Introduction: Going Down the Anti-Formalist Road” in Doing What Comes Naturally, esp. pp. 4-6.
39. Martha Nussbaum notices this structure in Fish and finds an analogy in the notions of “*epoche*”—suspension of commitment” and “*ataraxia*”—“freedom from disturbance” from Pyrrhonian skepticism. See “Skepticism about Practical Reason in Literature and the Law,” 107 Harvard Law Review 714 (1994). This somewhat obscures the philosophical register in which Fish is operating. What Fish seeks to gain freedom from is not, as Nussbaum says, “all normative judgment” (Nussbaum, p. 726), but rather certain philosophical accounts of its possibility. A better analogy for Fish’s gesture of self-consumption would be the use of a similar self-conscious literary strategy in, e.g., the early Wittgenstein: “My propositions serve as elucidations in the following way: anyone who understands me eventually recognizes them as nonsensical....(He must, so to speak, throw away the ladder after he has climbed up it.)”

Tractatus Logico-Philosophicus, §6.54. On elucidatory nonsense, see James Conant, “The Method of the Tractatus” in From Frege to Wittgenstein: Perspectives on Early Analytic Philosophy, Erich Reck (ed.), (Oxford, Oxford University Press); Cora Diamond, “Throwing Away the Ladder” in Realism and The Realistic Spirit (Cambridge, Mass., MIT Press, 1991).

40. Cf. Trouble with Principle, p. 295: “Of course, members of other communities will not see what you point to or will see something else, but that’s life.”

41. This could be refined to accommodate the fact that in many legal systems, judicially correct judgment involves following precedent, even when prior decisions are “wrong” on the merits. In such cases, the critical question isn’t abandoned in favor of a question about what other judges think. Rather a higher-order norm is applied, namely the norm that precedent is binding; and the critical question is what precedent requires, not what other judges think it requires. Conventional rules—like “drive on the right” are also not an exception to the present point. It is true that the reasons for following such a rule depends on whether other people follow them. But this is different from saying that what the rule means depends on what other people think it means.

42. See John McDowell, “Wittgenstein on Following a Rule,” Synthese, 1984 vol. 58, pp. 325-63 for a helpful exploration of these questions.

43. To put this another way, if talk about a “community framework” makes sense here, it records the fact that insofar as it is possible to speak at all, it must be possible to speak for others (“this is what *we* call a vehicle”) without having to consult them or do a bit of socio-linguistic research first. But talk of “internalizing” the community’s perspective doesn’t itself put us in a position to see how such “speaking for” is possible once we are obliged to suppose that whether, e.g., something really is a vehicle is just a matter of whether the community agrees it is one. To the contrary, it now looks positively irresponsible to speak for other community members without checking with them first. On the idea of “speaking-for” as inherent in speaking, and on the centrality of this idea to the procedures of “ordinary language philosophy” see Stanley Cavell, The Claim of Reason, *ibid.*, ch. 1, and “Must We Mean What We Say” in Must We Mean What We Say, 2d ed. (Cambridge: Cambridge University Press, 2002)

44. Fish often finds his critics to be mistakenly positing a moment of interpretive freedom which then needs to be constrained, whether by texts, rules, conventions, communities and so on. See e.g., “Working on the Chain Gang: Interpretation in Law and Literature” and “Critical Self-Consciousness” (esp. pp. 458-59) in Doing What Comes Naturally. I insert the parenthesis—“always-already”—to make clear that nothing in my criticism incurs a commitment to this allegedly suspect conception of freedom/constraint. That is, I’m happy to follow Fish in saying that a community’s interpretive framework is always-already internalized by its agents, or that subjects are always already “inscribed” within an interpretive framework. My question is how, on Fish’s story, there could so as much as *be* an interpretive framework to be inscribed in.

45. Fish cites Richard Rorty, who in response to Alasdair MacIntyre having said “In your view, the worst thing someone can say about the Soviet Union is that it is un-American,”

shrugged and replied, “What could be worse?” Fish approvingly glosses Rorty’s response as follows: “I would be hearing in [Rorty’s]...line a thicker statement and a serious question. The statement would be a rehearsal of the interlocking values, investments, and social commitments...we implicitly refer to when we say ‘America.’ The serious question would be, ‘What could be worse than a state and an ideology opposed in every way to everything we cherish and believe in?’” “A Reply to My Critics” in The Responsive Community, op. cit., p. 63. The question seems easily answered: Worse than a state opposed to everything we believe in is a state that *conforms* to everything we believe in when our beliefs are evil. Clearly, there is something better than being guided by our most cherished beliefs, something most of us would want more: being guided by just and correct beliefs, or at least by not unjust or incorrect ones. Even Hitler (or Satan) was guided by his most cherished beliefs; there’s nothing especially good about that just *as such*.

46. See, e.g., the quotation from the Preface of Surprised by Sin in §2 above.

47. I owe a debt to Cora Diamond for this formulation. See her Realism and the Realistic Spirit, *ibid.*, pp. 68-69.

48. See Fish, “Theory Minimalism” *ibid.*, p. 772: “Schlag’s mistake can be seen by considering the nature of the ‘doubts’ he considers ‘requisite’....They are cosmic doubts, not doubts about this or that, but doubts about the entire cognitive structure within which ‘this’ or ‘that’ emerge as objects of inquiry. That form of doubt is not available to situated beings...” Fish ought to have seen this his own interpretivism falls by this axe. My argument here may be expressed, in the terms of this passage, by saying that: (1) rampant interpretivism presupposes the intelligibility of doubt not about *this* or *that* text (there are plain cases), but about the possibility of textual meaning *as such*; and (2) such a form of doubt does not appear intelligible from the point of view of “situated beings”—it requires a notional God’s-eye point of view.

49. “What was required,” Fish writes, “was an explanation that could account for both agreement and disagreement, and that explanation was found in the idea of an interpretive community.” “Change,” in Doing What Comes Naturally, p. 141. Fish is speaking here about introducing the notion of “interpretive community” to address certain issues in literary theory. But at the time this was written, this was also the central notion, for him, in an account of the possibility of the determinate meaning of any text. See, e.g., “With the Compliments of the Author” in Doing What Comes Naturally, p. 43.

50. Trouble with Principle, 271 [emphasis on “could” is mine].

51. Cf. “Force” in Doing What Comes Naturally, p. 512.

52. “Change,” in Doing What Comes Naturally, p. 156.

53. “Theory Minimalism,” *ibid.*, p. 772; see also Trouble with Principle, pp. 305-6.

54. The Trouble with Principle, p. 294.

55. I'm indebted to David Finkelstein's voicing of a similarly flat-footed response in "Wittgenstein on Rules and Platonism" in The New Wittgenstein, *ibid.*