

## **The Phenomenological Language Game The Original Contract of Goodness**

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### **Abstract**

The aim of this study is to present phenomenology as being “the phenomenological language game.” I claim that the highest aim of the phenomenological language game is extracted as the creation of intersubjective confirmation beyond socio-cultural differences, in order to obtain consensus on social justice, human rights, freedom, legitimacy of public education, the basis of laws, valid economic systems, and so on. These conceptions all require universality and universal consensus, because they are directly connected to the goodness of society and life. Whoever wants to participate in the phenomenological language game, and whoever makes an effort to obtain common understanding, is regarded as agreeing with the first consensus that participants will start the game for the sake of goodness, to create a better society, and to consider the potentiality of human life. I call this contract “the original contract of goodness,” characterized as an inquiry into essences instead of matters of fact, using language instead of power games, having the will to goodness instead of nihilism. In this study, first of all, I present a brief description of language games in Wittgenstein’s work. Crucially for Wittgenstein, meaning in language is generated through a language game, and no meaning can exist independently of each individual context. Second, the distinction between morphological essence in Husserl and family resemblance in Wittgenstein is made clear. It cannot be said that these two conceptions are completely opposed; rather, in some respects they intersect. However, the difference between universalism in Husserl and relativism in Wittgenstein is clearly reflected in this distinction. Next, I try to present the idea of the phenomenological language game, and examine the philosophical language game in Apel, presented against critical rationalism. Apel legitimately points out the inadequacy of critical rationalism, but his argument has clear limitations, especially in terms of the ethical and normative viewpoints. Finally, I review the original contract of goodness, and its necessity and inevitability for the phenomenological language game.

### **Introduction**

In this study, phenomenology, as established by Edmund Husserl, is reconsidered in terms of the language game of Ludwig Wittgenstein. In particular, I claim that the method of eidetic seeing should be regarded as a type of language game that attempts to expand intersubjective confirmation through a constant process *ad infinitum*. By defining the method of eidetic seeing as a phenomenological language game, the following points will

be clarified: 1. Phenomenology is not solipsism, but a study of intersubjectivity. 2. Eidetic seeing should not be operated to obtain dogmatic eidos, but to create intersubjective consensus. 3. The phenomenological language game should be based on the original contract of goodness.

It is not easy to introduce these three perspectives into phenomenology directly from Husserl's original text, although Husserl himself considered the possibility of a transformation of phenomenology from egology to monadology.<sup>1</sup> Despite Husserl's stress on monadology instead of egology, and some prominent previous research on intersubjectivity in Husserl, there remain some strongly-rooted vulgar views stating that phenomenology has clear limitations in terms of its foundationalism, dogmatism, or idealism.<sup>2</sup> Of course, there is no versatile principle that can disclose every aspect of the world in the absolute sense, but phenomenology, I think, should be defended at least for the sake of its purpose and motivation, which is to promote intersubjective confirmation in order to inquire into possible conditions and structures of a "good" society.

In this study, I do not present a comprehensive description of the language game. The point I would like to stress is that the idea of the language game proclaims that we continually produce and exchange our various world images, concerns, emotions, desires, and values through the language game, and that there is no substantial essence, such as absolute truth or thing-in-itself. In fact, as is well known, the language game is often used in the context of relativism, as every meaning is generated through a particular local language game; in other words, meaning in language wholly depends on its context and performance. Indeed, the conflict between universalism in Husserl and relativism in Wittgenstein is reflected in two distinct conceptions: morphological essence in Husserl, and family resemblance in Wittgenstein.

In this study, however, the possibility of a philosophical language is upheld, with reference to the work of Karl-Otto Apel. That is, I claim that there should be a language game that seeks universal structures and conditions common among all individual language games. I call it "the phenomenological language game." The method of eidetic seeing in phenomenology is redefined in terms of the language game, and the conception of essence is evaluated as intersubjective consensus. In other words, essence is seen to be generated through interaction of participants in the phenomenological language game through agreement, criticism, question, response, description, example, and counter-example: in sum, "mutual critique" and "mutual exchange" of words.

Also, it is important for phenomenology to clarify that the phenomenological language game has a particular aim and purpose. Aimless eidetic seeing is meaningless, and thus we firstly need to think about why we conduct eidetic seeing. To address this point, I introduce the idea of "the original contract of goodness" in the last chapter of this study. The original contract of goodness, or an implicit consensus on starting the language game in order to create a good society and life based on freedom and equality, determines the orientation of phenomenology, and continually motivates the will and efforts of phe-

nomenologists.

### 1. Language Games

According to Wittgenstein, meaning in language does not exist in itself, nor is it constituted in the subject. Meaning is generated through a language game. He asks, “what is the meaning of the word “five?”—No such thing was in question here, only how the word “five” is used.”<sup>3</sup>

Wittgenstein describes how the meaning of a word is determined through the context of the language game by means of a parable. He writes that, “the language is meant to serve for communication between a builder A and an assistant B. A is building with building stones: there are blocks, pillars, slabs and beams. B has to pass him the stones and to do so in the order in which A needs them. For this purpose they make use of a language consisting of the words “block,” “pillar,” “slab,” “beam.” A calls them out; B brings the stone which he has learnt to bring at such-and-such a call.—Conceive of this as a complete primitive language.”<sup>4</sup> Usually we tend to assume that the meanings of “block,” “pillar,” “slabs,” and “beams” validly and objectively exist in language, so that we can use their meaning for communication. However, Wittgenstein inverts the established, trusted order: that is, the uses of “block,” “pillar,” “slabs,” and “beams” provide their meaning.

Moreover, this complete primitive language can be regarded as one of those games by means of which children learn their native language, which Wittgenstein calls “language-games,” conceptually including “the whole, consisting of language and the activities into which it is woven.”<sup>5</sup> Therefore, the conception of the language game includes communicative language itself, and the activities of people. Simply stated, the language game can be defined as the activities of people based on rules.<sup>6</sup>

However, according to Wittgenstein, “there are *countless* kinds; countless different kinds of use of all the things we call “signs,” “words,” “sentences.” And this diversity is not something fixed, given once for all; but new types of language, new language-games, as we may say, come into existence, and others become obsolete and get forgotten,”<sup>7</sup> so it is impossible to identify exactly what rules determine a certain language game, and to clarify an unambiguous “use” of a language. That is, “when language-games change, then there is a change in concepts, and with the concepts the meanings of words change.”<sup>8</sup>

But, if a language is always fluid and mobile, then some people might question how it is possible for us to communicate with each other. Are there any rules in such a language, such as grammar and rhetoric? These questions arise from our common sense, and seem natural and pertinent. However, it is not true that our ability to communicate with each other in practice can aid us in identifying grammar, rhetoric, and the opposite order: as Wittgenstein wrote, “you must bear in mind that the language-game is so to say something unpredictable. I mean: it is not based on grounds. It is not reasonable (or unreasonable). It is there—like our life.”<sup>9</sup>

On the other hand, we must be aware that the variability of language games does not necessarily mean randomness and nonsense. Rather, “to imagine a language means to imagine a form of life,”<sup>10</sup> and there still exists a way to analyse and describe what types of rules determine a certain language game, even though the analysis and description cannot be conducted in exact terms, such as in mathematics and logic. In terms of phenomenology, the question still remains of whether or not there are some common structures and essential conditions that can be validated among different language games. Regarding this point, the idea of Wittgenstein intersects with that of Husserl, as the difference between morphological essence in phenomenology and family resemblance in language games.

## **2. Family Resemblance vs. Morphological Essence**

Wittgenstein claims that language is not defined as a strict system of a bundle of rules, but as a “game” whose rules can be changed by the activities of people and their acknowledgement of them; in other words, a game in the process of gradual and moderate change, in a similar manner to a form of life.<sup>11</sup> According to Wittgenstein, “instead of pointing out something common to all that we call language, I’m saying that these phenomena have no one thing in common in virtue of which we use the same word for all—but there are many different kinds of this affinity, or these affinities, we call them all “languages”.”<sup>12</sup> This affinity is called “family resemblance” in Wittgenstein’s philosophy.<sup>13</sup>

For instance, can we discover an essence of game that is common among a variety of games, such as board games, card games, ball games, and athletic games? The answer is negative, because “if you look at them, you won’t see something that is common to all, but similarities, affinities, and a whole series of them at that.”<sup>14</sup> “We see a complicated network of similarities overlapping and criss-crossing: similarities in the large and in the small.”<sup>15</sup> For Wittgenstein, it is an absurdity to consider the possibility of an essence common to all such individuals, when viewing the network of similarities overlapping and criss-crossing. As a result, for Wittgenstein, understanding what a game is means that “he is now to employ those examples in a particular way,”<sup>16</sup> rather than grasping the essence of game.

Here, I would like to point out that the conception “family resemblance” should be called “morphological essence” in terms of phenomenology. Indeed, it can be said that Wittgenstein’s method of seeing family resemblances is very close to Husserl’s free variation, even though these two philosophers ultimately produced conflicting ideas. That is to say, Wittgenstein refuses the idea of essence, which is common among different language games, while Husserl attempts to grasp essential structures and common conditions by which the individual identity is determined.

According to Husserl, phenomenology can be defined as “a purely “descriptive” eidetic science” and “a science *within the limits of mere immediate Intuition*” (Hua III/1, 138). This

means that phenomenology attempts to describe the essential linkages of universal insight with the mental processes within intuition.<sup>17</sup>

Eidetic sciences consist of two different ontologies: “formal ontology,” which is related to objectivity in general, including property, states of affairs, relationships, and class; and “material ontology,” which grasps essences of events with concrete contents such as thing, mind, person, and culture. However, phenomenology as “an eidetic theory of mental processes” (Hua III/1, 149) should belong to the latter ontology (Hua III/1, 150). Moreover, simultaneously, phenomenology is not regarded as “*a definite system of axioms*” with a deductive justification, but as a concrete-eidetic discipline composed of “*essences of mental processes* which are not abstracta but instead concreta” (Hua III/1, 164).

Consider the other side of this issue. According to Husserl, on the one hand, there are ““explanatory” sciences,” such as mathematics and logic, which can create “unambiguous determination” or “*exact determination*” by means of “*ideal concepts*,” and on the other hand, there are ““descriptive” sciences” whose method is “description,” with “descriptive concepts” (Hua III/1, 154).

For instance, the Pythagorean theorem explains that the square of the hypotenuse is equal to the sum of the squares of the other two sides ( $a^2 + b^2 = c^2$ ), and this theorem will be valid beyond social-cultural differences. It is clear that primary propositions in mathematics and logics can create exact validity. However, in phenomenology, a phenomenologist needs to directly see the mental processes and grasp essential structures of experiences, crucially with “words,” so that we cannot expect exact determination, as in the descriptive sciences. For example, when I attempt to grasp the essence of “discrimination,” obviously it is not possible to determine what the essence of discrimination is by using mathematics and logic. I reflect on my experiences regarding discrimination, and I imagine various other forms of discrimination through free variation, in order to obtain intersubjective validity. As a result, I conclude that discrimination is to diminish a person without any rational verification, elevating oneself to a relative superior position, and promoting the grading of hierarchy by making use of an inevitable sense of belonging, such as the characteristics of physical body, nationality, and place of origin. This is done in order to secure self-identity and a superiority complex, or to avoid otherness and alienation. There are different levels of discrimination, such as individual discriminative feeling, communicative and collective discriminatory sentiments, and substantive discrimination in laws and institutions.<sup>18</sup>

As demonstrated above, the essence of discrimination is totally different from the Pythagorean theorem, in that the former can create only morphological universality and structural commonality. In other words, in the realm of the descriptive sciences, intuited essence will be inevitably reassessed by intersubjective critique, and it cannot require an exact intermediate agreement among people.

However, the question has remained unanswered whether it is possible to conceive of a descriptive eidetic “science” which creates universality in the morphological sense. Is

phenomenology ultimately a relativistic method? Indeed, Wittgenstein would have thought so, in the context of family resemblance. In this regard, Husserl states that there are “*morphological concepts* of vague configurational types which are directly seized upon on the basis of sensuous intuition and which, in their vagueness, become conceptually and terminologically fixed. The *vagueness* of such concepts, the circumstance that their spheres of application are fluid, does not make them defective; for in the spheres of knowledge in which they are used they are absolutely indispensable, or in those spheres they are the only legitimate concepts” (Hua III/1, 155). Those concepts are essentially “*inexact*” and “*non-mathematical*,” but still hold “*the firmness and the pure distinguishability*” in the realm of “*fluidity*” (Hua III/1, 155 f.).

Certainly, it is not possible for phenomenology to obtain an unambiguous determination of every moment that consists of eidetic singularities; but, being limited to concrete experiences, “the situation is quite otherwise in the case of essences belonging to *higher levels of specificity*” (Hua III/1, 157). These generic essences can be determined by “*strict*” (rather than “*exact*”) conceptions, and “these are accessible to rigid differentiation, to continuous identifying maintenance, and strict conceptual formulation and likewise to analysis into component essences” (ibid.). In short, for Husserl, it is still possible to regard phenomenology as a descriptive eidetic “*science*” that aims to grasp essential moments and structures of experiences in the “*strict*” way, even though phenomenology should be keenly distinguished from exact sciences such as mathematics, logic, and physics.

To summarize this chapter, it can be stated that the definitive difference between Wittgenstein and Husserl lies in the conflict between family resemblance and morphological essence. While Wittgenstein claims that there are no common structures that transcend the classification of language games, Husserl points out that, in higher levels of generic essences, there are morphological essences that share something beyond cultural-social differences.

### **3. Eidetic Seeing as a Language Game**

In contrast to Wittgenstein, I state that there can exist a language game that enquires into common structures among a number of language games, and I call it the “*phenomenological language game*.” It should be noted that regarding eidetic seeing as the phenomenological language game opens one’s eyes to an important perspective in phenomenology: namely, intersubjectivity.

As I pointed out in my introduction, there is much evidence to demonstrate that phenomenology should not be considered as solipsism and dogmatism; but at the same time, it is not easy to extract the idea of phenomenological essentialism as a “*science of intersubjective confirmation*”<sup>19</sup> from Husserl’s original text on the method of eidetic seeing. In this study, I will not describe the detailed process of eidetic seeing based on Husserl’s text, but will present several points to be taken into consideration with regard to the phenomenological language game.<sup>20</sup>

According to Wittgenstein, “when philosophers use a word—“knowledge,” “being,” “object,” “I,” “proposition/sentence,” “name”—and try to grasp the *essence* of the thing, one must always ask oneself: is the word ever actually used in this way in the language in which it is at home?—What *we* do is to bring words back from their metaphysical to their everyday use.”<sup>21</sup> Philosophers tend to presuppose the realm of substance, such as the absolute truth, thing-in-itself, meaning itself, and objective value, but all these presuppositions lapse into paralogism. There is no independent essence in itself expressed through the everyday use of words, and philosophers must examine how words are used in the language in the first place.

The phenomenological language game should be operated under the same conditions. The morphological essences do not substantially exist beyond the life-world, to be discovered like some lost treasures. Essence does not exist in the same way as do substantial entities, and it can be validated only through intersubjective confirmation among participants in the phenomenological language game.

For instance, when I think of the essence of freedom, I do not imagine such an essence in the sense of Plato’s ideas, independently existing beyond the phenomenal world. Additionally, I cannot depend on the great works that describe the essence of freedom, such as *The Phenomenology of Spirit* by Georg Wilhelm Friedrich Hegel, or *Escape from Freedom* by Erich Fromm. The only evidence for the phenomenological language game is “my” experience and insight, so that heritages from all authorities in the specific field of study should be excluded and parenthesized. Then, I reflect on my experiences of the sense of freedom: when I am released from a drinking session with a senior associate, when I finish writing an academic paper; or, from the other perspective, when I cooperate with friends to interpret a philosophical text, when my supervisor evaluates the importance of my paper, and recognizes my efforts, etc. Thus, I can describe a variety of experiences of freedom, and the next stage is to grasp the essential structures of multiple forms of freedom. I will say that the essential moments of freedom can be extracted as liberation or emancipation from oppressive restraints, realization of one’s purposes, and gaining recognition from others. In addition, sometimes freedom appears not only as “I can,” but also “we can.” But, if the purpose is easily realized, I do not feel the sense of freedom; that is, the experience of freedom should follow previous efforts, having overcome difficulties, or fraught periods. The situation in which I can do anything I want is far from being freedom.

It is important that the points on freedom raised above should be criticized by others, and that their validity will be reassessed from different viewpoints. The terms and keywords to express the essential structures that sustain and form the experience of freedom will have been gradually refined based on “mutual critique” and “mutual exchange” of words in principle. This means that, if you are bothered by a feeling of strangeness, you should criticize my terms and keywords on freedom, and simultaneously present your own ideas on the essence of freedom (i.e., mutual critique). Of course, when you are con-

vinced by my argument to a greater or lesser extent, you can then adopt my turn of phrase (i.e., mutual exchange).

According to the circumstances and topics, it might not be possible to reach intersubjective confirmation. However, if so, still we need to elucidate why it is impossible to obtain agreement on the essence of a particular realm. Simply stated, there are reasons and conditions, even for intersubjective disagreement. It can be said that elucidation of intersubjective disagreement leads participants in the phenomenological language game to “mutual recognition of difference,” because in that case, they already deeply understand the necessity and inevitability of why our opinions differ from each other. As Wittgenstein claims, “our mistake is to look for an explanation, where we ought to regard the facts as “proto-phenomena;” that is, where we ought to say: *this is the language-game that is being played,*”<sup>22</sup> we can only create the attitude of mutual recognition against cultural and social difference.

In sum, it can be argued that eidetic seeing is regarded as a historical-intersubjective project in order to inquire into universality and common understanding among plural language games, on the basis of mutual critique and mutual exchange of words. Essences in phenomenology should be open to “continual criticism”<sup>23</sup> and intersubjective confirmation, but simultaneously, in the case of intersubjective disagreement in which mutual difference is actualized, the attitude of mutual recognition of difference forms the basis for the phenomenological language game. Therefore, we have come to the conclusion that phenomenology is unconcerned about solipsism and dogmatism; rather, it should be re-defined as a study of intersubjectivity, tending toward intersubjective confirmation and mutual recognition.

#### **4. The Philosophical Language Game in Karl-Otto Apel**

In this chapter, I will outline a colorful discussion about the philosophical language game presented by Apel. He claims there should be some common conditions underlying all language games and paradigms, and attempts to defend “the transcendental-pragmatic dimension of the uncriticizable conditions of the possibility of intersubjectively valid philosophical criticism and self-criticism”<sup>24</sup> against critical rationalism.

First of all, Apel picks up the idea of “the Münchhausen trilemma” devised by Hans Albert, who is a distinguished scholar of critical rationalism. For Apel, ““Critical Rationalism” combines simultaneously with this distancing from an uncritical rationalism (which has thus far not reflected critically on the impossibility of self-grounding) the claim that the philosophical program of fundamental-grounding might be superseded in a satisfactory form by the alternative program of unlimited rational criticism.”<sup>25</sup> Albert maintains that all attempts at a fundamental-grounding for knowledge must be chosen from the following:

1. an *infinite regress*, which seems to arise from the necessity to go further and further

- back in the search for foundations, and which, since it is in practice impossible, affords no secure basis;
2. a *logical circle* in the deduction, which arises because, in the process of justification, statements are used which were characterized before as being in need of foundation, so that they can provide no secure basis; and, finally,
  3. the *breaking-off of the process* at a particular point; which, admittedly, can always be done in principle, but involves an arbitrary suspension of the principle of sufficient justification.<sup>26</sup>

A philosophical fundamental-grounding must take a form of an infinite regress, a logical circle in the deduction, or the breaking-off of the process at a particular point in a definitive fashion. That is to say, seeking the foundation of knowledge cannot succeed, and, instead of this, endless rational criticism plays an important role in the theory of knowledge. According to Albert, "since both an infinite regress and a circular argument seem clearly unacceptable, one is inclined to accept the third possibility, for the simple reason that no other way out of the situation is thought possible."<sup>27</sup>

Following the argument of Albert, it is natural to refuse the conception of "cogito," which Rene Descartes provides as a starting point for evidence of philosophy, because evidence of cogito can be regarded as a variation of the breaking-off of the process at a particular point, which can be viewed as grounding by appeal to a dogma. "Thus Albert not only rejects the Cartesian reduction of the *validity of truth to knowledge-evidence or certainty*, but goes beyond this to the thesis that the quest for certainty is entirely profitless."<sup>28</sup> However, it is also clear that Albert hardly gives adequate accounts of the criteria for the legitimacy and justification of rational criticism itself. In other words, the question remains unanswered of how a given critique is to be justified by endless rational criticism.

Jürgen Habermas points out that, in order to criticize a given theory or notion with validity, it is necessary to rely on at least one idea or perspective, because if there is no boundary between validity and invalidity at all, every perspective should be relativized, so that criticism will lose its authority and self-justification. "If they do not want to renounce the effect of a final unmasking and still want to *continue with critique*, they will have to leave at least one rational criterion intact for their explanation of the corruption of *all* rational criteria. In the fact of this paradox, self-referential critique loses its orientation."<sup>29</sup> In this regard, it is difficult for critical rationalism to explain the legitimacy of endless critique itself, so that critical rationalism cannot elucidate the conditions of universality and objectivity in each academic discipline.

Thus, the idea that "criticism appears to retain the last word on the (meta-scientific) level of reflection of philosophy is clearly grounded in the fact that there is something like a *philosophical language game* in which the scope of all language games can from the outset be discussed *with a claim to universal validity*."<sup>30</sup> The philosophical language game cannot be equated with other individual language games in being empirically changeable and

revisable; rather, it supports the possibility of critique itself, and conditions for the possibility of intersubjectively valid criticism. Consequently, according to Apel, the philosophical language game discloses “the transcendental-pragmatic dimension of the uncriticizable conditions of the possibility of intersubjectively valid philosophical criticism and self-criticism,” and it is this dimension that enables the philosophical fundamental-grounding through a totally new procedure.

Then, how can the conditions for intersubjective criticism and validity be determined? Regarding an “institution or language game which can only be exposed by transcendental pragmatic reflection upon the conditions of the possibility of criticism itself,” Apel calls more specifically this institution “the *transcendental language game*,”<sup>31</sup> and concludes that “the “life-element” of philosophical arguments is a *transcendental language game* in which, along with some rules of logic and the existence of a real world, something like the *transcendental-pragmatic rules or norms of ideal communication* is presupposed.”<sup>32</sup>

I think Apel’s motif and logic are reasonable and legitimate methods for pointing out the inadequacy of critical rationalism; in fact, there is no doubt that he is successful in indicating the possibility of a universal language game. However, it is obvious that his argument is limited only to conditions for opening the way to a constructive discussion. Although he attempts to underpin all efforts towards a settlement of the critical situation in an ethical crisis by saying that the individual exists “as a successfully socialized “*homo sapiens*” with “communicative competence,” necessarily constituted as a being who has identified himself with the ideal communication-community” and “who has implicitly accepted the transcendental-pragmatic rules of communication also as ethically relevant norms,”<sup>33</sup> the conception of “the ideal communication-community” itself can be seen as being constitutively produced through a local language game, because each individual may have accepted different ethical norms through different language games. Indeed, the ethical problem does not lie in the transcendental-pragmatic rules of communication, but in actual belief conflict present in the practical situation, such as religious antagonism or political contention. In this regard, Apel’s claim cannot escape the criticism of being an arbitrary optimistic assumption.<sup>34</sup>

In short, the philosophical language game discloses the potentiality of common structures and universal rules among different language games, but the limitation of Apel’s idea resides in the presupposition of the ideal communication-community. Also, he thinks that, if the conditions for intersubjective criticism are illuminated, ethical aporia also will be elucidated in a comprehensive way; however, a form of the ideal communication-community may in fact be distinct in each culture and society. It is critical for the universal language game, in terms of the philosophical language game and the phenomenological language game, to provide a framework for examining the case of intersubjective disagreement. In addition, it should be noted that common understanding is not easily achieved by the ideal communication-community, but rather, can only be gradually created, led by will towards goodness.

My suggestion is that we have to rethink the possibility of universality from the foundation; that is to say, what primordially determines the phenomenological language game itself? Why do we inquire into essence? The aim and purpose of the phenomenological language game should be clearer in the first place. On this point, I will say that eidetic seeing, as the phenomenological language game, depends upon the original contract of goodness.

### **5. The Original Contract of Goodness**

The participants in the phenomenological language game are seen implicitly to agree with the original contract of goodness. The original contract of goodness means the initial consensus for conducting eidetic seeing; in particular, the consensus that the aim of eidetic seeing lies in creating a good life and society. That is to say, the original contract explains the reason why we attempt to extract essence, and the attitude required for the phenomenological language game.

In the first place, what does essence fundamentally mean? As mentioned before, essence in phenomenology does not indicate the absolute truth or thing-in-itself existing substantially and independently with autonomy. Rather, essence is generated through intersubjective confirmation; that is, essence can be defined as a consensus among participants. Also, it is important to note that essence appears in correlation to desire and concern; but individual desire, communicative desire, and universal desire are partly homologous, so that the phenomenological language game becomes available. If there is no agreement at all in the level of desire, the foundations of the phenomenological language game will collapse, only to result in dispersion.

I claim that there should be reasons why the world is articulated in a such-and-such a way; that is, the articulation of the world cannot exist without any basis. What does “this” order and structure of the world mean for us? Wittgenstein’s idea of family resemblance is valid in the sense that every culture has slightly different (similar) affinity. For example, the sense of values will be diverse and different from person to person, and culture to culture. But simultaneously, there is no doubt that every culture shares the distinctions of truth-falsity, goodness-evil, beauty-ugliness, and sacredness-secularity. The morphological universality in the phenomenological language game does not signify the universality of denotation and connotation, but the universality of the structure and order of the world. Why do we need this order and structure of the world? For what reasons have we created such an order? We can think of an essential moment that segmentalizes desire and its correlative (the world) in genetic phenomenology. At this level, phenomenology works in order to confirm the commonality and co-identity of desire and the world.

However, at the higher level, a new question will appear: If there is the possibility of a new world order, what kind of order would we demand? I know this is a very difficult question on which to obtain intersubjective consensus, but I would like to point out that the phenomenological language game has the potentiality to weave the form of desire into

the intersubjectivity, confirmed by means of cross-interaction through mutual critique and the mutual exchange of words. Aimless eidetic seeing is commensurate with nothingness.

The phenomenological language game is always based on the original contract of goodness, as demonstrated in the following points:

1. Inquiry of Essence Instead of Amassed Collection of Facts

The phenomenological language game is the inquiry into essence, and cannot be regarded as an amassed collection of facts. Thinking and philosophizing to make a good society and life is critical to eidetic seeing. In seeking common structures of desire and concern, and at the same time recognizing mutual difference, participants must always trust in human rationality.<sup>35</sup> Without certitude regarding rational efforts, it is not possible to reach intersubjective confirmation, especially in the realm of practical reason. Again, it should be noted that essence in phenomenology is not related to traditional substantial conceptions, such as ideas in Plato, but rather, the phenomenological language game should be seen as a process in which phenomenologists have gradually produced intersubjective belief, and a world image that is valid and legitimate for everyone who interacts with others. That is to say, phenomenology seeks the most convincing explanation and description of what type of society and life can be regarded as “good,” among multiple ideas presented by plural players from different backgrounds.

2. Language Instead of Power

The phenomenological language game is aimed to provide intersubjective confirmation and mutual recognition, by means of language, not power antagonism. It requires equal partnership and freedom of speech and thought, instead of the game of interests and patriarchy. Violence cannot be the basis for final decision-making, so it is critical for eidetic seeing to create rules and covenants for human and social relationships through mutual critique and mutual exchange of words. Consequently, in the phenomenological language game, anyone can say anything, but it should be presented in simple terms that anybody can understand. Language countermoves against the power game to create intersubjectively-valid images of a good society and life.

3. Will to Goodness

The will to goodness is a necessary foundation for the phenomenological language game, especially when seeking the essence of ethical and practical events. In philosophy, a role of the will is often described as the opposite factor against desire and emotion; which is to say, the rational will must control natural desire and emotion in order to secure morality and normative consciousness. In fact, as mentioned above,

the phenomenological language game always comes into effect with trust in rationality, but rationality or the will to goodness in phenomenology should be distinguished from a force to counteract desire. Rather, the will to goodness can be regarded as a variant of desire, and participants will seek the basis of universal goodness through desire. Only commonality in the level of desire can assure phenomenological essentialism.

The original contract of goodness fundamentally serves as the backbone of game-ness and the system of phenomenology, and it will be called the “teleology of reason” in the Husserlian sense.

Of course, it is not true that everyone should participate in the phenomenological language game in order to reflect on a good society and life. In addition, some people may say that principles in the real society are compromised by interests and patriarchy, so that the idea of the original contract of goodness seems mere romanticism, an empty ideal, despite its superficial logic. Here it is crucial that the original contract of goodness is given only to those who demand to obtain intersubjective universal cognition with the conciliation of belief conflict, and who want to participate in the universal language game.

However, at the same time, inside the phenomenological language game, participants should consider and imagine those who exist outside the game,<sup>36</sup> because phenomenological universality does not result in a local universality validated only among phenomenologists, but is open to every individual, society, and culture.

The idea of phenomenology in the contemporary age will be redefined as “the science of intersubjective confirmation” and “the science of mutual recognition,” based on “the original contract of goodness.” Consequently, the phenomenological method should be attentively understood as being the method used to elucidate the conditions for common cognition, rather than an all-purpose method that discloses every aspect of the world. That is, it extracts the reasons why objectivity can be easily achieved in the realm of mathematics, logic, and the natural sciences, whereas in the humanities, such as sociology, history, psychology, anthropology, and esthetics, it is difficult to create universal knowledge. If there is the possibility of producing universality in such fields, what conditions are required? In this way, the phenomenological language game always opens itself to continual criticism. This is the real significance of phenomenology.

I already pointed out the phenomenological language game often results in intersubjective disagreement, and the only possible attitude in this case will be the mutual recognition of difference. We must understand that there are certainly some realms in which we can never reach intersubjective confirmation, and we can only hope to mutually accept one other. It should be noted that mutual recognition of difference is hardly enabled before efforts are made towards creating intersubjective confirmation, for mutual recognition and mutual neglect are two sides of the same coin. The will to goodness is conducive to the attitude of mutual recognition, which should be mediated by the effort to attain

common understanding. Without the will and effort to attain goodness, there is indeed merely a difference of degree between recognition and neglect.

To sum up, whether or not the phenomenological language game has a functional role in philosophy depends on the reconfigurability of the original contract of goodness. The original contract of goodness is the primordial implicit consensus among participants in the phenomenological language game, which requires participants to seek essences instead of matters of fact, to use language without power-games, and to obtain the basis of the will to goodness within the level of desire. Although each individual operation of eidetic seeing is determined by a particular aim, every act of eidetic seeing should ultimately be oriented to goodness. That is the contract of phenomenology—as a science of intersubjective confirmation and a science of mutual recognition—and it supports the will and effort in phenomenology as a transcendental enterprise, consistently approaching universality *ad infinitum*.

### **Conclusion**

The end of phenomenology will come when the phenomenological language game loses the original contract of goodness, and people no longer hope to inquire into the possibility of a better society and life. Wittgenstein's innovative idea, the language game, opens new horizons for phenomenology. That is, phenomenology should no longer be interpreted and criticized as dogmatism, solipsism, and metaphysics, because the idea of the language game clarifies the dimension of intersubjectivity, and the method of eidetic science is transformed into a phenomenological language game that aims for intersubjective confirmation with the sense of mutual recognition of difference.

Apel presents the philosophical language game as an argument against critical rationalism. His point is that criticism in critical rationalism itself must have presupposed the basis that assures the possibility of critique itself, conditions of the possibility of intersubjectively valid criticism in the transcendental performative dimension. The argument of Apel is powerfully convincing in that it discloses the fragility of continual criticism, but it is limited to the conditions of intersubjective criticism; and regarding morals and ethics, his claim is very naïve and weak in terms of substantiating the existence of the ideal communication-community.

In contrast to Apel, the phenomenological language game consolidates the reasons and conditions for starting the game in the first place. I call the implicit consensus in phenomenology the "original contract of goodness," which conveys the meaning of seeking essence, and the motivation for intersubjective consensus. Moreover, it can be argued that limitless discussion alone cannot achieve anything; however, it is important for phenomenology to operate along two vectors: a vector to commonality, and a vector to difference. More importantly, it must profoundly accept the necessity and inevitability of the genesis of difference. In the phenomenological language game, phenomenologists make efforts to create intersubjectively legitimate world-images by means of mutual critique and the

mutual exchange of words. The basis of goodness does not exist beyond the world, nor does it wait to be found somewhere within it: rather, only people themselves can create and confirm its existence within the level of desire, through the universal language game.

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The Husserliana edition is cited in the text and notes with the abbreviation "Hua." Regarding the other works of Husserl not published in the Husserliana, I use the following abbreviation:

EU: Edmund Husserl, *Erfahrung und Urteil: Untersuchungen zur Genealogie der Logik*, (Hrsg.), Ludwig Landgrebe, 7. Aufl., Hamburg: Felix Meiner, 1999.

Also, I refer to English translations of Husserl's works as follows:

Edmund Husserl, *Ideas Pertaining to a Pure Phenomenology and to a Phenomenological Philosophy First Book: General Introduction to a Pure Phenomenology*, (trans.), Fred Kersten, The Hague: Martinus Nijhoff, 1960.

Edmund Husserl, *Experience and Judgment: Investigations in a Genealogy of Logic*, (ed.), Ludwig Landgrebe, (trans.), James S. Churchill and Karl Ameriks, Evanston: Northwestern University Press, 1973.

<sup>1</sup> See V. Meditation in *Cartesianische Meditationen* (Hua I) or enormous articles in *Zur Phänomenologie der Intersubjektivität* (Hua XIII-XV).

<sup>2</sup> In addition to postmodernist thinkers such as Jacques Derrida or Richard Rorty, who clearly challenged phenomenology, the emergent thinking of speculative realism tries to criticize the phenomenological dimension of transcendental idealism. According to Tom Sparrow, "for the speculative philosopher who wants to affirm and speak of the reality of objects in the ordinary or material sense, "intentional objects" (objects whose transcendence is only demonstrable immanently) will not suffice." Tom Sparrow, *The End of Phenomenology: Metaphysics and the New Realism*, Edinburgh: Edinburgh University Press, 2014, p. 36.

<sup>3</sup> Ludwig Wittgenstein, *Philosophical Investigations*, (trans.), Gertrude Elizabeth Margaret Anscombe et al., The Atrium / Southern Gate / Chichester / West Sussex: Blackwell, 2009, p. 6.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid., p. 8.

<sup>6</sup> Regarding this point, Daisaburo Hashizume develops a unique idea about the language game. He presents "the language game of enlightenment (satori)" in Buddhism. According to him, the language game of enlightenment can be divided into the three levels: 1. The language game, in which all disciplinants ask each other about "satori." 2. The language game in which each disciplinant starts sadhana living through the teaching of Buddha (dharma). 3. The language game in which the sutra is passed down to the next generation after Buddha's death. As Hashizume shows, the idea of the language game can be applied to various social fields to explicate the activities and rules in a certain event. Daisaburo Hashizume, *Language Game for Beginners*, Tokyo: Kodansha, 2009, pp. 196 f.

<sup>7</sup> L. Wittgenstein (2009), op. cit., pp. 14 f.

<sup>8</sup> Ludwig Wittgenstein, *On Certainty*, (trans.), Denis Paul and Gertrude Elizabeth Margaret Anscombe, Oxford: Blackwell, 1969, p. 11.

<sup>9</sup> Ibid., p. 74.

<sup>10</sup> L. Wittgenstein (2009), op. cit., p. 11.

<sup>11</sup> Seiji Takeda, *Toward Linguistic Thinking: Deconstruction and Phenomenology*, Tokyo: Komichi-Shobo, 2001, p. 108.

<sup>12</sup> L. Wittgenstein (2009), op. cit., p. 35.

<sup>13</sup> Ibid., p. 36.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., p. 38.

<sup>17</sup> Regarding the point that phenomenological thinking should be based on “universal insight,” I learned a number of things from Ken Nishi. See Ken Nishi, *Philosophical Thinking*, Tokyo: Chikuma, 2005.

<sup>18</sup> Of course, the essence of discrimination I have presented here will be open to further continual intersubjective critiques, and is no more than a hypothetical description.

<sup>19</sup> I argued that phenomenological essentialism should be redefined as a “science of intersubjective confirmation” and a “science of mutual recognition” in the article, Shotaro Iwauchi, “Some Remarks on the Confrontation between Essentialism and Constructionism: A Phenomenological Perspective,” *Transcommunication*, Graduate School of International Culture and Communication Studies, Waseda University, Vol. 3–2, pp. 275–292, 2016.

<sup>20</sup> Regarding the method of eidetic seeing in Husserl, see EU, S. 409–443.

<sup>21</sup> L. Wittgenstein (2009), op. cit., p. 53.

<sup>22</sup> Ibid., p. 175.

<sup>23</sup> Richard Zaner, “Examples and Possibles: A Criticism of Husserl’s Theory of Free-Phantasy Variation,” in *Research in Phenomenology* 3, 1973, pp. 29–43, p. 37.

<sup>24</sup> Karl-Otto Apel, “The Problem of Philosophical Fundamental Grounding in Light of a Transcendental Pragmatics of Language,” (trans.), Karl Richard Pavlovic, in *Man and World*, Vol. 8, No. 3, 1975, pp. 239–275, p. 261

<sup>25</sup> Ibid., p. 240.

<sup>26</sup> Hans Albert, *Treatise on Critical Reason*, (trans.), Mary Varney Rorty, Princeton / New Jersey: Princeton University Press, 1985, p. 18.

<sup>27</sup> Ibid., pp. 18 f.

<sup>28</sup> K. Apel, op. cit., p. 241.

<sup>29</sup> Jürgen Habermas, “The Entwinement of Myth and Enlightenment: Max Horkheimer and Theodor Adorno,” in Jürgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, (trans.), Frederick Lawrence, Cambridge: Polity Press, 1987, p. 127.

<sup>30</sup> K. Apel, op. cit., p. 259.

<sup>31</sup> Ibid., p. 262.

<sup>32</sup> Ibid., p. 267.

<sup>33</sup> Ibid.

<sup>34</sup> Although I cannot discuss this in detail in this study, the dogmatic tendency in Apel recognized as naïve assumptions some rules of logic, the existence of a real world, the transcendental-pragmatic rules, or norms of ideal communication; this derives from his misunderstanding and disparagement of the method of phenomenological epoché. Confer *ibid.*, p. 266.

<sup>35</sup> According to Michel Foucault, it is not possible to separate knowledge from power, because cognition is already mediated by the power relation in advance, and “it is not the activity of the subject of knowledge that produces a corpus of knowledge, useful or resistant to power, but power-knowledge, the processes and struggles that traverse it and of which it is made up, that determines the forms and possible domains of knowledge.” Michel Foucault, *Discipline and Punish: The Birth of the Prison*, (trans.), Alan Sheridan, New York: Vintage Books, 1976, p. 28. However, the question still remains of how it is possible for Foucault to legitimate its social critiques without rational-

ity, or why he can say his claim is right and that other claims are socially constructed in an unconscious power network. On this point, Habermas maintains that “on the one hand, Foucault has to retain for his concept of power—which ironically conceals itself in discourse as the will to truth and at the same time makes itself felt therein—the transcendental meaning of a condition of the possibility of truth. On the other hand, he not only brings to bear against the Idealism of the Kantian concept a temporalizing of the a priori—so that new discourse formations, which push out the old, can emerge like *events*—but also strips this transcendental power of the connotations that Heidegger prudently leaves to an auratic history of Being.” Jürgen Habermas, “The Critique of Reason as an Unmasking of the Human Sciences: Michel Foucault,” (trans.), Frederick Lawrence, in (ed.), Michael Kelly, *Critique and Power: Recasting the Foucault / Habermas Debate*, Cambridge / Massachusetts / London: The MIT Press, 1994, p. 64.

<sup>36</sup> Here, I cannot review this in detail, but it is critical that the problem of the subaltern is included in considering and imagining those who exist outside the game; as Gayatri Chakravorty Spivak claims, “outside (though not completely so) the circuit of the international division of labor, there are people whose consciousness we cannot grasp if we close off our benevolence by constructing a homogeneous Other referring only to our own place in the seat of the Same or the Self. Here are subsistence farmers, unorganized peasant labor, the tribals, and the communities of zero workers on the street or in the countryside. To confront them is not to represent (*vertreten*) them but to learn to represent (*darstellen*) ourselves.” Gayatri Chakravorty Spivak, *Can the Subaltern Speak?*, in Rosalind C. Morris, (ed.), *Can the Subaltern Speak?: Reflections on the History of an Idea*, New York: Columbia University Press, 2010, p. 259.