

REVIEW ESSAY

Intellectual History, Context, and Robert Brandom

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Robert Brandom, *A Spirit of Trust: A Reading of Hegel's Phenomenology* (Cambridge, MA: Harvard University Press, 2019)

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What does it mean “to put an idea in context”? Does it mean explaining the idea as the effect of a certain set of causes? Or articulating the range of responses to an issue that are recognizably conventional in a particular place and time so that the force of any given response can be assessed? Something else? Intellectual historians answer this question about context in a variety of ways, but I think all would recognize that this is a particularly important question for intellectual history as a field of inquiry. The book under review here may seem to be beyond the purview of *Modern Intellectual History*. After all, Robert Brandom’s *A Spirit of Trust: A Reading of Hegel’s Phenomenology* is a book written by a philosopher for philosophers. Perhaps it could be called history of philosophy (though even that is debatable), but it is certainly not intellectual history. Nevertheless, I think this is a book that intellectual historians should be dealing with. Why? Because, among other things, the book offers a compelling and illuminating answer to the question of what it is to put an idea in context. This is not because the book itself does contextual work. Brandom ignores almost everything that intellectual historians would regard as contextual for Hegel. Kant is a figure in the book, yet the broader tableau of early nineteenth-century German philosophy, politics, and culture is almost completely absent. But the book does offer a theory of concepts. In doing so, *A Spirit of Trust* also gives us an account of context. Here, I’ll be arguing that this account of context is important for intellectual historians and helps us to understand more clearly debates that we have been having recently about how we do our work. In particular, I think Brandom helps us see that there is no necessary tension between putting ideas in historical contexts, on the one hand, and developing them critically, on the other. And this helps us overcome a binary between context and critique reinforced by a recent debate between Peter Gordon and Ian Hunter.

Robert Brandom is distinguished professor of philosophy at the University of Pittsburgh. He’s a major voice in contemporary philosophy, and his work has been taken up in a number of fields, but he has probably not achieved the kind of theoretical superstardom that makes a thinker someone to conjure with across

disciplinary boundaries, so it may well be that many intellectual historians are not aware of his work at all. Samuel Moyn was onto something when he said *en passant* in 2014 that “Brandom seems an especially valuable guide at present precisely because he has tried to offer an inferentialist account of language that should embed it in the whole practical life of a local place and specific time.”¹ Moyn’s point was that Brandom’s thought offers an account of concepts that is not idealist. My concept of courage can be made explicit in avowals or even definitions, says Brandom, but it remains implicit in my actions. And this basic attitude to concepts follows from Brandom’s pragmatism. He is a key voice in the Pittsburgh school of philosophy and reads his own lineage back through the work of Wilfred Sellars. For intellectual historians, the best way to quickly place him and spark an interest in understanding what his work can do for us is to say that Brandom’s doctoral adviser was Richard Rorty and that his work on history develops the position sketched by Rorty and his collaborators in the first volume of Cambridge University Press’s *Ideas in Context* book series. Brandom explored the implications of his positions for history in some detail in *Tales of the Mighty Dead* (2002).² And my point in this review will be that his most recent book develops that position in important ways—albeit more tacitly. I say that Brandom develops a position contained in volume 1 of *Ideas in Context*, but, as I hope to show, I think his proposals about context offer us quite different historiographic practices from the ones we find in that book series.

For Brandom, a context is produced when a principle is maintained over time as circumstances accumulate that affect our understanding of how to live the principle in practice. Such contexts are constituted by features of the cases in which we apply the principle. These are features that activate and inform our principle or other claims that we make in some way. Imagine, for example, that you are a physician. You’re routinely involved in diagnosis. One of your general principles is “other things being equal, high fever means bacteriological infection.” (Call this principle a rule, or “a rule of thumb,” if you prefer; for Brandom, the point remains the same.) What this principle means is that you will suspect bacteriological infection when you detect significantly higher than normal temperatures in patients. The “other-things-being-equal” rider (or, as Brandom calls it, the *ceteris paribus* clause) that you attach habitually to this kind of articulation of principle is an implicit recognition of the fact that contexts are inferentially dispositive—that is, contexts transform our inferences (making good inferences bad and bad ones good). Contexts are situations of application built up out of features that you understand will affect your judgments. As an experienced diagnostician, you will have recognized situations cashing out the *ceteris paribus* rider ahead of time into a number of contextual subclauses such as the following: “if high fever, then bacteriological infection, unless the patient has just been administered the anesthetic halothane.”³

¹Samuel Moyn, “Imaginary Intellectual History,” in Darrin McMahon and Samuel Moyn, eds., *Rethinking Modern European Intellectual History* (Oxford, 2014), 112–30, at 117.

²Robert B. Brandom, *Tales of the Mighty Dead: Historical Essays in the Metaphysics of Intentionality* (Cambridge, MA, 2002), esp. 1–118.

³Robert B. Brandom, “A Hegelian Model of Legal Concept Determination: The Normative Fine Structure of the Judges’ Chain Novel,” in Graham Hubbs and Douglas Lind, eds., *Pragmatism, Law, and Language* (New York, 2013), 19–39, at 21.

The presence or absence of halothane in the patient's system is one of the facets of the situation of applying your rule of thumb that you have articulated not simply as a possible statement but as a pertinent reason that transforms your judgment: if halothane, then no infection even if high fever; if no halothane, then infection with fever.

We see that context is not just discursive, and not just something discursive that you understand and can articulate yourself, but also something you understand to be pertinent. Context is established by recognitions of relevance in inference. Context is not just things you hold to be true at any given time, nor is it something like a list of things that were true at the same time as you did or said something. Context is established as a list of things both true and relevant. In the diagnosis example, I'm articulating context from the point of view of an agent who is thinking about how to apply a rule in a particular case, but the situation is essentially similar if you approach things from the perspective of a historical investigator. Had the patient been administered halothane? Did the physician know that? And, most importantly, was the conventional understanding of halothane at the time such that the doctor could reasonably have been expected to infer this meaning in that situation?

Or take another example, an important one in our current moment. If you have legislated the rule that there shall be no abortions, do you recognize the pertinence of contextual information such as whether the pregnancy was the result of rape or incest or endangers the life of the mother? Here too, we can quickly transpose the contemporary example into one that historians will recognize as their own: if lack of control over one's own body and fertility had been a quotidian fact of slavery in the United States, how was the meaning of the Fourteenth Amendment understood in the late 1860s and the 1870s? That is, what can we learn about the habits of inference in that historical context from the presence, absence, or nature of acts of logical imagination connecting the ability to decide whether or not to have a child and an injunction against deprivation of life, liberty, or property without due process of law?⁴

The sense of context that I have just sketched goes to the heart of one of the big ideas undergirding Brandom's entire decades-long philosophical project, from *Making It Explicit* (the 1994 work that established his reputation among philosophers) to the book under review here: the meaning of an assertion or an action is to be understood as the sum total of commitments, entitlements, and disentitlements deriving from it when that assertion or action is combined over time with other assertions or actions, many of which recognize new facts on the ground. (With the license provided by "dissentile," I'm using the word "dissentitlements" to specify things that are incompatible with my actions and avowals.) Brandom's big idea is inferentialism, and the core of inferentialism is the contention that meaning is to be understood as consequence in inference. If I make the assertion that "I am not someone who betrays a friend," then I encounter the meaning of that sentence in the commitments, entitlements, and disentitlements it produces

⁴I'm articulating this example out of an opinion piece responding to the *Dobbs* decision: Michele Goodwin, "No, Justice Alito, Reproductive Justice Is in the Constitution," *New York Times*, 26 June 2022, at www.nytimes.com/2022/06/26/opinion/justice-alito-reproductive-justice-constitution-abortion.html.

over time in particular situations. I *have* to stay silent; I *may* explain my silence as a matter of principle; I *may not* do things that I believe would be good for my friend if they entail betrayal—unless I can find a way to describe those things in terms of some deeper fidelity to my friend. The meaning of the assertion *is* these entailments, and I grapple with that meaning when I encounter difficulty in applying the principle in particular cases. And, of course, the case is not “my friend in general” but “my friend at a specific juncture amid all the things deemed pertinent to that juncture.” What does “betrayal” really entail if there is a sense in which acting against my friend’s immediate interests is actually in their deeper or long-term interest? It’s in the furnace of such difficulty that we forge better concepts of things like “betrayal.”

One of the key implications of this position is what Brandom terms the “non-monotonicity” of inference in the course of an assertion’s inferential combination with other assertions. “Nonmonotonicity” names the fact that recognizing new aspects of new situations when applying a rule can change good inferences into bad ones and vice versa. The inferential consequences of a position are not monotonous. And this is why inferentialism has deep implications for intellectual history even as the example just recounted speaks to the temporality of inference in terms of a principle’s ethical afterlife for a single individual. When combined with other aspects of a situation (that is, with a contextual perceptiveness about the other aspects of a situation that are dispositive), the inferential consequences of a position will vary. If fever, then infection unless halothane, but if we combine all of that with the further observation of a high white-blood-cell count, then infection again becomes likely. Unless the patient is also leukemic. Nonmonotony in inference is the variability of the conclusion in good inferences under these changing conditions. Does fever “mean” infection? It depends on the context. And in her very useful new book, *Rules*, the historian of science Lorraine Daston is making a similar point in a different idiom. As she says, “context choreographs the *pas de deux* between rules and their exceptions.”⁵ Context is what makes us want to make exceptions when applying rules, and we capture that experience of difficulty for the future when we carve out an exception carefully by trying to articulate what it is about local circumstances that voids the “other-things-being-equal” rider in a particular case.

Let’s once again transpose the example into an explicitly intellectual historical domain. In the course of the early 1720s, the Neapolitan thinker Giambattista Vico came to the conclusion that Hermodorus of Ephesus was a kind of historical fiction invented to give a simple narrative form to the constitutional crises of the early Roman Republic. He then began to think about how Homer has been imagined as a poet. In the course of three editions of his masterwork, the *Scienza nuova* (1725, 1730, and 1744), he eventually made the argument that Homer was not in fact a lone genius and that the *Iliad* and the *Odyssey* were documents testifying to the collective poetic endeavor of various Greek-speaking peoples across centuries of oral storytelling. How should we narrate this as historians? The Brandomian answer is to say that we should explain the sense in which Hermodorus was one context for Vico’s “discovery”

⁵Lorraine Daston, *Rules: A Short History of What We Live By* (Princeton, 2022), 269.

of the true Homer. (To be sure, there were many others.) One way of doing this is to hypothesize that Vico inducted from the Hermodorus example to a general rule running something like this: “Be suspicious of narrativizations of individual Greek genius.” Vico never said precisely that, and the connection between Hermodorus and Homer is never completely explored. But the first book of the *Scienza nuova* is filled with “axioms” that function in exactly this manner: rules of thumb listed explicitly, so that readers may apply them to the arguments that follow to flesh those arguments out and give them force. Moreover, this particular explication of the rule about Greek genius maps onto everything that Vico did and said and makes sense of it—gives it a reason. Treating “Hermodorus” (and what he entails inferentially as an example) as a premise in argument is to treat him contextually. Assertions about Hermodorus are contextual when they become premises in other arguments. This is Brandomian context in action.

Another key implication of Brandom’s claims about meaning is that what he calls reliable responders do not qualify as concept-using entities, because they have no ability to work with meaning in the context of inferential combination. For him, having a concept is like being able to apply a rule. If fever, then *ceteris paribus* infection. That’s part of the meaning of “fever.” It seems as if an algorithm could do this kind of thing. This way of understanding things raises the objection that anything capable of applying a rule reliably would count as a concept user, and this seems like a problem. Brandom responds by arguing that what such reliable responders cannot do is perceive the relevance of context for their responses. True, an orally deployed thermometer might be marked in such a way that “99.5 °F and above” correlates with “fever,” but that thermometer cannot recognize the relevance of halothane, white-blood-cell counts, or leukemia. With a high temperature, it’ll keep indicating “fever,” and like a broken clock it’ll be right, sometimes. The ability to recognize the inferential dispositionalness of context is essential to concept use.

In the book I’m discussing here, Brandom gives a more precise account of how inference combines assertions and how we should understand the significance of that work for the contentfulness of concepts. Ostensibly, *A Spirit of Trust* is a close reading and interpretation of Hegel’s *Phenomenology of Spirit*, but it’s a highly personal gloss that focuses on some aspects and marginalizes others. As Brandom puts it, “the defining subject [of *A Spirit of Trust*] that serves as both lens and filter for the present account is *conceptual content*.”⁶ To explain what he thinks is most crucial in Hegel’s account of concepts, Brandom parses two key ideas—determinate negation and mediation. To understand the meaning of something is to understand what you *must* do, what you *can* do, and what you *cannot* do if you assert that thing. Semantics for Brandom is modal: it’s about necessity, possibility, and impossibility. Adjudicating impossibility is about determining the pertinent contraries for any given ascription. Having a concept of something is about knowing what its contraries are, because your ability to apply that concept as a rule and correctly identify what’s incompatible with that concept is dependent on this knowledge. Put simply, to call something curved makes it impossible to at the same time

⁶Robert B. Brandom, *A Spirit of Trust: A Reading of Hegel’s Phenomenology* (Cambridge, MA, 2019), 2, original emphasis.

call it rectilinear, but calling something curved has no implications for calling it green—*ceteris paribus*. I add the “other-things-being-equal” rider there because it is usually (but not always) the case that color and shape are mutually indifferent with regard to inference. The point is clearer with color and temperature. After all, depending on what else is true, calling the element of an electric stove red will probably be incompatible with calling it cold. The ability to track such compatibilities and incompatibilities in particular situations is essential to the ability to track meaning.

The second of those key Hegelian ideas is mediation. Where determinate negation operates in the modality of impossibility, mediation operates in necessity: if we characterize something in a particular way, what necessarily follows given what else we say about that characterization? In Brandom’s examples, if we call something triangular then we are also bound to call it polygonal (because we also say that all triangles are polygons), and if we call something copper then we are also bound to call it an electrical conductor. We need to recognize that this is one of the basic inferential processes by which contexts are constructed. Once we ascribe the term “copper” to an object then the context of that situation can be populated with all the other predications we make of copper, with the predications we deem relevant most conspicuous. Again, historicity intrudes at a basic level: predications of copper vary over time as the affordances of that material are serially discovered and articulated in different contexts. Nor is it right to label this merely anthropocentric (“our ideas of copper change, but copper remains the same”), because the universe itself has a history, a history that is in part narratable as a series of novel admixtures under novel circumstances. That sounds abstruse, but it’s as simple as this: what happens at a planetary scale when, as but one of a multitude of global warming effects, Greenland’s ice sheet melts?

From the perspective of the intellectual historian, the account of context as a contexture of pertinent aspects and the assertions they activate as premises means that there are two distinguishable forms of historical contextualization. The first of these is contextualization of a sentence from a thinker whose history you are writing among the other sentences that this thinker has explicitly endorsed. Vico on Homer in the context of Vico on Hermodorus, for example. As we have seen, the meaning of any given assertion will change depending on inferential integration via determinate negation and mediation with the other assertions maintained by the person doing the asserting. This inferential integration *is* context, and it emphasizes the work that intellectual historians do in reading entire *oeuvres* by particular individuals. That is not the only kind of work that such historians do, but it is certainly essential (necessary but not sufficient) work in discovering what certain thinkers meant by certain assertions. Nor is this work straightforward or mechanical. A kind of inferential imagination is needed to perceive the pertinence of assertions that are neither proximate nor clearly coinvolved. And it is crucial to make good decisions on whether assertions made at one point by an author are always in play unless explicitly repealed or whether at some point or for some period they have been “implicitly” suspended or disavowed because they belong to a different or earlier or refuted stage of inquiry.

The second kind of historical contextualization entails combining assertions from one thinker with those of another, and this is certainly work that intellectual historians have been doing in one way or another for a long time. You combine assertions from two or more different thinkers active in the same epoch in order, for example, to understand them as a contradiction, so that you can understand the speech act of the later-appearing sentence—as disavowal, for example. As James Tully put it while explaining Quentin Skinner’s work on Machiavelli, “princes must learn when not to be virtuous” takes on a distinctive force in a context where the opposite sentiment has been so routinely asserted that it has become an assumption.⁷ Say that today and you’re a wannabe Machiavellian rather than the bad boy of political science—different context, different valence. Alternatively, you import assertions from an earlier thinker into the inferences of a later one predicting that the one was an influence on the other (bracketing for the moment the complexities of “influence”), such that—if your hypothesis is correct—the inferences of the later one become more intelligible once their unvoiced and inherited assumptions are inserted. Amos Funkenstein’s *Theology and the Scientific Imagination* makes arguments of this kind. (And his emphasis on imagination is indeed a prototype for my invocation of “inferential imagination” above.) Ironically, to understand the inferential work of natural philosophy in the seventeenth century, it helps to know a lot of theology: early modern discussions of plenum and void repurposed medieval inferences about ubiquity as a divine predicate.⁸ Or, you proceed on the assumption that no single individual will have voiced a given contexture of argument exhaustively and that the fullest historical treatment of such a contexture will suture elements together from different thinkers.⁹ The criterion for inclusion here is something like an ability to increase density of inferential weave—inferential thread count, as it were. That is, the historian chooses to include material from another source because paraphrasing that material enhances their ability to perform argumentative implicature by running the assorted claims of others.

Now, here’s a crucial pivot point: what if that second thinker is also the historian who is telling the story of the first thinker? That is, what happens if the second thinker whose assertions are being inserted into the motley of assertions made by the first thinker is the person who is trying to write a history of that first thinker? It’s not that (hoary *topos* alert) Locke qua theorist is construing Hobbes to make his own point; it’s that I qua historian am construing Saidiya Hartman to make my own claim. Is this a violation of some kind? Is this appropriate as theory but not as history—i.e. okay for Locke but not for me? Or is this in fact an important kind of intellectual historical inquiry? I suspect that many intellectual historians would say, “you can do this as a theorist, but you can’t do this as a historian.” I take Brandom to be giving historians a mandate to do this kind of work themselves and, to boot, an argument that this is also the more genuinely historical position in

⁷James Tully, “The Pen Is a Mighty Sword: Quentin Skinner’s Analysis of Politics,” in Tully, ed., *Meaning and Context: Quentin Skinner and His Critics* (Princeton, 1988), 7–25, at 9.

⁸Amos Funkenstein, *Theology and the Scientific Imagination* (Princeton, 1986), Ch. 2.

⁹There are many examples, but Albert O. Hirschman’s *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph* (Princeton, 1977) is especially vivid.

many respects. *A Spirit of Trust* is not addressed to historians, and Brandom does not pursue the point for them, but, as I read it, the book entails the argument that historians may be thinkers (and that thinkers may be historians). History and theory are coinvolved.

I take such a coinvolvement of history and theory to be a rejection of the (in) famous stipulation laid down by Quentin Skinner that historians would be committing some kind of deep intellectual—indeed, “moral”!—error if they attempted to take up past answers as responsive, in some sense, to their own questions.¹⁰ Indeed, Brandom is involved in a very particular reconstruction of the inferential weave of Hegel’s *Phenomenology*. He has questions about what concepts are, and he thinks that Hegel has answers that can be articulated in new ways to help us do work now. Is Brandom a philosopher or a historian when he is doing this work? The answer is both—which does not presuppose that Brandom himself is some fantastical and right-on-the-median synthesis of sensibilities. He’s not. He’s more philosopher than historian, but his historical interests and commitments are real. Brandom is interested in Hegel’s *Phenomenology* because he believes it works out positions that anticipate his own. He works on Hegel with the aim of excavating ideas that can articulate and improve his own philosophical positions. What this entails is a process of identifying key proposals in Hegel and understanding them by tracing their inferential expressions in Hegel’s various positions, combined then with a second process of suturing Hegel’s proposals into a distinct set of assertions (and problems and debates) that are Brandom’s own. This is a process of recontextualization, and there is a properly historical dimension to this: assertions that had one series of entailments in the full breadth and depth of Hegel’s assertions will have different meanings when grafted into the panoply of assertions that Brandom makes in his own voice in his own moments and contexts.

At base, what I want to say in reviewing this book for *Modern Intellectual History* is that Brandom is right: although to be sure they can also do lots of other things, historians may also legitimately write histories of thinkers whose lines of inquiry they themselves wish to continue. I would call this kind of research “contemporary intellectual history.” It mobilizes lines of inquiry from the past that can be useful now and in the near future. Two things would make the kind of intellectual history I’m articulating here genuinely contemporary: the degree to which the historian articulates their own theoretical presuppositions explicitly, and the degree to which those theoretical presuppositions suggest positions on things that are recognized as important by a critical mass of other researchers *now*. If I combine my own assertions with the assertions of one (or more) other thinkers, and if I combine these various assertions with voicings of pertinent new facts thrown up by the world I live in now with others, what follows inferentially? What concepts take on a new life in contemporary examples? What contemporary examples seem like anomalies? What inherited concepts are newly revealed as contradictory under contemporary circumstances?

Let’s imagine, for example, that I am an intellectual historian who believes that first contexts are uniquely determinative for adjudications of meaning. As one

¹⁰Quentin Skinner, “Meaning and Understanding in the History of Ideas,” *History and Theory*, 8/1 (1969), 3–53, at 53.

prominent intellectual historian puts it in order to contest what he thinks of as a commonplace (perhaps more often enacted than explicitly avowed), “by contextualism I mean the epistemological and normative (and implicitly metaphysical) premise that ideas are properly understood only if they are studied within the context of their initial articulation.”¹¹ So, let’s imagine that as a historian I believe that initial context is the crucial context. How, then, do I respond to the increasing mobilization of originalism in US constitutional interpretation to argue for the exclusive legitimacy of construals that would have been regarded as conventional at the time of ratification? The point is not that I have to give up my commitments to first contexts in this situation. The point is that I have something like three options: I bite the bullet and endorse originalism, or I distinguish *my* first contexts theoretically from originalist first contexts, or I disown my commitment to first contexts as solely dispositive. Brandom argues that the application of our rules in new fields will often reveal implications that test our allegiances. Just so, living our intellectual historical rules of thumb in the context of constitutional debate reveals the meaning of those rules.

Now, there are a good number of intellectual historians working in the name of context who would not insist on the unique value of *original* contexts, but Brandom’s (implicit) point to them is that if you accept that decontextualizations from an original context and recontextualizations into a later one are legitimate objects of historical inquiry, then recontextualization into the present context of today is also legitimate. So, sure, Quentin Skinner hasn’t understood himself to be supporting the “very strong version” of contextualism that insists on examining original contexts only, and David Armitage for one clearly avows the viability of what he calls “serial contextualism” for Cambridge school intellectual historians.¹² As the *Ideas in Context* statement of intent has said, “the books in this series will discuss the emergence of intellectual traditions and of related new disciplines,” which means not only that “the procedures, aims and vocabularies that were generated will be set in the context of the alternatives available within the contemporary frameworks of ideas and institutions,” but also “through detailed studies of the evolution of such traditions, and their modification by different audiences, it is hoped that a new picture will form of the development of ideas in their concrete contexts.”¹³ Not just contexts “contemporary” with the original utterance but also a multiplicity of subsequent “concrete contexts” brought into being by later audiences in different places and times. Bravo! What remains unacknowledged here, though, is that this multiplicity of subsequent audiences includes us. Contrary to Skinner’s injunction against historical work in which our own beliefs are at stake, we have Brandom’s insistence that recontextualization amid our own beliefs and acts is still absolutely about context.

¹¹Peter E. Gordon, “Contextualism and Criticism in the History of Ideas,” in Darrin McMahon and Samuel Moyn, eds., *Rethinking Modern European Intellectual History* (Oxford, 2014), 32–55, at 36.

¹²See Quentin Skinner, “Motives, Intentions, and the Interpretation of Texts,” *New Literary History* 3/2 (1972), 393–408, at 404–5; and David Armitage, “What’s the Big Idea? Intellectual History and the *Longue Durée*,” *History of European Ideas* 38/4 (2012), 493–507, at 499.

¹³Richard Rorty, J. B. Schneewind, and Quentin Skinner, eds., *Philosophy in History: Essays on the Historiography of Philosophy* (Cambridge, 1984), series page. The book series description remains essentially identical today, with only minor changes; see www.cambridge.org/us/academic/subjects/politics-international-relations/history-ideas/series/ideas-context.

Let's work through another example to secure this point about regarding ourselves and our own moments as contexts. Imagine I'm a historian of feminist theory. Maybe I have a book on Wollstonecraft. Maybe I have a second book on intersections and disjunctions between Simone de Beauvoir and Negritude. And maybe my current book project is a history of gender in Judith Butler from *Gender Trouble* to the present. In my current book project, let's say that I'm concerned *both* with thinking about how Butler came to their positions in the 1970s, 1980s, and 1990s (the contexts they were working in, etc.) *and* with what their positions entail today (and the degree to which my own positions are identical with theirs). Perhaps I'm especially concerned with telling the story of how the key assertions that informed and ran through *Gender Trouble* continue, discontinue, or are transformed in the context of the contemporary world where trans life is more fully explored and articulated than it was when *Gender Trouble* first appeared in 1990. I recognize that Kathryn Stockton, Sarah S. Richardson, and Jules Gill-Peterson (and many others) are in this conversation too. I'm especially interested in the research of Yannick P. Thiem, and I read the emerging work of S. Brook Corfman, in order to bring in their articulations of new experiences. Is there any reason to presume that my exploration over time of the compatibilities and incompatibilities between Butler's assertions and assertions by these other individuals (along with my own) is intrinsically unhistorical? We don't need to treat Richardson as an infallible communicator of a putative scientific consensus about the biology of sex as it exists at the cutting edge today—she is not and does not claim to be—in order to be interested in the relation between Butler's assertions and hers. We don't need to treat S. Brook Corfman as the voice of trans life today—they are not and do not claim to be—to be interested in how both their research and their artistic experiments play with Butler's earlier and current positions. Nor must we presume that my own positions on gender (together with the contexts that I recognize in the contemporary world) are any less revealing of the meaning of Butler's work today than Richardson's or Corfman's.

It is at precisely this point that I think readers of *Modern Intellectual History* have an opportunity to read *A Spirit of Trust* as an intervention (albeit a tacit one) in a recent debate between Peter Gordon and Ian Hunter. It's a debate that has flared up in the pages of *History and Theory* in a 2019 article by Hunter that takes issue, among other things, with an essay by Gordon that appeared in *Rethinking Modern European Intellectual History*, a 2014 volume edited by Darrin M. McMahon and Samuel Moyn. Along with Brandom, both Gordon and Hunter recognize the contemporary pertinence of a broadly Hegelian approach to historicity. For Gordon, the Hegelian tradition (but Theodor Adorno more richly than Hegel himself) allows historians to engage with past ideas substantively and critically. For Hunter, by contrast, the Hegelian tradition (together with the defense of it set out in Gordon) represents something like a temptation for academics to become moralists. At the center of this is a debate about context. For both Gordon and Hunter, context is something like a boundary that delimits relevance, the historical world that situates a thing and gives it meaning. Something's context is the broadest extent of its potential pertinence. It cannot be read or applied beyond the world in which it existed. For Hunter, this is a good thing. For Gordon, this is a problem to be overcome.

In his essay on “Context and Criticism,” Gordon works himself into an interesting position in which Hegel stands for a belief in ultimate contextualization where every component of a historical epoch has come to be articulated perfectly and without remainder in terms of every other component. It’s something like Panofskian medievalism on steroids, as if the mind of an epoch might somehow succeed in analogizing itself across all possible domains, such that the architecture and the art and the philosophy and the theology (along with every other field of inquiry and expression) all cohere, and the dialectic between concept and its remainders (i.e. history) has come to an end. A historical epoch achieves a kind of perfection when every object contained within it mirrors or implies every other one and when every one could equally serve as the point of departure for a historical articulation of the whole. As Gordon puts it, “we may end up imagining a context as a self-stabilizing unity inside of which there is no history whatsoever.”¹⁴ We might imagine the model of this perfectly achieved context to be something like a legal system that has succeeded both in covering all cases and in reconciling all the various laws on its books such that the rate at which cases were overturned on grounds of unconstitutionality fell to zero. All parts are both consonant with and informed by all other parts: this is perfect achieved remainderless context. Hobbes might have called such a thing “contexture”; Quintilian, *contextus*.

For Gordon, contextualism is a kind of implicit dismissal of ideas as ideas. Context is localism: it’s a way of silently—indeed, automatically—disavowing what was said “there and then” given that we are now in a different “here and now.” Goodbye, Socratic elenchus; “that was yesterday,” says Carneades the ancient skeptic. “Rather than directly grappling with a past idea, the intellectual historian can simply consign it to its context,” Gordon explains, and “historicizing the idea into the past thereby serves to defeat the idea and marks it as no longer legitimate.”¹⁵ Delegitimation by means of contextualization is a powerful and common move. As Sophie Smith says in her excellent recent treatment of John Rawls, the work of criticizing Rawls by contextualizing him in his place and time—“well, someone like him *would* say that ...”—started almost as soon as *A Theory of Justice* appeared and certainly well before the opening of his archive after his death.¹⁶ And, although I don’t have time here to explain the argument in full, know that Part Three of *A Spirit of Trust* responds at length to contextualizing in order to dismiss. Under the banner of interpretive magnanimity, Brandom would argue, for example, that even if Rawls’s positions were caused by things we cannot endorse, we can nevertheless take up his assertions as reasons for our own positions.

Against contextualism, Gordon sets out a “genuine criticism” that must take the ideas of the past seriously today, seriously enough to criticize them and transform them into positions that we endorse while grappling with the problems to which we’re responding. For Gordon, Adorno is the emblem of a negative dialectics that never runs out of possible immanent critique. In this reading, no context is

¹⁴Gordon, “Contextualism and Criticism,” 35.

¹⁵Ibid., 44.

¹⁶Sophie Smith, “Historicizing Rawls,” *Modern Intellectual History* 18/4 (2021), 906–39, at 936.

ever achieved to the point that all assertions pertaining to it are entirely at home with each other. And this is a world in which some assertions succeed in breaking with the context in which they originally emerged and come thereby to contribute to the unfolding of a new world. Naturally, this new world is ultimately no more stable than the previous one, and the dialectic rolls on. For Gordon, this is a way of articulating the properly critical function of intellectual history, which for him does not simply recount the tales of tensions past but actively contributes to the immanent critique of unstable intellectual systems that are changing right now. This is his way of escaping what he characterizes as the theological ambitions of perfect contextualization—whether that contextualization be original (and in the past, qua nostalgia for a Golden Age in which everything was “of a piece”) or ultimate (and in the future, qua the Utopia that rigorously lives its core idea out into all the minutiae of daily life).

In “The Contest of Context in Intellectual History” (which is a rollicking riposte to Gordon and those who agree with him), Ian Hunter works up a veritable clash of civilizations between historians who believe in context and those who believe in their own normative calling as an academic class—or “clerisy,” as he puts it. “Contextual historiography” and “dialectical critique,” says Hunter, “should be understood as radically and permanently opposed intellectual cultures or comportments.”¹⁷ It’s supposed to be something like skepticism versus moralism. For Hunter, Hegel and his kind were just a reaction against a “contextualist ecclesiastical history” that “used the humanist methods—of source-criticism, philological analysis, the investigation of historical uses and circumstances—in order to suspend the transcendent meaning of sacred texts and to approach them as documentary records of purely human activities taking place within flawed historical institutions.”¹⁸ For him, this is the paradigmatic historicizing move: the Bible does not tell us about God and the Christ; it tells us about the cultures that in different places and times minted, redacted, and institutionalized variants of the Bible. “Context,” says Hunter, “spearheaded an antimetaphysical stance toward theological and juridical doctrines, which were to be viewed in terms of their historical existence rather than their normative validity.”¹⁹ Contextualist intellectual historians liberate us from the ideas of the past by attaching those ideas to past contexts that are not ours. Texts *should* be dead for us: they can tell us about the worlds that brought them into being and about the worlds that went on to venerate them, but they cannot tell us what to do. This is an update of a dynamic that J. G. A. Pocock perceived (with a greater sense of historical irony and dilemma) so vividly at the opening of *The Ancient Constitution and the Feudal Law* as long ago as 1957: the more you know about the historical origins of a system of law, the more difficult it becomes to apply it in your own age.²⁰

¹⁷Ian Hunter, “The Contest over Context in Intellectual History,” *History and Theory* 58/2 (2019), 185–209, at 188.

¹⁸*Ibid.*, 191.

¹⁹*Ibid.*, 195.

²⁰J. G. A. Pocock, *The Ancient Constitution and the Feudal Law* (Cambridge, 1957), 4: “the humanists aimed at resurrecting the ancient world in order to copy and imitate it, but the more thoroughly and accurately the process of resurrection was carried out, the more evident it became that copying and imitation were impossible.”

I think that Brandom makes a stronger case for the kind of critical intellectual ambition that Gordon wants to value. Gordon holds up something like immanent critique as the basic practice of intellectual historians. No “system” of ideas will be perfectly at peace with itself; in one way or another, all will reflect the conflicts and crosscurrents of the times that produced them and inherited them; and, for these reasons, it is possible to paraphrase a work of ideation against itself. By pushing on contradictions and lacunae and aporias the intellectual historian as critic can push further into that ideation’s own possibilities. The Brandomian account of intellectual history emerging from *A Spirit of Trust* is compatible with all these ideas, but I think it articulates more clearly the role that future contexts will play in revealing and constructing such difficulties. What this emphasizes is that historical skills in reconstructing past contexts should be brought to bear when analyzing and articulating the present as a context of application as well. We don’t need to presume that every text is immediately a tissue of self-negations (even as we accept that this is sometimes true), because it’s often the future that opens up fissures in the text where previously there had been joints. And this means articulating those futures as they emerge in the present as both challenges and possibilities.

I also think Brandom reveals where Hunter goes very basically wrong. Hunter sets a scene in which there are contextualists and anti-contextualists, and he characterizes these anti-contextualists as so many acolytes working downstream from what he parses as Hegel’s insistence that “the human mind universalizes or globalizes itself through successive liquefactions of its objective forms.”²¹ Clearly, Hunter is onto something with his intuition that Hegel is a conjuring force here. We can read him as predicting that those using the past to think for themselves will venerate Hegel; and with Brandom, he’s right. But the metaphor of liquefaction takes him too far, and it makes him oblivious to the centrality of recontextualization in someone like Brandom. An assertion becomes a rule that floats free of the original scene of its avowal. Indeed, becoming a rule is *dependent* on this decontextualization. (Otherwise, it’s just an order.) So far so good, for Hunter. But for Brandom it is the nonmonotonic inferential matrices of mutually relevant assertions that come to constitute future contexts that build out the meaning of that rule over time. Rules live in their new contexts, discovering the problems that they accrue over time.

To pursue the point, let’s return to constitutional interpretation. As I proposed above, an insistence on first contexts might seem good until you take it with you to the Supreme Court of the United States in 2022 and consider what it binds you to in the context of the *Dobbs* decision. Let’s now imagine that you find a way to revise your understanding of your “attend-to-first-contexts-above-all” rule, so that it’s possible for you to live with its consequences in 2022. Perhaps you’ll find a way to articulate the first 1868 context of the Fourteenth Amendment as clearly implying a right to control one’s own fertility (as I suggested above). Or perhaps you come across Jill Lepore’s account of originalism’s “selective memory”: a commitment to first contexts means far more than looking at a dictionary in use at the time of utterance, and first contexts—when properly researched—can be more

²¹Hunter, “The Contest over Context,” 187.

radical than we might otherwise presume.²² All of this might conceivably vindicate first contexts in this particular case, but in fact the caveats and additional rules of thumb that I've just mentioned serve to demonstrate the value of Brandomian recontextualization more broadly. Even if you eventually decide to stick to your guns with "attend to first contexts above all," it'll still be the case that 2022 *as a context* will have enriched and further articulated your understanding of that rule.

But Hunter insists on being blind to the properly normative work of history. For him, "what runs through these different iterations of the critique of context is not some common theoretical doctrine but something quite different and far more fundamental: namely, a particular kind of ethical work." Yes, "'is' is fraught with 'ought'" for Brandom. (That is, any assertion that "X is Y" comes with commitments, entitlements, and disentitlements, all of which are deontic.) But for Hunter, "this is a work performed on the self by the self, through which, by suspending the facticity of historical events and records, the ethical labor transforms them into symbols of the dialectical development of the human spirit, and brings the philosophical historian into existence as the personification of that spirit."²³ Yes, this is ethical work for Brandom, and the philosophical historian is indeed aiming to be a kind of provisional culmination of the narrative they craft, but this is not work performed on the self by the self (it's community work), and—here's the crucial point—it is absolutely not work made possible "by suspending the facticity of historical events and records." This is the crux of Hunter's error. Engaging with such facticity inferentially is the core of the Brandomian position. It's realizing the relevance of the *Dobbs* decision for your account of intellectual history that spurs you to abandon or adjust that account. The philologically precise discernment of recorded assertions is absolutely motive. Indeed, tracing determinate negation and mediation is an integral part of philological scruple. There is no historical life of the Brandomian norm without the ongoing facticity of historical events and records.

The work of Robert Brandom is often technical. It is not written for intellectual historians. But interpreting complex works not written for us is pretty much what we do for a living as intellectual historians. And I am convinced that his work has significant implications for our own if we would make the effort to read him. I've made that case elsewhere.²⁴ The point holds for *A Spirit of Trust*.

²²Jill Lepore, "The Supreme Court's Selective Memory," *New Yorker*, 24 June 2022, at www.newyorker.com/news/daily-comment/the-supreme-courts-selective-memory-on-gun-rights.

²³Hunter, "The Contest over Context," 208.

²⁴David L. Marshall, "The Implications of Robert Brandom's Inferentialism for Intellectual History," *History and Theory* 52/1 (2013), 1–31; Marshall, "Intellectual History, Inferentialism, and the Weimar Origins of Political Theory," *Journal of the Philosophy of History* 11/2 (2017), 170–95; and Marshall, *The Weimar Origins of Rhetorical Inquiry* (Chicago, 2020), 20–31.